



September 24, 2024

VIA EMAIL (HEX@LEEGOV.COM)

The Honorable Donna Marie Collins
 Chief Hearing Examiner
 Office of the Lee County Hearing Examiner
 1500 Monroe Street
 P.O. Box 398
 Fort Myers, Florida 33902-0298

**RE: DCI2022-00059 | DANIELS TOWN SQUARE MPD
 HEARING DATE: SEPTEMBER 26, 2024
 APPLICANT'S 48-HOUR NOTICE AND EXHIBIT/WITNESS LISTS**

Madam Hearing Examiner:

The Applicant has reviewed the Staff Report and attachments received September 11, 2024, and has been working diligently with staff on revisions to condition 4 regarding access and development order timing and condition 9 regarding buffers. We believe Staff and Applicant agree on condition 4 and condition 9 as revised in the attached proposed revised conditions. The Applicant submits the following clarifications/corrections and supplemental information which have been coordinated with Staff and no objections have been received to date.

Please find the following supplemental documents attached as described in further detail below:

1. *Updated Letter of Availability from Lee County Utilities dated September 4, 2024*
2. *Updated Letter of Availability from South Trail Fire dated September 5, 2024*
3. *Executed Agricultural Affidavit*
4. *Applicant's Proposed Revisions to Staff Report Attachment C – Conditions and Deviations (redline strike-through/underline)*
5. *Applicant's Proposed Revisions to Staff Report Attachment C – Conditions and Deviations (clean)*
6. Updated following documents in Staff Report Attachment E
 - a. *Updated Applicant's Request Narrative* – clerical corrections to highlighted portions to clarify properties included, remove references to outdated traffic condition, update access deviation reference, clarify no reuse available, update development south of Three Oaks, reference to littoral trees and conclusion
 - b. *Updated Open Space Map* - updated to reflect removal of previous temporary access to Three Oaks - no effect on overall exhibit or total open space.
 - c. *Updated Line of Sight Narrative, Plan and Sections* - updated to reflect clerical error in buffer and development proposed on southern parcel
7. *Updated Master Concept Plan* dated September 23, 2024, as requested in Staff Report to reflect Type D Buffers along I-75 and Daniels Parkway (Staff Report Attachment H)



8. *Land Exchange and Impact Fee Credit Agreement (Instrument Number 2021000128594)* referenced in Condition 11 and Staff Report Attachment M – DOT Memorandum.

The Applicant submits the following minor clarifications/corrections to the Staff Report and Attachments:

Staff Report

1. Page 1, 1st paragraph, 2nd line correction: Subject property is zoned CPD. STRAP No. 22-45-25-00-00002.1170 that is zoned AG-2 was previously included in the request but has since been removed.
 - a. Same correction on page 3, 3rd paragraph, 3rd line & Page 14, last line of Conclusion.
2. Page 1, 2nd paragraph, 3rd line: clarification: the site now consists of four parcels
3. Page 1, 4th paragraph: Outstanding Issues – Applicant submits the following:
 - a. 1. Updated Lee County Utilities letter of availability dated September 4, 2024, which confirms they have sufficient capacity to provide water and sewer services
 - b. 2. Updated South Trail Fire Protection & Rescue Service District letter of availability dated September 5, 2024, which confirms they can provide services to the proposed development using its current service delivery model, which includes fire/life safety, Advanced Life Support (non-transport), and fire inspection and plan review services. The Developer met with the Fire Chief after the updated letter was issued with no demands or commitments made but agreed to continue coordination. EMS, Fire or Sheriff's Station has been added to the schedule of uses to not preclude the use should it be proposed in the future.
 - c. 3. Agricultural Use Affidavit is attached
4. Page 5, 1st paragraph, last sentence & 2nd & 4th paragraphs and Page 6, 1st paragraph: above referenced letters confirm sufficient water, sewer and fire services
5. Page 8, 4th paragraph, 2nd to last sentence: Attached MCP has been revised to depict a 15-foot wide Type D buffer along I-75 and Daniels Parkway as requested

Staff Report Attachment B – Aerial, Future Land Use, and Zoning Maps correction: The maps include STRAP No. 22-45-25-00-00002.1170 zoned AG-2 that is no longer a part of the application. Applicant has coordinated with Staff to request the maps be revised to accurately reflect the subject property.

Staff Report Attachment C – Conditions and Deviations: Please see attached redline and clean versions depicting following revisions

1. Condition 2.a. Schedule of Uses: minor typographical corrections and addition of EMS, Fire or Sheriff's station.
2. Condition 4. Three Oaks Parkway Extension Phase I – Proposed revisions to clarify timing of development order issuance and access that has been coordinated with staff.
3. Condition 9. Buffers – Proposed revisions to clarify external buffers and timing that has been coordinated with staff.

For the Applicant's Exhibit List, the Applicant will refer to the Lee County Land Development Code, the Lee Plan, the Staff Report including its Attachments, this letter with attachments and submitted application materials and intends to provide the following Exhibits at the hearing:

- Applicant's PowerPoint Presentation
- 24"x36" Master Concept Plan

The following individuals will be attending the hearing as the Applicant's potential witnesses. Those marked by an asterisk (*) will be factual and expert witnesses who will testify during the Applicant's presentation-in-chief, while the remaining potential witnesses will be available for questions and/or rebuttal, if necessary.

1. Chris Moore, Waypoint Residential, Applicant
2. *Stacy Ellis Hewitt, AICP (Planning and Zoning)
 - Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
 - Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, Zoning, Site Planning, and Land Use Planning, and as they relate to Lee County zoning and planning.
3. Fred Drovdllic, AICP (Planning and Zoning)
 - Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
 - Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, Zoning, Site Planning, and Land Use Planning, and as they relate to Lee County zoning and planning.
4. *Ted B. Treesh, PTP (Transportation Planning)
 - Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
 - Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and Traffic and Transportation Planning as they relate to Lee County zoning and planning.
5. *Jackie Larocque, P.E. (Surface Water Management)
 - Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
 - Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and Engineering as they relate to Lee County zoning and planning.
6. *Brown Collins (Environmental)
 - Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
 - Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and Environmental Planning as they relate to Lee County zoning and planning.

In addition to the above, Richard Akin, Esq. will be attending as counsel for the Applicant. I look forward to seeing you at the upcoming hearing.

Sincerely,

RVi Planning + Landscape Architecture



Fred Drovdllic, AICP
Planning Director

cc: Beth Workman
Joseph A. Adams, Esq.
Amanda L. Swindle, Esq.
Michael D. Jacob, Esq.



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

September 4, 2024

Via E-Mail

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District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Atwell LLC
10511 6 Mile Cypress Pkwy
Fort Myers, FL 33966

**RE: Potable Water and Wastewater Availability
Daniels Town Center
Strap # 22-45-25-L3-U2060.3612, 22-45-25-L4-U2038.3602, 22-45-25-L4-U2037.3579, 22-45-25-L3-U2053.3576**

To whom this may concern:

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 access located north of Indian Pony Drive on Fiddlesticks Parkway. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1,234 multi-family residential units with an estimated flow demand of approximately 269,800 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 this parcel.

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.

-Daniels Town Center 13841 Indian Paint LN Letter.Docx

September 4, 2024

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.

Sincerely,

LEE COUNTY UTILITIES

Judy Carlson
Project Manager,
Lee County Utilities, New Development & Construction.





SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

Board of Commissioners

Robert McDonnell
Chairman

Jeff Haugh
Vice-Chairman

Ken Brown
Secretary-Treasurer

Larry Hirshman
Commissioner

Ron Tarantino
Commissioner

Administration

Gene Rogers
Fire Chief

David Bollen
Assistant Chief

Todd Anderson
Assistant Chief

September 5, 2024

VIA Electronic Mail

Fred Drovdlc, RVi Planning & Landscape Architecture:

The South Trail Fire District has reviewed the applicant's revised large-scale comprehensive plan for the area located south of Daniels Parkway and west of Interstate 75. This development will include up to 1,234 dwelling units, 200 hotel rooms, and 30,000 square feet of non-residential space. The estimated population at full build-out is 3,184 people, based on a maximum of 1,234 dwelling units with an average of 2.58 persons per unit. Build-out is possible by 2030.

The South Trail Fire District can provide services to the proposed development using its current service delivery model, which includes fire/life safety, Advanced Life Support (non-transport), and fire inspection and plan review services.

The South Trail Fire District would like to explore the possibility of a land parcel being donated within this proposed development to be set aside for a future fire/EMS station. This addition would serve to enhance the District's current service delivery model, securing greater efficiency and sustainment of critical services through 2053, and beyond.

The establishment of a community fire station within this new and modern development would provide tremendous value to residents and business owners, enhancing the appeal for those who choose this community as their place to live and work.

Respectfully,

A handwritten signature in black ink, appearing to read "Gene Rogers", is written over a light blue circular stamp.

Gene Rogers
Fire Chief

GRogerr@southtrailfire.org

BONA FIDE AGRICULTURAL USES AT TIME OF ZONING APPLICATION

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 10 day of September, 2024, personally appeared Alexander M. Eaton as Managing Member of **Daniels Parkway JV Development, LLC** who, after first being duly sworn, deposes and says as follows:

1. He is an authorized representative of the Limited Liability Company that owns the Property described and shown in Exhibit "A" attached hereto and incorporated herein by reference and identified as STRAP numbers: 22-45-25-L3-U2060.3612, 22-45-25-L4-U2038.3602, 22-45-25-L4-U2037.3579 & 22-45-25-L3-U2053.3576.
2. That the above-described Property has an existing bona fide agricultural use and agricultural exemption issued by the Lee County Property Appraiser's Office which was in existence at the time the zoning application for this project was filed.
3. The specific agricultural activity occurring on the Property is cattle grazing over the entire property described in Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

Daniels Parkway JV Development, LLC


Signature

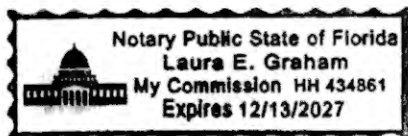
Sept 10, 2024
Date

Alexander M. Eaton
Print Name

Managing Member
Title

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 10 day of September, 2024, by ALEXANDER EATON (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)



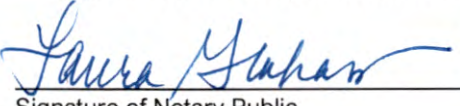
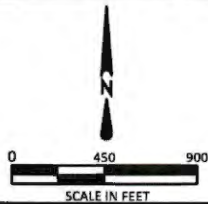

Signature of Notary Public
LAURA E. GRAHAM
Printed name of Notary Public

EXHIBIT "A"

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

EXISTING
CATTLE GRAZING

N: 802525.33
E: 721479.84

SOUTH PARCEL
8.13 ACRES
EXISTING
CATTLE GRAZING

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: ADA
DATE DRAWN: 08/23/2022
FIELD BOOK: 25



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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: JTM
CHECKED BY: MDM
DATE DRAWN: 08/23/2022
FIELD BOOK: 55



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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: 85



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Fort Myers, Florida 33912
Telephone (239) 936-9777

Daniels Town Square MPD (DCI2022-00059)**Attachment C – Conditions and Deviations****Section A. - Conditions**

1. ~~The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled "Daniels Town Square", prepared by Atwell, date stamped July 3, 2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.~~

The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled "Daniels Town Square", prepared by Atwell, last revised September 23, 2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued appropriate approvals will be necessary.

This project is limited to 30,000 square feet of commercial development, a 200-room hotel, and a maximum of 1,234 residential dwelling units, subject to the conditions enumerated herein.

2. The following limits apply to the project and uses:

- a. **Schedule of Uses**

Accessory uses, buildings, and structures
 Accessory Apartment and Accessory Dwelling Unit
 Administrative Offices
 Agricultural Uses: Office/Base Operations
 Agricultural Services Accessory Uses and Buildings
 Agricultural Uses (subject to Condition 3)
 Animal Clinic or Kennel, Control Center (including Humane Society)
 ATM
 Auto Parts Store
 Automobile Service Station
 Bait and Tackle Shop
 Banks and Financial Establishments – Groups I & II
 Bar ~~and or~~ Cocktail Lounge
 Bed and Breakfast
 Boarding House
 Boats; Parts Store, Rental, Sales, and Storage
 Broadcast Studio, Commercial Radio & Television
 Building Materials Sales
 Business Services, Groups I & II
 Bus Station/Depot
 Car Wash
 Cleaning & Maintenance Services
 Clothing Stores, General

Applicant's Proposed Revisions to Conditions – Redline Version

Clubs: Commercial, Fraternal, and Private
Computer and Data Processing Services
Consumption on Premises
Continuing Care Facilities
Contractors & Builders – Group I & II
Convenience Food and Beverage Store – maximum 24 self-service fuel pumps
Cultural Facilities
Day Care Center, Child, Adult
Department Store
Dormitory
Drive-Through Facility for any permitted use
Drug Store, Pharmacy
Dwelling unit: Multi-family
EMS, Fire or Sheriff's station
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Excess Spoil Removal
Factory Outlets
Fam Equipment, Sales, Storage, Rental or Service
Fences, Walls
Flea Market: Open, Indoor
Food and Beverage, Limited
Food Stores: Groups I and II
Freight and Cargo Handling Establishments
Funeral Home or Mortuary (with or without crematory)
Gift and Souvenir Shop
Golf Driving Range
Hardware Store
Health Care Facilities: All Groups
Hobby, Toy, and Games Shop
Hospice
Hotel/Motel, limited to 200 rooms
Household and Office Furnishings: All Groups
Insurance Companies
Laundry or Dry Cleaning: Groups I and II
Lawn and Garden Supply Stores
Library
Medical Office
Models: Display Center
Motion Picture Productions Studio
Nightclubs
Non-Store Retailers: All Groups

Applicant's Proposed Revisions to Conditions – Redline Version

Parcel and Express Services
 Package Store
 Paint, Glass, and Wallpaper
 Parking Lot, All
 Personal Services: All Groups
 Pet Services
 Pet Shop
 Pharmacy
 Photo Finishing Laboratories
 Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing Services
 Real Estate Sales Office
 Recreation Facilities: All Groups
 Religious Facilities
 Rental and Leasing Establishments: All Groups
 Repair Shops: All Groups
 Research and Development and Laboratories: All Groups
 Residential Accessory Uses
 Restaurant, Fast Food
 Restaurant: All Groups
 Retail and Wholesale Sales
 Schools, Commercial and Non-Commercial
 Self-Service Fuel Pumps (24 fuel pumps)
 Signs
 Social Services: All Groups
 Specialty Retail Shops: All Groups
 Storage: Indoor or Outdoor
 Studios
 Temporary Uses
 Theater, Indoor or Outdoor (drive-in)
 Transportation Services: All Groups
 Used Merchandise Stores: All Groups
 Variety Stores
 Vehicle and Equipment Dealers: All Groups
 Warehouse: Public, Private, Mini
 Wholesale Establishments: Groups I, III, and IV

b. Site Development Regulations

General Parameters

Minimum Lot Coverage 60 percent
 Maximum Multi-family Building Height

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Parcel 1	45 feet
Parcel 2	45 feet
Parcel 3	60 feet
Parcel 4	90 feet
Parcel 6	35 feet
Parcel 5	
Commercial	35 feet
Hotel	60 feet
Minimum Open Space	
Parcels 1 - 5	20 percent
Parcels 6 & 7	40 percent
Minimum Lot Area	10,000 square feet
<u>Residential Building Setbacks</u>	
Street (Public)	20 feet
Street (Private)	15 feet
Rear	5 feet
Side	5 feet
Minimum Building Separation	20 feet
Waterbody	20 feet
<u>Commercial Building Setbacks</u>	
Street (Public)	20 feet
Street (Private)	15 feet
Rear	5 feet
Side	0 feet
Minimum Building Separation	0 feet
Waterbody	20 feet

3. Agricultural Use

Existing bona fide agricultural uses (PASTURE/GRAZING) may continue on this site SUBJECT TO the following:

- a) Termination of Agriculture Use. Agricultural uses must terminate on project areas receiving development order approval for vertical development and prior to county issuance of a vegetation removal permit. Development order approvals for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development do not trigger termination.
- b) Additional Clearing Prohibited. Additional clearing of trees or vegetation in an agricultural area is prohibited. Existing areas of bona fide agricultural use may be maintained, (i.e. mowed). But not cleared or expanded. This prohibition does not preclude County approval of requests to remove invasive exotic vegetation.
- c) Proof of Termination. Upon approval of local development order for vertical development and prior to the issuance of vegetation removal permit, the property owner must provide written proof of the following, SUBJECT TO review/approval by

the County Attorney's Office:

i. Affidavit. Sworn affidavit from the property owner confirming:

- (1) Date agricultural uses ceased.
- (2) Legal description of the property SUBJECT TO development order approval for vertical development.
- (3) Affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property. Further that the property owner covenants with the County not to resume agricultural uses until the property is rezoned to permit agricultural.

The affidavit constitutes a covenant between the property owner and Lee County binding on the owner and its successors. The covenant must properly recorded in public record of Lee County at the owner's expense.

ii. Termination of Tax Exemption. Termination of the agricultural tax exemption for portions of the property SUBJECT TO a development order for vertical development. Proof of termination must include a copy of the request to terminate the tax exemption submitted to the Lee County Property Appraiser.

~~4. Three Oaks Parkway Extension Phase I~~

~~Prior to the issuance of the first development order, Three Oaks Parkway Extension Phase I must be complete and open to the public.~~

4. Three Oaks Parkway Extension

Prior to the issuance of the first development order for vertical development, Three Oaks Parkway Extension Phase 1 must be complete and open to the public. Construction traffic for the project will be permitted to utilize Daniels 9300 for access until such time as Three Oaks Parkway Extension Phase 1 is open to traffic. Once Phase 1 is open to the public, Daniels 9300 will be limited to ingress only and temporary access will be permitted to Indian Pony Drive for site related trips until such time as Phase 2 is complete and open to the public.

5. Density

For development that proposes impact to wetlands, construction may not commence until the issuance of required 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 the proposed impacts to wetlands depicted within the local development order 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.

6. Open Space

Parcels 1 through 5 must provide 20 percent open space and Parcels 6 and 7 must provide 40 percent open space in substantial compliance with the Master Concept Plan received July 3, 2024.

7. Indigenous Open Space

Prior to the issuance of the first development order, the plans must depict the 0.79-acre wetland preserve and provide an indigenous management plan.

8. Water Quality Monitoring

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Monitoring Plan must establish the following:

- a. The overall Goals and Objectives of the Surface Water Monitoring Plan;
- b. An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May for Total Phosphorus, Total Nitrogen, Copper, Iron, Enterococci, Field Temperature, Specific Conductance, Dissolved Oxygen, Turbidity, pH, Total Dissolved Solids and Total Hardness.
- c. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
- d. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding State surface water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- e. A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

9. Buffers

~~Prior to the issuance of the first development order north or south of Three Oaks Parkway Extension, all right-of-way buffers must be 15-foot-wide Type-D buffers and include a consistent landscape theme.~~

9. Buffers

Prior to issuance of a development order abutting an external right-of-way (I-75, Three Oaks Parkway, Indian Pony Drive or Indian Paint Lane), plans must depict a 15 foot wide Type D buffer along abutting external right(s) of way included in the development order. Throughout the project, each external right of way must include a consistent landscape theme.

10. Wetland Trees

The planted littoral shelf calculation must be based on a 20-foot-wide littoral shelf with 100 percent of the littorals to be converted to wetland trees at a ratio 100 littoral plants to one native wetland tree. The wetland trees must be located around the wet detention areas.

11. Transportation

At the time of submittal for the first development order, a detailed signal warrant projection based on full buildout traffic conditions at the site access location on Three Oaks Parkway, including full buildout of the Daniels Town Square MPD development established by zoning intensities and

Applicant's Proposed Revisions to Conditions – Redline Version

densities, must be performed. Should the County Traffic Engineer deem that a traffic signal will be warranted at the intersection, the Applicant must incorporate the design of a new traffic signal as part of the development order process. Should the Developer decide to design the signal(s) as part of a separate Limited Review Development Order (LDO) for offsite improvements, the LDO must be approved prior to the issuance of a Certificate of Occupancy for any dwelling units or a Certificate of Compliance for vertical commercial construction. In accordance with the Land Exchange and Impact Fee Credit Agreement (Instrument Number 2021000128594), the developer will be solely responsible for the cost of design and installation of the traffic signal at this intersection.

Section B. – Deviations

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

This deviation is **APPROVED**.

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

This deviation is **APPROVED** subject to Condition 10.

3. **Deviation (3)** seeks relief from LDC Section 10-418(2)c, which requires a 20-foot-wide planted littoral shelf extending waterward of the control elevation at a depth no greater than two feet below the control elevation, to allow no planted littoral shelf.

This deviation is **APPROVED** subject to Condition 10.

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

This deviation is **APPROVED** subject to Condition 10.

5. Deviation (5) seeks relief from Section 10-291(3) which requires residential development of more than five acres to provide more than one means of ingress and egress for the development, to allow for one means of ingress/egress for Parcel 6.

This deviation is **APPROVED**.

Daniels Town Square MPD (DCI2022-00059)**Attachment C – Conditions and Deviations****Section A. - Conditions**

1. The development of this project must be consistent with one-page Master Concept Plan (MCP) entitled “Daniels Town Square”, prepared by Atwell, last revised September 23, 2024, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP, conditions, or deviations are subsequently pursued appropriate approvals will be necessary.

This project is limited to 30,000 square feet of commercial development, a 200-room hotel, and a maximum of 1,234 residential dwelling units, subject to the conditions enumerated herein.

2. The following limits apply to the project and uses:

- a. **Schedule of Uses**

Accessory uses, buildings, and structures
 Accessory Apartment and Accessory Dwelling Unit
 Administrative Offices
 Agricultural Uses: Office/Base Operations
 Agricultural Services Accessory Uses and Buildings
 Agricultural Uses (subject to Condition 3)
 Animal Clinic or Kennel, Control Center (including Humane Society)
 ATM
 Auto Parts Store
 Automobile Service Station
 Bait and Tackle Shop
 Banks and Financial Establishments – Groups I & II
 Bar or Cocktail Lounge
 Bed and Breakfast
 Boarding House
 Boats; Parts Store, Rental, Sales, and Storage
 Broadcast Studio, Commercial Radio & Television
 Building Materials Sales
 Business Services, Groups I & II
 Bus Station/Depot
 Car Wash
 Cleaning & Maintenance Services
 Clothing Stores, General
 Clubs: Commercial, Fraternal, and Private
 Computer and Data Processing Services
 Consumption on Premises
 Continuing Care Facilities
 Contractors & Builders – Group I & II
 Convenience Food and Beverage Store – maximum 24 self-service fuel pumps

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Cultural Facilities
Day Care Center, Child, Adult
Department Store
Dormitory
Drive-Through Facility for any permitted use
Drug Store, Pharmacy
Dwelling unit: Multi-family
EMS, Fire or Sheriff's station
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Excess Spoil Removal
Factory Outlets
Fam Equipment, Sales, Storage, Rental or Service
Fences, Walls
Flea Market: Open, Indoor
Food and Beverage, Limited
Food Stores: Groups I and II
Freight and Cargo Handling Establishments
Funeral Home or Mortuary (with or without crematory)
Gift and Souvenir Shop
Golf Driving Range
Hardware Store
Health Care Facilities: All Groups
Hobby, Toy, and Games Shop
Hospice
Hotel/Motel, limited to 200 rooms
Household and Office Furnishings: All Groups
Insurance Companies
Laundry or Dry Cleaning: Groups I and II
Lawn and Garden Supply Stores
Library
Medical Office
Models: Display Center
Motion Picture Productions Studio
Nightclubs
Non-Store Retailers: All Groups
Parcel and Express Services
Package Store
Paint, Glass, and Wallpaper
Parking Lot, All
Personal Services: All Groups
Pet Services

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Pet Shop
 Pharmacy
 Photo Finishing Laboratories
 Place of Worship
 Plant Nursery
 Post Office
 Printing and Publishing Services
 Real Estate Sales Office
 Recreation Facilities: All Groups
 Religious Facilities
 Rental and Leasing Establishments: All Groups
 Repair Shops: All Groups
 Research and Development and Laboratories: All Groups
 Residential Accessory Uses
 Restaurant, Fast Food
 Restaurant: All Groups
 Retail and Wholesale Sales
 Schools, Commercial and Non-Commercial
 Self-Service Fuel Pumps (24 fuel pumps)
 Signs
 Social Services: All Groups
 Specialty Retail Shops: All Groups
 Storage: Indoor or Outdoor
 Studios
 Temporary Uses
 Theater, Indoor or Outdoor (drive-in)
 Transportation Services: All Groups
 Used Merchandise Stores: All Groups
 Variety Stores
 Vehicle and Equipment Dealers: All Groups
 Warehouse: Public, Private, Mini
 Wholesale Establishments: Groups I, III, and IV

b. Site Development Regulations

General Parameters

Minimum Lot Coverage	60 percent
Maximum Multi-family Building Height	
Parcel 1	45 feet
Parcel 2	45 feet
Parcel 3	60 feet
Parcel 4	90 feet
Parcel 6	35 feet
Parcel 5	

Applicant's Proposed Revisions to Conditions – Clean Version

Commercial	35 feet
Hotel	60 feet
Minimum Open Space	
Parcels 1 - 5	20 percent
Parcels 6 & 7	40 percent
Minimum Lot Area	10,000 square feet

Residential Building Setbacks

Street (Public)	20 feet
Street (Private)	15 feet
Rear	5 feet
Side	5 feet
Minimum Building Separation	20 feet
Waterbody	20 feet

Commercial Building Setbacks

Street (Public)	20 feet
Street (Private)	15 feet
Rear	5 feet
Side	0 feet
Minimum Building Separation	0 feet
Waterbody	20 feet

3. Agricultural Use

Existing bona fide agricultural uses (PASTURE/GRAZING) may continue on this site SUBJECT TO the following:

- a) Termination of Agriculture Use. Agricultural uses must terminate on project areas receiving development order approval for vertical development and prior to county issuance of a vegetation removal permit. Development order approvals for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development do not trigger termination.
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- c) Proof of Termination. Upon approval of local development order for vertical development and prior to the issuance of vegetation removal permit, the property owner must provide written proof of the following, SUBJECT TO review/approval by the County Attorney's Office:
 - i. Affidavit. Sworn affidavit from the property owner confirming:

- (1) Date agricultural uses ceased.

(2) Legal description of the property SUBJECT TO development order approval for vertical development.

(3) Affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property. Further that the property owner covenants with the County not to resume agricultural uses until the property is rezoned to permit agricultural.

The affidavit constitutes a covenant between the property owner and Lee County binding on the owner and its successors. The covenant must properly recorded in public record of Lee County at the owner's expense.

- ii. Termination of Tax Exemption. Termination of the agricultural tax exemption for portions of the property SUBJECT TO a development order for vertical development. Proof of termination must include a copy of the request to terminate the tax exemption submitted to the Lee County Property Appraiser.

4. Three Oaks Parkway Extension

Prior to the issuance of the first development order for vertical development, Three Oaks Parkway Extension Phase 1 must be complete and open to the public. Construction traffic for the project will be permitted to utilize Daniels 9300 for access until such time as Three Oaks Parkway Extension Phase 1 is open to traffic. Once Phase 1 is open to the public, Daniels 9300 will be limited to ingress only and temporary access will be permitted to Indian Pony Drive for site related trips until such time as Phase 2 is complete and open to the public.

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For development that proposes impact to wetlands, construction may not commence until the issuance of required 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 the proposed impacts to wetlands depicted within the local development order 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.

6. Open Space

Parcels 1 through 5 must provide 20 percent open space and Parcels 6 and 7 must provide 40 percent open space in substantial compliance with the Master Concept Plan received July 3, 2024.

7. Indigenous Open Space

Prior to the issuance of the first development order, the plans must depict the 0.79-acre wetland preserve and provide an indigenous management plan.

8. Water Quality Monitoring

Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Monitoring Plan must establish the following:

- a. The overall Goals and Objectives of the Surface Water Monitoring Plan;

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- b. An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May for Total Phosphorus, Total Nitrogen, Copper, Iron, Enterococci, Field Temperature, Specific Conductance, Dissolved Oxygen, Turbidity, pH, Total Dissolved Solids and Total Hardness.
 - c. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
 - d. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding State surface water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
 - e. A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.
9. Buffers
Prior to issuance of a development order abutting an external right-of-way (I-75, Three Oaks Parkway, Indian Pony Drive or Indian Paint Lane), plans must depict a 15 foot wide Type D buffer along abutting external right(s) of way included in the development order. Throughout the project, each external right of way must include a consistent landscape theme.
10. Wetland Trees
The planted littoral shelf calculation must be based on a 20-foot-wide littoral shelf with 100 percent of the littorals to be converted to wetland trees at a ratio 100 littoral plants to one native wetland tree. The wetland trees must be located around the wet detention areas.
11. Transportation
At the time of submittal for the first development order, a detailed signal warrant projection based on full buildout traffic conditions at the site access location on Three Oaks Parkway, including full buildout of the Daniels Town Square MPD development established by zoning intensities and densities, must be performed. Should the County Traffic Engineer deem that a traffic signal will be warranted at the intersection, the Applicant must incorporate the design of a new traffic signal as part of the development order process. Should the Developer decide to design the signal(s) as part of a separate Limited Review Development Order (LDO) for offsite improvements, the LDO must be approved prior to the issuance of a Certificate of Occupancy for any dwelling units or a Certificate of Compliance for vertical commercial construction. In accordance with the Land Exchange and Impact Fee Credit Agreement (Instrument Number 2021000128594), the developer will be solely responsible for the cost of design and installation of the traffic signal at this intersection.

Section B. – Deviations

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

This deviation is **APPROVED**.

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

This deviation is **APPROVED** subject to Condition 10.

3. **Deviation (3)** seeks relief from LDC Section 10-418(2)c, which requires a 20-foot-wide planted littoral shelf extending waterward of the control elevation at a depth no greater than two feet below the control elevation, to allow no planted littoral shelf.

This deviation is **APPROVED** subject to Condition 10.

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

This deviation is **APPROVED** subject to Condition 10.

5. Deviation (5) seeks relief from Section 10-291(3) which requires residential development of more than five acres to provide more than one means of ingress and egress for the development, to allow for one means of ingress/egress for Parcel 6.

This deviation is **APPROVED**.



DANIELS TOWN SQUARE MPD

Request Statement

Revised September 2024

I. REQUEST

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

The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential up to 1,234 dwelling units determined as shown in table 1 below.

Table 1: Density and Intensity Calculation

Parcel ID Per MCP	Use	Total Acreage	Preserved Wetlands	Mitigated Wetlands	Upland	MUO	Base Density 14 du/ac	Bonus Density 8 du/ac	GPITDU Bonus Density Up to 8 du/ac
1-5	Mixed Use	53.13	0.79	5.79	46.55	Yes	662.76	378.72	378.72
6 & 7	Residential	8.13	0	0	8.13	No	113.82	65.04	65.04
TOTALS		61.26	0.79	5.79	54.68	-	777	444	13*
* 13 du requested out of maximum 444 GPITDU that could be requested								1,234	

There are 5.79 acres of wetlands to be impacted per the SFWMD ERP (No. 230220-37612) approved in April 2024.

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

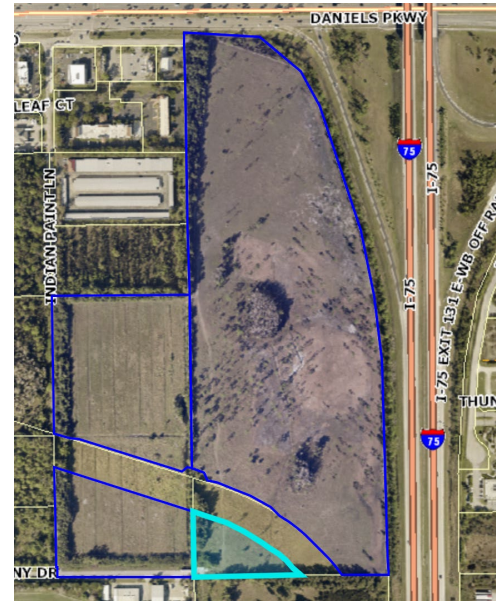
1. Amend Map 1-A – Future Land Use – from General Interchange to the Intensive Development Future Land Use Category (FLUC).
2. Amend Map 1-C – Mixed-use Overlay – to add the property north of Three Oaks Parkway Extension to the Mixed-use Overlay (MUO).

II. PROPERTY HISTORY

Daniels Parkway JV Development

Four parcels make up the subject property covering 61.26 acres that border I-75 owned by Daniels Parkway JV Development, LLC. The properties have been owned by the group since 2007. They have been under an agricultural exemption since 2008 and have been maintained as a pasture for livestock. In 2008 the property was rezoned from Agriculture (AG-2) to Commercial Planned Development (Z-08-043) to accommodate a development program of 50,000 square feet of Medical Office, 90,000 square feet of General Office, 250,000 square feet of Retail Commercial, and a 120-room hotel, with a maximum height of 75 feet. The zoning conditions and site plan included an active eagle nest which has since been vacated and released as a nest.

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



III. EXISTING CONDITIONS

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

Table 2: Inventory of Surrounding Lands

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

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

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

The Property will have access points onto Daniels 9300 (ingress only) to a signalized intersection at Three Oaks Parkway Extension and to Indian Pony Drive as a temporary means of connecting to Fiddlesticks and travelling north to Daniel Parkway while the Three Oaks Parkway Extension is being completed. We understand the Three Oaks project to be completed as follows:

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

The property is a pasture with an active agricultural exemption since 2008. The site contains some vegetation including a primary cypress head wetland that is 0.79 acre in the center of the site (that is to be preserved), other scattered, small wetlands and scattered pines in the eastern and central portion. Other than the cypress head, the site's vegetation is mostly impacted and of lower quality containing invasive exotics.

IV. FUTURE CONDITIONS

The MCP that accompanies the zoning is proposing a mixed-use development of up to a 30,000 square foot of commercial development with a 200-room hotel and up to 1,234 residential dwelling units.

Access to the site will be improved over time. There are four major actions that will likely be completed by 2029:

1. Three Oaks Parkway Extension, Phases I and II that extends Three Oaks Parkway Extension across the canal to the western property boundary of the subject property – early 2025.
2. Three Oaks Parkway Extension Phases III and IV connecting Daniels to Alico Road via Fiddlesticks Boulevard – summer 2027.
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2028-2029 (dependent on FDOT coordination for I-75 interchange).
4. I-75 Interchange efficiency and expansion improvements – 2029-2030.

V. PUBLIC INFRASTRUCTURE

The Property has access to the necessary utilities to service the project and all urban services are adequate to serve the proposed development. Letters of availability have been secured from Lee County Utilities, Lee County Schools, Lee County Sheriff (Central District served by LCSO Headquarters 3.5 miles away on Six Mile Cypress), Lee County Parks and Recreation, South Trail



Fire (Station #62 is 1.2 miles west on Daniels), Lee County Emergency Medical Services, Lee County Solid Waste, Lee Tran (served by Bus Stop #1554 via Route 50 on Daniels Parkway within ¼ mile of property).

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

VI. LDC COMPLIANCE

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

a) Complies with the Lee Plan;

The property is currently in the General Interchange FLUC which encourages uses that best serve the travelling public and because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and multi-family dwelling units. The proposed Map Amendment is to place the property in the Intensive Development FLUC which is also to be located along major arterial roads. Similarly, the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. The Intensive Development category encourages mixed use developments of high-density residential, commercial, limited light industrial, and office uses. The requested zoning's mix of residential and commercial retail uses in a Town Center design; therefore, is consistent with current Lee Plan FLUC and to a greater degree the Intensive Development FLUC.

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

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

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

There are five (5) deviations requested that pertain to lake sloping and littoral plantings as the site is within 10,000 feet of airport lands (RSW) and to allow a single access onto Three Oaks Parkway Extension to serve the residential parcel south of the roadway once the temporary access to Indian Pony Drive is removed.

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

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

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

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

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

1. Three Oaks Parkway Extension, Phases I and II that extends Three Oaks Parkway Extension across the canal to the western property boundary of the subject property – early 2025.
2. Three Oaks Parkway Extension, Phases III and IV connecting Daniels to Alico Road via Fiddlesticks Boulevard – summer 2027.
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2028-2029 (dependent on FDOT coordination for I-75 interchange).
4. I-75 Interchange efficiency and expansion improvements – 2029-2030.

It is noted that Lee County DOT is concerned about the use of Daniels 9300 as a primary access to the development. The applicant understands and agrees that this intersection is not adequate to handle increased traffic from this proposed development so has limited Daniels 9300 access to ingress only. The Property will also have access to a signalized intersection at Three Oaks Parkway Extension and to Indian Pony Drive as a temporary means of connecting to Fiddlesticks and travelling north to Daniel Parkway while the Three Oaks Parkway Extension is being completed. It is our understanding that the Three Oaks Parkway Extension phase I completes the road from Alico Road to the western most boundary of the applicant's project and the applicant's access road will connect to Three Oaks at that time.

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

The Applicant submitted a narrative explanation of the phasing intentions of the project. Additionally, this document contains exhibits that accompany the zoning master concept plan.

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

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

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

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

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

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

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

The Property has access to the necessary utilities to service the project and all urban services are adequate to serve the proposed development. Letters of availability have been secured from Lee County Utilities, Lee County Schools, Lee County Sheriff, Lee County Parks and Recreation, South Trail Fire, Lee County Emergency Medical Services, Lee County Solid Waste, Lee Tran and there is an approved ERP (No. 230220-37612) addressing stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site.

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

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

The site is in the heart of Lee Counties thriving commercial and tourist areas. The site is surrounded by an intense roadway system (assuming Three Oaks to Fiddlesticks connection), full range of urban services, access to transit, commercial retail and services and residential communities. However, the multi-family component is limited in this area and in the applicant opinion an underserved housing choice that could serve to capture many trips and create a denser area in proximity to services and employment that would encourage

transportation alternatives to vehicles and offer a net reduction in potential vehicle miles travelled. The density and intensity proposed in appropriate given surrounding land uses and infrastructure and aligns with the current entitlements already on most of the site.

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

Conditions have not yet been set.

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

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

There are five (5) deviations requested that pertain to lake sloping and littoral plantings as the site is within 10,000 feet of airport lands (RSW) and to allow a single access onto Three Oaks Parkway Extension serving the residential units proposed on Parcel 6 once the temporary access to Indian Pony Drive is removed.

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

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

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

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

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

DIVISION 2-BONUS DENSITY PROGRAM

Sec 2-145(b) Minimum Requirements

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

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

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

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

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

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

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

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

VII. LEE PLAN COMPLIANCE

The following is an analysis of the Comprehensive Plan Amendment, and the companion Mixed-use Planned Development, meets consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

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

infrastructure and is one of the major interchange and development areas in the County. It is central to population centers and serves as an accessible employment center and commercial services area. It is also appropriate for mixed use development allowing for multi-family density in both categories at up to 22 units per acre with the Intensive Development FLUC allowing up to 30 units per acre utilizing Greater Pine Island Transfer of Development Units. 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 is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential density of 1,234 units. There are 0.79 acres of wetland to be preserved and 5.79 acres of wetlands to be impacted as approved in ERP (No. 230220-37612).

As proposed in companion applications for Map and Text Comprehensive Plan Amendments (CPA2022-0010 – 0011), the change from General Interchange to Intensive Development and the Mixed-use Overlay will serve to further the Objective by allowing for greater development intensity while maintaining similar uses that were deemed desirable in the General Interchange FLUC. Dense development is good in the proper locations where the parcels have access to major infrastructure that is designed for the intensity and can capture trips by serving local residential commercial needs, employment, and tourist traffic.

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

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

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

The subject parcel was placed in the General Interchange FLUC because of its proximity to major population centers, 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 is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential density of 1,234 units. There are 0.79 acres of wetlands to be preserved and 5.79 acres of wetlands to be impacted as approved in ERP (No. 230220-37612). These uses are consistent with the General Interchange FLUC as described in this policy.

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

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

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

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

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

The road network in the region has been specifically constructed to support large-scale employment centers and commercial activity that is dependent on access to major transportation networks. Daniels Parkway connects to I-75 and the Ben Hill Griffin Parkway,

providing ample access to customers and employees. All other urban services are in place to support the request.

GOAL 4

Standard 4.1.1 & 4.1.2: Water & Sewer

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

Standard 11.3. Transportation

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

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

1. Three Oaks Parkway Extension, Phases I and II that extends Three Oaks Parkway Extension across the canal to the western property boundary of the subject property – early 2025.
2. Three Oaks Parkway Extension Phases III and IV connecting Daniels to Alico Road via Fiddlesticks Boulevard – summer 2027.
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2028-2029 (dependent on FDOT coordination for I-75 interchange).
4. I-75 Interchange efficiency and expansion improvements – 2029-2030.

GOAL 6 (COMMERCIAL LAND USES)

POLICY 6.1.1

a. Traffic and access impacts;

The gross floor area and density requested has been analyzed by TR Transportation. The road network, as proposed to be improved regionally, will be able to support the proposed project, particularly, and necessarily, Phases I and II of the Three Oaks Parkway Extension.

c. Screening and buffering;

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

d. Availability and adequacy of services and facilities;

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

e. Impact on adjacent land uses and surrounding neighborhoods;

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

f. Proximity to other similar centers; and

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

g. Environmental considerations.

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

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

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

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

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

The property abuts commercial development to the west and north. To the east is I-75 and then the Jetport mixed-use commercial and industrial park. To the south is the Olde Hickory

Golf and Country Club. The residential area to the south is a lower density development than the applications request. Compatibility is achieved by the layout of the proposed Master Concept Plan (MCP) that places lakes and buffers between the Country Club and the closest multi-family building **that is approximately 600 feet north of the nearest residence.** The most dense and intense commercial area is across the right-of-way for Three Oaks North. The area is programmed for centralized intensities that support commercial, retail, recreational, and hospitality uses in conformation of the mixed-use development.

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

Our first submittal showed 500,000 square feet of commercial and over 1,450 residential units with heights on the residential portions exceeding 100 feet and 9-stories, including a 9-story tower on the southern “triangle” shaped parcel that abut Olde Hickory. Our subsequent design has reduced the request to 1,234 multi-family units, 30,000 square feet of commercial and a 200-room hotel. Important to Olde Hickory, we reduced the abutting “triangle” parcel to only **house low rise residential.** We also reduced the closest building to Three Oaks Parkway Extension on the north side from 100 feet to a max of 60 feet and 5-stories and 45 feet and 4 stories. The reduction in height wasn’t as much as they would like but we feel this is a compromise that is justified.

The applicant produced a line of site study to show that the substantial distances and provided buffering, as well as trees already existing on the Olde Hickory property block the majority of lights and buildings and what can be seen is a minimum of 1,300 feet away. Additionally, Olde Hickory hired Q Grady Minor civil engineers to review our ERP and grading plan. We came to agreements that our drainage and grading plans were substantially correct but were requested to design our berm to the 100-year storm level rather than the typical 25-year 3-day event.

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

As has been mentioned numerous times in this application, the current roadway system is not adequate to support the proposed development. The programmed roadway network improvements by the State and Lee County to Three Oaks, Daniels Parkway, and I-75 will address the needs of the development.

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 2,640 feet and a 10-minute walk, which has been used by transit-oriented development standards for access to work and play and by jurisdictions and advocacy groups to be the standard for access to recreational facilities such as parks and open space.

ADDITIONAL DISCUSSION AND REFERENCES BY TRANSPORTATION AND PLANNING AUTHORITIES:**FDOT Florida Greenbook**

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

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

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

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

Law Insider

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

Trust for Public Lands

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

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

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

FDOT Traditional Neighborhood Design Handbook

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

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

Pedestrian interconnection will be made with sidewalks and multi-use paths along Three Oaks Parkway Extension and Daniels Parkway. An internal sidewalk system will allow for residents of this project to access alternative form of transportation to automobiles. The users of this project will be able to access internal commercial uses without traveling onto Three Oaks Parkway and access local external commercial uses via Indian Pony Drive temporary access without travelling onto Three Oaks Parkway Extension or Daniels Parkway.

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

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

4. Availability of adequate public facilities and infrastructure; and

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

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

Additionally, the site is in the process of being connected to the regional arterial and collector road system via Three Oaks Parkway Extension and will benefit from a major expansion of the I-75 interchange and Daniels Parkway. Daniels Parkway is going to see improvements to the intersections at Fiddlesticks/Palomino Lane.

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

To the south is the Olde Hickory Golf and Country Club. The parcel south of the Three Oaks Parkway Extension will be low-rise **residential**. Compatibility is achieved by the layout of the proposed Master Concept Plan (MCP) that places lakes and buffers between the Country Club and the closest building. The residential building on Parcel 6 is at least 600 feet from the nearest residence and restricted in height to 35 feet, the height permitted for single-family homes. The most dense and intense area is across the right-of-way for Three Oaks Parkway Extension and is restricted to 5-stories and 60 feet. A line-of-sight study shows 1,000+ distance to any building over 45 feet.

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

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

OBJECTIVE 39.7: COMMUNITY IMPACTS.

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

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

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

LEE PLAN GOAL 54

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

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

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

Reuse is not available at this location according to Lee County.

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

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

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

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

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

The subject site has an approved a SFWMD ERP (No. 230220-37612) which takes into account the Six Mile watershed. The approved master drainage system through the ERP will be in compliance with this policy. Modifications will be made to the approved ERP for the final site design at time of DO.

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

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

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

- a. Sanitary Sewer – Lee County Utilities currently serves the site and has capacity. LCU has stated in a letter of availability that they have capacity to establish service.
- b. Potable Water – Lee County Utilities currently serves the site and has capacity. LCU has stated in a letter of availability that they have capacity to establish service.
- c. Surface Water/Drainage Basins – The property is intended to be developed as part of a Mixed use Planned Development. The project will be required to meet all LDC provisions for surface water management, pre-treatment, storage and treatment including the System

Requirement: Prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

- d. Parks, Recreation, and Open Space – The density has already been calculated as both land use categories allow for similar density, so there is no provision needed for parks, recreation or open space. Regardless, the County exceeds the available capacity needs:
 - Required Capacity - 5,202 acres of regional parks and 289 acres of community parks.
 - Available Capacity - 7,051 acres of regional parks and 832 acres of community parks.
- e. Public Schools – The density has already been calculated as both land use categories allow for similar density so there is no provision needed for public schools in the South Zone. Nevertheless, the Lee County School District has said the will provide capacity for the development.

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

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

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

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

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

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

Beyond the 0.79 acre wetland that will be preserved there are 5.98 acres of potential wetlands that are scattered and of low-quality that are proposed to be impacted as approved the SFWMD ERP in April 2024.

The applicant understands that for development that proposes impacts to wetlands, construction may not commence until issuance of required state permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State or if issued state wetland permits are inconsistent with proposed impacts to wetlands depicted within local

development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

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

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

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

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

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

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

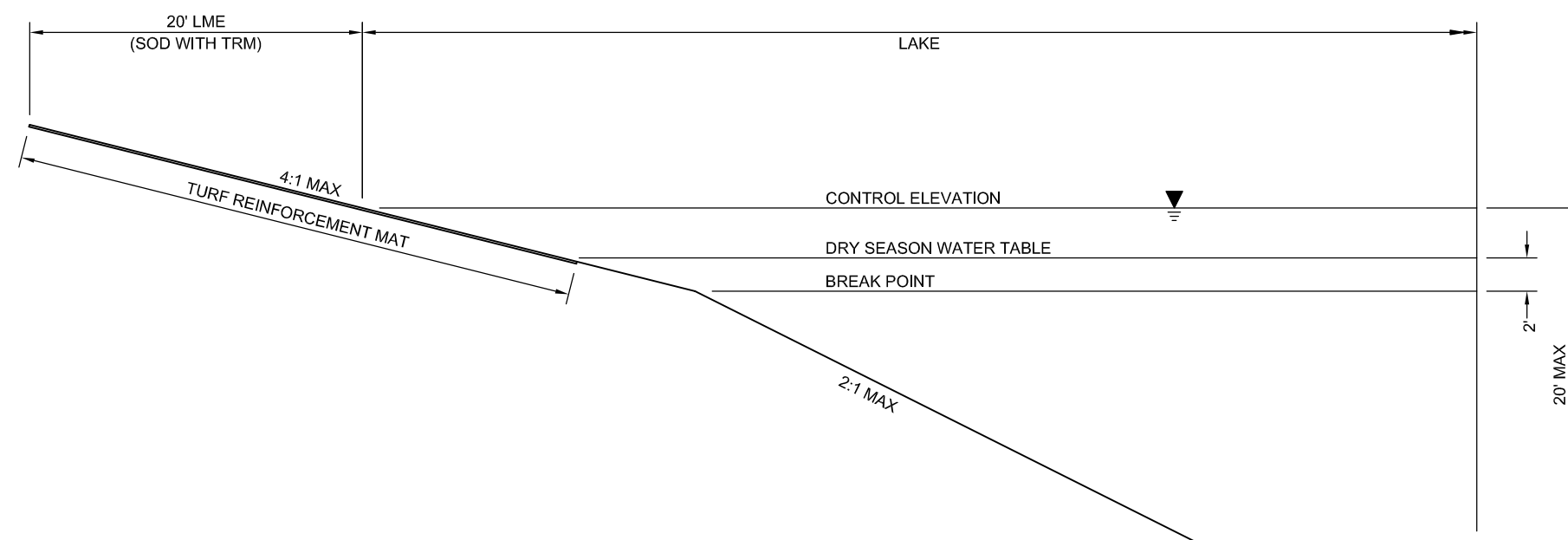
As mentioned, because it is being rezoned to a mixed-use planned development the site will now have to comply with water quality requirements according to the LDC at the time of local development order.

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

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

IX. CONCLUSION

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



NTS

OPEN SPACE TABLE	
PROJECT BOUNDARY	61.26 AC
<u>OPEN SPACE REQUIRED</u>	13.87 AC
PARCELS 6 - 7: 40%	3.25 AC
PARCELS 1 - 5: 20%	10.62 AC
OPEN SPACE PROVIDED	13.90 AC
BUFFER, LAKE & GRASSED AREA (6-7)	3.25 AC
BUFFER, LAKE & GRASSED AREA (1-5)	9.86 AC
INDIGENOUS AREA	0.79 AC

LAND USE TABLE	
OPEN SPACE	13.90 AC
COMMERCIAL	30,000 SF
HOTEL	200 ROOMS
MULTI-FAMILY	1,234 DWELLING UNITS
LAKE / WET RETENTION	6.80 AC
TOTAL	61.26 AC

[illegible]

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

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

SET NUMBER: 22000239E0102

SHEET :	1
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OPEN SPACE MAP FOR

DANIELS TOWN SQUARE

CLIENT:

BISON PROPERTY HOLDINGS, LLC



ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777



DANIELS TOWN SQUARE MPD

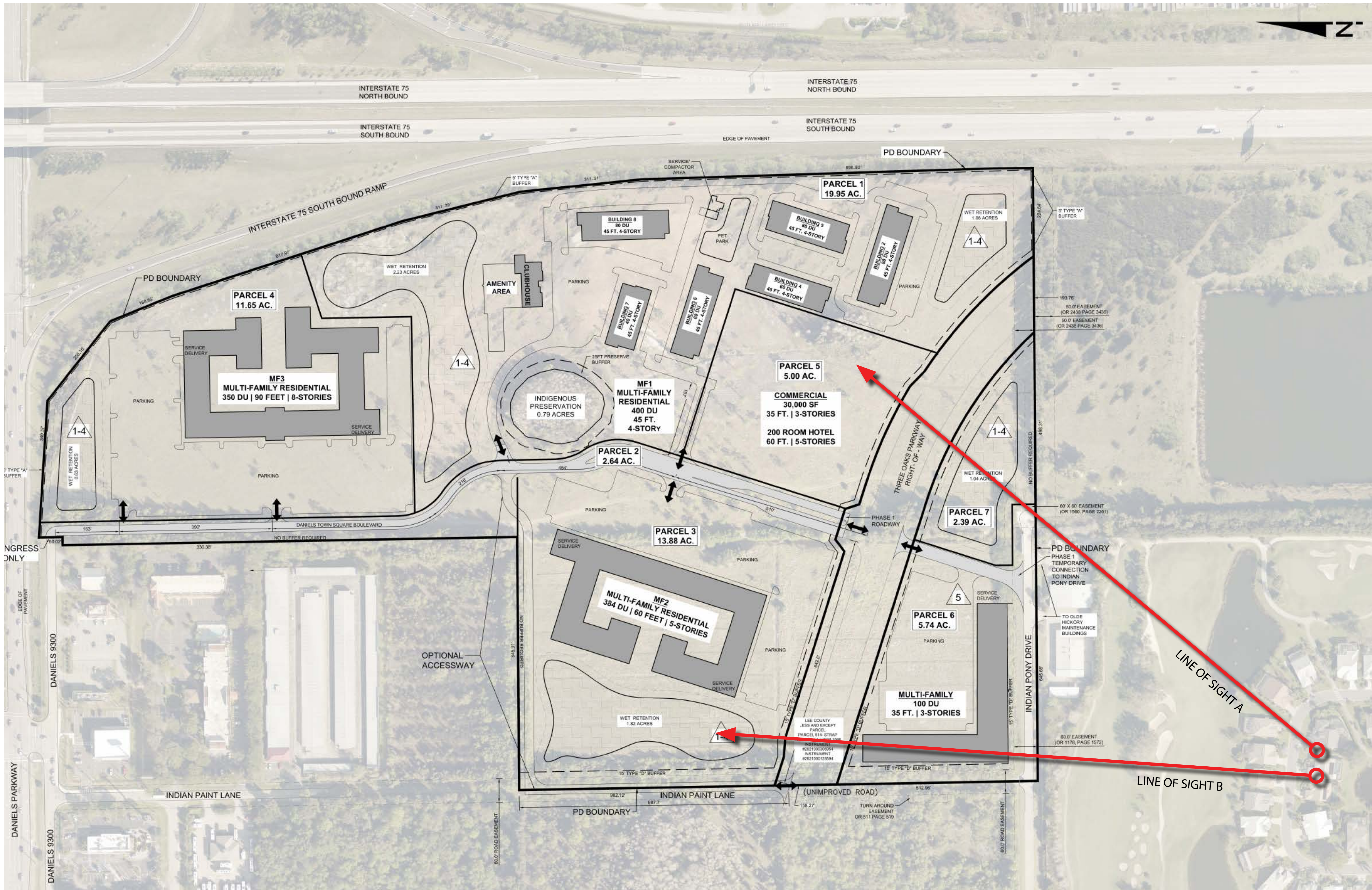
Line of Sight Narrative

Line of Sight A

A 200-room hotel is proposed on the north side of Three Oaks Extension is approximately 1,300 feet from the nearest residence. It is a 5-story, 60 ft hotel centrally located to the commercial parcel. With vegetation heights of mature trees on the golf course and buffers proposed as part of the new development a resident in their back yard may see the top of the building. In addition to the golf course vegetation there are buffers proposed along the northern boundary of Indian Pony Road, on the north and south side of Three Oaks and general trees and trees in the parking areas of the proposed building. These buffers each have a minimum of 5 shade trees, such as live oaks, per 100 linear feet. At maturity these buffers should completely obscure the building from sight and dampen all light. The distance is substantial. To put it into context the Lee County land development code allows for residential housing to be 1,000 feet from heavy industrial uses such as those on Alico Road. The 1,300 feet distance for residential use is significant.

Line of Sight B

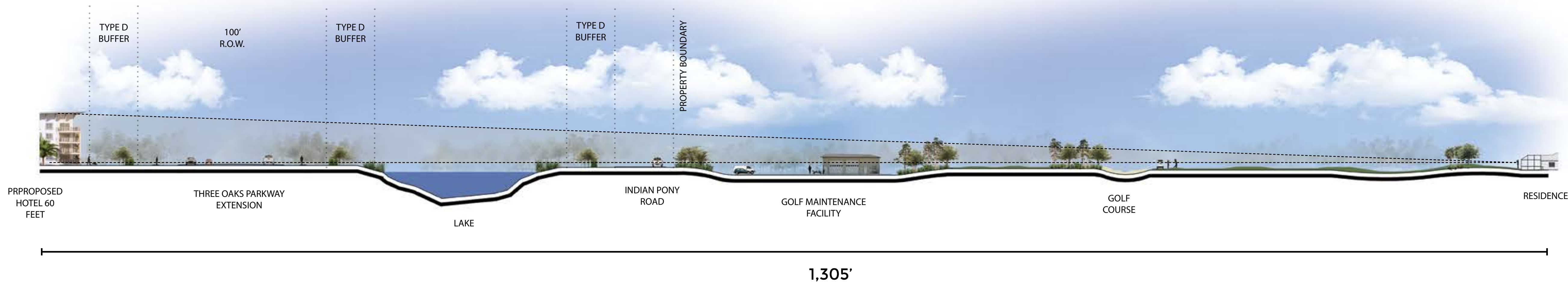
The “triangle” parcel on the south side of the Three Oaks Parkway Extension and abutting Indian Pony Road proposes a 35-foot residential building parallel to Indian Pony Road. With vegetation on the golf course and the proposed buffer along the Indian Pony right-of-way a resident will possibly see the top floor of the building at approximately 600 feet. No other building on the north side of Three Oaks should be visible at approximately 1,475 feet. The Type D buffer proposed on the north side of Indian Pony Road will initially obscure the first two floors and eventually most of the building with mature shade trees planted at 5 per 100 linear feet. In addition, the site will require general trees and parking trees that will assist.



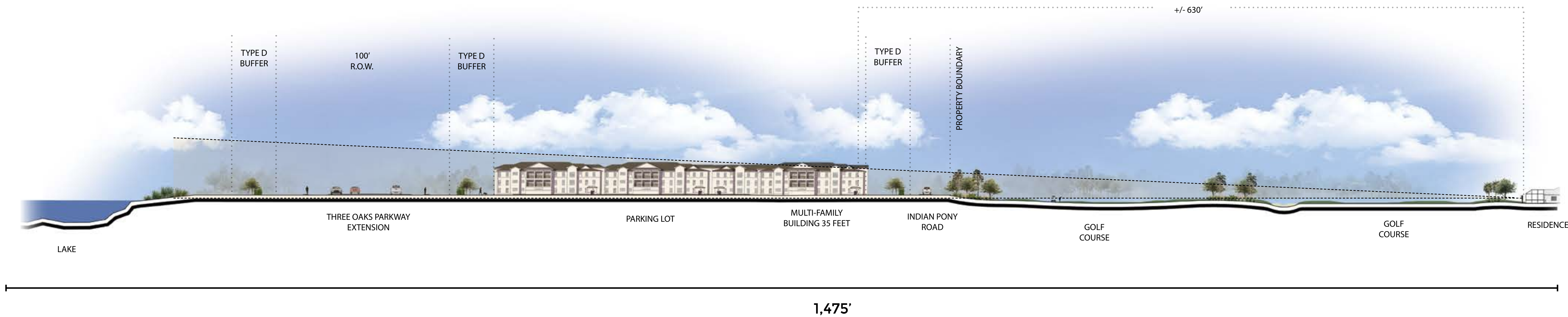
DANIELS TOWN SQUARE • LINE OF SIGHT PLAN

- Lee County, FL
- 07/02/2024
- # 22000239
- BISON PROPERTY HOLDINGS, LLC

LINE OF SIGHT A

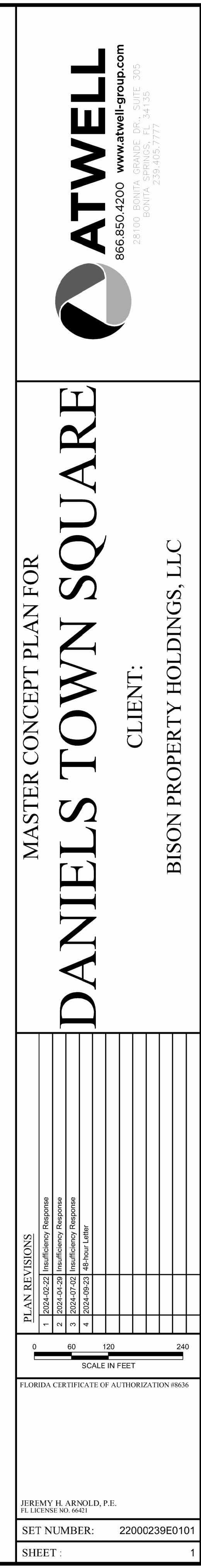


LINE OF SIGHT B



DANIELS TOWN SQUARE • LINE OF SIGHT SECTIONS

- 📍 Lee County, FL
- 📅 07/02/2024
- # 22000239
- 👤 BISON PROPERTY HOLDINGS, LLC



Linda Doggett, Lee County Clerk of Circuit Court

INSTR. # 2021000128594, Doc Type AGR, Pages 28, Recorded 4/21/2021 at 3:25 PM, Deputy Clerk TBAER

Rec Fees: \$239.50

This document prepared by:
Department of County Lands
Project: **Daniels MP/Three Oaks Ext North 4053**
Parcel: 514/515
STRAP Nos.: 22-45-25-00-00007.0000; ~00001.0140
STRAP No.: 22-45-25-00-00002.112A (County Parcel)

LAND EXCHANGE AND IMPACT FEE CREDIT AGREEMENT

This Land Exchange and Impact Fee Credit Agreement ("Agreement"), entered into this 21st day of April, 2021, by and between:

LEE COUNTY, a political subdivision of the State of Florida (hereinafter, "County"), whose address for purposes of this Agreement is c/o Department of Transportation Director, P.O. Box 398, Fort Myers, FL 33902-0398; and DANIELS PARKWAY JV DEVELOPMENT, LLC, a Florida limited liability company (hereinafter, "Daniels JV"), whose address for purposes of this Agreement is 12731 New Brittany Boulevard, Fort Myers, FL 33907; County and Daniels JV being collectively referred to herein as "the Parties."

WHEREAS, the County is authorized to enter into an agreement for the exchange of real property pursuant to Section 125.37, Florida Statutes; and

WHEREAS, in accordance with the authority delegated under Lee County Administrative Code AC-11-15 and Lee County Land Development Code Chapter 2, Article VI, Division 2, the County may enter into such agreements as necessary for the acquisition of real property in exchange for road impact fee credits; and

WHEREAS, Daniels JV is the owner of that certain property located in the southwest quadrant of I-75 and Daniels Parkway in Lee County, said property being legally described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "JV Parent Tract"); and

WHEREAS, the JV Parent Tract was rezoned to Commercial Planned Development pursuant to Lee County Zoning Resolution No. Z-08-043 (hereinafter, the "Resolution"); and

WHEREAS, pursuant to the Resolution, the JV Parent Tract was approved for a mix of medical office, general office, retail, and hotel uses; and

WHEREAS, the County has identified the need for a future roadway improvement, known generally and referred to herein as "Three Oaks Parkway Extension North," which

is proposed to extend Three Oaks Parkway from its present terminus just south of the Fiddlesticks Canal, northward and westward through the JV Parent Tract to an intersection with Fiddlesticks Boulevard; Phase 1 for this project will extend from the Fiddlesticks Canal to the western boundary of the JV Parent Tract as shown on Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, the County needs property for right-of-way, utilities and surface water management purposes, with said property being described in Exhibit "C," attached hereto and incorporated herein by reference (hereinafter, "Parcels 514/515") in order to construct the Three Oaks Parkway Extension North through the JV Parent Tract; and

WHEREAS, the Three Oaks Parkway Extension North is needed by Daniels JV to facilitate development of the remaining portion of the JV Parent Tract (hereinafter "JV Remainder") in accordance with the Resolution; and

WHEREAS, THE County has determined that a parcel of land it owns that is identified herein and referred to as the "Fire Station Parcel" is not needed for other County purposes and it is in the best interests of the County to exchange the Fire Station Parcel for Parcels 514/515 upon the terms and conditions provided herein; and

WHEREAS, Daniels JV is willing to exchange Parcels 514/515 for the Fire Station Parcel upon the terms and conditions provided herein, in order to facilitate construction of Three Oaks Parkway Extension North and expedite the improved access to the JV Remainder;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and benefits contained in this Agreement, the sufficiency of which is acknowledged by the Parties, the Parties do hereby agree as follows:

1. **Recitals and Purpose:** The Parties acknowledge that the above recitals are true and correct, and do hereby incorporate those recitals into this Agreement by reference. The purpose of this Agreement is to provide for the exchange of real property in order to facilitate the construction of the Three Oaks Parkway Extension North for the mutual benefit of both Parties hereto. Through this exchange, Daniels JV will convey Parcels 514/515 to the County and the County will convey the Fire Station Parcel to Daniels JV in accordance with the terms and conditions set forth below, it being recognized by both Parties that such terms and conditions are an integral part of the exchange contemplated by this Agreement.

2. **Terms and Conditions of Exchange:** Daniels JV agrees to convey Parcels 514/515 to the County, and the County agrees to convey the Fire Station Parcel to Daniels JV, in accordance with the following terms and conditions:

- (A) Parcels 514/515 will be conveyed by statutory warranty deed (the "Deed"), free and clear of all liens and encumbrances, and only subject to the exceptions identified in Exhibit "D" attached hereto and incorporated herein by reference (the "Permitted Exceptions").

- (B) The conveyance will occur not later than one hundred fifty (150) days from the effective date of this Agreement (the "Closing"), unless extended in writing by the Parties or their duly authorized representatives.
- (C) As consideration for the transfer of Parcels 514/515 to the County, Daniels JV will receive the following:
1. Road impact fee credits (hereinafter, "Credits") in accordance with Lee County Land Development Code (LDC) Section 2-275 in the amount of one million, seventy-three thousand, six hundred thirty-eight and 10/100 (\$1,073,638.10) dollars. The amount of Credits will be adjusted, if necessary, pursuant to paragraphs 2(C)3 and 3(A) below. Credits may be used in the Southwest, Southeast, and Central Road Impact Fee Benefit Districts as established in Appendix K of the LDC.
 2. The design and construction of Phase 1 of the Three Oaks Parkway Extension North will extend to the westerly boundary of the JV Parent Tract, and include an intersection in accordance with the plan sheet in Exhibit "E," attached hereto and incorporated herein by reference.
 3. The County will convey to Daniels JV that certain parcel of land approximately 22,044 sq.ft. in size described in Exhibit "F" attached hereto and referred to herein as the "Fire Station Parcel." Conveyance of the Fire Station Parcel will occur contemporaneously with the transfer of Parcels 514/515 to the County and will occur in accordance with the terms and conditions provided below. At Daniels JV's option, Daniels JV may perform a due diligence investigation on the Fire Station Parcel including, but not limited to, a phase 1 and phase 2 environmental audit. Daniels JV may decline to accept title to this parcel in its sole discretion if notice is provided to the County not less than fifteen (15) days prior to closing. If Daniels JV declines title to the Fire Station Parcel, Daniels JV will remain obligated hereunder to convey Parcels 514/515 to the County as if the conveyance of the Fire Station Parcel was not a part of the consideration for transfer of Parcels 514/515; provided, however, that in the event Daniels JV declines to take title to the Fire Station Parcel, the amount of Credits to be provided by the County pursuant to paragraph 2(C)1 above shall be increased by \$82,650.00 (calculated as 22,040 sq.ft. x \$3.75) to a total of one million, one hundred fifty-six thousand, two hundred eighty-eight and 10/100 (\$1,156,288.10) dollars.
 4. The JV Parent Tract and Fire Station Parcel will each have vehicular access to the existing frontage road along Daniels Parkway that terminates at the northwest corner of the JV Parent Tract for

present uses and all future development of both the JV Parent Tract and the Fire Station Parcel. This right of access will continue after construction of the planned eight-laning of Daniels Parkway and any other improvements associated therewith. Daniels JV acknowledges and agrees that development of the JV Parent Tract cannot access the existing frontage road through the Fire Station Parcel unless the Fire Station Parcel is included in a revised Master Concept Plan adopted as an amendment to the Resolution for the JV Parent Tract.

(D) Not later than 45 days from the effective date of this Agreement:

1. Daniels JV will obtain a signed and sealed ALTA survey for Parcels 514/515, prepared by a Florida licensed surveyor and certified to the County, Daniels JV, the title agent closing the transaction and the underwriter insuring title to the County. The survey will identify any encroachments or encumbrances on Parcels 514/515 based upon inspection and the ALTA Form B title insurance commitment provided by Daniels JV, at its expense, prior to the execution of this Agreement, having an effective date of February 8, 2021.
2. The County will provide the form of the County Deed by which the County will convey the Fire Station Parcel to Daniels JV.
3. The County will provide an ALTA Form B title insurance commitment in the amount of \$82,650.00, proposing to insure title to the Fire Station Parcel upon conveyance to Daniels JV.

(E) At closing, Daniels JV will:

1. pay for and provide the deed and affidavit regarding liens, to effectuate the issuance of the title insurance policy for Parcels 514/515 to County;
2. pay for documentary stamps on the deed to Parcels 514/515;
3. pay taxes prorated through the date of closing on Parcel 514/515;
4. pay the partial release of mortgage fees, if any, for Parcels 514/515;
5. pay the Daniels JV's attorney's fees, if any;
6. pay for the County's title insurance on Parcels 514/515, in the amount of \$1,073,638.10 at promulgated rates;
7. pay for the cost of one appraisal for Parcels 514/515 obtained by the County.

8. pay for the recording fee for the County Deed to the Fire Station Parcel;
 9. pay for a boundary survey for the Fire Station Parcel, if desired by Daniels JV; and
 10. pay for the environmental assessment of the Fire Station Parcel, if desired by Daniels JV.
- (F) At closing, the County will:
1. pay for the recording fee for the deed for Parcels 514/515;
 2. pay for boundary survey for Parcels 514/515 required herein;
 3. pay for the environmental assessment, if any, for Parcels 514/515;
 4. pay for and provide the County Deed and any other conveyance documents reasonably necessary to effectuate the issuance of the title insurance policy for the Fire Station Parcel;
 5. pay for documentary stamps on the County Deed to the Fire Station Parcel;
 6. pay for Daniels JV's title insurance in the amount of \$82,650.00 on the Fire Station Parcel at promulgated rates; and
 7. issue road impact fee credits to Daniels JV as set forth in paragraph 2(C)1 above, as may be adjusted pursuant to paragraphs 2(C)3 and 3(A).

3. **Additional Improvement Opportunities and Responsibilities.**

(A) Daniels JV may elect to convey to the County additional fee-simple property as needed for turn lanes at the intersection within the JV Parent Tract, as illustrated in attached Exhibit "E." It is the responsibility of Daniels JV's consultant to determine the length of the turn lanes based upon the anticipated development of the JV Remainder. If the future development order process for the site requires additional turn lane length(s), Daniels JV, its successors or assigns will be responsible for donating additional right-of-way and re-constructing any respective infrastructure required. Lee County's Department of Transportation retains the authority, as the permitting entity, pertaining to the review and approval of transportation improvements, in the interest of the health, safety and welfare of the public.

1. Within thirty (30) days of the Effective Date of this Agreement, Daniels JV will notify the County of its intent to provide the additional property for the turn lanes. If such notice is provided, Daniels JV's surveyor will provide to the

Lee County Department of Transportation a boundary survey and legal descriptions and sketches of the property it elects to convey to the County for turn lanes from Three Oaks Parkway Extension North into the JV Remainder within ninety (90) days from the effective date of this Agreement.

2. If the survey and legal descriptions/sketches are received as provided in Paragraph 3(A)1, above, the County will include in its construction plans for the Three Oaks Parkway Extension North the turn lane improvements shown on Exhibit "E" (hereinafter, "Turn Lane Improvements") for access to the future development that will occur on the JV Remainder, located both northerly and southerly of the Three Oaks Parkway Extension North. The Turn Lane Improvements will be included in the County's construction bid documents for the Three Oaks Parkway Extension North. The specifications for construction of the Turn Lane Improvements will be shown and bid separately as an alternate in the construction bid documents. The amount of the Credits to be issued by the County to Daniels JV at Closing will be adjusted as follows:

a. If the bids for construction of Three Oaks Parkway Extension North are received prior to Closing, the amount of the Credits will be reduced by the amount in the bid for the Turn Lane Improvements that is provided by the bid selected by the County.

b. If the bids for construction of Three Oaks Parkway Extension North are not received prior to Closing, the amount of the Credits will be reduced by one hundred fifty thousand (\$150,000.00) dollars, which represents Daniels JV's good faith estimate of the anticipated cost of the Turn Lane Improvements. Upon receipt and selection of a bid by the County, the County and Daniels JV will "true up" the amount of Credits as follows: (i) if the bid amount for the Turn Lane Improvements exceeds \$150,000.00, Daniels JV will return to the County Credits in the amount of the difference between the bid amount and \$150,000.00; alternatively (ii) if the bid amount for the Turn Lane Improvements is less than \$150,000.00, the County will issue additional Credits in the amount of the difference between \$150,000.00 and the bid amount.

c. If both Parties agree, Closing may be delayed until actual bid amounts for the Turn Lane Improvements are received and selected by the County.

(B) The County will install one 36" RCP culvert ("Culvert") approximately 250' in length under Three Oaks Parkway Extension North as part of the roadway's construction in order to facilitate drainage for the JV Remainder. The location of the Culvert will be as shown in Exhibit "G" attached hereto and the elevation of the Culvert will be provided by Daniels JV's engineer. The Culvert will be incorporated by the County into the design and permitting for the Three Oaks Parkway Extension North, and the County will install the Culvert at County's expense during

construction of the Three Oaks Parkway Extension North. The County is not responsible and makes no representation that the Culvert will be adequate for drainage of the JV Remainder and is relying solely on Daniels JV for the size and specifications for the Culvert. Further, the County is not responsible and undertakes no obligation for the drainage of the JV Remainder off-site. Daniels JV will be responsible for all permitting, design and construction of drainage improvements for development of the JV Remainder, subject to the approvals of the appropriate permitting departments and/or agencies.

(C) Daniels JV, or its successors and assigns, will be responsible for the costs of design and installation of a traffic signal at the intersection of Three Oaks Parkway Extension North within the JV Remainder, at such time as the Lee County Department of Transportation determines in its sole discretion that, due to applicable safety regulations and/or guidelines, a signal is warranted. This expense will be paid by Daniels JV to the County in cash or by return of Credits issued pursuant to this Agreement, and paid within fifteen (15) days of the full execution of a construction contract for the signalization improvements. Notwithstanding the foregoing, the County, at County's expense and in consultation with Daniels JV's engineer, will design, permit, and install all conduit reasonably necessary for this signal concurrent with the Three Oaks Parkway Extension North improvements.

4. **Impact Fee Credits; Retained Value.** In the event that road impact fees are repealed, rescinded, invalidated, or replaced with an alternative form of transportation mitigation fee or otherwise, the obligation of the County to compensate Daniels JV for the value of Parcels 514/515 shall continue in the form of alternative transportation credits or in the absence of such credits, in the form of a cash payment within 90 days of the repeal, rescission, invalidation, or replacement of road impact fees; it being the intent of this subparagraph that Daniels JV be compensated in an amount equivalent to the Credits on a dollar-for-dollar basis for a period of twenty (20) years after issuance of the Credits pursuant to paragraph 2(F).

5. **Three Oaks Parkway Extension North Costs.** The County will be responsible for all costs and expenses associated with the design, permitting, mitigation and construction of Three Oaks Parkway Extension North, including the Turn Lane Improvements and the Culvert as provided in paragraphs 3(A) and 3(B) above.

6. **Notices.** All notices required or permitted under this Agreement shall be in writing and shall be mailed by certified mail, return receipt requested to the following addresses, or to such other person or address as any Party may designate from time to time in writing:

If to Daniels JV: Daniels Parkway JV Development, LLC
12731 New Brittany Boulevard

Fort Myers, FL 33907
Attn: Dr. Jonathan Frantz

with a copy to: Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe St.
Fort Myers, Florida 33901
Attn: Russell P. Schropp

If to Lee County: Lee County DOT
1500 Monroe Street, 3rd Floor
Fort Myers, FL 33901
Attn: DOT Director

with a copy to: Lee County Attorney's Office
2115 Second Street, 6th Floor
Fort Myers, FL 33901

7. **Remedies.** Any material breach of this Agreement may be enforced by either Party as against the other by appropriate action in law or equity filed in a court of competent jurisdiction; provided, however, no such action may be brought until the defaulting Party has been given notice and ninety (90) days in which to cure the default. If the default cannot reasonably be cured within the ninety (90) day period, such period shall be extended if the cure is commenced within such ninety (90) days and the defaulting Party is proceeding with due diligence for such period of time reasonably required to complete such cure.

8. **Governing Law.** This Agreement shall be construed and interpreted according to the laws of the State of Florida, and venue with respect to any litigation between the Parties related to this Agreement shall be exclusively in Lee County, Florida.

9. **Severability.** If any part, term, or provision of this Agreement is held to be illegal, void, or unenforceable, the remaining portions or provisions of this Agreement shall not be affected or impaired, each remaining provision shall remain in full force and effect, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

10. **Entire Agreement.** This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements between the Parties, either verbal or written, regarding the subject matter of this Agreement. Nothing contained herein may be construed to be a termination, release or forfeiture of the County's or its Department of Transportation's inherent duty or obligation to protect

the public's health, safety and welfare.

11. **Attorneys' Fees.** In the event any litigation arises in connection with this Agreement, the prevailing party in any such litigation shall be entitled to recover its reasonable attorneys' fees, at trial and on appeal, and all costs of the action from the non-prevailing party.

12. **Binding Agreement.** The County's written acceptance of this offer will constitute an agreement for the purchase and sale of the Property and will bind the parties, their successors and assigns.

13. **Recording of Agreement.** This Agreement will be recorded by the County in the Public Records of Lee County within fourteen (14) days of the approval of this Agreement by the County's Board of County Commissioners.

14. **Construction.** The Parties hereby acknowledge that this Agreement was negotiated at arm's length, with each Party being represented by counsel of their choosing and with an equal opportunity for determining the final draft of this Agreement. Accordingly, the Agreement will not be construed more favorably for one Party as against the other Party by virtue of which Party prepared the original draft of this Agreement or any changes thereto.

15. **Funding and Project Commencement:**

(A) In all events, the County's obligation to construct Three Oaks Parkway Extension North remains fully subject to the availability of both appropriation and funding by the County's Board of County Commissioners.

(B) In all events, the County retains the authority to determine the timing for the decision to commence both design and construction of Three Oaks Parkway Extension North.

16. **Effective Date:** This Agreement shall be binding and effective as of the date signed by both Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands and seals the day and year written below.

WITNESSES:

Grantor:

Cary Ertan
[1st Witness' Signature]

CARRY ERTAN
[Type or print name]

Cynthia Kelberer
[2nd Witness' Signature]

CYNTHIA KELBERER
[Type or print name]

Daniels Parkway JV Development, LLC,
a Florida limited liability company

By: *Jonathan Frantz*
Jonathan Frantz, Manager
Name and Title of Officer or Agent

Date: MARCH 23, 2021

STATE OF FLORIDA

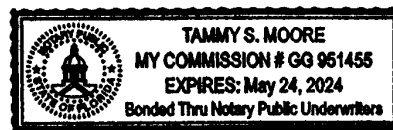
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of MARCH 2021, by JONATHAN M FRANTZ, as MANAGER of Daniels Parkway JV Development, LLC, a Florida limited liability company, on behalf of the corporation. He is personally known to me or has produced PERSONALLY KNOWS as identification.
(type of identification)

Tammy S. Moore

Notary Public

[Affix stamp/seal]



Approved and accepted for and on behalf of Lee County, Florida, this 20th day of April, 2021.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Missy Flint
Deputy Clerk

BY: [Signature]
Kevin Ruane, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

BY: [Signature]
Lee County Attorney's Office

Attached Exhibits:

Exhibit A: Legal Description of Daniels JV Parent Tract Property (65.5 +/- acres)

Exhibit B: Illustration Showing the Three Oaks Parkway Extension North Corridor

Exhibit C: Legal Descriptions and Sketches of Parcels 514/515

Exhibit D: Permitted Exceptions to Title

Exhibit E: County DOT Plan Sheet Illustrating proposed intersection location and Design within the Daniels JV Property

Exhibit F: Legal Description of Fire Station Parcel

Exhibit G: Location of the Culvert

EXHIBIT "A"

Daniels JV Parent Tract

That part of the Southeast Quarter (SE $\frac{1}{4}$) 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-

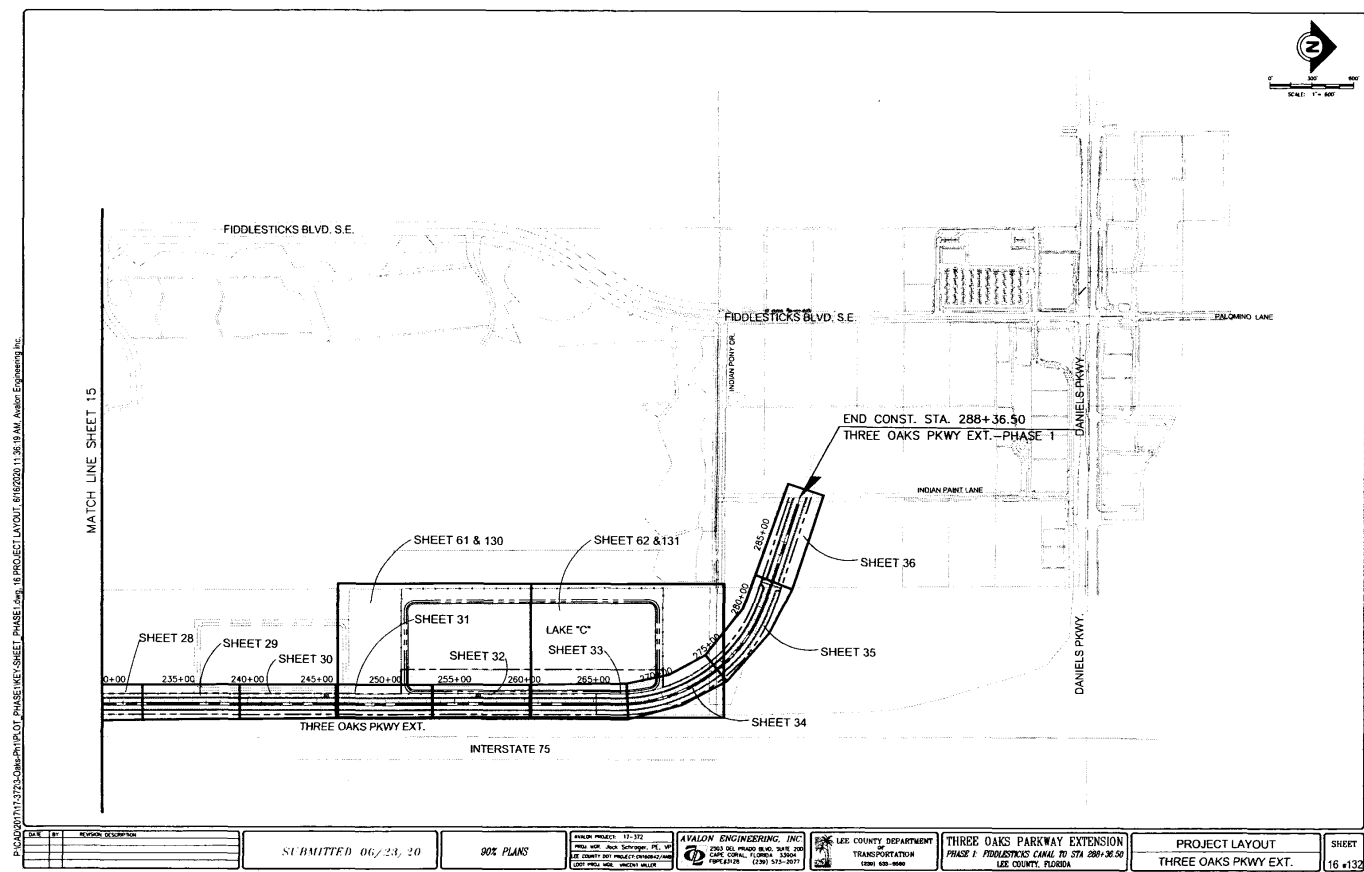
The East One-Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 22, Township 45 South, Range 25 East, Lee County, Florida.

EXHIBIT "B"

Illustration Showing Three Oaks Parkway Extension North

EXHIBIT "B"

Illustration Showing Three Oaks Parkway Extension North



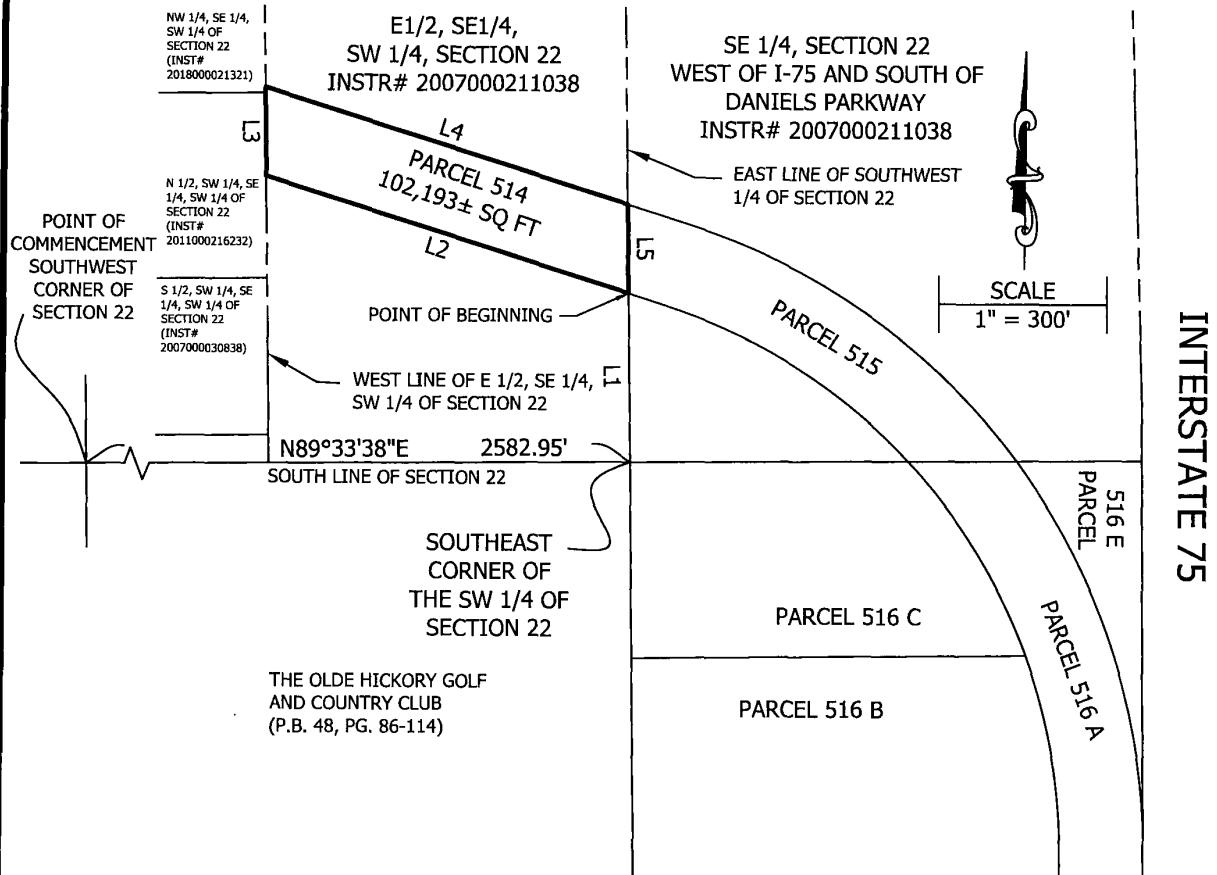
13-2

EXHIBIT "C"

Legal Descriptions and Sketches of Parcels 514/515

Sketch**Exhibit "C"**Page 1 of 4

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 01°01'53" W	301.89'
L2	N 72°24'12" W	681.33'
L3	N 01°00'13" W	158.27'
L4	S 72°24'12" E	681.25'
L5	S 01°01'53" E	158.29'

**SURVEY NOTES:**

1. BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 22 BEING N89°33'38"E (FLORIDA WEST STATE PLANE COORDINATE SYSTEM).
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2021, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.

LEGEND:

P.B. = PLAT BOOK
 O.R. = OFFICIAL RECORDS BOOK
 INST# = INSTRUMENT NUMBER
 PG. = PAGE
 SQ FT = SQUARE FEET

Sheet 1 of 2

Sketch to Accompany Description**Parcel 514**

A portion of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 45 South, Range 25 East, Lee County, Florida

SHEET 1 OF 2

JOB # 17-0384 PREPARED FOR: Avalon Engineering

SECTION 22, TOWNSHIP 45S, RANGE 25E

THIS IS NOT A SURVEY

324 Nicholas Parkway W, Unit A
 Cape Coral, Florida 33991
 Phone: (239) 673-9541
 www.Ardurra.com
 License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represent a true and correct copy of the original as shown to me by the person who made the same under my direction on March 16, 2021. It is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers to which I am duly sworn.

Donal D. Stouten
 State of Florida
 Professional Surveyor and Mapper
 LS 3839

Donal D. Stouten
 Group, Inc, ou=Ardu
 Group, Inc,
 email=dstouten@ardur
 a.com, c=US
 Date: 2021.03.16
 10:05:29 -04'00'

FLORIDA PROF. & MAPPER NO. 3839
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
 DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

Exhibit "C"

Page 2 of 4Parcel 514 Description:

A parcel of land lying in the East 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 being more particularly described as follows:

Commencing at the Southwest corner of said Section 22, thence run N89°33'38"E, along the South line of said Section 22, a distance of 2582.95 feet to the Southeast corner of the Southwest quarter (SW 1/4) of said Section 22; thence run, N01°01'53"W, along the East line of said Southwest quarter (SW 1/4), a distance of 301.89 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence run N72°24'12"W a distance of 681.33 feet to an intersection with the West line of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of said Section 22; thence run N01°00'13"W, along said West line, a distance of 158.27 feet; thence run S72°24'12"E a distance of 681.25 feet to an intersection with the East line of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of said Section 22; thence run S01°01'53"E, along said East line, a distance of 158.29 feet to the POINT OF BEGINNING.

Said parcel contains 102,193 sq. ft. or 2.35 acres (more or less)

Bearings are based on the South line of Section 22 being N89°33'38"E (Florida West state plane coordinate system).

THIS IS NOT A SURVEY	Description to Accompany Sketch Parcel 514 <i>A portion of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 45 South, Range 25 East, Lee County, Florida</i>	<i>Not Valid without Sheet 1 of 2</i>
<i>Sheet 2 of 2</i>	 324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on March 16, 2021 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. <i>See Sheet 1 of 2 for Signature and Seal</i> DONALD D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 3839 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

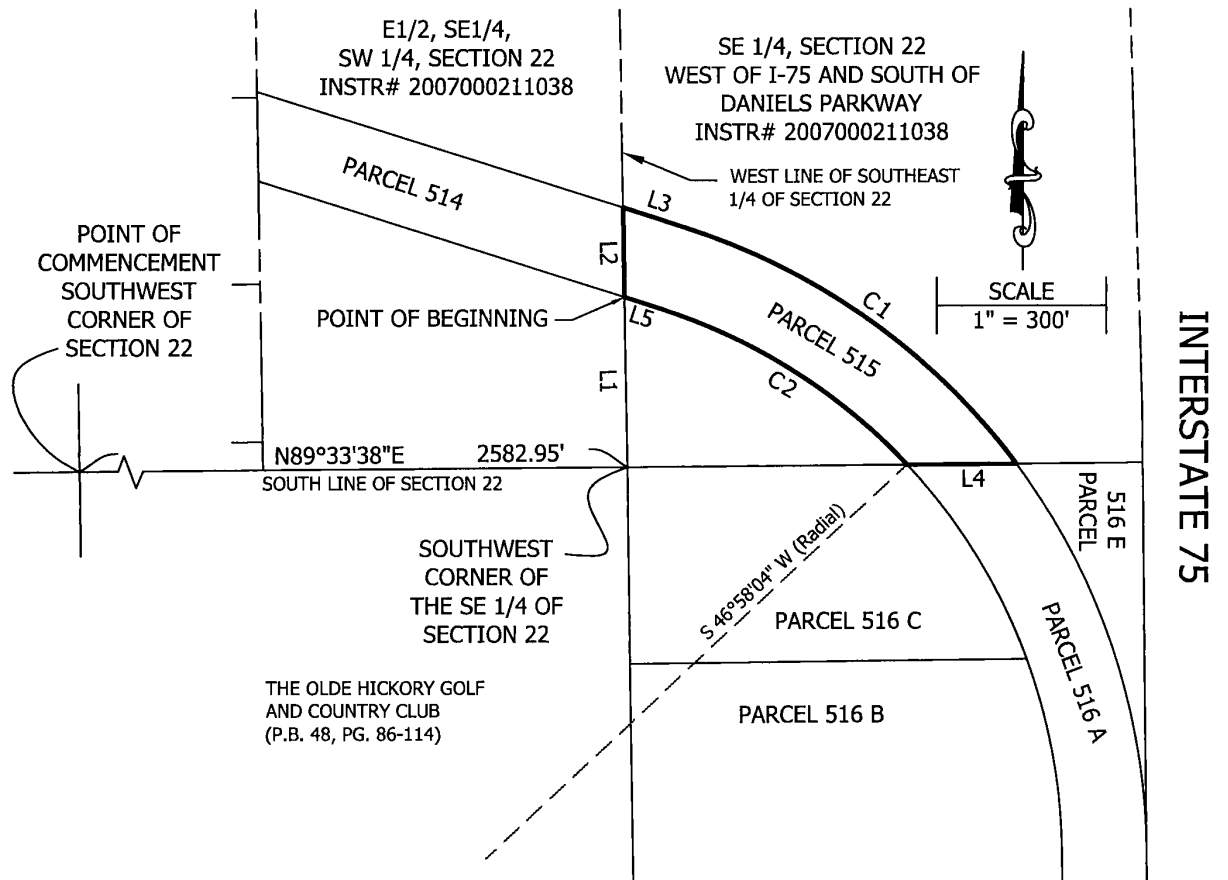
JOB # 17-0384 PREPARED FOR: Avalon Engineering

SECTION 22, TOWNSHIP 45S, RANGE 25E

Sketch**Exhibit "C"**Page 3 of 4

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 01°01'53" W	301.89'
L2	N 01°01'53" W	158.29'
L3	S 72°24'12" E	118.19'
L4	S 89°33'38" W	193.78'
L5	N 72°24'12" W	67.62'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	733.75	1175.00	35°46'47"	S 54°30'49" E	721.89
C2	525.44	1025.00	29°22'16"	N 57°43'04" W	519.71

**SURVEY NOTES:**

1. BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 22 BEING N89°33'38"E (FLORIDA WEST STATE PLANE COORDINATE SYSTEM).
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2021, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.

LEGEND:

- P.B. = PLAT BOOK
O.R. = OFFICIAL RECORDS BOOK
INST# = INSTRUMENT NUMBER
PG. = PAGE
SQ FT = SQUARE FEET

Sheet 1 of 2

Sketch to Accompany Description**Parcel 515**

A portion of the Southeast 1/4 of Section 22, Township 45 South, Range 25 East, Lee County, Florida

SHEET 1 OF 2

JOB # 17-0384 PREPARED FOR: Avalon Engineering

SECTION 22, TOWNSHIP 45S, RANGE 25E

THIS IS NOT A SURVEY

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on March 16, 2021, is a true and correct representation of the facts as shown by the Florida Board of Professional Surveyors & Mappers, Inc. (BPSM) and the Florida Administrative Code pursuant to Section 112.01, F.S. and the Florida Administrative Code.

Donna D. Stouten, o=Arduurra Group, Inc, ou=Arduurra Group, Inc, email=dstouten@ardurra.com, c=US

Date: 2021.03.16

NOT VALID WITHOUT THE SIGNATURE AND ROLLER SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description**Exhibit "C"**Page 4 of 4Parcel 515 Description:

A parcel of land lying in the Southeast quarter (SE 1/4) of Section 22, Township 45 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the Southwest corner of said Section 22, thence run N89°33'38"E, along the South line of said Section 22, a distance of 2582.95 feet to the Southwest corner of the Southeast quarter (SE 1/4) of said Section 22; thence run, N01°01'53"W, along the West line of said Southeast quarter (SE 1/4), a distance of 301.89 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING, thence run N01°01'53"W, continuing along said West line, a distance of 158.29 feet; thence run S72°24'12"E, departing said West line, a distance of 118.19 feet to a point of tangency; thence run 733.75 feet along the arc of said curve to the right of radius 1175.00 feet, concave to the Southwest, having a delta angle of 35°46'47", a chord bearing of S54°30'49"E and a chord length of 721.89 feet to an intersection with the South line of said Section 22; thence run S89°33'38"W, along said South line, a distance of 193.78 feet to an intersection with a non-tangent curve to which a radial line bears S46°58'04"W; thence run 525.44 feet along the arc of said non-tangent curve to the left of radius 1025.00 feet, concave to the Southwest, having a delta angle of 29°22'16", a chord bearing of N57°43'04"W and a chord length of 519.71 feet to a point of tangency; thence run N72°24'12"W a distance of 67.62 feet to the POINT OF BEGINNING.

Said parcel contains 108,516 sq. ft. or 2.49 acres (more or less)

Bearings are based on the South line of Section 22 being N89°33'38"E (Florida West state plane coordinate system).

THIS IS NOT A SURVEY	Description to Accompany Sketch Parcel 515 <i>A portion of the Southeast 1/4 of Section 22, Township 45 South, Range 25 East, Lee County, Florida</i>	<i>Not Valid without Sheet 1 of 2</i>
<i>Sheet 2 of 2</i> JOB # 17-0384 PREPARED FOR: Avalon Engineering SECTION 22, TOWNSHIP 45S, RANGE 25E	 324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610 ARDURRA COLLABORATE. INNOVATE. CREATE.	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on March 16, 2021 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. <i>See Sheet 1 of 2 for Signature and Seal</i> DONALD D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 3839 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

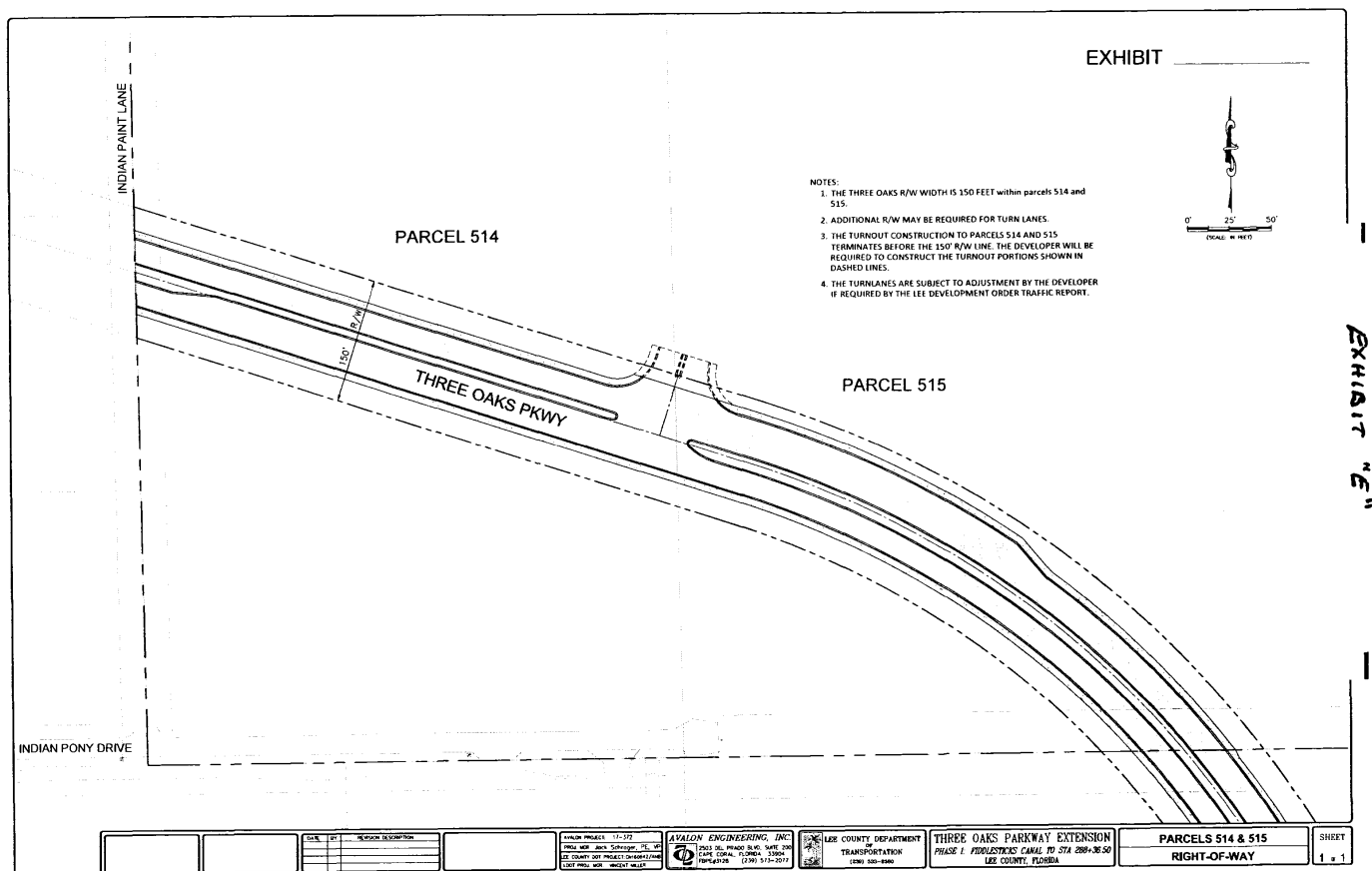
EXHIBIT "D"

Permitted Exceptions to Title

1. Easement for Indian Paint Road recorded in Official Records Book 511, Page 518.
2. Drainage Easements recorded in Official Records Book 2441, page 3424 and Official Records Book 2252, page 305.
3. Ingress/Egress and Utility Easements as described in Instruments recorded at Official Records Book 1178, Page 1572 and Official Records Book 1560, Page 2201.
4. Non-Exclusive Easement for Roadway, Utility and Drainage Purposes as described in instrument recorded in Official Records Book 2438, Page 3436.
5. Any lien provided by County Ordinance or by Ch. 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
6. Lee County Ordinances 86-14, 86-38, 11-03 and 11-27 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments are payable with the ad valorem taxes.
7. Notwithstanding the insuring provisions under Covered Risk 4 of the Jacket of the policy to be issued, the policy will not insure any right of access to and from said land.

EXHIBIT "E"

**County DOT Plan Sheet illustrating proposed intersection location and design
within the Daniels JV Property**



16-1

EXHIBIT "F"

Fire Station Parcel

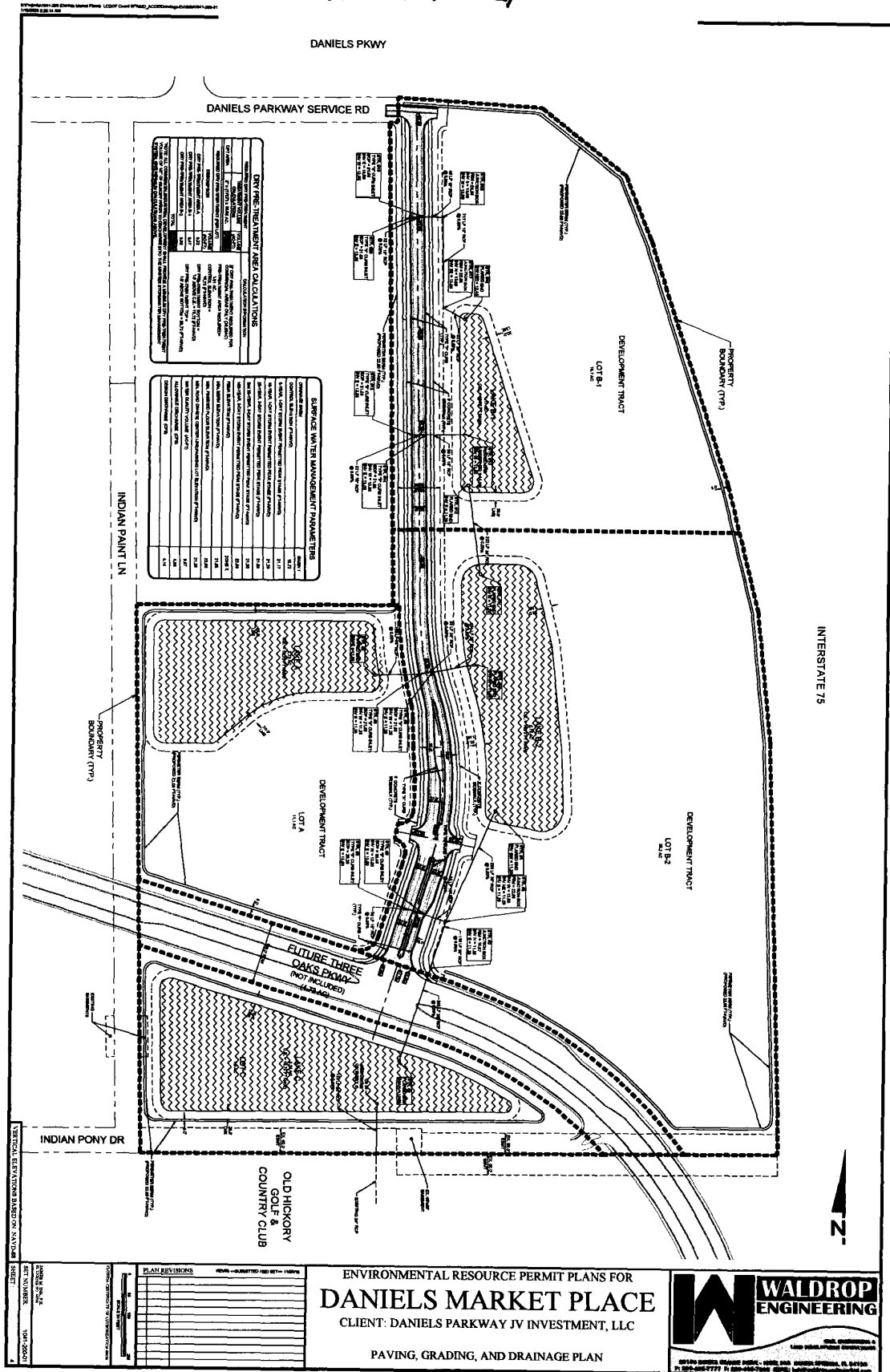
EXHIBIT "F"

Fire Station Parcel

EXHIBIT "G"

Location of the Culvert

EXHIBIT "G"

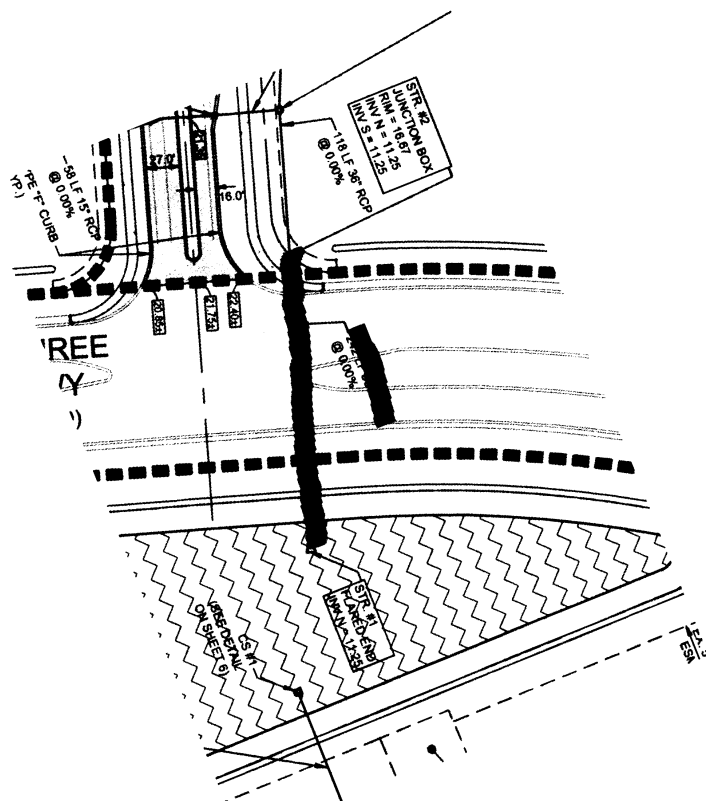


ENVIRONMENTAL RESOURCE PERMIT PLANS FOR
DANIELS MARKET PLACE
CLIENT: DANIELS PARKWAY JV INVESTMENT, LLC

PAVING, GRADING, AND DRAINAGE PLAN

WALDROP ENGINEERING

10140 DANIELS PARKWAY SUITE 1000 DANIELS, MISSISSIPPI 39234
TEL: 662-877-7777 FAX: 662-877-7778 WWW.WALDROPENGINEERING.COM



18-2