MEMORANDUM

FROM

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: November 13, 2024

TO: Donna Marie Collins
Chief Hearing Examiner

FROM: Elizabeth Workman
Principal Planner

RE: Daniels Town Square MPD (DCI2022-00059)

Staff and the applicant have reviewed the Hearing Examiner's Recommendation for the above-referenced case and seek clarification on the following:

1. The Location on the first page of the HEX recommendation references the North Fort Myers Planning Community. The subject property is in the Daniels Parkway Planning District and is not located in a Community Plan Area.

2. The Request (page 1) and History (Page 3) sections of the recommendation state that the property is being rezoned from Commercial Planned Development and Agricultural. The subject property does not include an Agricultural zoned parcel as provided in the updated case maps provided by staff during the hearing.

3. The Public Services and Infrastructure section (page 12) states that there is a "right-in only" access from Daniels Parkway. Staff and applicant agree that there is an "entrance only" access from Daniels 9300, which is a frontage road that provides access to Daniels Parkway.

4. The Agricultural use affidavit attached to the recommendation is the original affidavit per Resolution Z-08-043. The applicant provided an updated Agricultural use affidavit with the 48-hour letter submitted on September 24, 2024 (see attachment A).

5. Condition 8 refers to right-of-way buffers consistent landscape theme, and states "the 15-foot-wide buffer must evidence a consistent landscape theme throughout the project". Please clarify what "evidence" in this context means. Staff and applicant seek this clarification to assure that this condition is equitably administered.

Respectfully Submitted,
Elizabeth A. Workman
Principal Planner, Zoning Section
Electronically signed by Elizabeth Workman on November 13, 2024

Attachment A: Ag use affidavit submitted with applicant's 48-hour letter dated September 24, 2024

ATTACHMENT A

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)

Notary Public State of Florida
Laura E. Graham
My Commission HH 434861
Expires 12/13/2027

Laura Graham
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

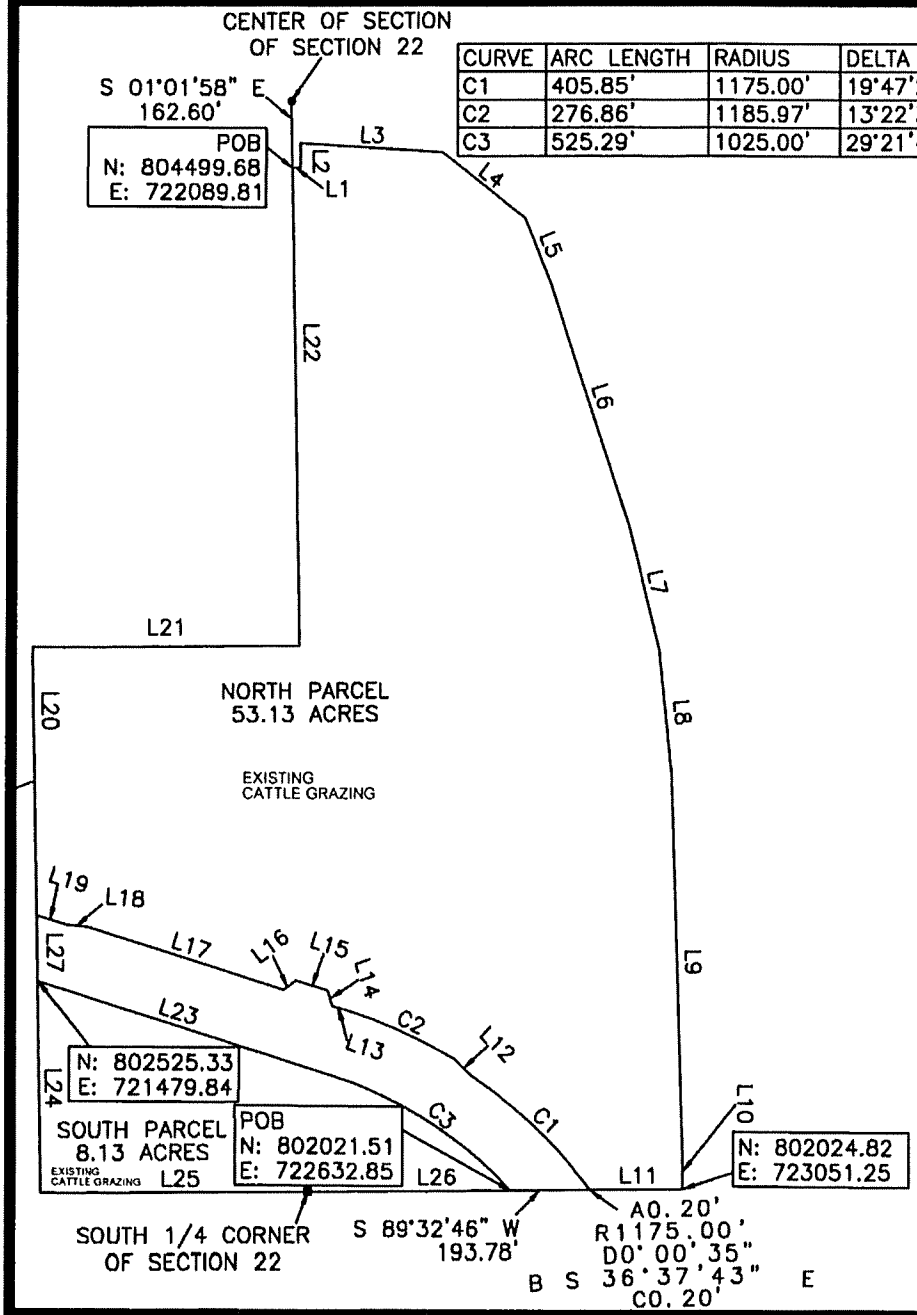
SKETCH

DATE: 04/11/24

N

0 450 900

SCALE IN FEET



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'

****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:

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

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

THIS MAP IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

Digitally signed by Mark D McCleary
Date: 2024.06.04 22:14:10 -04'00'

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

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

NORTH PARCEL

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:
THENCE S 86°27'08" E A DISTANCE OF 349.38';
THENCE S 51°43'05" E A DISTANCE OF 258.16';
THENCE S 22°07'24" E A DISTANCE OF 168.65';
THENCE S 18°01'44" E A DISTANCE OF 617.97';
THENCE S 13°58'40" E A DISTANCE OF 311.29';
THENCE S 05°51'00" E A DISTANCE OF 311.31';
THENCE S 01°46'50" E A DISTANCE OF 898.82';
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594 ; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 405.85', WITH A RADIUS OF 1175.00', WITH A DELTA ANGLE OF 19°47'24", WITH A CHORD BEARING OF N 46°31'43" W, WITH A CHORD LENGTH OF 403.83'; THENCE N 46°08'39" W A DISTANCE OF 54.78'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 276.86', WITH A RADIUS OF 1185.97', WITH A DELTA ANGLE OF 13°22'31", WITH A CHORD BEARING OF N 65°42'56" W, WITH A CHORD LENGTH OF 276.23';
THENCE N 72°24'12" W A DISTANCE OF 50.84';
THENCE N 17°37'15" W A DISTANCE OF 37.95';
THENCE N 72°24'12" W A DISTANCE OF 81.94';
THENCE S 52°48'51" W A DISTANCE OF 37.95';
THENCE N 72°24'12" W A DISTANCE OF 497.65';
THENCE N 84°48'39" W A DISTANCE OF 51.20';
THENCE N 72°24'12" W A DISTANCE OF 75.06' TO THE CENTERLINE OF INDIAN PAINT LANE;
THENCE N 01°00'43" W A DISTANCE OF 651.75' ALONG SAID CENTERLINE;
THENCE N 89°34'03" E A DISTANCE OF 645.20';
THENCE N 01°01'58" W A DISTANCE OF 1159.76'
WHICH IS THE POINT OF BEGINNING, CONTAINING AN AREA OF 2,314,467.24 SQUARE FEET, 53.13 ACRES MORE OR LESS.

REVISIONS:

PROJECT NO: N/A
SCALE: N/A
DRAWN BY: JJH
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

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AND

SOUTH PARCEL

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

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