



July 3, 2024

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

**Re: DCI2022-00059 – Daniels Town Square MPD  
6<sup>th</sup> Insufficiency Response Letter**

Dear Ms. Workman:

Enclosed please find responses to your insufficiency letter dated June 17, 2024. The following information has been provided to assist with the approval process:

1. Insufficiency Comment Response Letter;
2. Revised Legal Description and Sketch of Description;
3. Revised Boundary Survey;
4. Revised Title Certification;
5. Revised Deviations & Justifications; and
6. Revised MCP.

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

#### **Legal Review**

1. Sec. 34-202(a). Submittal requirements for applications requiring public hearing.

**RESPONSE: So noted. Please see revised legal description, sketch of description and boundary survey based upon acceptable title certification to address staff comments.**

2. Please provide a legal description and sketch in accordance with the requirements of Lee County LDC Â§34-202(a)(5).

**RESPONSE: Please see attached revised legal description and sketch of description.**

3. The legal description, of the south parcel, does not indicate the point of beginning within the written description. It is labeled on the sketch and the written description should include the demarcation between the line of commencement and the boundary of the subject property.

**RESPONSE: The revised legal sketch and description was resubmitted on June 4<sup>th</sup>, and after a meeting on June 21<sup>st</sup>, it was confirmed the document is sufficient. The revised documents are attached.**



4. (6) Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC Â§34-202(a)(6).

**RESPONSE: Please find the revised boundary survey based upon the enclosed title certification.**

5. The written description, of the south parcel, does not indicate the point of beginning within the written description. It is labeled on the sketch and the written description should include the demarcation between the line of commencement and the boundary of the subject property.

**RESPONSE: The revised boundary survey, legal sketch and legal description are enclosed to address the above comment.**

6. The boundary survey is based on a title insurance policy that has not been submitted for review.

**RESPONSE: Please see attached revised boundary survey. Note 2 reference the updated title certification meeting the county requirements.**

7. (7) Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC Section 34-202(a)(7).

**RESPONSE: Please see attached title certification meeting the county requirements.**

8. The most recently submitted document for the revised subject property is a title commitment. The boundary survey indicates a title insurance policy has been issued. Please provide the executed title insurance policy.

**RESPONSE: Please see attached title certification meeting the county requirements. The boundary has also been updated accordingly.**

#### **Infrastructure Planning (DOT) Review**

9. Revise the master concept plan (MCP) to clearly identify that the access on Daniels 9300 will be restricted as an ingress only to be consistent with the Traffic Impact Statement.

**REPOSNE: Please refer to the revised MCP. The "Ingress Only" label has been added to the access to Daniels 9300/Parcel 4.**

10. A deviation from the technical standards in LDC Section 10-285 is necessary for the addition of the fire department only access on Three Oaks Pkwy shown and identified on the MCP. There is no information on the deviation from LDC Section 10-285 provided in the schedule of deviations and justifications. Please make sure to provide an explanation as to how the deviation satisfies the criteria outlined in LDC Section 10-104(b).

**RESPONSE: Please refer to the revised MCP and Schedule of Deviations & Justifications. Upon discussions with LCDOT, the "Fire Department Only" access from Parcel 6 to Three Oaks Parkway has been eliminated due to concern about connection separation onto Three Oaks. Deviation 5 has been revised to request only one (1) means of full ingress/egress to this 5.74-acre parcel to eliminate numerous connections points to this relatively small parcel.**

11. Please provide consistent information on the proposed land use throughout the submittal package. For example, the land use table on the MCP identifies 1,234 multi-family dwelling units, while the TIS describes 1,251 multi-family dwelling units.

**RESPONSE:** The TIS analyzed the worst-case scenario by considering the additional units over the final official density in the application. It was confirmed with LCDOT Staff that this comment is no longer necessary and a revised TIS is not necessary.

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

Sincerely,

**RVi** Planning + Landscape Architecture



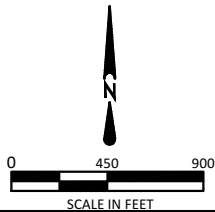
**Fred Drovdlie, AICP**

Planning Director

DANIELS TOWN SQUARE  
SECTION 22, TOWNSHIP 45 SOUTH,  
RANGE 25 EAST  
LEE COUNTY, FLORIDA

SKETCH

DATE: 04/11/24



CENTER OF SECTION  
OF SECTION 22

S 01°01'58" E  
162.60'

POB  
N: 804499.68  
E: 722089.81

| CURVE | ARC LENGTH | RADIUS   | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|----------|-------------|---------------|--------------|
| C1    | 405.85'    | 1175.00' | 19°47'24"   | N 46°31'43" W | 403.83'      |
| C2    | 276.86'    | 1185.97' | 13°22'31"   | N 65°42'56" W | 276.23'      |
| C3    | 525.29'    | 1025.00' | 29°21'45"   | N 57°43'20" W | 519.56'      |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 89°21'01" E | 20.58'   |
| L2   | N 01°01'58" W | 60.03'   |
| L3   | S 86°27'08" E | 349.38'  |
| L4   | S 51°43'05" E | 258.16'  |
| L5   | S 22°07'24" E | 168.65'  |
| L6   | S 18°01'44" E | 617.97'  |
| L7   | S 13°58'40" E | 311.29'  |
| L8   | S 05°51'00" E | 311.31'  |
| L9   | S 01°46'50" E | 898.82'  |
| L10  | S 00°33'32" E | 99.54'   |
| L11  | S 89°32'46" W | 224.64'  |
| L12  | N 46°08'39" W | 54.78'   |
| L13  | N 72°24'12" W | 50.84'   |
| L14  | N 17°37'15" W | 37.95'   |
| L15  | N 72°24'12" W | 81.94'   |
| L16  | S 52°48'51" W | 37.95'   |
| L17  | N 72°24'12" W | 497.65'  |
| L18  | N 84°48'39" W | 51.20'   |
| L19  | N 72°24'12" W | 75.06'   |
| L20  | N 01°00'43" W | 651.75'  |
| L21  | N 89°34'03" E | 645.20'  |
| L22  | N 01°01'58" W | 1159.76' |
| L23  | N 72°24'12" W | 748.78'  |
| L24  | S 01°00'43" E | 512.76'  |
| L25  | N 89°33'48" E | 645.69'  |
| L26  | N 89°32'46" E | 498.31'  |
| L27  | S 01°00'43" E | 158.27'  |

NORTH PARCEL  
53.13 ACRES

N: 802525.33  
E: 721479.84

SOUTH PARCEL  
8.13 ACRES  
L25

POB  
N: 802021.51  
E: 722632.85

N: 802024.82  
E: 723051.25

SOUTH 1/4 CORNER  
OF SECTION 22

S 89°32'46" W  
193.78'

A0.20'  
R1175.00'  
D0°00'35"  
B S 36°37'43" E  
C0.20'

**\*\*THIS IS NOT A SURVEY\*\***

I CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050 THRU .052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

REVISIONS:

PAGE 1 OF 3

PROJECT NO: N/A  
SCALE: 1"=450'  
DRAWN BY: JJM  
CHECKED BY: MDM  
DATE DRAWN: 08/23/2022  
FIELD BOOK: 55



**CE-SITE**  
civil engineering • surveying • project management  
EB-30108 • LB-7995  
13650 Fiddlesticks Blvd., PMB202-389  
Fort Myers, Florida 33912  
Telephone (239) 936-9777

THIS MAP IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.  
Digitally signed by  
Mark D McCleary  
Date: 2024.06.04  
22:14:10 -0400  
MARK D. MCCLEARY, P.S.M.  
FLORIDA REGISTRATION NO. 6557  
FOR THE FIRM LB-7995  
DATE SIGNED:

DANIELS TOWN SQUARE  
SECTION 22, TOWNSHIP 45 SOUTH,  
RANGE 25 EAST  
LEE COUNTY, FLORIDA

DESCRIPTION

DATE: 04/11/24

## NORTH PARCEL

**\*\*THIS IS NOT A SURVEY\*\***

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:

THENCE S 86°27'08" E A DISTANCE OF 349.38';  
 THENCE S 51°43'05" E A DISTANCE OF 258.16';  
 THENCE S 22°07'24" E A DISTANCE OF 168.65';  
 THENCE S 18°01'44" E A DISTANCE OF 617.97';  
 THENCE S 13°58'40" E A DISTANCE OF 311.29';  
 THENCE S 05°51'00" E A DISTANCE OF 311.31';  
 THENCE S 01°46'50" E A DISTANCE OF 898.82';  
 THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594 ; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 405.85', WITH A RADIUS OF 1175.00', WITH A DELTA ANGLE OF 19°47'24", WITH A CHORD BEARING OF N 46°31'43" W, WITH A CHORD LENGTH OF 403.83'; THENCE N 46°08'39" W A DISTANCE OF 54.78'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 276.86', WITH A RADIUS OF 1185.97', WITH A DELTA ANGLE OF 13°22'31", WITH A CHORD BEARING OF N 65°42'56" W, WITH A CHORD LENGTH OF 276.23';  
 THENCE N 72°24'12" W A DISTANCE OF 50.84';  
 THENCE N 17°37'15" W A DISTANCE OF 37.95';  
 THENCE N 72°24'12" W A DISTANCE OF 81.94';  
 THENCE S 52°48'51" W A DISTANCE OF 37.95';  
 THENCE N 72°24'12" W A DISTANCE OF 497.65';  
 THENCE N 84°48'39" W A DISTANCE OF 51.20';  
 THENCE N 72°24'12" W A DISTANCE OF 75.06' TO THE CENTERLINE OF INDIAN PAINT LANE;  
 THENCE N 01°00'43" W A DISTANCE OF 651.75' ALONG SAID CENTERLINE;  
 THENCE N 89°34'03" E A DISTANCE OF 645.20';  
 THENCE N 01°01'58" W A DISTANCE OF 1159.76'

WHICH IS THE POINT OF BEGINNING, CONTAINING AN AREA OF 2,314,467.24 SQUARE FEET, 53.13 ACRES MORE OR LESS.

REVISIONS:

PAGE 2 OF 3

PROJECT NO: N/A  
 SCALE: N/A  
 DRAWN BY: JJM  
 CHECKED BY: MDM  
 DATE DRAWN: 08/23/2022  
 FIELD BOOK: 55



**CE-SITE**  
 civil engineering . surveying . project management  
 EB-30108 • LB-7995  
 13650 Fiddlesticks Blvd., PMB202-389  
 Fort Myers, Florida 33912  
 Telephone (239) 936-9777

DANIELS TOWN SQUARE  
SECTION 22, TOWNSHIP 45 SOUTH,  
RANGE 25 EAST  
LEE COUNTY, FLORIDA

DESCRIPTION

DATE: 04/11/24

AND

**\*\*THIS IS NOT A SURVEY\*\***

## SOUTH PARCEL

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:

THENCE S 86°27'08" E A DISTANCE OF 349.38';

THENCE S 51°43'05" E A DISTANCE OF 258.16';

THENCE S 22°07'24" E A DISTANCE OF 168.65';

THENCE S 18°01'44" E A DISTANCE OF 617.97';

THENCE S 13°58'40" E A DISTANCE OF 311.29';

THENCE S 05°51'00" E A DISTANCE OF 311.31';

THENCE S 01°46'50" E A DISTANCE OF 898.82';

THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594;

THENCE S 89°32'46" W A DISTANCE OF 193.78' TO THE POINT OF BEGINNING;

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 525.29', WITH A RADIUS OF 1025.00', WITH A DELTA ANGLE OF 29°21'45", WITH A CHORD BEARING OF N 57°43'20" W, WITH A CHORD LENGTH OF 519.56';

THENCE N 72°24'12" W A DISTANCE OF 748.78';

THENCE S 01°00'43" E A DISTANCE OF 512.76';

THENCE N 89°33'48" E A DISTANCE OF 645.69' TO THE SOUTH ONE QUARTER CORNER OF SAID SECTION; THENCE N 89°32'46" E A DISTANCE OF 498.31'; WHICH IS THE POINT OF BEGINNING, CONTAINING AN AREA OF 354,247.78 SQUARE FEET, 8.13 ACRES MORE OR LESS.

REVISIONS:

PAGE 3 OF 3

PROJECT NO: N/A  
SCALE: N/A  
DRAWN BY: JJM  
CHECKED BY: MDM  
DATE DRAWN: 08/23/2022  
FIELD BOOK: 55



**CE-SITE**  
civil engineering . surveying . project management  
EB-30108 • LB-7995  
13650 Fiddlesticks Blvd., PMB202-389  
Fort Myers, Florida 33912  
Telephone (239) 936-9777

ADDRESS: 13841 INDIAN PAINT LANE  
INDIAN PONY DRIVE  
FORT MYERS, FL 33912

ZONING: THE ZONING IS IN THE APPROVED  
PENDING CLASSIFICATION PER LEE COUNTY  
GIS.

— SCHEDULE B, PART II — EXCEPTIONS  
— TITLE CERTIFICATION ISSUED BY CHICAGO TITLE INSURANCE COMPANY FILE NO.:11598656,CERTIFICATE  
EFFECTIVE DATE:JULY 2, 2024.

— (1) EASEMENT FOR INDIAN PAINT LANE AND TURN AROUND DESCRIBED IN THAT CERTAIN AGREEMENT FOR  
DEED RECORDED IN OFFICIAL RECORDS BOOK 511, PAGE 518, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
— — — PLOTTED

— (2) EASEMENTS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK  
1178, PAGE 1572, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED

— (3) EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1560, PAGE 2201, OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED

— (4) GRANT OF DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2252, PAGE 305, OF THE  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED, EASEMENT IS WITHIN OFFSITE PARCELS AND IS LOCATED DIRECTLY SOUTH IDENTIFIED BY  
STRAP NUMBERS 27-45-25-00-00004.0010 AND 27-45-25-02-00000.0002 RESPECTIVELY, DOES BENEFIT  
THE PROPERTY.

— (5) EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2438, PAGE 3436, OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED

— (6) DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2441, PAGE 3424, OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED, EASEMENT IS WITHIN OFFSITE PARCELS AND IS LOCATED DIRECTLY SOUTH IDENTIFIED BY  
STRAP NUMBERS 27-45-25-00-00004.0010 AND 27-45-25-02-00000.0002 RESPECTIVELY, DOES BENEFIT  
THE PROPERTY.

— (7) INGRESS, EGRESS, UTILITY AND SIGNAGE EASEMENT BETWEEN SAMIR CABRERA, 13701 FIDDLESTICKS  
BLVD., LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND DANIELS PARKWAY JV INVESTMENT, LLC, A FLORIDA  
LIMITED LIABILITY COMPANY, RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2007000211039, OF THE  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED, OFFSITE WEST OF INDIAN PAINT LANE ABUTS INSTRUMENT NUMBER 200700021103, DOES  
BENEFIT THE PROPERTY.

— (8) INGRESS, EGRESS, UTILITY AND SIGNAGE EASEMENT BETWEEN SAMIR CABRERA, DANIELS VIEW, LLC, A  
FLORIDA LIMITED LIABILITY COMPANY, AND DANIELS PARKWAY JV INVESTMENT, LLC, A FLORIDA LIMITED LIABILITY  
COMPANY, RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2007000211040, OF THE PUBLIC RECORDS OF LEE  
COUNTY, FLORIDA.  
— — — PLOTTED, OFFSITE WEST OF INDIAN PAINT LANE EASEMENT, DOES BENEFIT THE PROPERTY.

— (9) LAND EXCHANGE AND IMPACT FEE CREDIT AGREEMENT BY AND BETWEEN LEE COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA, AND DANIELS PARKWAY JV DEVELOPMENT, LLC, A FLORIDA LIMITED  
LIABILITY COMPANY, RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2021000128594, AS AFFECTED BY  
AMENDMENT TO LAND EXCHANGE AND IMPACT FEE CREDIT AGREEMENT RECORDED IN OFFICIAL RECORDS  
INSTRUMENT NUMBER 2023000023362, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.  
— — — PLOTTED

— (10) ORDER OF TAKING IN FAVOR OF LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,  
RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 20230000203121, OF THE PUBLIC RECORDS OF LEE  
COUNTY, FLORIDA.  
— — — NOT PLOTTED, SOUTH OF PARCEL

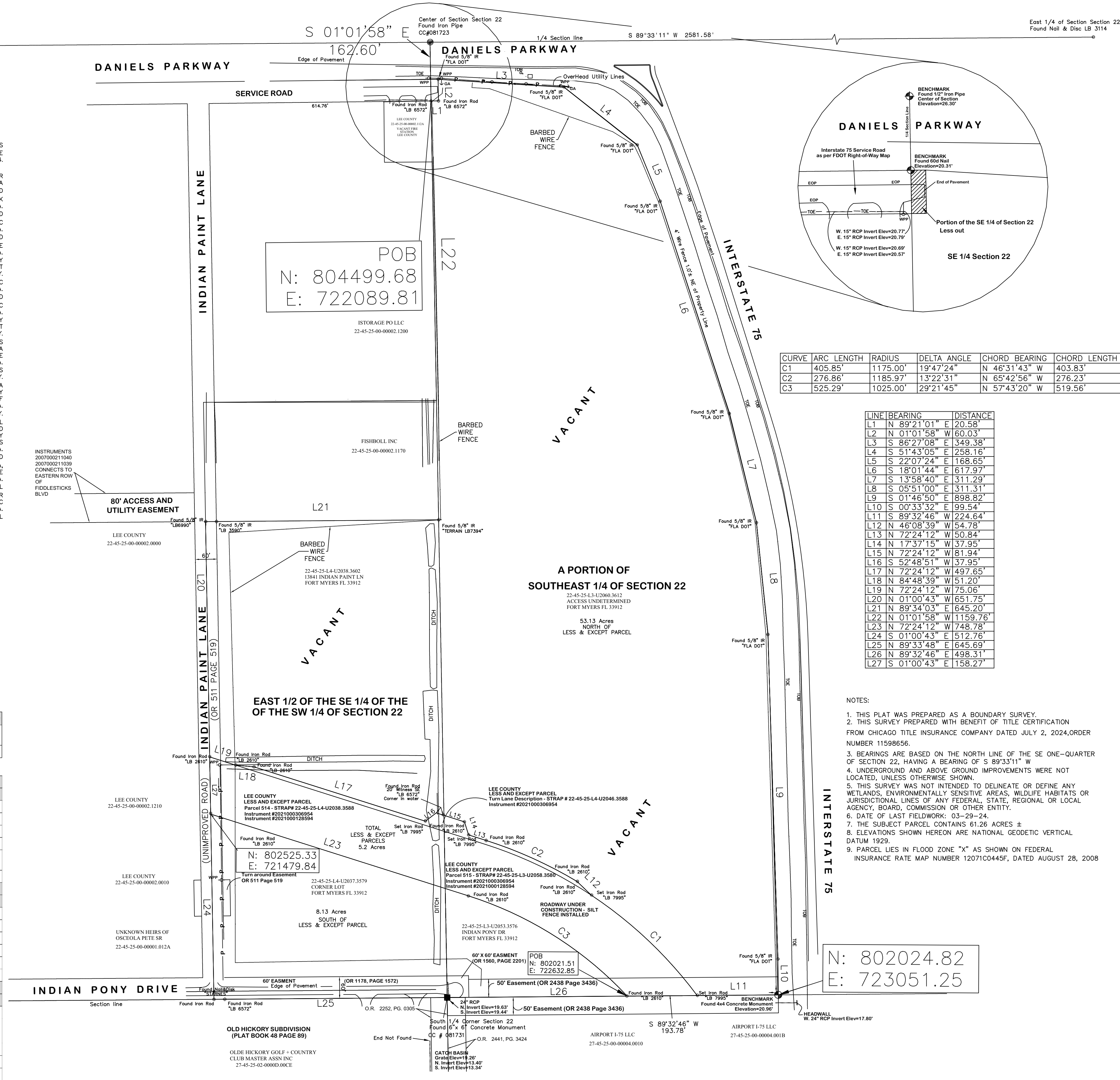
— (11). RECORDED NOTICE OF ENVIRONMENTAL RESOURCE PERMIT ISSUED BY THE SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2024000142222, OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA.  
— — — NOT PLOTTED, PERMIT WITHIN BOUNDARY OF PARCEL

#### PROPERTY DEVELOPMENT REGULATIONS

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

#### TABLE 2: Development Regulations

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



LEGEND:

(P) = PLAT  
(M) = MEASURED  
FD. = FOUND  
ELEV. = ELEVATION  
W.V. = WATER VALVE  
HYD. = FIRE HYDRANT  
T.R. = TELEPHONE RISER  
S.S.M.H. = SANITARY MANHOLE  
UTIL. = UTILITY  
LB. = LICENSED BUSINESS  
G.A. = GUY ANCHOR  
ELEC. = ELECTRIC  
WM. = WATER METER  
W.P. = WOOD POWER POLE  
C. = CENTERLINE  
x10.00 = SPOT ELEVATION  
C.B. = CATCH BASIN  
R.C.P. = REINFORCED CONCRETE PIPE  
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION  
TOE = TOE OF SLOPE  
TOB = TOP OF BANK  
P = OVERHEAD POWER LINES  
EOP = EDGE OF PAVEMENT

0 150  
SCALE: 1"= 150'

DESCRIPTION  
THAT PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING WEST OF INTERSTATE 75 (I-75) AND LYING SOUTHERLY OF DANIELS PARKWAY RIGHT-OF-WAY, LEE COUNTY, FLORIDA,  
AND  
THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA,  
LESS AND EXCEPT THE REAL PROPERTY DESCRIBED IN THAT CERTAIN WARRANTY DEED DATED SEPTEMBER 17, 2021, AND RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2021000306954, OF THE PUBLIC RECORDS OF LEE COUNTY.

#### MORE PARTICULARLY DESCRIBED:

#### NORTH PARCEL

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:  
THENCE S 86°27'08" E A DISTANCE OF 349.38';  
THENCE S 51°43'05" E A DISTANCE OF 258.16';  
THENCE S 22°07'24" E A DISTANCE OF 168.65';  
THENCE S 18°01'44" E A DISTANCE OF 617.97';  
THENCE S 13°58'40" E A DISTANCE OF 311.29';  
THENCE S 05°51'00" E A DISTANCE OF 311.31';  
THENCE S 01°46'50" E A DISTANCE OF 898.82';  
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64', TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 202100010694 AND 2021000128594; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 405.85', WITH A RADIUS OF 1175.00', WITH A DELTA ANGLE OF 19°47'24", WITH A CHORD BEARING OF N 46°31'43" W, WITH A CHORD LENGTH OF 403.83'; THENCE N 46°08'39" W A DISTANCE OF 54.78'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 276.86', WITH A RADIUS OF 1185.97', WITH A DELTA ANGLE OF 13°22'31", WITH A CHORD BEARING OF N 65°42'56" W, WITH A CHORD LENGTH OF 276.23';  
THENCE N 72°24'12" W A DISTANCE OF 50.84';  
THENCE N 17°37'15" W A DISTANCE OF 37.95';  
THENCE N 72°24'12" W A DISTANCE OF 81.94';  
THENCE S 52°48'51" W A DISTANCE OF 37.95';  
THENCE N 72°24'12" W A DISTANCE OF 497.65';  
THENCE N 84°48'39" W A DISTANCE OF 51.20';  
THENCE N 72°24'12" W A DISTANCE OF 75.06' TO THE CENTERLINE OF INDIAN PAINT LANE;  
THENCE N 01°00'43" W A DISTANCE OF 651.75' ALONG SAID CENTERLINE;  
THENCE N 89°34'03" E A DISTANCE OF 645.20';  
THENCE N 01°01'58" W A DISTANCE OF 1159.76'  
WHICH IS THE POINT OF BEGINNING, CONTAINING AN AREA OF 2,314,467.24 SQUARE FEET, 53.13 ACRES MORE OR LESS.

AND

#### SOUTH PARCEL

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:  
THENCE S 86°27'08" E A DISTANCE OF 349.38';  
THENCE S 51°43'05" E A DISTANCE OF 258.16';  
THENCE S 22°07'24" E A DISTANCE OF 168.65';  
THENCE S 18°01'44" E A DISTANCE OF 617.97';  
THENCE S 13°58'40" E A DISTANCE OF 311.29';  
THENCE S 05°51'00" E A DISTANCE OF 311.31';  
THENCE S 01°46'50" E A DISTANCE OF 898.82';  
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64', TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 202100010694 AND 2021000128594; THENCE S 89°32'46" W A DISTANCE OF 193.78' TO THE POINT OF BEGINNING;  
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 525.29', WITH A RADIUS OF 1175.00', WITH A DELTA ANGLE OF 29°21'45", WITH A CHORD BEARING OF N 57°43'20" W, WITH A CHORD LENGTH OF 519.56';  
THENCE N 72°24'12" W A DISTANCE OF 748.78';  
THENCE S 01°00'43" E A DISTANCE OF 651.75';  
THENCE N 89°33'48" E A DISTANCE OF 645.20';  
THENCE N 89°32'46" W A DISTANCE OF 498.31' TO THE SOUTH ONE QUARTER CORNER OF SAID SECTION; THENCE N 89°32'46" E A DISTANCE OF 498.31'; WHICH IS THE POINT OF BEGINNING, CONTAINING AN AREA OF 354,247.78 SQUARE FEET, 8.13 ACRES MORE OR LESS.

THIS SURVEY IS ONLY FOR THE BENEFIT OF:  
Bison Property Holdings, LLC

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.  
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,2,3,4,6(A),8,11,13,14,16,17,18,19 AND 20 OF TABLE A.  
THEREOF OF THE FIELD WORK WAS COMPLETED ON 03/29/2024.

MARK D. McCLARY (FOR THE FIRM LB 7995)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NUMBER 6557  
DATE SIGNED

Digitally signed by Mark D. McCleary  
Date: 2024.07.03 08:58:18 -0400

date 3/29/2024  
drawn\_MDM\_checked\_MDM  
field book/page\_55  
job\_DANIELS\_66

DANIELS Town Square  
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  
Bison Property Holdings, LLC  
150 E. PALMETTO PARK ROAD  
BOCA RATON, FL 33432

scale: HORIZ: 1"=150'  
VERT: NA

SHEET



Order Number: 11598656  
Customer Reference: CTIC-24000217/402400110SJ

July 2, 2024

Addressee: Chicago Title Insurance Company  
2203 North Lois Avenue, Suite 450  
Tampa, FL 33607

and

Board of County Commissioners of Lee County

## TITLE CERTIFICATION

Revised: Revision 1 - NCR - 07/02/2024

Proposed Plat of **Daniels Town Center:**

In accordance with Section 177.041, Florida Statutes this will certify that Chicago Title Insurance Company has made a search of the Public Records of Lee County, Florida, through June 19, 2024 at 8:00 a.m. on real property described and shown on the proposed plat which description reads as follows:

### **See Exhibit A attached hereto for Legal Description**

As of the effective date of this report, the record title to the land described and shown on the proposed plat is in the name of Daniels Parkway JV Development, LLC, a Florida limited liability company, formerly known as Daniels Parkway JV Investment, LLC and, as disclosed in the Public Records, has been since July 3, 2007.

**Said search discloses the following Mortgages not satisfied or release of record nor otherwise terminated by law:**

- A. First Mortgage and Security Agreement (Acquisition) executed by Daniels Parkway JV Investment, LLC, a Florida limited liability company, Mortgagor, in favor of CNLBank, a Florida banking corporation, Mortgagee, dated June 29, 2007, in the original principal amount of \$11,440,000.00, recorded July 3, 2007, in Official Records Instrument Number 2007000211056, as modified by Mortgage Modification Agreement dated May 28, 2008, recorded May 29, 2008, in Official Records Instrument Number 2008000143190, by Mortgage Modification Agreement dated April 24, 2009, recorded May 7, 2009, in Official Records Instrument Number 2009000123305, by Mortgage Modification Agreement dated July 29, 2009, recorded September 3, 2009, in Official Records Instrument Number 2009000241915, by Mortgage Modification Agreement dated February 7, 2012, recorded March 12, 2012, in Official Records Instrument Number 2012000054468, by Mortgage Modification Agreement dated February 7, 2013, recorded April 4, 2013, in Official Records Instrument Number 2013000077671, by Mortgage Modification Agreement dated April 7, 2015, recorded May 14, 2015, in Official Records Instrument Number 2015000104133, by Mortgage Modification Agreement dated April 7, 2017, recorded May 1, 2017, in Official Records Instrument Number 2017000093479, now held by FineMark National Bank & Trust by virtue of Assignment of Note, Mortgage and Loan Documents dated April 30, 2020, recorded May 6, 2020, in Official Records Instrument Number 2020000105602, and thereafter modified by Mortgage, Security Agreement, Assignment of Rents and Leases, and Security Instruments Amendment,

**Chicago Title Insurance Company**

Restatement and Modification Agreement after Assignment and Renewal recorded May 6, 2020, in Official Records Instrument Number 202000010560, of the Public Records of Lee County, Florida, together with release of the following related collateral security instruments:

(a) Assignment of Leases and Rents of Real Property recorded July 3, 2007, in Official Records Instrument Number 2007000211057, now held by FineMark National Bank & Trust by virtue of Assignment of Note, Mortgage and Loan Documents dated April 30, 2020, recorded May 6, 2020, in Official Records Instrument Number 2020000105602, of the Public Records of Lee County.

(b) UCC-1 Financing Statement recorded August 24, 2020, in Official Records Instrument Number 202004431693 of the Public Records of Lee County.

B. UCC-1 Financing Statement from Daniels Parkway JV Development, LLC, a Florida limited liability company, Debtor, in favor of FineMark National Bank & Trust, Secured Party, recorded May 6, 2020, in Official Records Instrument Number 2020000105604, of the Public Records of Lee County.

**The following restrictions, easements and other encumbrances, with the exception of mortgages and liens, against the said real property recorded in the aforesaid Public Records have been found:**

1. Easement for Indian Paint Lane and turn around described in that certain Agreement for Deed recorded in Official Records Book 511, Page 518, of the Public Records of Lee County, Florida.
2. Easements described in that certain Warranty Deed recorded in Official Records Book 1178, Page 1572, of the Public Records of Lee County, Florida.
3. Easement Agreement recorded in Official Records Book 1560, Page 2201, of the Public Records of Lee County, Florida.
4. Grant of Drainage Easement recorded in Official Records Book 2252, Page 305, of the Public Records of Lee County, Florida.
5. Easement Agreement recorded in Official Records Book 2438, Page 3436, of the Public Records of Lee County, Florida.
6. Drainage Easement recorded in Official Records Book 2441, Page 3424, of the Public Records of Lee County, Florida.
7. Ingress, Egress, Utility and Signage Easement between Samir Cabrera, 13701 Fiddlesticks Blvd., LLC, a Florida limited liability company, and Daniels Parkway JV Investment, LLC, a Florida limited liability company, recorded in Official Records Instrument Number 2007000211039, of the Public Records of Lee County, Florida.
8. Ingress, Egress, Utility and Signage Easement between Samir Cabrera, Daniels View, LLC, a Florida limited liability company, and Daniels Parkway JV Investment, LLC, a Florida limited liability company, recorded in Official Records Instrument Number 2007000211040, of the Public Records of Lee County, Florida.
9. Land Exchange and Impact Fee Credit Agreement by and between Lee County, a political subdivision of the State of Florida, and Daniels Parkway JV Development, LLC, a Florida limited liability company, recorded in Official Records Instrument Number



2021000128594, as affected by Amendment to Land Exchange and Impact Fee Credit Agreement recorded in Official Records Instrument Number 2023000023362, of the Public Records of Lee County, Florida.

10. Order of Taking in favor of Lee County, a political subdivision of the State of Florida, recorded in Official Records Instrument Number 2023000203121, of the Public Records of Lee County, Florida.
11. Recorded Notice of Environmental Resource Permit issued by the South Florida Water Management District recorded in Official Records Instrument Number 2024000142222, of the Public Records of Lee County, Florida.

**NOTE: This search does not show any matters pertaining to oil, gas and mineral rights**

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This report is not to be construed as an opinion, warranty, or guarantee of title or other similar assurance, nor as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the above Addressee only, and it may not be used or relied upon by any other party. This Report may not be used for the purpose of issuing a title insurance commitment or policy.

This Report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

File No.: 11598656

By: \_\_\_\_\_

Nancy C. Rodriguez  
Authorized Signature



Order Number: 11598656  
Customer Reference: CTIC-24000217/402400110SJ

## Exhibit "A"

## NORTH PARCEL:

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:  
THENCE S 86°27'08" E A DISTANCE OF 349.38';  
THENCE S 51°43'05" E A DISTANCE OF 258.16';  
THENCE S 22°07'24" E A DISTANCE OF 168.65';  
THENCE S 18°01'44" E A DISTANCE OF 617.97';  
THENCE S 13°58'40" E A DISTANCE OF 311.29';  
THENCE S 05°51'00" E A DISTANCE OF 311.31';  
THENCE S 01°46'50" E A DISTANCE OF 898.82';  
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594 ; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 405.85', WITH A RADIUS OF 1175.00', WITH A DELTA ANGLE OF 19°47'24", WITH A CHORD BEARING OF N 46°31'43" W, WITH A CHORD LENGTH OF 403.83'; THENCE N 46°08'39" W A DISTANCE OF 54.78'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 276.86', WITH A RADIUS OF 1185.97', WITH A DELTA ANGLE OF 13°22'31", WITH A CHORD BEARING OF N 65°42'56" W, WITH A CHORD LENGTH OF 276.23';  
THENCE N 72°24'12" W A DISTANCE OF 50.84';  
THENCE N 17°37'15" W A DISTANCE OF 37.95';  
THENCE N 72°24'12" W A DISTANCE OF 81.94';  
THENCE S 52°48'51" W A DISTANCE OF 37.95';  
THENCE N 72°24'12" W A DISTANCE OF 497.65';  
THENCE N 84°48'39" W A DISTANCE OF 51.20';  
THENCE N 72°24'12" W A DISTANCE OF 75.06' TO THE CENTERLINE OF INDIAN PAINT LANE;  
THENCE N 01°00'43" W A DISTANCE OF 651.75' ALONG SAID CENTERLINE;  
THENCE N 89°34'03" E A DISTANCE OF 645.20';  
THENCE N 01°01'58" W A DISTANCE OF 1159.76'  
WHICH IS THE POINT OF BEGINNING.

AND

## SOUTH PARCEL:

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE



SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:  
THENCE S 86°27'08" E A DISTANCE OF 349.38';  
THENCE S 51°43'05" E A DISTANCE OF 258.16';  
THENCE S 22°07'24" E A DISTANCE OF 168.65';  
THENCE S 18°01'44" E A DISTANCE OF 617.97';  
THENCE S 13°58'40" E A DISTANCE OF 311.29';  
THENCE S 05°51'00" E A DISTANCE OF 311.31';  
THENCE S 01°46'50" E A DISTANCE OF 898.82';  
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594; THENCE S 89°32'46" W A DISTANCE OF 193.78' TO THE POINT OF BEGINNING; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 525.29', WITH A RADIUS OF 1025.00', WITH A DELTA ANGLE OF 29°21'45", WITH A CHORD BEARING OF N 57°43'20" W, WITH A CHORD LENGTH OF 519.56';  
THENCE N 72°24'12" W A DISTANCE OF 748.78';  
THENCE S 01°00'43" E A DISTANCE OF 512.76';  
THENCE N 89°33'48" E A DISTANCE OF 645.69' TO THE SOUTH ONE QUARTER CORNER OF SAID SECTION; THENCE N 89°32'46" E A DISTANCE OF 498.31'; WHICH IS THE POINT OF BEGINNING.



# Daniels Town Square MPD

## Schedule of Deviations and Justifications

***REVISED JULY 2024***

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

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

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

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

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

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

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

**This deviation is proposed in conjunction with Deviations 2 and 4, which allows for replacement of all the littoral plantings with native trees that comply with the Compatible and Non-Compatible Plant List.**

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

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

5. Deviation from LDC Section 10-291(3) Residential development of more than five acres to provide more than one means of ingress or egress for the development; to allow for one (1) means of ingress/egress for Parcel 6.

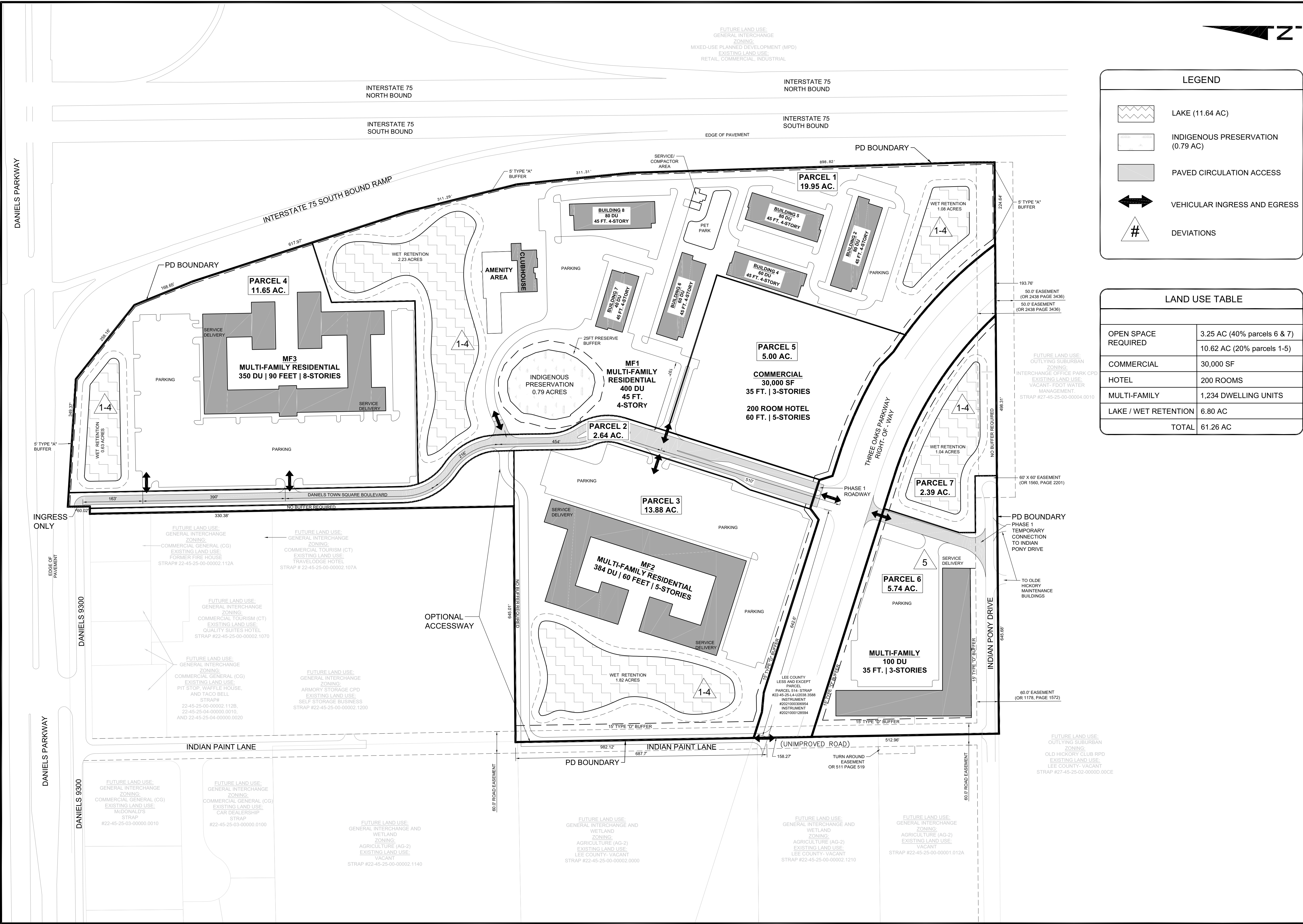
**JUSTIFICATION:** Parcel 6 is the only parcel within the limits of the MPD that requires the single-access deviation as recommended by LCDOT Staff. This parcel is just over the 5-acre threshold (at 5.74+/-acres), which triggers two (2) access points.

The deviation will serve to reduce multiple access points onto Three Oaks Parkway, intended as a controlled access arterial roadway, and designed to move traffic across the region. The intent of the controlled access nature of the roadway is to reduce/eliminate curb cuts to improve safety and traffic flow on arterials. Therefore, the applicant is proposing only one (1) ingress and egress from the internal roadway network to eliminate multiple connections onto Three Oaks Parkway that would reduce appropriate separation distances from other planned intersections.

The developer will meet the code requirement that a notice to all future property owners must be recorded in the public records prior to the issuance of a local development order allowing construction of the access to the development. The notice must articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

The deviation will increase public health, safety and welfare for future residents of the project and also the travelling public. The Parcel's size also justifies the request.

V:\PROJECTS\Projects\22001886 (Daniels Market Place) EPR\Drawings-Exhibit\22001886-03 Zoning Exhibit\01 CURRENT PLAN\NACP-Daniels TS 2024-07-02.dwg  
7/2/2024 9:06:21 AM



**LEGEND**

- LAKE (11.64 AC)
- INDIGENOUS PRESERVATION (0.79 AC)
- PAVED CIRCULATION ACCESS
- VEHICULAR INGRESS AND EGRESS
- DEVIATIONS

| LAND USE TABLE       |                                                           |
|----------------------|-----------------------------------------------------------|
| OPEN SPACE REQUIRED  | 3.25 AC (40% parcels 6 & 7)<br>10.62 AC (20% parcels 1-5) |
| COMMERCIAL           | 30,000 SF                                                 |
| HOTEL                | 200 ROOMS                                                 |
| MULTI-FAMILY         | 1,234 DWELLING UNITS                                      |
| LAKE / WET RETENTION | 6.80 AC                                                   |
| TOTAL                | 61.26 AC                                                  |

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

**PLAN REVISIONS**

| NO. | DATE       | DESCRIPTION             |
|-----|------------|-------------------------|
| 1   | 2024-02-22 | Initial/Agency Response |
| 2   | 2024-04-26 | Initial/Agency Response |
| 3   | 2024-07-02 | Initial/Agency Response |

0 60 120 240  
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.  
FL LICENSE NO. 66431

SET NUMBER: 22000239E0101

SHEET: 1



**From:** [Fred Drovdlc](#)  
**To:** [Alexis Crespo](#)  
**Subject:** FW: Daniels Development Question  
**Date:** Wednesday, July 3, 2024 12:16:42 PM

---

Good news.

**Fred Drovdlc, AICP**  
Director of Planning

**RVi Planning + Landscape Architecture**  
1514 Broadway, Suite 201 • Fort Myers, FL 33901  
239.989.3370 Mobile • 239.318.6707 Direct • 239.344.0000 Main  
[www.rviplanning.com](http://www.rviplanning.com)

---

**From:** Nate Burley <[nburley@southtrailfire.org](mailto:nburley@southtrailfire.org)>  
**Sent:** Wednesday, July 3, 2024 12:13 PM  
**To:** Fred Drovdlc <[fdrovdlc@rviplanning.com](mailto:fdrovdlc@rviplanning.com)>  
**Cc:** Gene Rogers <[grogers@southtrailfire.org](mailto:grogers@southtrailfire.org)>  
**Subject:** RE: Daniels Development Question

Fred,

I have reviewed the proposed access point and I see no reason why this would not be acceptable. Therefore, as the Division Chief of Fire and Life Safety for the District I would have no objection to the proposed reduction from 2 access points to one.

Please contact me with any further questions. If a letter is needed on letterhead, I am more than happy to supply it.

I hope you have a safe and happy 4<sup>th</sup> of July.

**Respectfully,**

**Nate Burley**  
**Division Chief - Fire & Life Safety**  
**South Trail Fire & Rescue**  
**5531 Halifax Ave.**  
**Fort Myers, FL 33912**  
**T 239-482-8030**  
**E [nburley@southtrailfire.org](mailto:nburley@southtrailfire.org)**

*Isaiah 43:2 "When you pass through the waters, I will be with you; and through the rivers, they shall not overwhelm you; when you walk through fire you shall not be burned, and the flame shall not consume you."*

---

**From:** Fred Drovdlc <[fdrovdlc@rviplanning.com](mailto:fdrovdlc@rviplanning.com)>  
**Sent:** Tuesday, July 2, 2024 3:42 PM  
**To:** Nate Burley <[nburley@southtrailfire.org](mailto:nburley@southtrailfire.org)>  
**Cc:** Gene Rogers <[grogers@southtrailfire.org](mailto:grogers@southtrailfire.org)>  
**Subject:** FW: Daniels Development Question

Hi Nate,

I spoke with Gene on Friday. He said he would bring up the issue below Monday. Unfortunately, we are in a time crunch for an answer. Are you OK with a deviation for a 5.8 acre parcel of 125 units having only one access point as shown on the attached plan. LCDOT wants to grant this deviation. They don't want the additional access on Three Oaks and is willing to signoff on a deviation for one access point.

I called today but didn't leave a message.

**Fred Drovdlc, AICP**  
Director of Planning

**RVi Planning + Landscape Architecture**  
1514 Broadway, Suite 201 • Fort Myers, FL 33901  
239.989.3370 Mobile • 239.318.6707 Direct • 239.344.0000 Main  
[www.rviplanning.com](http://www.rviplanning.com)

---

**From:** Fred Drovdlc  
**Sent:** Friday, June 28, 2024 3:43 PM  
**To:** Gene Rogers ([GRogers@southtrailfire.org](mailto:GRogers@southtrailfire.org)) <[GRogers@southtrailfire.org](mailto:GRogers@southtrailfire.org)>  
**Cc:** Alexis Crespo <[acrespo@rviplanning.com](mailto:acrespo@rviplanning.com)>  
**Subject:** Daniels Development Question

Hi Gene,

I hope things are going well for you.

We've spoken about the Daniels parcel near the old fire station and I-75. Part of our development plan has residential on a parcel larger than 5 acres so the LDC requires two access points. Lee County DOT doesn't want the additional access on Three Oaks and is willing to signoff on a deviation for one access point. The parcel is barely over 5 acres. Is this deviation you can accept?

We are in a time crunch, which isn't your problem, but we are hoping for a very quick answer and would be very appreciative.

Were you able to talk to Chris Moore about a possible future site? He is open to hear details. Let me know.

**Fred Drovdic, AICP**

Director of Planning

**RVi Planning + Landscape Architecture**

1514 Broadway, Suite 201 • Fort Myers, FL 33901

239.989.3370 Mobile • 239.318.6707 Direct • 239.344.0000 Main

[www.rviplanning.com](http://www.rviplanning.com)

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

**External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.**