

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Bison Property Holdings, LLC c/o Chris Moore filed an application on behalf of the property owner, Daniels Parkway JV Development, to rezone a 61.26± acre parcel from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) in reference to Daniels Town Square MPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised to be held on Thursday, September 26, 2024. Due to Hurricane Helene, County Offices were closed, and this case was not heard. The public hearing was readvertised and held on November 1, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2022-00059 and recommended APPROVAL of the request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 4, 2024 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 61.26± acre parcel from CPD to MPD, to allow 30,000 square feet of commercial development, a 200-room hotel and 1,234 residential dwelling units.

The property is located in the Intensive Development and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan (MCP). Development must be consistent with one-page MCP entitled "Daniels Town Square", prepared by Atwell, revised September 23, 2024, except where modified by conditions below.

Lee Plan and LDC. Development must comply with the Lee Plan and LDC, except where deviations have been approved herein. Changes to the MCP, conditions, or deviations may require further development approvals.

Approved Development Parameters. The project may develop up to 30,000 square feet of commercial land uses, a 200-room hotel, and up to 1,234 residential dwelling units. Approved dwellings will be comprised of 777 standard density units and 457 bonus density units. Dwelling counts exceeding 1,221 units must be achieved using Greater Pine Island Transferable Development Units.

2. Permitted Uses and Property Development Regulations

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 – Groups 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
Farm Equipment, Sales, Storage, Rental or Service
Fences, Walls
Flea Market: Open, Indoor
Food and Beverage, Limited
Food Stores: Groups I, 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, 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
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, IV

b. Site Development Regulations

General Parameters

Maximum Lot Coverage	60%
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Maximum Multi-Family Building Height

Parcel 1	45 feet
Parcel 2	45 feet
Parcel 3	60 feet
Parcel 4	90 feet
Parcel 5	Commercial 35 feet
	Hotel 60 feet
Parcel 6	35 feet

Minimum Open Space

Parcels 1 – 5	20%
Parcels 6, 7	40%

Minimum Lot Area	10,000 square feet
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Minimum Lot Width	100 feet
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Minimum Lot Depth	100 feet
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Residential Building Setbacks

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

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

- a. Existing Agricultural Activity. Bona fide agricultural uses consisting of pasture/grazing in existence when the application was filed, may continue consistent with the Agricultural Use Affidavit dated September 10, 2024, attached as Exhibit D until the County approves a local development order for the area containing those uses.
- b. Termination of Agriculture Use. Agricultural uses must terminate on project areas receiving development order approval for vertical development 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.
- c. 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 approved requests to remove invasive exotic vegetation.
- d. 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/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 agriculture.

The affidavit constitutes a covenant between the property owner and Lee County binding on the owner and its successors. The covenant must be recorded in public records of Lee County at the owner's expense.
 - 4) 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

Three Oaks Parkway Extension Phase 1 must be complete and open to the public prior to County approval of a development order for vertical development. Project related

construction traffic may utilize Daniels 9300 to access the property until Three Oaks Parkway Extension Phase 1 is open to traffic.

Once Three Oaks Parkway Extension Phase 1 is open to the public, access to the property via Daniels 9300 will be limited to ingress only. Temporary access to Indian Pony Drive is permissible until Phase 2 of the Three Oaks Parkway Extension is open to the public. The vegetation removal permit must include a condition stating once Phase 1 is open to the public, Daniels 9300 is limited to ingress only.

5. Open Space

Parcels 1 - 5 must provide 20 percent open space and Parcels 6 - 7 must provide 40 percent open space in substantial compliance with the MCP.

6. Indigenous Open Space

Development order plans must depict the 0.79-acre wetland preserve and include an Indigenous Management Plan.

7. Water Quality Monitoring

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

- a. Goals and Objectives of the Surface Water Monitoring Plan.
- b. 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. 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 water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

After five years of meeting or exceeding state 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.

- e. A contingency plan in the event of discovery of an exceedance of State Surface Water Quality Standards. The contingency plan must include notification to impacted residents and applicable authorities.

8. Buffers

Development order plans must depict a 15-foot-wide Type D buffer along I-75, Three Oaks Parkway, Indian Pony Drive and Indian Paint Lane. The 15-foot-wide buffer must reflect a consistent landscape theme throughout the project.

9. Wetland Trees

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

10. Transportation

The first development order application must include a detailed signal warrant projection based on buildout traffic conditions at the site access to Three Oaks Parkway.

If the County Traffic Engineer concludes a traffic signal is warranted, Developer must include the design of a new traffic signal in the development order. If Developer decides to design the signal(s) in a separate Limited Review Development Order for offsite improvements, the LDO must be approved prior to the issuance of a Certificate of Occupancy for dwelling units or a Certificate of Compliance for vertical commercial construction. Developer will be solely responsible for the cost of design and installation of the traffic signal at this intersection, consistent with the Land Exchange and Impact Fee Credit Agreement (Instrument Number 2021000128594).

11. Pedestrian and Bicycle Access to School Bus

Development Order plans must include safe pedestrian and bicycle access to school bus stops. The site plan must depict locations for school buses to stop, load and unload students in each residential development pod. Plans must also include a dedicated area for students to wait for the school bus. These waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

12. Transit Readiness

Development order plans must reflect a project design that will accommodate opportunities to interface with transit along its frontage on the Three Oaks Parkway Extension.

13. State and Federal Permits

Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands. This may affect permissible density on the property.

SECTION C. DEVIATIONS

1. Excavation Bank Slopes. Deviation (1) seeks relief from the LDC § 10-329(d)(4), which requires lake bank slopes to be 6:1, to allow 4:1 slopes to minimize wildlife hazards within the 10,000-foot Hazardous Wildlife Zone criteria for airport operations and in accordance with Federal Aviation Administration Advisory Circular 150/5200-33C. This deviation is APPROVED.
2. Surface Water Management Systems. Deviation (2) seeks relief from the LDC § 10-418(2)a, which requires planted littoral shelf shoreline length to be 25 percent of the total linear feet of the lake at control elevation, to eliminate this requirement to minimize wildlife hazards within the 10,000-foot Hazardous Wildlife Zone criteria for airport operations and in accordance with Federal Aviation Administration Advisory Circular 150/5200-33C. This deviation is APPROVED SUBJECT TO Condition 9.
3. Surface Water Management Systems. Deviation (3) seeks relief from the LDC § 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 9.
4. Surface Water Management Systems. Deviation (4) seeks relief from the LDC § 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 9.
5. Required Street Access. Deviation (5) seeks relief from the LDC § 10-291(3) which requires residential development of more than five acres to provide more than one means of ingress and egress, to allow one means of ingress/egress for Parcel 6. This deviation is APPROVED.

SECTION D. EXHIBITS

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Agricultural Affidavit (dated September 10, 2024)

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested Daniels Town Square MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 77, 95, 123, 124, 125, 135, 158, 161; Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 11.1, 11.2, 37.2, 60.4, 77.1, 77.2, 77.3, 125.1, 126.2, 135.1, 158.3, 161.1, 161.3, and Policies 1.1.2, 1.5.1, 1.6.5, 2.1.2, 2.2.1, 2.2.2, 5.1.1, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 11.2.1, 11.2.5, 11.2.7, 125.1.1, 125.1.2, 135.1.9, 135.9.5, 135.9.6, 158.2.1, 158.3.1, 160.1.1, 160.1.2, 160.1.3, 161.2.2, 161.3.1, Lee Plan Maps 1-A, 1-B, 3-D, 4-A, 4-B, 4-E, Tables 1(a), 1(b).
2. As conditioned, the MPD zoning district:
 - a. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - b. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, 161.1, 161.3, and Policies 1.1.2, 5.1.3, 5.1.5, 5.1.6, 6.1.4, 6.1.6, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§ 34-411, 34-413.
 - c. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3.
 - d. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Policies 38.1.1, 39.1.1, 39.1.3, 39.2.1, 39.3.2, 39.6.4, 43.1.1, 43.1.2, 67.3.7, 68.3.7, 158.3.1, 160.1.1, 160.1.2; LDC §§ 2-261 *et seq.*, 34-411.
 - e. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, 124, 125, Objectives 77.3, 126.2, Policies 5.1.6, 6.1.6, 61.3.6, 61.3.11, 77.3.1, 77.3.2, 77.3.7, 123.2.4, 123.2.8, 125.1.1, 125.1.2, 125.1.3, 125.1.4, 126.2.1, and Standard 4.1.4, Lee Plan Map 5-D Six Mile Cypress Watershed.
 - f. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 66, 95, Objectives 2.1, 2.2, 4.1, 95.1, Policies 2.2.1, 5.1.3, 6.1.1, 6.1.4, 43.1.1, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2.
3. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11; Objectives 2.1, 2.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 135.1.9, 135.9.6, 160.1.3, 161.3.1, Lee Plan Tables 1(a), 1(b).
4. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 123, 124, 125, Objectives 47.2, 77.3, 126.2, Policies 5.1.5, 6.1.4, 39.3.2, 47.2.1, 47.2.5, 53.1.5, 54.1.2, 56.1.4, 67.3.7, 68.3.7, 77.3.1, 123.2.4, 123.2.8, 123.2.9, 125.1.4, 126.2.1, 135.9.6, LDC §§ 34-377(a)(3), 34-411 and 34-932(c).

5. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Mulicka. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Absent
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 4th day of December 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Kevin Ruane, Chairman



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

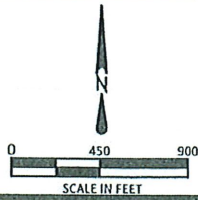

Joseph A. Adams
Assistant County Attorney
County Attorney's Office

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'

L21

NORTH PARCEL
53.13 ACRES

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'

N: 802525.33
E: 721479.84

SOUTH PARCEL
8.13 ACRES

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'

REVIEWED
DCI2022-00059
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/11/2024

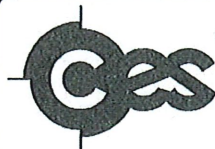
****THIS IS NOT A SURVEY****

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



CE-SITE
civil engineering • surveying • project management
EB-30108 • LB-7995
13650 Fiddiesticks 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.

REVIEWED
DCI2022-00059
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/11/2024

REVISIONS:

PAGE 2 OF 3

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



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

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

DESCRIPTION

DATE: 04/11/24

AND

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

SOUTH PARCEL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REVIEWED
DCI2022-00059
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/11/2024

REVISIONS:

PAGE 3 OF 3

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

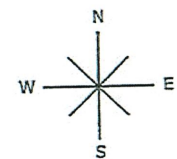


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DCI2022-00059

Zoning

 Subject Property

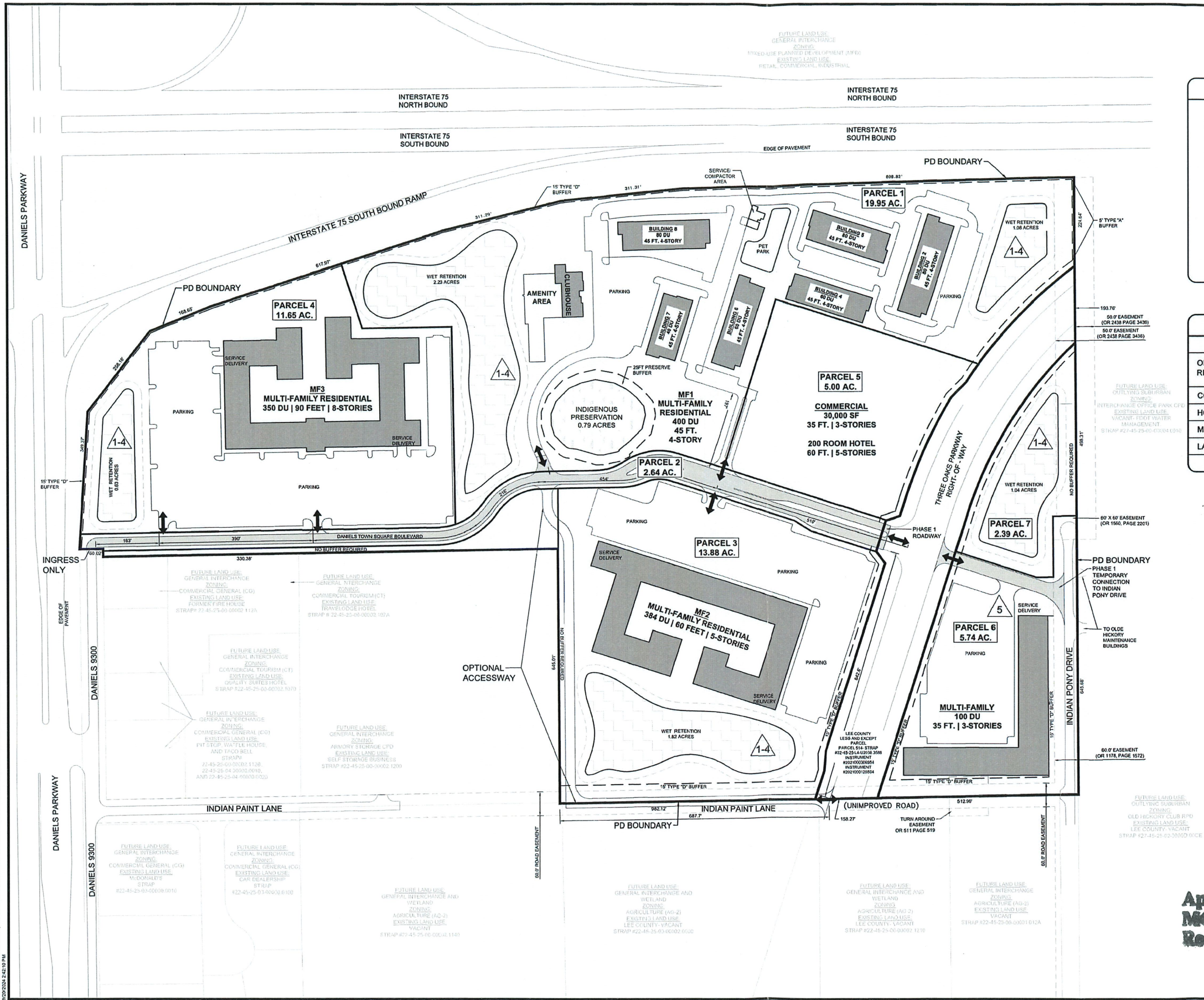


0 500 1,000 1,500
Feet



EXHIBIT B

L:\2023\20230226 Daniels Town Square MPD\CPAD\CONSULTANT\ZONING EXHIBITS\CURRENT PLANS\MCP\ Daniels 13 2024-09-29.dwg
9/20/2024 2:42:10 PM



LEGEND

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

LAND USE TABLE

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

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-24-027

MASTER CONCEPT PLAN FOR

DANIELS TOWN SQUARE

CLIENT:

BISON PROPERTY HOLDINGS, LLC

PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	2024-02-02	Initial Plan
2	2024-04-09	Revised Plan
3	2024-07-02	Revised Plan
4	2024-09-29	Revised Plan

SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #4635

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 04021
SET NUMBER: 22000239E0101
SHEET: 1

ATWELL
866.850.4200 www.atwell-group.com
28100 BOWEN DRIVE, SUITE 202
BONITA SPRING, FL 34135
239.652.7777

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

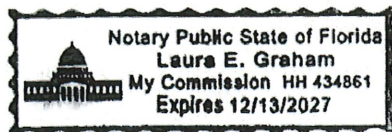
Sept 10, 2024
Date

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)



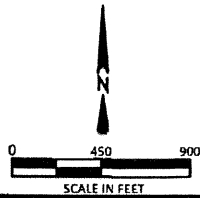

Signature of Notary Public
LAURA E. GRAHAM
Printed name of Notary Public

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'

L21

NORTH PARCEL
53.13 ACRES

EXISTING
CATTLE GRAZING

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'

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'
R 1175.00'
D 0° 00' 35"
B S 36° 37' 43" E
C 0.20'

****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: JTM
CHECKED BY: HDA
DATE DRAWN: 08/23/2022
FIELD BOOK: 25



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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. 8557
FOR THE FIRM LB-7925
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:

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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';

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THENCE N 72°24'12" W A DISTANCE OF 81.94';

THENCE S 52°48'51" W A DISTANCE OF 37.95';

THENCE N 72°24'12" W A DISTANCE OF 497.65';

THENCE N 84°48'39" W A DISTANCE OF 51.20';

THENCE N 72°24'12" W A DISTANCE OF 75.06' TO THE CENTERLINE OF INDIAN PAINT LANE;

THENCE N 01°00'43" W A DISTANCE OF 651.75' ALONG SAID CENTERLINE;

THENCE N 89°34'03" E A DISTANCE OF 645.20';

THENCE N 01°01'58" W A DISTANCE OF 1159.76'

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

REVISIONS:

PAGE 2 OF 3

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



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PAGE 3 OF 3

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