LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT
and
ZONING HEARING
AGENDA

Wednesday, December 4, 2024
9:30AM

CPA2022-00010 & CPA2022-00011	Daniels Town Square CPA MAP & Text Amendment - **ADOPTION**
DCI2022-00059 **Z-24-027**	Daniels Town Square MPD
DCI2023-00032 **Z-24-032**	The Gasparilla Marine Sales Business Expansion CPD
DCI2024-00003 **Z-24-029**	Lehigh Acres WTP No2
DCI2024-00002 **Z-24-034**	Cowart Industrial Planned Development
DCI2024-00013 **Z-24-031**	Pinnacle at Three Oaks Commerce Center
DCI2023-00020 **Z-24-028**	Dia Crossing MPD
DRI2023-00001 **Z-24-030**	Tamalico Center Development of Regional Impact Rescission Request

NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(ADOPTION HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, December 4, 2024. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

> CPA2022-00010 and CPA2022-00011 Daniels Town Square CPA - Map and Text Amendments: Proposal to redesignate the Future Land use category of the +61.25-acre site from General Interchange and Wetlands to Intensive Development and Wetlands and to amend Lee Plan Map 1-C to add +53.13 acres of the subject property to the Mixed use Overlay. Lee Plan Table 1(b) will be updated to accommodate future development of the site. The subject property is located at the southwest corner of the Daniels Parkway and I-75 interchange.

Documentation for the Proposed Comprehensive Plan Amendment is available at https://www.leegov.com/dcd/planning/cpa or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Raphaela Morais-Peroba, (239) 533-8782, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, December 4, 2024 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the cases below.

DCI2022-00059 / Daniels Town Square MPD

Request to rezone 61.26± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 30,000 square feet of non-Residential uses, a 200 room Hotel, and Multifamily Residential up to 1,234 dwelling units including bonus density.

Located at the southwest corner of I-75 and Daniels Pkwy., Daniels Parkway Planning Community, Lee County, FL.

DCI2023-00032 / The Gasparilla Marine Sales Business Expansion CPD

Request to rezone 4.56± acres from Residential (RS-1) to Commercial Planned Development (CPD) to allow 35,000 square feet of commercial uses.

Located in North Fort Myers between Judd Rd., Evergreen Rd. and Brown Rd., North Fort Myers Planning Community, Lee County FL.

DCI2024-00003 / Lehigh Acres WTP No2

Request to rezone 9.97± acres from Residential Multiple-Family-2 (RM-2) to Community Facilities Planned Development (CFPD) to allow for the recommission and expansion of a public water treatment facility, known as the Lehigh Acres WTP No. 2.

Located at 913 Bolivia Drive, Lehigh Acres Planning Community, Lee County, FL.

DCI2024-00002 / Cowart Industrial Planned Development

Request to amend the Industrial Planned Development (IPD) approved by Resolution Z-90-043 to allow a maximum of 152,460 square feet of development intensity, modify the Schedule of Uses, Master Concept Plan, and Schedule of Deviations.

Located at 16351 Old US 41, San Carlos Planning Community, Lee County, FL.

DCI2024-00013 / Pinnacle at Three Oaks Commerce Center

Request to rezone 58.77± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow for up to 705,000 square feet of commercial, retail, office and industrial uses and 200 hotel rooms.

Located on the east side of Three Oaks Pkwy., approximately one mile north of Alico Rd., Gateway/Airport Planning Community, Lee County, FL.

DCI2023-00020 / Dia Crossing MPD

Request to rezone 61.38± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for up to 200,000 SF of commercial, 150 hotel/motel rooms, and up to 350 dwelling units, including 30 bonus density units.

Located north and south of Alico Rd. at the intersection of Alico Rd. and US 41, San Carlos Planning Community, Lee County, FL.

If you did not appear before the Hearing Examiner or otherwise become a participant for the cases above, the law does not permit you to address the Board of County Commissioners. Statements

before the Board of County Commissioners regarding the above cases will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

Any document that a participant of record intends to submit must have been submitted as part of the record in the hearing before the Hearing Examiner or the document is relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner. All other documents will not be accepted by the Board. To ensure compliance with these regulations, copies of documents not submitted as part of the record before the Hearing Examiner must be provided to the Applicant and County Staff (JPrincing@leegov.com) not less than 2 days before the date of the zoning hearing.

DRI2023-00001 / Tamalico Center Development of Regional Impact Rescission Request – Public participation before the Board of County Commissioners is open for this case.

Request a rescission of the Tamalico Center DRI (DO #3-8990-102) due to changes to the DRI boundary over the years since its original approval and changes in the State of Florida regulations pertaining to DRI's.

Located north and south of Alico Rd. at the intersection of Alico Rd. and US 41, San Carlos Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Raphaela Morais-Peroba, (239) 533-8782, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

CPA2022-00010
and
CPA2022-00011

Daniels Town Square CPA Map and Text Amendments

SUMMARY SHEET
CPA2022-00010 and CPA2022-00011 DANIELS TOWN SQUARE CPA
ADOPTION HEARING

REQUEST:
Amend the Future Land Use Map designation on ±61.25 acres from General Interchange and Wetlands to Intensive Development and Wetlands.

Amend Map 1-C to add ±53.13 acres to the Mixed Use Overlay.

Amend Table 1(b): 2045 Population Allocation to accommodate residential development on the subject property.

The subject property is located on the south side of Daniels Parkway, at the southwest corner of Interstate 75 exit 131. The requested amendments will allow for the development of a Mixed-use Planned Development on the subject property

PUBLIC INPUT:
At the transmittal hearing, one member of the public addressed the Board of County Commissioners in favor of the proposed amendments, discussing communication between the developer, staff, and the surrounding community during the planning process.

TRANSMITTAL HEARING:
At the September 18, 2024, Transmittal Hearing, a motion was made to ***transmit*** CPA2022-00010 and CPA2022-00011 as recommended by staff and the LPA. The motion passed 5 to 0.

VOTE:

MIKE GREENWELL	**AYE**
BRIAN HAMMAN	**AYE**
CECIL L. PENDERGRASS	**AYE**
KEVIN RUANE	**AYE**
RAY SANDELLI	**AYE**

STATE REVIEW:
The State Reviewing Agencies had **no objections** to the amendments. Florida Department of Transportation requested clarification and provided minor comments. Staff's response to these comments can be found in Part 4 of the Staff Report.

STAFF RECOMENDATION:
Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. ____
(Daniels Town Square Map and Text Amendments)
(CPA2022-00010, CPA2022-00011)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE DANIELS TOWN SQUARE MAP AND TEXT AMENDMENTS (CPA2022-00010, CPA2022-00011) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on August 26, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 18, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Daniels Town Square Map and Text Amendments (CPA2022-00010, CPA2022-00011) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 18, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on December 4, 2024, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Daniels Town Square Map and Text Amendments Ordinance (CPA2022-00010, CPA2022-00011)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map designation on ±61.25 acres from General Interchange and Wetlands to Intensive Development and Wetlands; to Map 1-C to add ±53.13 acres to the Mixed Use Overlay; and to Table 1(b): 2045 Population Allocations to accommodate residential development on the subject property. The subject parcel is located on the south side of Daniels Parkway, at the southwest corner of Interstate 75 exit 131.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this 4th day of December 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Chairman

DATE:_____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
County Attorney's Office

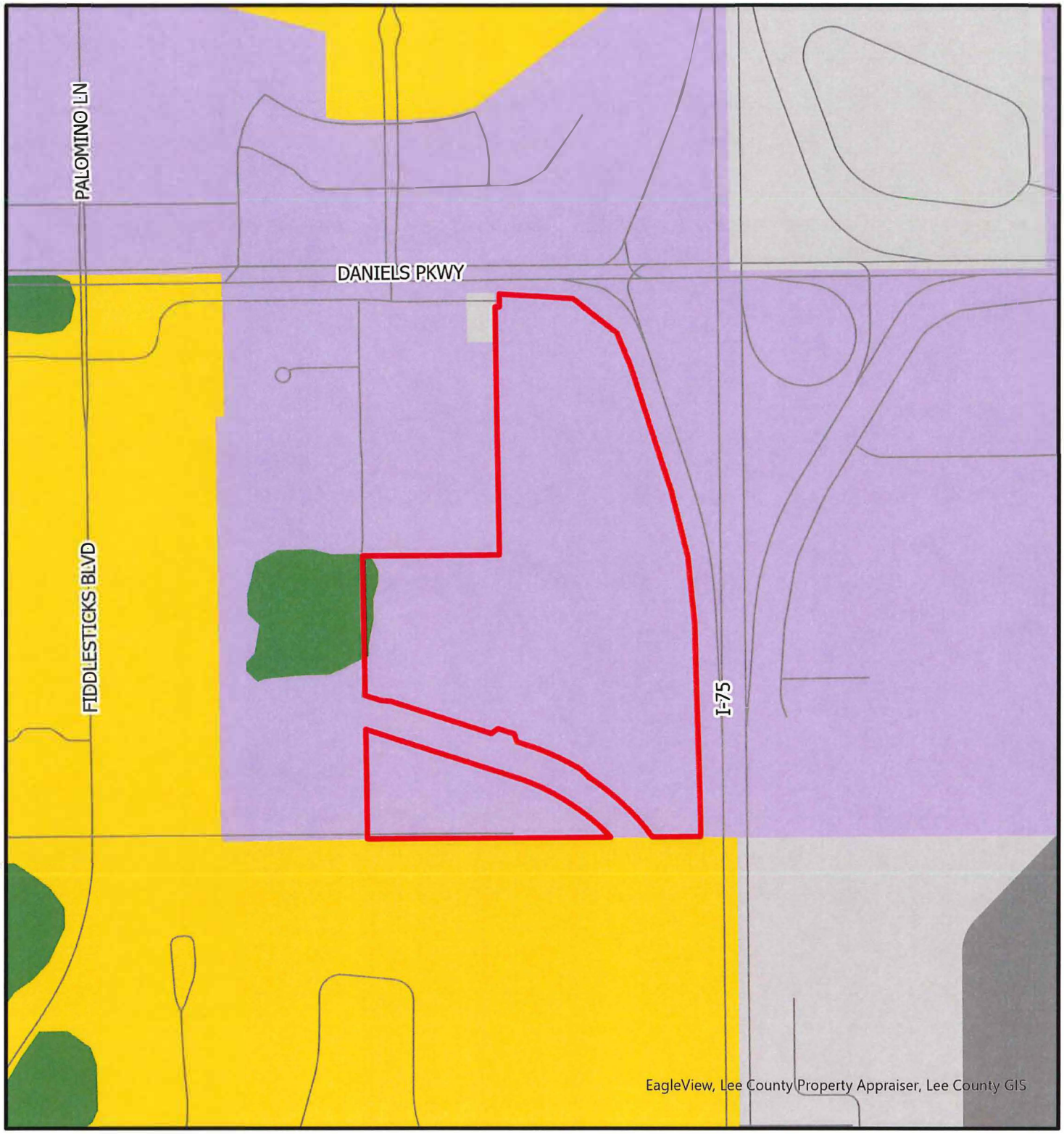
Exhibit A (Adopted by BOCC December 4, 2024):

Adopted Map 1A Existing Future Land Use Map
Adopted Map 1A Proposed Future Land Use Map
Adopted Map 1C Proposed Future Land Use Map
Adopted revisions to Table 1(b)

CAO Draft 11/12/2024 1:58:43 PM

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.



CPA2022-00010

Existing Future Land Use

- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands
- Subject Property

N
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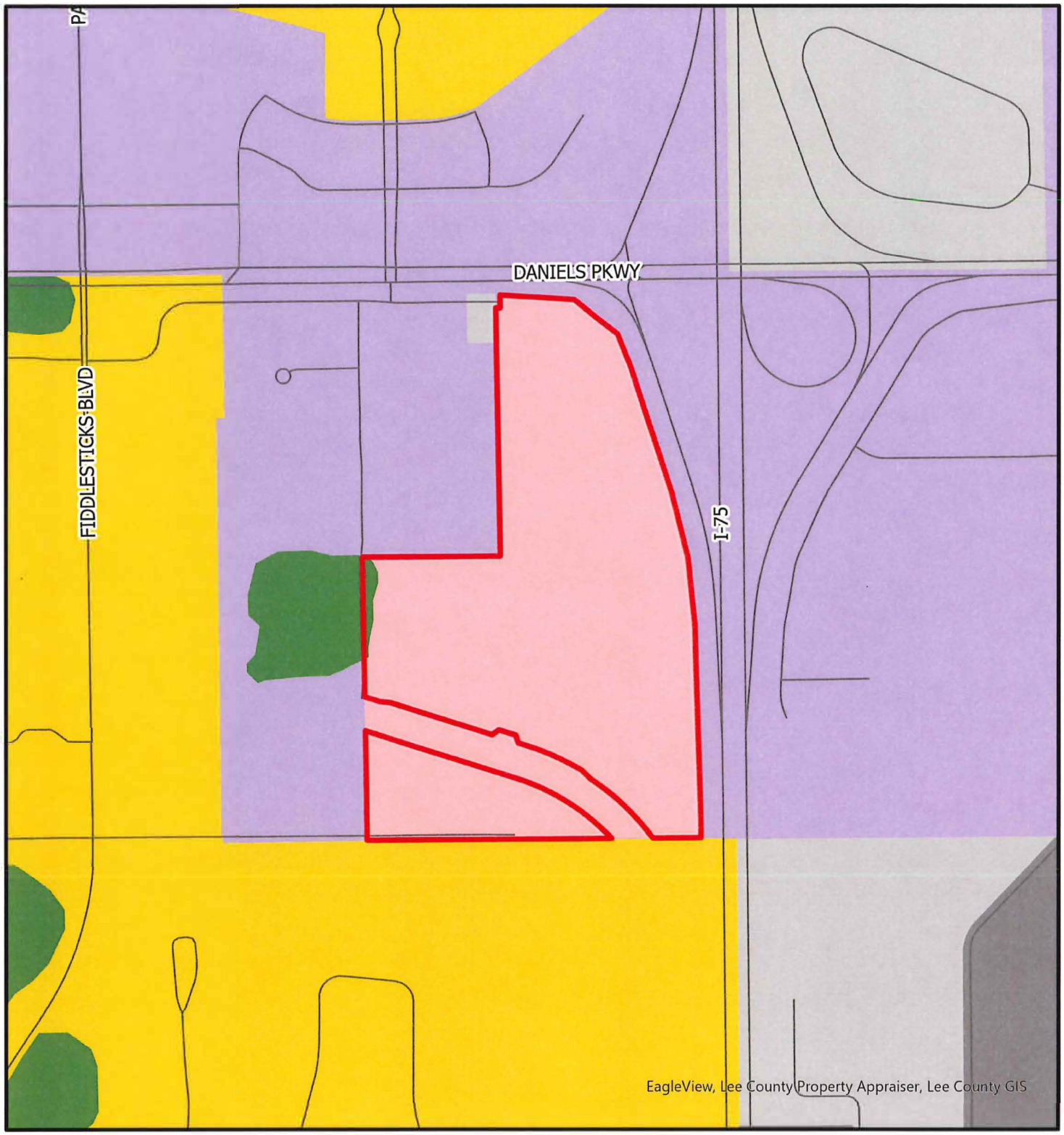
S

0 500 1,000
Feet

Lee County
Southwest Florida

Map Generated: August 2024



CPA2022-00010

Proposed Future Land Use

- Intensive Development
- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands
- Subject Property

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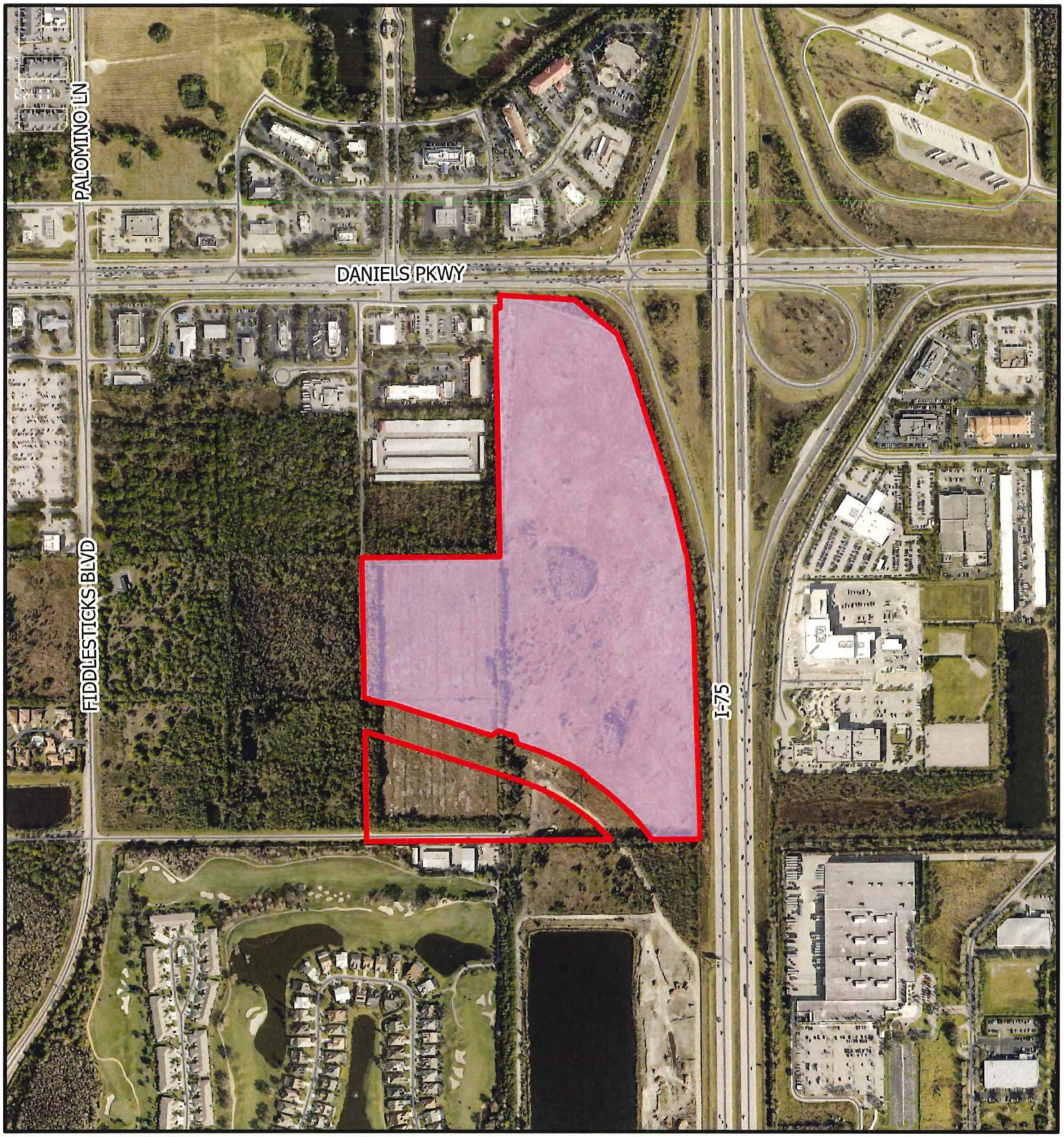
0 500 1,000
Feet

Lee County
Southwest Florida

Map Generated: August 2024



CPA2022-00010

Mixed Use Overlay

Lee County
Southwest Florida

Proposed Mixed Use Overlay
Subject Property

N
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0 500 1,000
Feet

Map Generated: August 2024

EXHIBIT A

Future Land Use Category		Unincorporated County		Planning District									
				District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10
		Existing	Proposed	Northeast Lee County	Boca Grande	Bonita	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport
Residential By Future Land Use Category	Intensive Development	~~1,483~~	1,516	-	-	-	17	-	21	-	238	-	-
	Central Urban	~~13,729~~	13,729	-	-	-	207	-	-	-	230	-	25
	Urban Community	~~22,601~~	22,453	813	453	-	475	-	-	-	-	-	150
	Suburban	~~14,871~~	14,871	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	~~3,652~~	3,652	38	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	~~1,787~~	1,787	-	-	-	330	-	-	-	-	-	227
	Commercial	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Industrial	~~15~~	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	University Community	~~503~~	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	~~8~~	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	~~2~~	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	~~135~~	110	-	-	-	-	-	-	-	-	-	35
	General Commercial Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	New Community	~~2,075~~	2,075	1,115	-	-	-	-	-	-	-	-	960
	Airport	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	~~3~~	3	-	-	-	-	-	-	-	-	-	3
	Rural	~~7,564~~	7,564	2,230	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	~~3,517~~	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	~~1,338~~	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	~~233~~	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	~~2,186~~	2,187	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	~~6,974~~	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	~~-~~	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		~~82,675~~	82,535	4,482	457	-	4,270	1,002	24	598	548	-	1,406
Commercial		~~8,916~~	8,916	300	53	-	450	27	9	125	150	-	1,216
Industrial		~~4,788~~	4,788	30	3	-	300	10	15	70	315	-	2,134
Non Regulatory Allocations													
Public		~~120,279~~	120,279	14,219	622	-	4,864	7,323	6	2,340	583	-	9,689
Active AG		~~21,889~~	21,889	5,500	-	-	240	90	-	-	-	-	2
Passive AG		~~13,658~~	13,658	5,500	-	-	615	100	-	-	-	-	465
Conservation		~~87,756~~	87,756	2,468	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant		~~26,562~~	26,702	1,294	28	-	733	766	8	103	17	-	88
Total		~~366,523~~	366,523	33,793	1,460	-	12,635	12,504	129	4,831	2,539	-	17,206
Population Distribution (unincorporated Lee County)		~~584,331~~	584,331	8,235	1,470	-	35,253	2,179	152	725	5,273	-	22,566

EXHIBIT A

Planning District													
District 11 Daniels Parkway		District 12	District 13	District 14	District 15	District 16	District 17 Lehigh Acres		District 18	District 19	District 20	District 21	District 22
Existing	Proposed	Iona / McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Existing	Proposed	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bashore
-	33	-	-	-	801	1	~~30~~	30	-	376	-	-	-
~~7~~	7	656	32	-	3,113	-	~~7,233~~	7,233	-	2,225	-	-	-
-		978	1,207	-	863	540	~~17,000~~	16,851	-	7	115	-	-
-		2,566	2,069	-	1,202	659	-	-	-	6,345	-	-	-
~~1,253~~	1,253	438	-	-	-	502	-	-	-	396	-	90	-
-		-	13	-	-	-	-	-	55	145	66	-	950
-		-	-	-	-	-	-	-	-	-	-	-	-
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~~58~~	33	-	-	-	-	-	-	-	8	14	-	-	20
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~~1,573~~	1,573	-	99	-	-	227	~~14~~	14	-	454	50	-	1,387
-		-	-	-	-	-	-	-	-	-	3,517	-	-
-		-	-	-	-	1,338	-	-	-	-	-	-	-
-		2	-	-	-	55	-	-	-	-	-	-	-
~~80~~	80	-	-	-	-	-	-	-	-	30	-	-	1,667
-		-	-	-	-	-	-	-	4,742	-	-	-	2,101
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-		-	-	-	-	-	-	-	-	-	-	-	-
~~2,971~~	2,979	4,651	3,926	-	5,982	3,322	~~24,277~~	24,129	4,805	9,992	3,748	90	6,125
~~326~~	326	774	938	-	2,012	288	~~900~~	900	118	1,121	19	18	72
~~5~~	5	198	387	-	566	67	~~218~~	218	215	244	4	2	4
~~3,214~~	3,214	4,898	6,375	-	5,883	4,831	~~20,267~~	20,267	17,992	10,117	3,052	653	3,351
~~5~~	5	13	5	-	-	2,780	~~35~~	35	11,945	90	630	4	550
~~3~~	3	-	5	-	-	70	~~50~~	50	2,500	250	2,000	-	2,100
~~1,677~~	1,677	9,786	2,232	-	211	15,489	~~1,077~~	1,077	41,028	1,607	382	1,465	895
~~20~~	12	55	245	-	4	2,200	~~14,967~~	15,115	2,400	1,228	850	130	1,425
~~8,221~~	8,221	20,375	14,114	-	14,658	29,047	~~61,791~~	61,791	81,003	24,649	10,685	2,362	14,522
~~14,723~~	15,083	44,132	53,974	-	76,582	13,431	~~161,031~~	160,670	18,538	110,722	5,951	741	8,653

EXHIBIT A

STAFF REPORT FOR DANIELS TOWN SQUARE
CPA: CPA2022-00010 & CPA2022-00011

Map and Text Amendments to the Lee Plan

Recommendation:
Adopt

Applicant:
Bison Property Holdings, LLC

Representative:
RVi Planning + Landscape Architecture

Property Location:
Southwest corner of Daniels and I-75

Property Size:
± 61.26 Acres

Planning District:
Daniels Parkway

Commissioner District:
District #2

Hearing Dates:
LPA: 08/26/24
BoCC #1: 09/18/24
BoCC #2: 12/04/24

Attachments:
1: Proposed Amendments

REQUEST

- Amend the Future Land Use Map designation on ±61.25 acres from General Interchange and Wetlands to Intensive Development and Wetlands.
- Amend Map 1-C to add ±53.13 acres to the Mixed Use Overlay.
- Amend Table 1(b): 2045 Population Allocation to accommodate residential development on the subject property.

SUMMARY

The requested amendments will allow for the development of a Mixed-use Planned Development on the subject property.

PROJECT LOCATION

The subject property is located on the south side of Daniels Parkway, at the southwest corner of Interstate 75 exit 131.

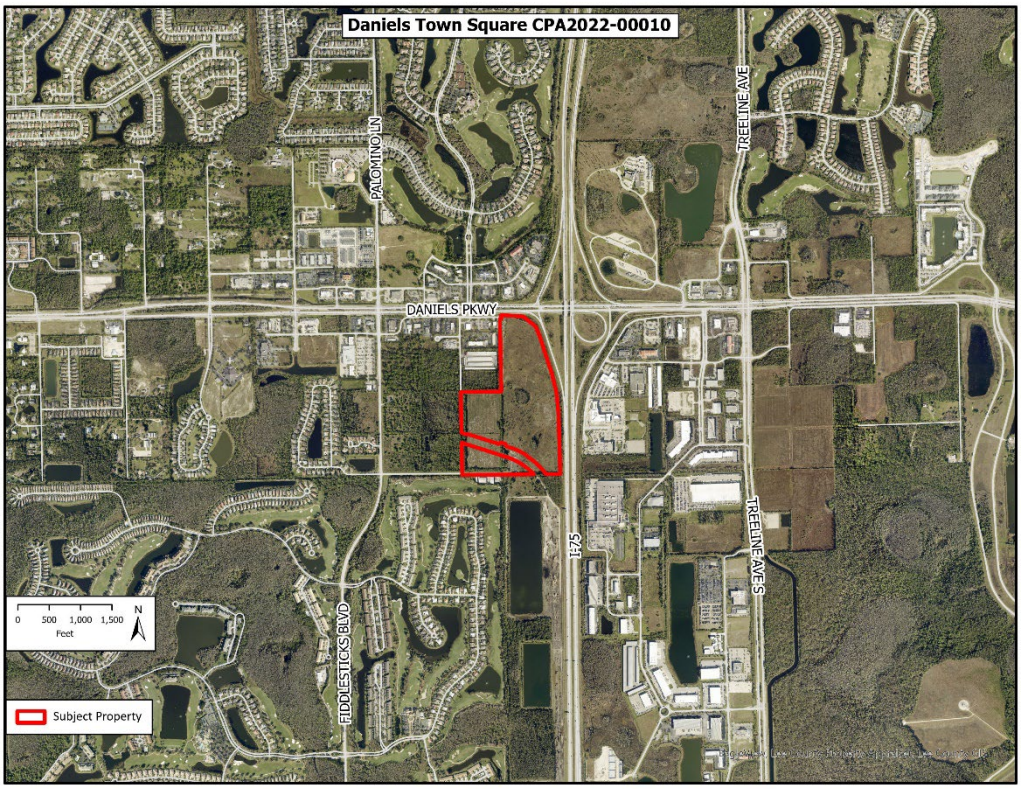


Figure 1: Subject Property Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the requested amendments based on the analysis and findings provided in this staff report.

PART 1
STAFF DISCUSSION AND ANALYSIS

Concurrent Rezoning
The applicant has filed a companion rezoning application (DCI2022-00059) which is being reviewed concurrently with this plan amendment request. The applicant is seeking to rezone the property to a Mixed-use Planned Development to construct a mixture of multi-family housing, commercial, and hotel uses.

Florida Statutes Chapter 163.3184(12) provides that "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection." This requires Lee County provide concurrent review of the rezoning request.

Even with the recommended transmittal of the proposed amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation.

Subject Property
The subject property is located on the south side of Daniels Parkway, west of I-75. It is currently zoned Commercial Planned Development (CPD) with approvals for 390,000 square feet of retail and office uses and 120 hotel units.[1] The site is currently vacant.

Since the inception of the Future Land Use map, the property has been designated as General Interchange and the surrounding area has gone through significant urbanization. As Lee County has continued to develop east of I-75, Daniels Parkway has become an important thoroughfare. The area between Six Mile Cypress Slough and I-75 in particular has grown as a residential and commercial center.

Surrounding Properties
The surrounding properties consist of a mixture of retail commercial, hotel, and single family residential. Lee County Department of Transportation is currently constructing an extension of Three Oaks Parkway that will cross the southern portion of the property. Additional information about the surrounding properties can be found in Table 1 below.

[1] Zoning Resolution Z-08-043.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	General Interchange	Danport CPD/DRI – Approved for 170,000 SF commercial and 120 hotel units.	Commercial, Medical Office, Hotel
East	General Interchange	AG-2	Interstate 75
South	Outlying Suburban	Old Hickory Club RPD – Approved for 858 dwelling units. Interchange Office Park CPD – Approved for 220,000 SF commercial.	Vacant, Single-Family Homes
West	General Interchange, Public Facilities, & Wetlands	ASAP Storage CPD – Approved for 139,680 SF commercial, AG-2, CT, CG	Commercial, Hotel, Vacant

Discussion and Analysis – Map 1-A: Future Land Use Map

The applicant is requesting to amend the future land use category of the subject property from General Interchange and Wetlands to Intensive Development and Wetlands to allow development under the Mixed Use Overlay on the subject property. Both the General Interchange and Intensive Development future land use categories allow up to 14 dwelling units per acre of standard density and up to 22 dwelling units per acre with bonus density. The small portion of the property within the Wetlands future land use category will remain within the Wetlands future land use category until a jurisdictional wetland determination delineating the boundary of the state-defined wetlands is provided.

> ***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.*
>
> ***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).*

Policy 1.1.2 describes the Intensive Development future land use category as areas along major arterial roads that are suited to accommodate high densities and intensities. Policy 1.1.2 also encourages mixed-use development within these areas. The subject property provides access to a variety of public and private services and is located in close proximity to substantial transportation infrastructure. Access exists to a variety commercial uses adjacent to the property and across Daniels Parkway. The property also has

indirect access to Daniels Parkway, a six-lane arterial road that acts as one of the main East-West connections within the county.

Immediately east of the property is I-75, an interstate highway that provides North-South access throughout the county and beyond. Lee County Department of Transportation is extending Three Oaks Parkway north, through the subject property, providing access from the subject property south to Alico Road without accessing Daniels Parkway or I-75. The property is within short distance of Six Mile Cypress Slough, Hammond Stadium, JetBlue Park, and Southwest Florida International Airport. The location of the subject property over time has transitioned from an outlying, low-use area to one of the County's core areas of development. The current future land use category has a similar development potential to the proposed future land use category, except that the proposed future land use category allows the applicant to request inclusion in the Mixed Use Overlay (Map 1-C).

With the future construction of the Three Oaks Parkway extension, the orientation of the subject property changes to focus the primary entry points along Three Oaks Parkway. The changing orientation, away from Daniels Parkway and I-75, makes the property consistent with the Intensive Development future land use category. The subject property will still have the indirect access to Daniels Parkway, near the exit of I-75, but will primarily be accessed on Three Oaks Parkway, making the property no longer a prime location to serve the "traveling public" as discussed in **Policy 1.3.2.**

Objective 2.2 provides that new development should be directed "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." The proposed amendments will allow for an in-fill development project that provides housing and commercial uses within an area where public facilities and urban services already exist. The proposed amendments are consistent with Objective 2.2

The proposed amendment does not change the total allocated density of the future land use map within the Daniels Parkway Planning District. **Goal 5** seeks to accommodate the projected population with a variety of price ranges and housing types. As discussed in the analysis of the amendment to **Map 1-C** below, the proposed amendments will aid in the development of housing and neighborhood types that are not common within the Daniels Town Square Planning District, but are compatible with surrounding development patterns.

Based on the analysis above, redesignating the subject property from General Interchange and Wetlands to Intensive Development and Wetlands is found to be appropriate and consistent with the Lee Plan.

<u>Discussion and Analysis – Table 1(b): Year 2045 Allocations</u>

The applicant is also proposing an amendment to Table 1(b). This amendment is necessary to maintain internal consistency with the 2045 Lee County population accommodations and Policy 1.6.5 of the Lee Plan at time of development order. The Table 1(b) amendment provides residential acreage in the Intensive Development future land use category, consistent with Lee Plan **Goal 5**, which is to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the 2045 projected population of Lee County. Staff recommends that Table 1(b) be amended to add 33 acres of residential development to the Intensive Development future land use category in Planning District 11 (Daniels Parkway) and subtracting 149 residential acres in the Urban Community future land use category of Planning District 17 (Lehigh Acres) in order to make the population balance countywide. Staff's recommended changes to Table 1(b) are identified in Attachment 1.

Discussion and Analysis – Map 1-C: Mixed-use Overlay

The applicant is also requesting to add the northern portion of the subject property to the Mixed Use Overlay as identified on Lee Plan Map 1-C.

Inclusion of the subject property within the Mixed Use Overlay will allow the applicant to develop different housing and neighborhood types than would otherwise be allowed on the subject property. Dwelling unit types in the surrounding area have been primarily single-family homes. Recently, multi-family has been approved north of Daniels Parkway and approximately one-half of a mile west, within the Daniels Falls Commercial Planned Development. An additional multi-family housing option at this location supports the Lee Plan's goal of providing different housing options in safe and attractive neighborhoods and is consistent with recent approvals in this area. Allowing for design standards on the subject property that support multi-family housing options would further **Objective 135.1, Policy 135.1.9, and Policy 158.1.9** by diversifying the mix of residential unit types within Lee County.

Policy 11.2.1 provides criteria that must be met to add a property to the Mixed Use Overlay. Policy 11.2.1 is provided below, followed by an analysis of each criteria.

> ***POLICY 11.2.1:*** *The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities though 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,*
> 2. *Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,*
> 3. *Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,*
> 4. *Availability of adequate public facilities and infrastructure; and*
> 5. *Will not intrude into predominately single-family residential neighborhoods.*

Located within the extended pedestrian shed of established transit routes: The subject property is located on Daniels Parkway and is served by LeeTran Route 50. The nearest bus stop is stop #11554, which is ±0.15 miles from the subject property. As defined in the Lee Plan, a Pedestrian Shed is ¼ mile and an extended pedestrian shed is ½ mile. Therefore, the subject property is within the extended pedestrian shed of an existing LeeTran route.

Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways: The subject property has access to Daniels 9300, a frontage road connecting the property to a variety of commercial uses. Adjacent, undeveloped properties will have the ability to connect to the subject property through future construction. Additionally, the proposed Master Concept Plan shows that internal circulation within the project will provide connections between residential and commercial uses on site.

Located within the Intensive Development, Central Urban, or Urban Community future land use categories: The proposed amendment to the Future Land Use Map would redesignate the future land use category of the property from General Interchange to Intensive Development. The Intensive Development future land use category is consistent with Policy 11.2.1.

Availability of adequate public facilities and infrastructure: All regulatory public facilities serving the subject property have adequate capacity as provided for in the "public facilities impact" section of this report.

Will not intrude into predominately single-family residential neighborhoods: The nearest single-family residential development is located on land to the south. The extent of the Mixed Use Overlay on the subject property will be separated by Three Oaks Parkway. The south portion of the subject property was excluded from the Mixed Use Overlay to comply with this requirement of Policy 11.2.1. The Mixed-use Overlay does not intrude into predominately single-family neighborhoods.

Based on the criteria above adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.1.

Environmental Analysis

Bald eagle nest LE-058 was first documented on the property during the 2000-2001 nesting season but was last occupied by an eagle pair during the 2018-2019 nesting season. The nest was in poor condition during the 2019-2020 nesting season and came down due to natural causes prior to the 2020-2021 nesting season and has not been rebuilt. Based on this data, the nest was declared Lost by the Lee County Eagle Technical Advisory Council (ETAC) on May 9, 2023.

The project is proposing an outfall south into the Old Hickory Golf and Country Club, located along the southwest edge of the application boundary, which was permitted and constructed to accept stormwater from the Daniels Town Square project via a capped pipe in the northeast corner of the Old Hickory Golf Course site (South Florida Water Management District (SFWMD) Permit No. 36-01077-S). Ultimately, stormwater will outfall into the Six Mile Cypress Slough which is part of an impaired watershed. Future development will require a Lee County Development Order approval and Environmental Resource Permit approval from SFWMD and must comply with surface water quality standards as required by SFWMD and Lee County to be consistent with **Policy 126.1.4** and **Policy 125.1.2**. A formal wetland jurisdictional determination was not provided, therefore the upland and wetland acreages provided are subject to review and approval by the applicable State agency, consistent with **Policy 124.1.2** and **Policy 124.1.3**.

Service Availability

There are adequate potable water, sanitary sewer, solid waste, police, EMS, schools and mass transit services to accommodate anticipated development on the subject property.

Transportation: The subject property is located on the south side of Daniels Parkway, adjacent to the west side of I-75. Analysis of transportation impacts shows that the proposed amendment would not cause any roadway link to fall below the recommended acceptable Level of Service threshold. Several roadway segments in the area operate at level of service "F" both with and without the proposed amendment. Transportation concurrency is non regulatory per Florida Statutes Section 163.3180 and Lee Plan Policy 95.1.3, which provides "Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes."

Mass Transit: The subject property is within ¼ mile of a fixed route corridor and adjacent to Route 50, along Daniels Parkway. Any necessary improvements will be determined at time of Development Order. LeeTran indicated in a letter dated July 15, 2022, that the 2020 Transit Development Plan identifies the need for enhanced or additional transit service in the area.

Utilities: The subject property is within the Lee County Utilities future potable water and sanitary sewer service areas. Lee County Utilities stated in a letter dated August 16, 2022, that capacity is available to serve the subject property with potable water and sanitary sewer service. Potable water is available from the Corkscrew Water Treatment Plant. Wastewater service would be provided by the City of Fort Myers South Water Reclamation Facility. There are no reuse mains within the vicinity of the subject property.

Solid Waste: Lee County Solid Waste Department indicated in a letter dated March 6, 2023, that solid waste collection is available for the subject property. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: The South Trail Fire District indicated in a letter dated March 7, 2023, that they would be challenged to provide adequate fire protection and non-transport Advanced Life Support Services to this proposed development without enhancements to the current service-delivery model. The District and the applicant have had discussions on potential mitigation options to provide service to the subject property. Planning staff recommend that the availability of fire protection to the subject property continue to be monitored through conditions to the subsequent Planned Development and Development Order.

EMS: The subject property has access to Emergency Medical Services. In a letter dated July 19, 2022, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 35 located 1.2 miles from the property and a second EMS facility located within 5.1 miles of the property.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Central District office in Fort Myers. The Sheriff indicated in a letter dated July 14, 2022, that proposed amendment will not affect the ability of the Lee County Sheriff's Office to provide law enforcement services to the subject property and surrounding area. The Sheriff's Office requests a Crime Prevention through Environmental Design report at the time of Development Order.

Schools: The School District of Lee County provided a letter on March 15, 2023, stating that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Conclusions

The General Interchange and the Intensive Development future land use categories both allow for similar uses and densities. Inclusion of the subject property in the Mixed-use Overlay will allow the development flexibility in design that can create a mixed-use project that is compatible with the surrounding area and provides commercial uses for future residents and the surrounding community.

Staff has reviewed the proposed amendments and provides the following conclusions.

- The focal point of the subject property will pivot away from the Daniels Parkway exit of I-75 and toward the future Three Oaks Parkway extension.
- There are adequate public services available to accommodate anticipated development on the subject property, consistent with Objective 2.2.
- The proposed amendments will not cause a decrease in Level of Service of the surrounding roadway networks.
- The allocation of population remains consistent with the proposed future land use category. Table 1(b) will be updated to reflect the proposed designation.

- The proposed amendments will encourage and support multi-family housing options, furthering Objective 135.1, Policy 135.1.9, and Policy 158.1.9.
- Adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.1.
- The concurrent rezoning request will provide oportunities to address compatibility with surrounding uses.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***transmit*** the proposed amendments as provided in Attachment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: August 26, 2024

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation addressing the requested amendments, subject property, surrounding uses, consistency with the Lee Plan, traffic study, stormwater management, and overview of the companion rezoning application.

Following this, staff made a presentation addressing the requested amendments, subject property, and consistency with the Lee Plan and staff recommendation.

Members of the LPA asked about the timeline for roadway projects surrounding the property, potential challenges of the South Trail Fire and Rescue District to serve the site, impacts to wetlands, stormwater management and capacity, future analysis of public service capacity, and clarification on the FLUCCs map submitted.

Five members of the public addressed the LPA concerning the proposed amendment. One member of the public spoke in favor of the project, citing discussions between the applicant and representatives of adjacent homeowners' associations. One member of the public had questions about the alignment of Three Oaks Parkway and Daniels Parkway and about details of the rezoning application. Three members of the public spoke in opposition of the amendment, citing concerns with traffic and funding mechanisms for infrastructure serving the project.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***transmit*** CPA2022-00010 and CPA2022-00011. The motion passed 4 to 0.

RAYMOND BLACKSMITH	**AYE**
DUSTIN GARDNER	**AYE**
DAWN RUSSELL	**AYE**
JENNIFER SAPEN	**AYE**
DON SCHROTENBOER	**ABSENT**
STAN STOUDER	**ABSENT**
HENRY ZUBA	**ABSENT**

C. STAFF RECOMMENDATION

Staff recommends that the BoCC ***transmit*** the proposed amendment as provided in Attachment 1.

PART 3
BOARD OF COUNTY COMMISIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: September 18, 2024

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendments, subject property, Lee Plan consistency, and LPA and Staff recommendations.

Following staff's presentation, the applicant's consultants presented the proposed amendments, providing additional information about the traffic impact, compatibility with adjacent property, and reason for the request.

One member of the public spoke in favor of the proposed amendment, discussing communication between the developer, staff, and the surrounding community during the planning process.

The BoCC discussed the impact of the expansion of Three Oaks Parkway on the subject property.

B. BOARD ACTION:

A motion was made to ***transmit*** CPA2022-00010 and CPA2022-00011 as recommended by staff and the LPA. The motion passed 5 to 0.

MIKE GREENWELL	**AYE**
BRIAN HAMMAN	**AYE**
CECIL L. PENDERGRASS	**AYE**
KEVIN RUANE	**AYE**
RAY SANDELLI	**AYE**

PART 4
STATE REVIEING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Staff transmitted the proposed amendments to the Florida Department of Commerce on September 18, 2024. Comments from the State Reviewing Agencies were due to Lee County by October 18, 2024.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Commerce
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Transportation

There were **no objections** concerning the proposed amendments.

The Florida Department of Transportation provided comments and asked one question regarding the proposed amendments. Staff has provided clarification and responses to the following comments:

1. **Master Development Plan and FLU Allowable Densities: Based on the property information provided in the CPA package (see Figure 1 below), the allowable units are 1,664 under both the adopted and proposed plans, however this number is not consistent with the maximum bonus density of 22 DUs/Acre for the General Interchange and Intensive Development FLU Ms. There is an exception for Greater Pine Island Transfer of Development Rights under the proposed FLU which allows for up to 30 DUs/acre however this exception does not seem to apply. Based on the 22 DU/Acre maximum and the 54.67 non-wetlands acreage, the maximum allowable number of units would be only 1,202 DUs, which exceeds the proposed development plan of 1.251 DUs. Please confirm if the proposed development plan complies with the FLU maximum densities.**

   RESPONSE: The proposed development complies with the maximum densities allowed within the future land use category. Lee Plan Policy 124.1.1 provides for the area of preserved freshwater wetlands to be included within the density calculation at the same rate as the adjacent upland future land use category within the Intensive Development and General Interchange future land use categories. Additionally, in accordance with Lee Plan Policy 124.1.2, Lee County will defer to State Agencies in the determination of wetland extents. The Environmental Resource Permit (ERP) provided by the applicant shows the extent of state-designated wetlands on the subject property, allowing the applicant to demonstrate the location and extent of wetlands on the subject property and the areas that will ultimately contain impacted wetlands or preserved wetlands. The Lee Plan provides an administrative process to update the boundaries of Wetlands based on the State Jurisdictional Determination process. Categorical breakdown of the allowable density can be seen in the table below.

Standard Density	±55.47 acres Intensive Development	55.47*14	776.58 dwelling units
Standard Density	±5.79 acres impacted wetlands	5.79*0.05	0.29 dwelling units
Bonus Density	±55.47 acres Intensive Development	55.47*8	443.76 dwelling units
GPITDU Density	±55.47 acres Intensive Development	55.47*8	443.76 dwelling units
Total Dwelling Units			1,664 dwelling units

2. **An independent trip generation analysis was conducted based on comparison of the approved development plan (referenced in the CPA Traffic Study as zoning resolution Z-08-043) and the proposed development. It was found that in the Daily and PM Peak conditions, the proposed development results in a net reduction of project trips compared to the approved plan by-32% and -37%, respectively. During the AM peak condition, the proposed development results in a 33% net increase of project trips. For a CPA-level review, only the PM and Daily peaks are relevant, therefore, a further roadway analysis was not conducted.**
   RESPONSE: Lee County Staff acknowledges the comment regarding the independent trip generation analysis and the importance of PM and daily trips and will take this into consideration for future applications.

3. **The Project will be connecting to the programmed Three Oaks Parkway Extension from Fiddlesticks Canal north to CR 876/ Daniels Parkway and will also be connecting to the programmed I-75 at CR 876/Daniels Parkway Interchange improvements (FPID 446296 -2, Construction Phase in FY 2025). The applicant will need to coordinate with the design teams for these projects.**
   RESPONSE: Lee County Staff will ensure that the applicant is aware of the need to coordinate connections to Three Oaks Parkway with the design team.

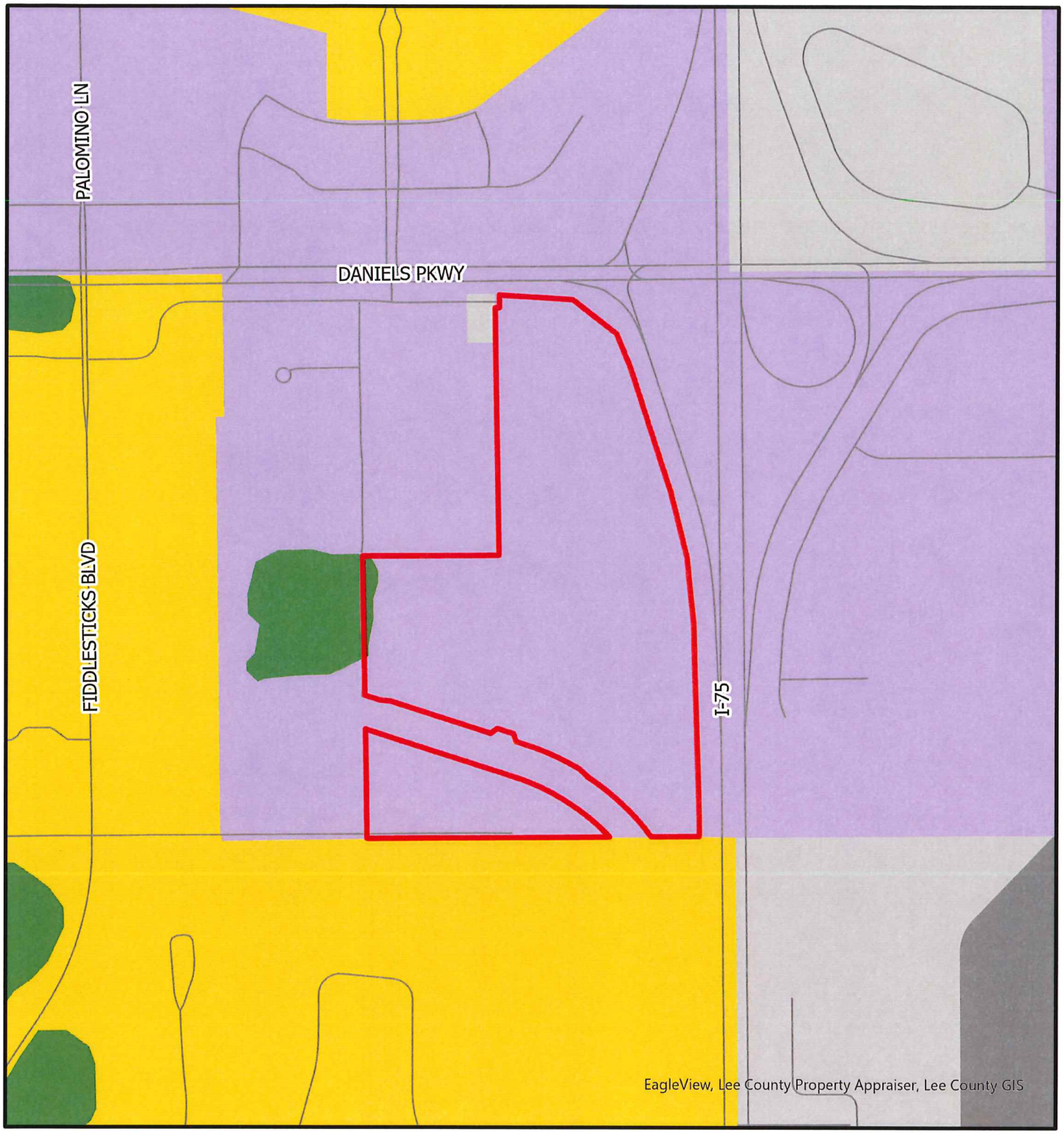
4. **FDOT appreciates your commitment to intergovernmental coordination and the opportunity to review and comment on the proposed amendment.**
   RESPONSE: Lee County Staff appreciates the review conducted by Florida Department of Transportation and the opportunity given to respond to questions.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

ATTACHMENT 1

- Map 1A Existing Future Land Use Map
- Map 1A Proposed Future Land Use Map
- Map 1C Proposed Future Land Use Map
- Table 1(b) Proposed – Staff Recommendation



CPA2022-00010

Existing Future Land Use

- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands
- Subject Property

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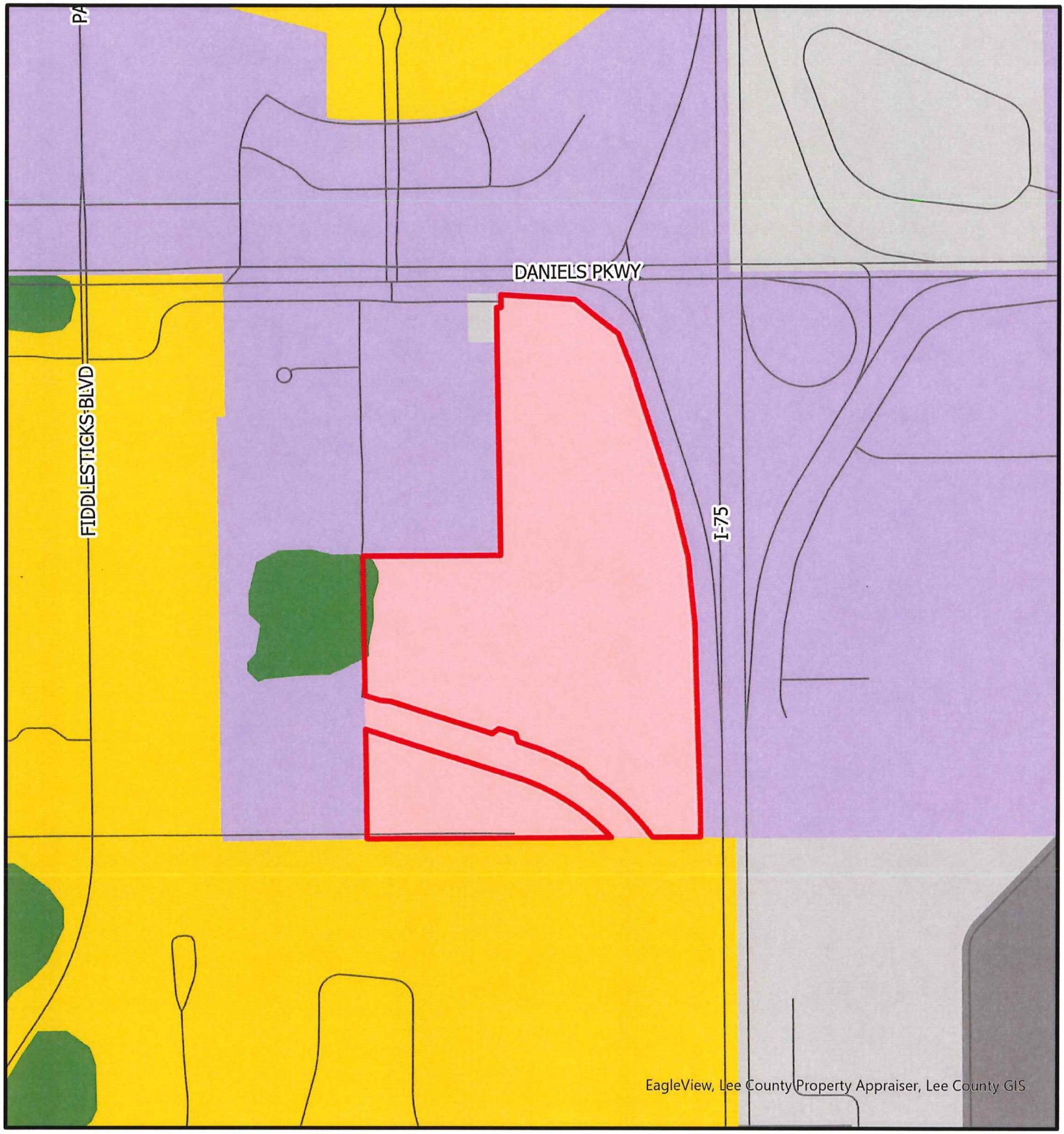
Lee County
Southwest Florida

Map Generated: August 2024



CPA2022-00010

Proposed Future Land Use

- Intensive Development
- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Wetlands
- Subject Property

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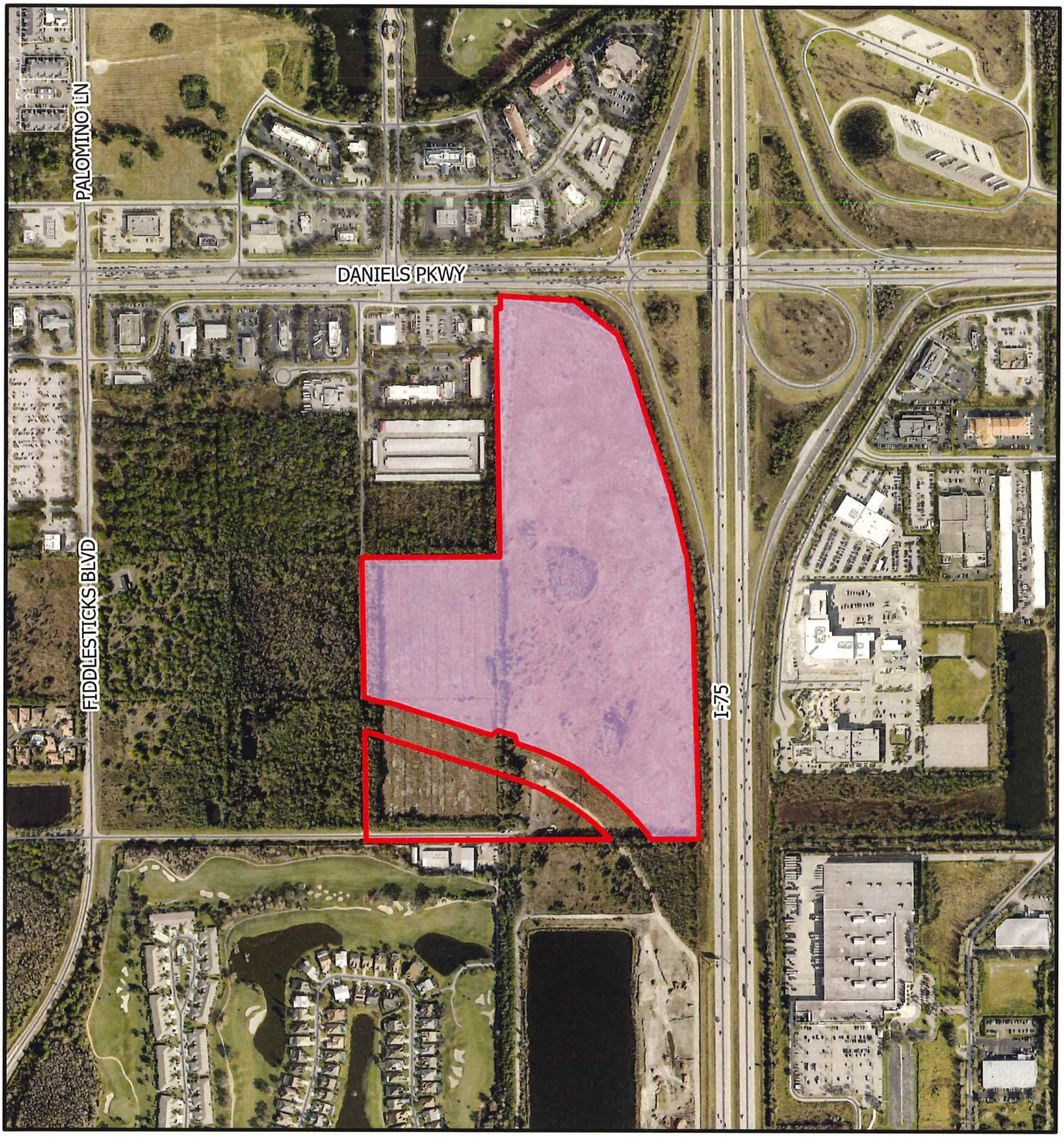
Lee County
Southwest Florida

Map Generated: August 2024



CPA2022-00010

Mixed Use Overlay

Lee County
Southwest Florida

Proposed Mixed Use Overlay
Subject Property

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Map Generated: August 2024

Attachment 1

Future Land Use Category		Unincorporated County		Planning District									
				District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10
		Existing	Proposed	Northeast Lee County	Boca Grande	Bonita	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway / Airport
Residential By Future Land Use Category	Intensive Development	~~1,483~~	1,516	-	-	-	17	-	21	-	238	-	-
	Central Urban	~~13,729~~	13,729	-	-	-	207	-	-	-	230	-	25
	Urban Community	~~22,601~~	22,453	813	453	-	475	-	-	-	-	-	150
	Suburban	~~14,871~~	14,871	-	-	-	1,950	-	-	-	80	-	-
	Outlying Suburban	~~3,652~~	3,652	38	-	-	490	13	3	429	-	-	-
	Sub-Outlying Suburban	~~1,787~~	1,787	-	-	-	330	-	-	-	-	-	227
	Commercial	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Industrial	~~15~~	15	-	-	-	-	-	-	-	-	-	6
	Public Facilities	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	University Community	~~503~~	503	-	-	-	-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	~~8~~	8	-	-	-	-	-	-	-	-	-	-
	Burnt Store Marina Village	~~2~~	2	-	-	-	-	2	-	-	-	-	-
	Industrial Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	General Interchange	~~135~~	110	-	-	-	-	-	-	-	-	-	35
	General Commercial Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Industrial Commercial Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	University Village Interchange	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	New Community	~~2,075~~	2,075	1,115	-	-	-	-	-	-	-	-	960
	Airport	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	~~3~~	3	-	-	-	-	-	-	-	-	-	3
	Rural	~~7,564~~	7,564	2,230	-	-	800	730	-	-	-	-	-
	Rural Community Preserve	~~3,517~~	3,517	-	-	-	-	-	-	-	-	-	-
	Coastal Rural	~~1,338~~	1,338	-	-	-	-	-	-	-	-	-	-
	Outer Island	~~233~~	233	2	4	-	1	-	-	169	-	-	-
	Open Lands	~~2,186~~	2,187	153	-	-	-	257	-	-	-	-	-
	Density Reduction/ Groundwater Resource	~~6,974~~	6,974	131	-	-	-	-	-	-	-	-	-
	Conservation Lands Upland	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	~~-~~	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	~~-~~	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential		~~82,675~~	82,535	4,482	457	-	4,270	1,002	24	598	548	-	1,406
Commercial		~~8,916~~	8,916	300	53	-	450	27	9	125	150	-	1,216
Industrial		~~4,788~~	4,788	30	3	-	300	10	15	70	315	-	2,134
Non Regulatory Allocations													
Public		~~120,279~~	120,279	14,219	622	-	4,864	7,323	6	2,340	583	-	9,689
Active AG		~~21,889~~	21,889	5,500	-	-	240	90	-	-	-	-	2
Passive AG		~~13,658~~	13,658	5,500	-	-	615	100	-	-	-	-	465
Conservation		~~87,756~~	87,756	2,468	297	-	1,163	3,186	67	1,595	926	-	2,206
Vacant		~~26,562~~	26,702	1,294	28	-	733	766	8	103	17	-	88
Total		~~366,523~~	366,523	33,793	1,460	-	12,635	12,504	129	4,831	2,539	-	17,206
Population Distribution (unincorporated Lee County)		~~584,331~~	584,331	8,235	1,470	-	35,253	2,179	152	725	5,273	-	22,566

Planning District													
District 11 Daniels Parkway		District 12	District 13	District 14	District 15	District 16	District 17 Lehigh Acres		District 18	District 19	District 20	District 21	District 22
Existing	Proposed	Iona / McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Existing	Proposed	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bashore
-	33	-	-	-	801	1	30	30	-	376	-	-	-
7	7	656	32	-	3,113	-	7,233	7,233	-	2,225	-	-	-
-		978	1,207	-	863	540	17,000	16,851	-	7	115	-	-
-		2,566	2,069	-	1,202	659	-	-	-	6,345	-	-	-
1,253	1,253	438	-	-	-	502	-	-	-	396	-	90	-
-		-	13	-	-	-	-	-	55	145	66	-	950
-		-	-	-	-	-	-	-	-	-	-	-	-
-		3	3	-	3	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	503	-	-	-	-	-	-	-	-	-	-
-		8	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
58	33	-	-	-	-	-	-	-	8	14	-	-	20
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
1,573	1,573	-	99	-	-	227	14	14	-	454	50	-	1,387
-		-	-	-	-	-	-	-	-	-	3,517	-	-
-		-	-	-	-	1,338	-	-	-	-	-	-	-
-		2	-	-	-	55	-	-	-	-	-	-	-
80	80	-	-	-	-	-	-	-	-	30	-	-	1,667
-		-	-	-	-	-	-	-	4,742	-	-	-	2,101
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
-		-	-	-	-	-	-	-	-	-	-	-	-
2,971	2,979	4,651	3,926	-	5,982	3,322	24,277	24,129	4,805	9,992	3,748	90	6,125
326	326	774	938	-	2,012	288	900	900	118	1,121	19	18	72
5	5	198	387	-	566	67	218	218	215	244	4	2	4
3,214	3,214	4,898	6,375	-	5,883	4,831	20,267	20,267	17,992	10,117	3,052	653	3,351
5	5	13	5	-	-	2,780	35	35	11,945	90	630	4	550
3	3	-	5	-	-	70	50	50	2,500	250	2,000	-	2,100
1,677	1,677	9,786	2,232	-	211	15,489	1,077	1,077	41,028	1,607	382	1,465	895
20	12	55	245	-	4	2,200	14,967	15,115	2,400	1,228	850	130	1,425
8,221	8,221	20,375	14,114	-	14,658	29,047	61,791	61,791	81,003	24,649	10,685	2,362	14,522
14,723	15,083	44,132	53,974	-	76,582	13,431	161,031	160,670	18,538	110,722	5,951	741	8,653

DANIELS TOWN SQUARE CPA

Large-scale Comprehensive Plan Amendment

- Map Amendment -

RECEIVED
AUG 13 2024
COMMUNITY DEVELOPMENT

August 26, 2024

PREPARED FOR:
Bison Property Holdings, LLC

SUBMITTED TO:
Lee County, Community Development
Development Services Department
1500 Monroe Street
Fort Myers, FL 33901

RVi

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EXHIBIT M1 – CPA APPLICATION

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: **Daniels Town Square CPA**

Project Description: **Bison Property Holdings, LLC ("Applicant") seeks to amend the Future Land Use Category (FLUC) of 61.26+/- acres located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida. The Applicant seeks to amend the FLUC from General Interchange to Intensive Development and include the acreage north of Three Oaks Extension in the Mixed-use Overlay. The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential of up to 1,234 du. There are 5.79 acres of wetlands to be impacted as approved by ERP No. 230220-37612.**

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

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

---

1. **Name of Applicant:** **Bison Property Holdings, LLC c/o Chris Moore**
   Address: 150 E. Palmetto Park Road City, State, Zip: Boca Raton, FL 33432
   Phone Number: (561) 452-8239 E-mail: cmoore@waypointresidential.com

2. **Name of Contact:** **Fred Drovdlic, AICP**
   Address: **RVi Planning and Landscape Architecture**, 1514 Broadway, Suite 201
   City, State, Zip: Fort Myers, FL 39901
   Phone Number: 239-318-6707 E-mail: fdrovdlic@rviplanning.com

3. **Owner(s) of Record:** **DANIELS PARKWAY JV DEVELOPMENT**
   Address: 12731 NEW BRITTANY BLVD
   City, State, Zip: FORT MYERS FL 33907
   Phone Number: (239) 418-0999 E-mail: drjonathanfrantz@gmail.com

4. **Property Location:**
   1. Site Address: 13841 INDIAN PAINT LN, FORT MYERS
   2. STRAP(s): 22-45-25-L3-U2060.3612, 22-45-25-L4-U2038.3602, 22-45-25-L3-U2053.3576, and 22-45-25-L4-U2037.3579

5. **Property Information:**
   Total Acreage of Property: 61.26 acres Total Acreage Included in Request: 61.26 acres
   Total Uplands: 54.68 acres Total Wetlands: 6.58 acres (0.79 preserved) current Zoning: CPD
   Current Future Land Use Category(ies): General Interchange
   Area in Each Future Land Use Category: All
   Existing Land Use: Vacant

6. **Calculation of maximum allowable development under current Lee Plan:**
   Residential Units/Density: 1,664 Commercial Intensity: 30,000 SF+200 room hotel Industrial Intensity: NA

7. **Calculation of maximum allowable development with proposed amendments:**
   Residential Units/Density: 1,664 Commercial Intensity: 30,00 SF+200 room hotel Industrial Intensity: NA

Public Facilities Impacts

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

1. **Traffic Circulation Analysis**: The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.

   a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:

      i. Total peak hour trip generation less than 50 total trip ends – trip generation.

      ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.

      iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.

   b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.

2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage Basins
   d. Parks, Recreation, and Open Space
   e. Public Schools

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

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

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

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

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

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

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

Environmental Impacts

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

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

Impacts on Historic Resources

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

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

Internal Consistency with the Lee Plan

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

State Policy Plan and Regional Policy Plan

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

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

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

Sketch and Legal Description

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

SUBMITTAL REQUIREMENTS

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

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

MINIMUM SUBMITTAL ITEMS (3 Copies)

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

APPLICANT – PLEASE NOTE:

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

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

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Jim Lott (name), as Authorized Signatory (owner/title) of Bison Property Holdings, LLC (company/property), swear or affirm under oath, that I am the authorized representative of the owner(s) of the property and authorize the Meyers Group as the applicant and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Authorized Signatory	2/22/24 **Date**

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 22 day of February, 2024, by Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

SHEILA HAMILTON
Notary Public, Georgia
Cherokee County
My Commission Expires
June 29, 2024

Signature of Notary Public

EXHIBIT M3 – DISCLOSURE AND VARIANCE REPORT

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Jim Lott as Authorized Signatory of Bison Property Holdings, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAPS 22-45-25-L3-U2053.3576, 22-45-25-L4-U2037.3579, 22-45-25-L3-U2060.3612 and 22-45-25-L4-U2038.3602 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Authorized Signatory

Jim Lott

Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

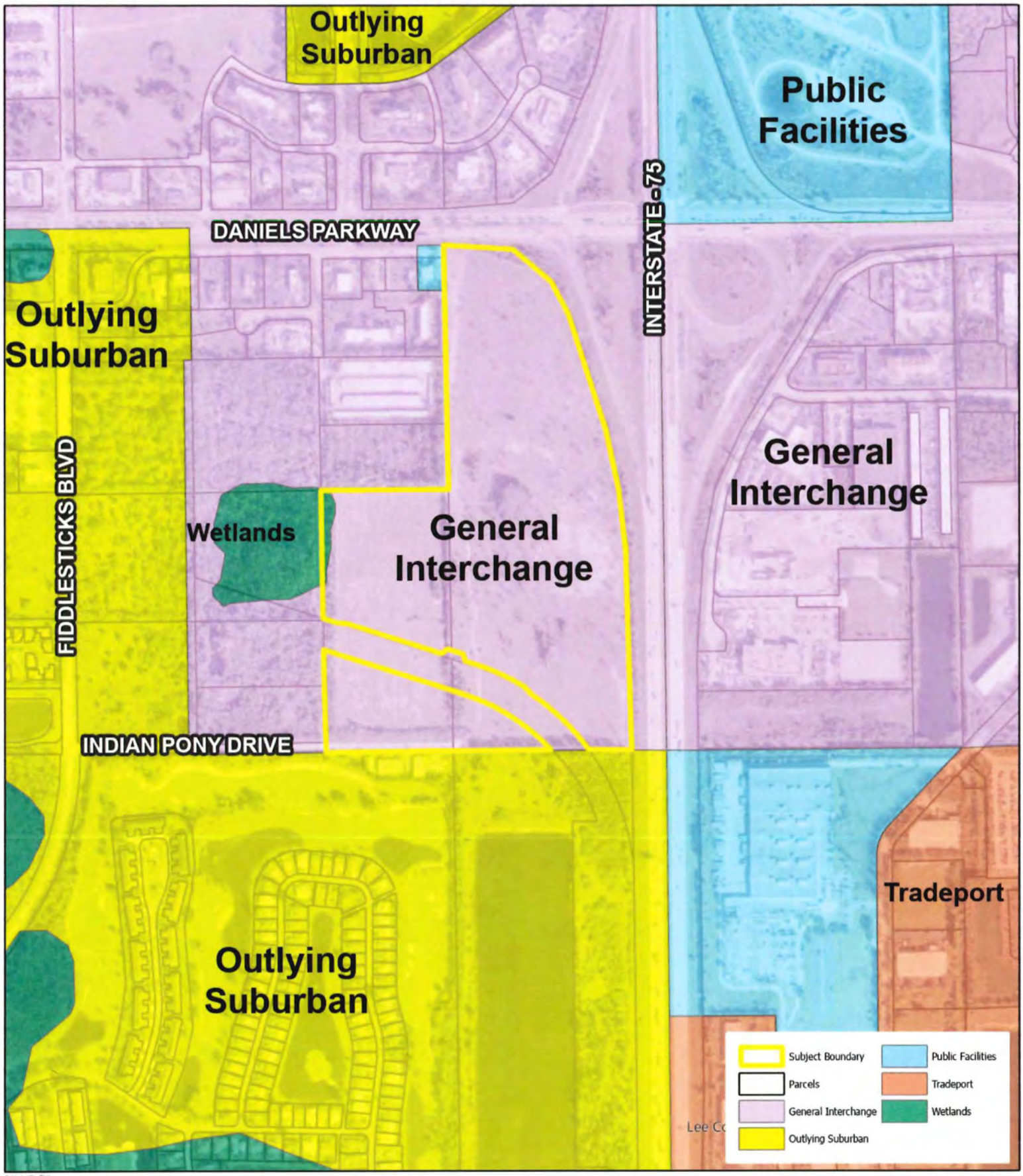
The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [ ] online notarization, on February 22, 2024 (date) by Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

SHEILA HAMILTON
Notary Public, Georgia
Cherokee County
My Commission Expires
June 29, 2024

Signature of Notary Public

EXHIBIT M4 – FUTURE LAND USE MAP - EXISTING AND PROPOSED



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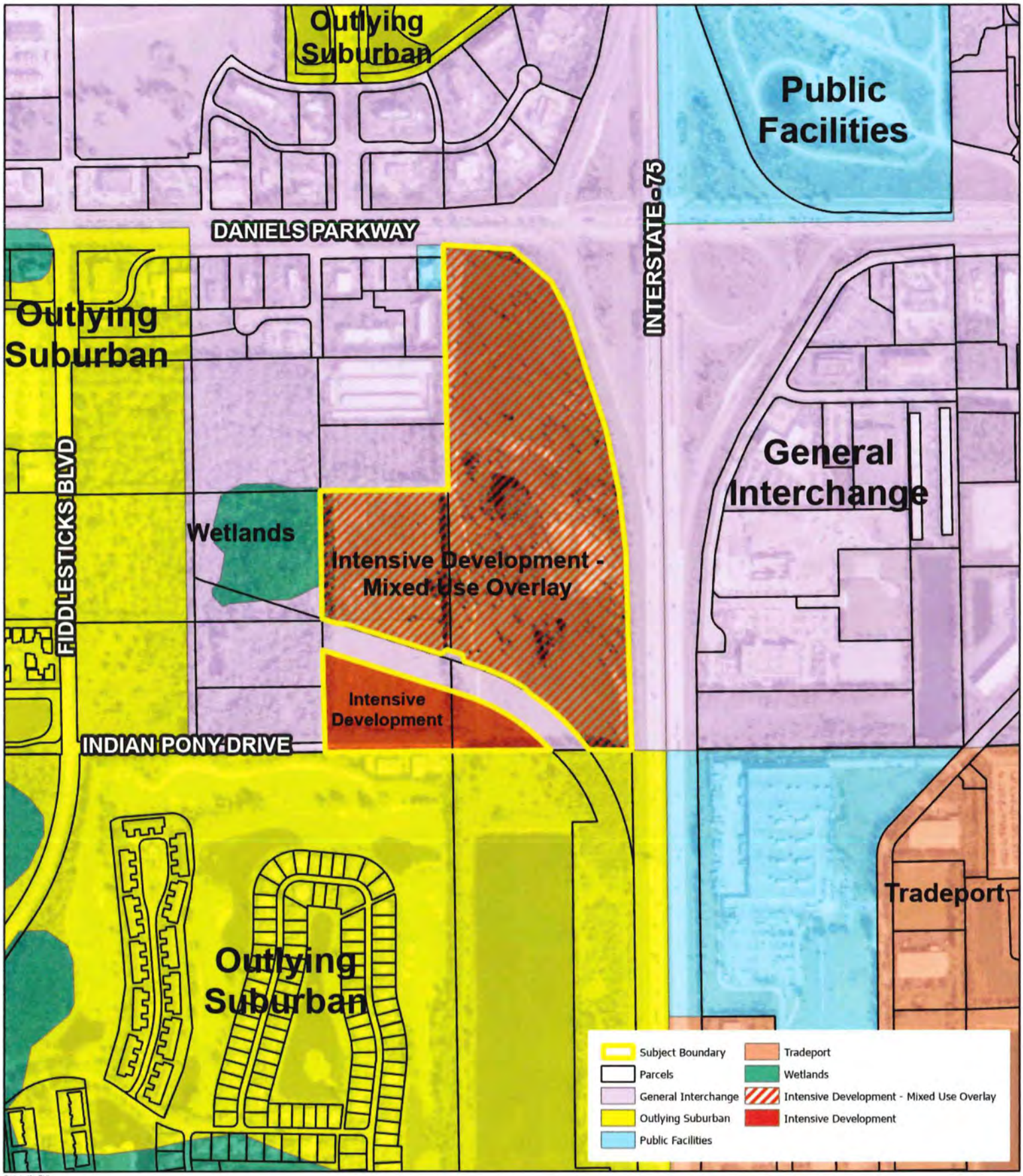
Suite 450
Tampa, FL 33610
Tel 813.443.8282
www.rviplanning.com

DANIELS TOWN SQUARE CPA • CURRENT FUTURE LAND USE MAP

- Lee County, FL
- Date: 6/26/2024
- # 22000239
- Bison Property Holdings, LLC

0 210 420 840 Feet

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



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www.rviplanning.com

DANIELS TOWN SQUARE CPA • PROPOSED FUTURE LAND USE MAP

- Lee County, FL
- Date: 6/26/2024
- # 22000239
- Bison Property Holdings, LLC

0 210 420 840 Feet

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

EXHIBIT M5 – MAP AND DESCRIPTION OF EXISTING LAND USES OF THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES

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DANIELS TOWN SQUARE CPA • SURROUNDING LAND USE MAP

- Lee County, FL
- Date: 6/26/2024
- # 22000239
- Bison Property Holdings, LLC

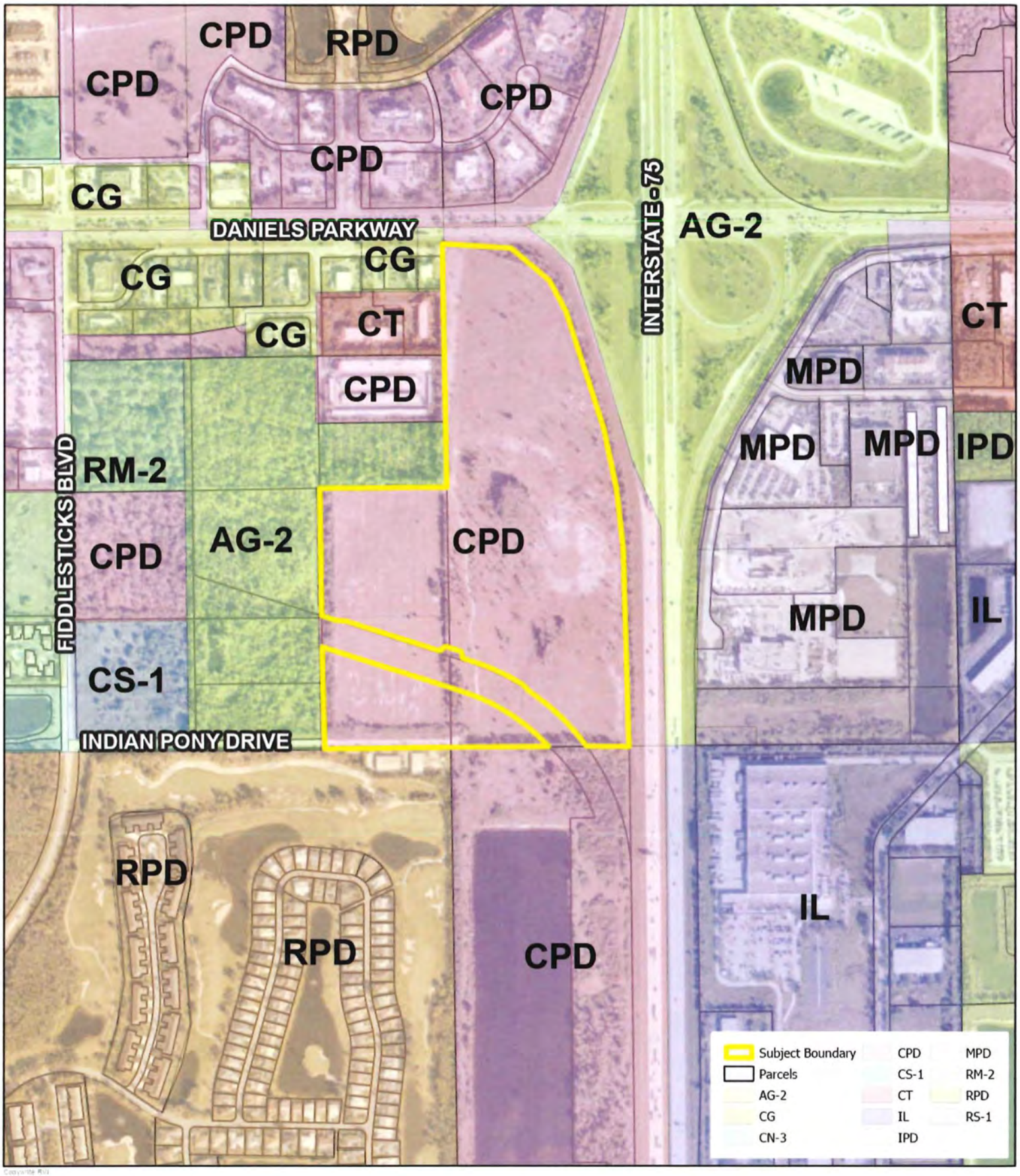
Subject Boundary

Parcels

0 210 420 840 Feet

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

EXHIBIT M6 – MAP AND DESCRIPTION OF EXISTING ZONING OF THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES



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RVi
10150 Highland Manor Drive
Suite 450
Tampa, FL 33610
Tel 813.443.8282
www.rviplanning.com

DANIELS TOWN SQUARE CPA • CURRENT ZONING MAP

0 210 420 840 Feet

- Lee County, FL
- Date: 6/26/2024
- # 22000239
- Bison Property Holdings, LLC

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

EXHIBIT M7 – LEGAL SKETCH AND DESCRIPTION

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

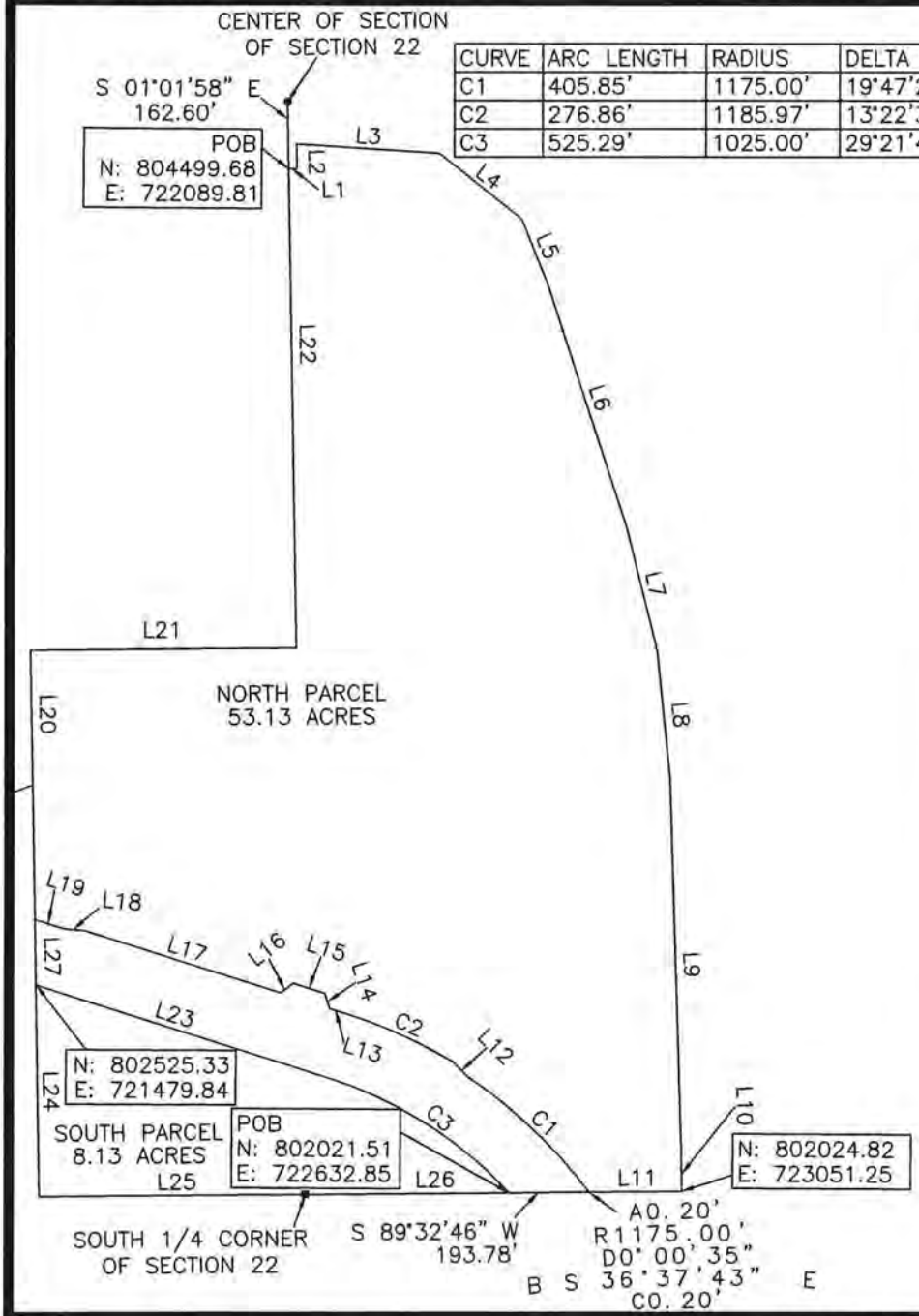
SKETCH

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.

MARK D. McCLEARY, P.S.M.
FLORIDA REGISTRATION NO. 6557
FOR THE FIRM LB-7995
DATE SIGNED:

****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.

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

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

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

AND

SOUTH PARCEL

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:
THENCE S 86°27'08" E A DISTANCE OF 349.38';
THENCE S 51°43'05" E A DISTANCE OF 258.16';
THENCE S 22°07'24" E A DISTANCE OF 168.65';
THENCE S 18°01'44" E A DISTANCE OF 617.97';
THENCE S 13°58'40" E A DISTANCE OF 311.29';
THENCE S 05°51'00" E A DISTANCE OF 311.31';
THENCE S 01°46'50" E A DISTANCE OF 898.82';
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594;
THENCE N 89°32'46" E A DISTANCE OF 193.78';
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.

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

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

ADDRESS: 2744 INDIAN PAINT LANE
INDIAN PONY DRIVE
FORT MYERS, FL 33912

ZONING: THE ZONING IS IN THE APPROVED PD(MIXE) CLASSIFICATION (PDP LEE COUNTY) (DR)

SCHEDULE B, PART II - EXCEPTIONS

2. OIL, GAS, MINERAL OR OTHER RESERVATIONS AS SET FORTH IN WARRANTY DEED RECORDED IN DEED BOOK 270, PAGE 451, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (NOTE: NO DETERMINATION HAS BEEN MADE AS TO THE CURRENT OWNER OF OIL, GAS AND/OR MINERALS EXCEPTED HEREIN. IN THE EVENT A FLORIDA ENDORSEMENT FORM 9 IS ISSUED WITH THE POLICY(IES), FORM 9 ENDORSEMENT COVERAGE IS NOT AFFORDED FOR THIS EXCEPTION.
— NOT PLOTTED

3. RESTRICTIONS, CONDITIONS, SETBACKS AND RIGHTS DESCRIBED IN THAT CERTAIN DECLARATION OF RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 511, PAGE 515, AS AFFECTED BY ORDER OF FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 717, PAGE 2778, AS AFFECTED IN OFFICIAL RECORDS BOOK 1518, PAGE 1121, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
— NOT PLOTTED

8. EASEMENT FOR INDIAN PAINT LANE AND TURN AROUND DESCRIBED IN THAT CERTAIN AGREEMENT FOR DEED RECORDED IN OFFICIAL RECORDS BOOK 511, PAGE 516, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
— PLOTTED

9. OIL, GAS, MINERAL OR OTHER RESERVATIONS EXCEPTED BY OIL, GAS AND MINERAL LEASE RECORDED IN OFFICIAL RECORDS BOOK 657, PAGE 87, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (NOTE: NO DETERMINATION HAS BEEN MADE AS TO THE CURRENT OWNER OF OIL, GAS AND/OR MINERALS EXCEPTED HEREIN. IN THE EVENT A FLORIDA ENDORSEMENT FORM 9 IS ISSUED WITH THE POLICY(IES), FORM 9 ENDORSEMENT COVERAGE IS NOT AFFORDED FOR THIS EXCEPTION)
— NOT PLOTTED

10. EASEMENTS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1139, PAGE 1570, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
— PLOTTED

11. EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1362, PAGE 2011, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
— PLOTTED

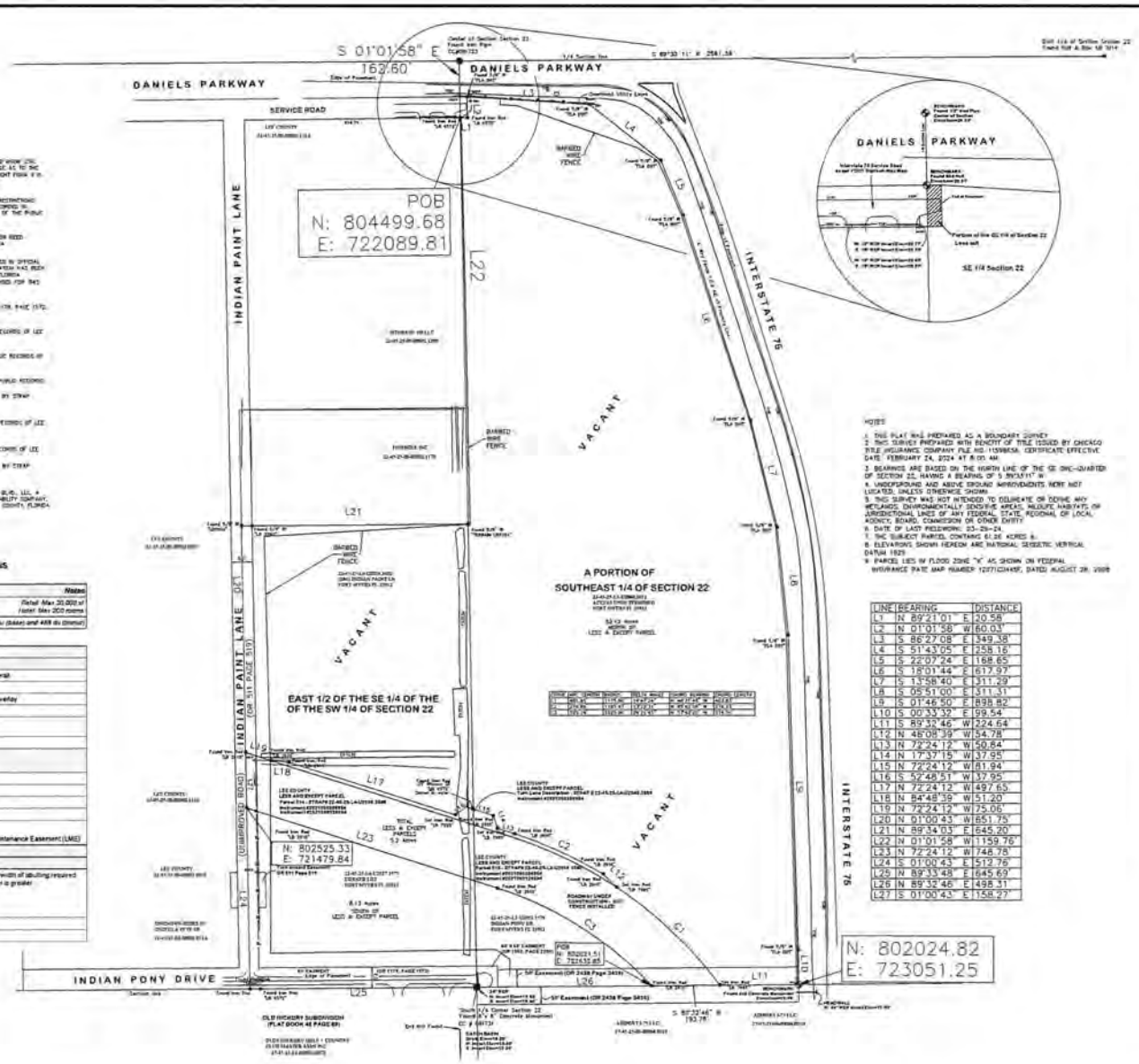
12. AGREEMENT FOR EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1595, PAGE 1662, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
— NOT PLOTTED (DESCRIPTION) BLAND

13. GRANT OF DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2252, PAGE 3431, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
— NOT PLOTTED. EASEMENT IS WITHIN OFFSITE PARCELS AND IS LOCATED DIRECTLY SOUTH BOUNDED BY STRAP NUMBERS 27-45-23-00-00004.0000 AND 27-45-27-02-00000.0010 RESPECTIVELY.

14. EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2416, PAGE 3436, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
— PLOTTED

15. DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2441, PAGE 2424, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
— NOT PLOTTED. EASEMENT IS WITHIN OFFSITE PARCELS AND IS LOCATED DIRECTLY SOUTH BOUNDED BY STRAP NUMBERS 27-45-23-00-00004.0000 AND 27-45-23-02-00000.0010 RESPECTIVELY.

16. INGRESS, EGRESS, UTILITY AND DRAINAGE EASEMENT BETWEEN SWAP CARDINAL 12701 REALTORS BLVD, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND DANIELS PARKWAY JV INVESTMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2021000230475, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
— NOT PLOTTED. OFFSITE WEST OF INDIAN PAINT LANE



LEGEND:
(P) = PLAT
(M) = MEASURED
FD = FOUND
ELEV = ELEVATION
W/V = WATER VALVE
HYD = FIRE HYDRANT
T.R. = TELEPHONE RISER
S.S.M.H. = SANITARY MANHOLE
UTIL = UTILITY
LB = LICENSED BUSINESS
G.A. = GUY ANCHOR
ELEC. = ELECTRIC
WM = WATER METER
W/P = WOOD POWER POLE
℄ = CENTERLINE
+10.00 = SPOT ELEVATION
C.B. = CATCH BASIN
R.C.P. = REINFORCED CONCRETE PIPE
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
TOE = TOE OF SLOPE
TOB = TOP OF BANK
—P— = OVERHEAD POWER LINES
EOP = EDGE OF PAVEMENT

SCALE: 1"= 150'

DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING WEST OF INTERSTATE 75 (I-75) AND LYING SOUTHERLY OF DANIELS PARKWAY RIGHT-OF-WAY, LEE COUNTY, FLORIDA.

AND

THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

LESS AND EXCEPT THE REAL PROPERTY RECORDED IN THAT CERTAIN WARRANTY DEED DATED SEPTEMBER 11, 2020, AND RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2020000230534, OF THE PUBLIC RECORDS OF LEE COUNTY.

MORE PARTICULARLY DESCRIBED:

NORTH PARCEL:

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2020000242258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERMATE 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 258.14';
THENCE S 22°07'24" E A DISTANCE OF 168.03';
THENCE S 18°01'40" 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 N 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 OF WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000230534 AND 2021000128544; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 458.95', WITH A RADIUS OF 1155.00', WITH A DELTA ANGLE OF 19°47'24", WITH A CHORD BEARING OF N 48°21'49" W, WITH A CHORD LENGTH OF 453.82'; THENCE N 58°08'38" W A DISTANCE OF 34.78'; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 274.84', WITH A RADIUS OF 1180.97', WITH A DELTA ANGLE OF 13°20'35", WITH A CHORD BEARING OF N 65°43'54" W, WITH A CHORD LENGTH OF 274.23';
THENCE N 72°24'12" W A DISTANCE OF 50.84';
THENCE N 17°35'48" W A DISTANCE OF 37.82';
THENCE N 72°24'12" W A DISTANCE OF 95.94';
THENCE N 52°46'51" W A DISTANCE OF 37.95';
THENCE N 72°24'12" W A DISTANCE OF 491.45';
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 PONY LANE;
THENCE N 01°01'43" 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';
THENCE N 72°24'12" W A DISTANCE OF 748.78';
THENCE N 01°00'43" E A DISTANCE OF 512.76';
THENCE N 89°33'48" E A DISTANCE OF 645.69';
THENCE N 89°32'46" E A DISTANCE OF 498.31';
THENCE N 01°00'43" E A DISTANCE OF 158.27'

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 2020000242258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERMATE 75 SERVICE ROAD; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE S 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 INTERMATE 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 258.14';
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THENCE S 18°01'40" E A DISTANCE OF 617.97';
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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 OF WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000230534 AND 2021000128544; THENCE N 89°20'48" W A DISTANCE OF 183.79';
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 525.23', WITH A RADIUS OF 1120.00', WITH A DELTA ANGLE OF 27°22'45", WITH A CHORD BEARING OF N 01°43'30" W, WITH A CHORD LENGTH OF 520.38';
THENCE N 72°24'12" W A DISTANCE OF 748.78';
THENCE N 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'; UNION IS THE POINT OF BEGINNING.
CONTAINING AN AREA OF 394,747.78 SQUARE FEET, 9.13 ACRES MORE OR LESS.

NOTES:

1. THIS PLAT WAS PREPARED AS A BOUNDARY SURVEY
2. THIS SURVEY PREPARED WITH BENEFIT OF TITLE ISSUED BY CHICAGO TITLE INSURANCE COMPANY FILE NO. 1159883A. CERTIFICATE EFFECTIVE DATE: FEBRUARY 24, 2024 AT 8:00 AM.
3. BEARINGS ARE BASED ON THE NORTH LINE OF THE SE ONE-QUARTER OF SECTION 22, HAVING A BEARING OF S 89°35'11" W
4. UNDERGROUND AND ABOVE GROUND IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE SHOWN.
5. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS, OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY
6. DATE OF LAST FIELDWORK: 03-26-24.
7. THE SUBJECT PARCEL CONTAINS 61.26 ACRES ±.
8. ELEVATIONS SHOWN HEREON ARE NATIONAL GEODETIC VERTICAL DATUM 1929
9. PARCEL LIES IN FLOOD ZONE "X" AS SHOWN ON FEDERAL INSURANCE RATE MAP NUMBER 12071C0446F, DATED AUGUST 28, 2008

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	258.14'
L5	S 22°07'24" E	168.65'
L6	S 18°01'40" 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 48°08'39" W	54.78'
L13	N 72°24'12" W	50.84'
L14	N 17°35'15" W	37.95'
L15	N 72°24'12" W	81.94'
L16	S 52°46'51" 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 SURVEY IS ONLY FOR THE BENEFIT OF
Bison Property Holdings, LLC

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

MARK D. McCLEARY (FOR THE FIRM LB 7995)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6357
DATE SIGNED

PROPERTY DEVELOPMENT REGULATIONS

TABLE 1: Intensity and Density

USE CATEGORY	TYPE OF USE	INTENSITY/DENSITY	Notes
Non-Residential	Commercial	Max. 20,000 square feet plus 200 hotel	Retail: Max 20,000 sf Hotel: Max 200 rooms
Residential	Multi-family	Max. 1,347 total units	30d du (base) and 449 du (bonus)

TABLE 2: Development Regulations

GENERAL PARAMETERS		
Category	Requirement	Notes
Maximum Lot Coverage	60 percent	96.15 Acres Overall
Maximum Building Height	135 feet (12 habitable stories)	
Minimum Open Space	20%	For mixed use overlay
Minimum Lot Area	10,000 square feet	
Minimum Lot Dimensions	Width: 100 feet Depth: 100 feet	
Minimum PD Boundary	15 feet	

RESIDENTIAL USES		
Setbacks	Requirement	Notes
Minimum Front (Street)	20 feet	
Minimum Front	15 feet	
Minimum Rear	5 feet	
Minimum Side	5 feet	
Min. Building Separation	20 feet	
Water Body	20 feet	0 from Lake Maintenance Easement (LME)

NON-RESIDENTIAL USES		
Setbacks	Requirement	Notes
Minimum Front (Street)	20 feet	Or the minimum width of abutting required buffer, whichever is greater
Minimum Front	15 feet	
Minimum Rear	5 feet	
Minimum Side	5 feet	
Min. Building Separation	20 feet	
Water Body	20 feet	0 from LME

date 3/29/2024
drawn MDM checked MDM
field book/page 55
job DANIELS_66

DANIELS Town Square
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

CE-SITE
civil engineering surveying project management
EB-30108 LB-7995
13650 Fiddlesticks Boulevard, PMB 202-369
Fort Myers, Florida 33912
Telephone (239) 936-9777

ALTA BOUNDARY SURVEY
FOR
Bison Property Holdings, LLC
150 E. PALMETTO PARK ROAD
BOCA RATON, FL 33432

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

C:\Users\mark\CE-SITE\Community Engineering Team Site - Documents\Surveying\DANIELS - 1 150 ALTA DANIELS TOWN SQUARE 04-11-24.dwg

City Limits

FEMA Flood Map Information

LIMWA

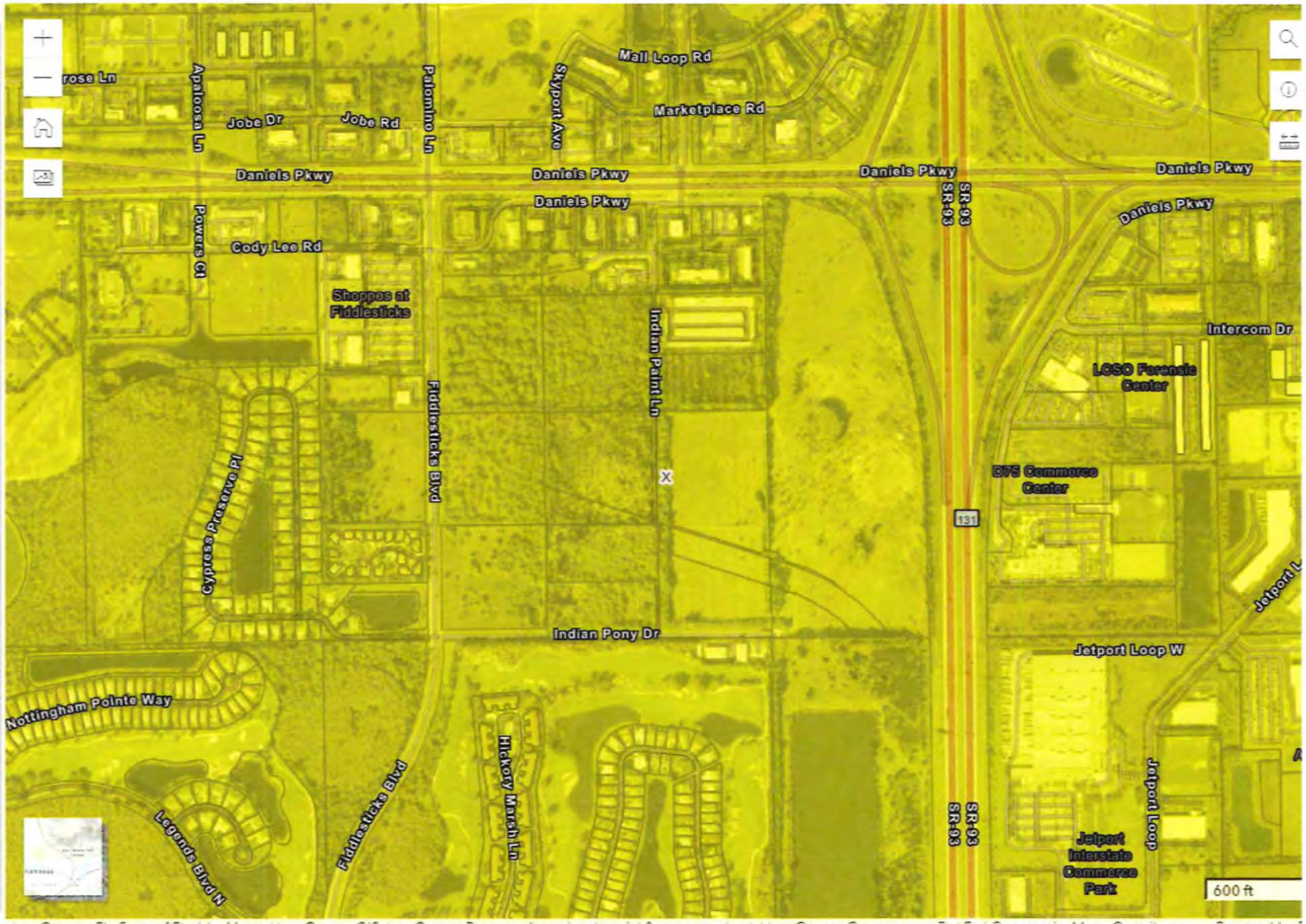
Floodways

Flood Zones

- VE
- Coastal A Zone
- AE
- AH
- AO
- A
- X (shaded)
- X

Parcels

Mobile Home Lots



Lee County, FL, State of Florida, Maxar | Lee County GIS, Lee County Property Appraiser (spatial & property data) | Lee County Government, FL | Esri Community Maps Contributo... Powered by E

81°44'59.16"W 26°29'46.84"N

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP
FOR DRAFT FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AH, AO, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes Zone X
	Area with Flood Risk due to Levee Zone D
	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
OTHER AREAS	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	20.2 Cross Sections with 1% Annual Chance
	17.5 Water Surface Elevation
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by the United States Geological Survey (USGS). The basemap shown is the USGS National Map: Orthoimagery. Last refreshed October, 2020.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 8/18/2023 11:46 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at https://www.fema.gov/media-library/assets/documents/118418.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards. This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

SCALE

Map Projection:
GCS, Geodetic Reference System 1980;
Vertical Datum: No elevation features on this FIRM
For information about the specific vertical datum for elevation features, datum conversions, or vertical monuments used to create this map, please see the Flood Insurance Study (FIS) Report for your community at https://msc.fema.gov

1 inch = 1,000 feet 1:12,000

0 500 1,000 2,000 3,000 4,000 Feet

N 0 105 210 420 630 840 Meters

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

PANEL 445 OF 678

Flood Insurance

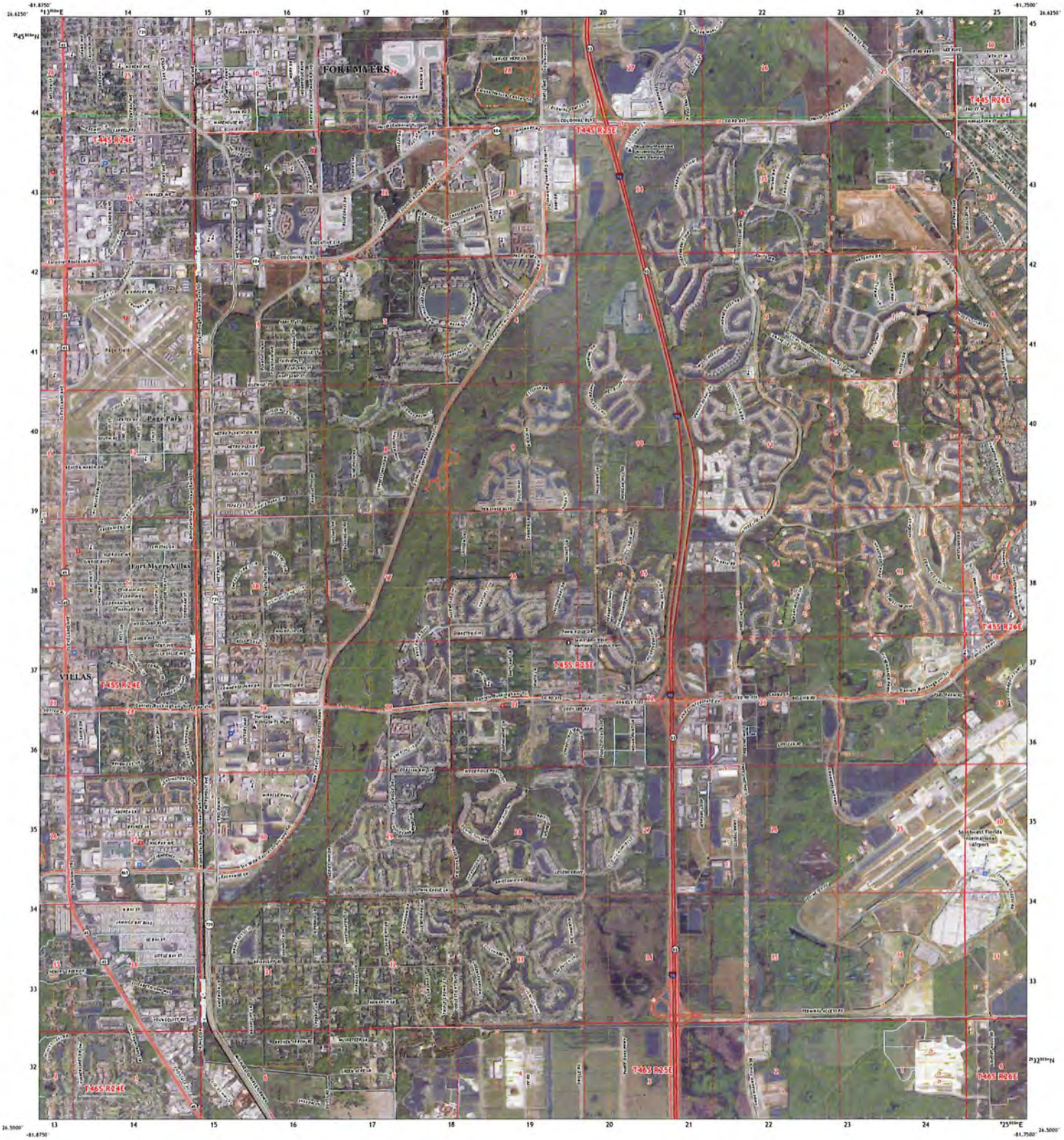
COMMUNITY	NUMBER	PANEL
LEE COUNTY	125124	0445
CITY OF FORT MYERS	125106	0445

MAP NUMBER
12071C0445F
EFFECTIVE DATE
August 28, 2008

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

US Topo

FORT MYERS SE QUADRANGLE
FLORIDA - LEE COUNTY
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and 1 000 meter grid Universal Transverse Mercator, Zone 17R
This map is not a legal document. Boundaries may be generalized for the map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands

Imagery	NAIP,	November	2018
Roads	U.S. Census	Bureau	2016
Names	GNIS, 1979		2020
Hydrography	National Hydrography Dataset,	2012	2019
Contours	National Elevation Dataset,		2019
Boundaries	Multiple sources; see metadata file	2018	2019
Public Land Survey System		BLM	2020
Wetlands	FWS National Wetlands Inventory,	2012	2020

UTM GRID AND 2019 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:24 000

CONTOUR INTERVAL 5 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the National Geospatial Program US Topo Product Standard

QUADRANGLE LOCATION

1	2	3
4		5
6	7	8

FOLLOWING QUADRANGLES
1 Fort Myers NW
2 Fort Myers
3 Olga
4 Fort Myers SW
5 Alva SW
6 Fort Myers Beach
7 Estero
8 Corkscrew NW

ROAD CLASSIFICATION
Expressway — Local Connector
Secondary Hwy — Local Road
Ramp — 4WD
Interstate Route — US Route — State Route

FORT MYERS SE, FL
2021

EXHIBIT M8 – DEEDS

Chicago Title Insurance Company
711 Third Avenue, 8th Floor
New York, NY 10017
Phone: 212-880-1200

TITLE NO.: CTIC-24000217

COMMITMENT PREPARED FOR: Waypoint Real Estate Investments
Chris Moore
150 E. Palmetto Park Road, 6th Floor
Boca Raton, FL 33432
cmoore@waypointresidential.com

PREMISES: 33912 13841 Indian Paint Lane and
33912 Indian Pony Drive
Fort Myers, FL
Lee County

NATIONAL UNDERWRITER: Joe Benlevi
Joe.Benlevi@ctt.com
212-880-1304

FOR PLACEMENT OF NEW ORDERS: Siu Cheung
Siu.Cheung@ctt.com
212-880-1256

FOR ANY OTHER INQUIRIES OR ASSISTANCE PLEASE CONTACT YOUR SALES PERSON:
Mark Krivelevich
212-880-1240
Mark.Krivelevich@ctt.com

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:
Issuing Agent: Chicago Title Insurance Company
Issuing Office: 2203 North Lois Ave, Suite 450
Tampa, FL 33607
Issuing Office's ALTA® Registry ID:
Loan ID Number:
Commitment Number: 11598656
Issuing Office File Number: CTIC-24000217/402400110SJ
Property Address: Fort Myers, FL 33912 13841 Indian Paint Lane
Fort Myers, FL 33912 Fort Myers, FL 33912 Indian Pony Drive
Fort Myers, FL 33912
Revision Number:

SCHEDULE A

1. Commitment Date: 02/14/2024 at: 8:00 AM

2. Policy to be issued:

   A. 2021 ALTA Owner's Policy with Florida Modifications
   Proposed Insured: Bison Property Holdings, LLC, a Delaware limited liability company
   Proposed Amount of Insurance: $32,500,000.00
   The estate or interest to be insured: Fee Simple

3. The estate or interest in the Land at the Commitment Date is: *(Identify each estate or interest covered, i.e., fee, leasehold, etc.)*

   Fee Simple

4. The Title is, at the Commitment Date, vested in: *(Identify vesting for each estate or interest identified in Item 3 above)*

   Daniels Parkway JV Development, LLC, a Florida limited liability company, formerly known as Daniels Parkway JV Investment, LLC and, as disclosed in the Public Records, has been since July 3, 2007.

5. The Land is described as follows in Exhibit "A" attached hereto and made part hereof.

Countersigned:

Susie Jackson

By:_____
Authorized Officer or Agent

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

   A. Duly executed Warranty Deed from Daniels Parkway JV Development, LLC, a Florida limited liability company, formerly known as Daniels Parkway JV Investment, LLC, Grantor, to Bison Property Holdings, LLC, a Delaware limited liability company, Grantee, conveying the land described on Exhibit A hereof.

   The Company will require the following as to Daniels Parkway JV Development, LLC, a Florida limited liability company, formerly known as Daniels Parkway JV Investment, LLC: ("LLC"):

   i. Proof that the LLC was in existence in its state of organization at the time it acquired title and that the LLC is currently in good standing.

   ii. Present for review a true and complete copy of the articles of organization and operating agreement of the LLC and any amendments thereto.

   iii. Record an affidavit from the person executing the proposed deed on behalf of the LLC certifying: (a) the name and state of organization of the LLC; (b) whether the LLC is member-managed or manager-managed; (c) the identity of the member or manager and the person authorized to execute the deed; and (d) neither the LLC nor any member signing the deed have filed bankruptcy since the LLC acquired title.

   iv. If the member or manager of the LLC is also a business entity, present proof of the entity's good standing and the appropriate entity documents to establish signing authority.

   If the proposed deed will be executed by anyone other than a member or manager, those portions of the operating agreement or other documentation evidencing the authority of the signatory must be attached as an exhibit to the affidavit.

5. Proof of payment of any outstanding assessments in favor of Lee County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

   Any outstanding assessments in favor of Lee County, Florida, any special taxing district and any municipality.

6. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

   Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.

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SCHEDULE B, PART I Requirements

7. Satisfaction of the First Mortgage and Security Agreement (Acquisition) executed by Daniels Parkway JV Investment, LLC, a Florida limited liability company, Mortgagor, in favor of CNLBank, a Florida banking corporation, Mortgagee, dated June 29, 2007, in the original principal amount of $11,440,000.00, recorded July 3, 2007, in Official Records Instrument Number 2007000211056, as modified by Mortgage Modification Agreement dated May 28, 2008, recorded May 29, 2008, in Official Records Instrument Number 2008000143190, by Mortgage Modification Agreement dated April 24, 2009, recorded May 7, 2009, in Official Records Instrument Number 2009000123305, by Mortgage Modification Agreement dated July 29, 2009, recorded September 3, 2009, in Official Records Instrument Number 2009000241915, by Mortgage Modification Agreement dated February 7, 2012, recorded March 12, 2012, in Official Records Instrument Number 2012000054468, by Mortgage Modification Agreement dated February 7, 2013, recorded April 4, 2013, in Official Records Instrument Number 2013000077671, by Mortgage Modification Agreement dated April 7, 2015, recorded May 14, 2015, in Official Records Instrument Number 2015000104133, by Mortgage Modification Agreement dated April 7, 2017, recorded May 1, 2017, in Official Records Instrument Number 2017000093479, now held by FineMark National Bank & Trust by virtue of Assignment of Note, Mortgage and Loan Documents dated April 30, 2020, recorded May 6, 2020, in Official Records Instrument Number 2020000105602, and thereafter modified by Mortgage, Security Agreement, Assignment of Rents and Leases, and Security Instruments Amendment, Restatement and Modification Agreement after Assignment and Renewal recorded May 6, 2020, in Official Records Instrument Number 202000010560, of the Public Records of Lee County, Florida, together with release of the following related collateral security instruments:
   (a) Assignment of Leases and Rents of Real Property recorded July 3, 2007, in Official Records Instrument Number 2007000211057, of the Public Records of Lee County.
   (b) UCC-1 Financing Statement recorded July 3, 2007, in Official Records Instrument Number 2007000211058, continued by Financing Statement Amendment Form recorded May 30, 2012, in Official Records Instrument Number 2012000119494, of the Public Records of Lee County.

   NOTE: The original promissory note secured by the above described mortgage must be produced and cancelled and if this is an equity line mortgage, in addition to satisfying the mortgage, the equity line must be closed and terminated prior to closing.

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

9. Proof of payment, satisfactory to the Company, of taxes for the year 2023 under Tax Folio Numbers 22-45-25-L3-U2060.3612, 22-45-25-L4-U2038.3602, 22-45-25-L4-U2037.3579 and 22-45-25-L3-U2053.3576. NOTE: Since tax sale certificates were sold on these properties for unpaid taxes for the year 2022, verify with that the Tax Collector Office that taxes were paid by the current owner. Otherwise, if a lien has been created on the property, in order to satisfy said lien, the property owner must still pay the delinquent taxes, interest, and any associated fees.

10. Proof satisfactory to the Company must be furnished and recorded in the Public Records showing that Daniels Parkway JV Investment, LLC has changed its name to Daniels Parkway JV Development, LLC.

11. Proof of the good standing of Bison Property Holdings, LLC, in the State of Delaware.

    NOTE: Effective July 1, 2023, the Conveyances to Foreign Entities Act in sections 692.201 - 692.205, Florida Statutes (the "Act"), limits and regulates the purchase, sale and ownership of Florida real property by certain buyers who are associated with "foreign countries of concern," specifically the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro and the Syrian Arab Republic. In connection with the purchase of real property, the Act requires each buyer to provide an

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SCHEDULE B, PART I Requirements

affidavit confirming the purchaser is in compliance with the Act. Any loss or damage resulting from a violation of the Act is excluded from coverage under the terms of the Policy.

NOTE: Starting January 1, 2024, section 695.26 (1)(c), F.S., provides that no instrument conveying, assigning, encumbering or otherwise disposing of an interest in real property which is executed or acknowledged in Florida shall be recorded by the clerk of court unless the post office address of each witness is legibly printed, typed or stamped upon the instrument. If an instrument containing one or more witnesses is recorded, the witnesses' addresses, as well as their names, should appear below their signatures. A business address may be used.

NOTE: Because the contemplated transaction involves an all-cash closing, the Company has not performed searches on the names of the purchasers/proposed insured. If the Company is asked to insure a Mortgage from said purchasers, we will require notification of same and we reserve the right to make additional requirements and/or exceptions which we may deem necessary after conducting name searches on the purchasers.

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SCHEDULE B, PART II Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this form.

2. Taxes and assessments for the year 2024 and subsequent years, which are not yet due and payable.

3. Standard Exceptions:

   A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

   B. Rights or claims of parties in possession not shown by the public records.

   C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.

   D. Taxes or assessments which are not shown as existing liens in the public records.

4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.

5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

6. Oil, gas, mineral or other reservations as set forth in Warranty Deed recorded in Deed Book 258, Page 453, of the Public Records of Lee County, Florida. NOTE: No determination has been made as to the current owner of oil, gas and/or minerals excepted herein. In the event a Florida Endorsement Form 9 is issued with the policy(ies), Form 9 Endorsement coverage is not afforded for this exception.

7. Restrictions, conditions, setbacks and rights described in that certain Declaration of Restrictions recorded in Official Records Book 511, Page 515, as affected by Order of Final Judgment recorded in Official Records Book 1717, Page 2178, re-recorded in Official Records Book 1718, Page 1231, of the Public Records of Lee County, Florida.

8. Easement for Indian Paint Lane and turn around described in that certain Agreement for Deed recorded in Official Records Book 511, Page 518, of the Public Records of Lee County, Florida

9. Oil, gas, mineral or other reservations evidenced by Oil, Gas and Mineral Lease recorded in Official Records Book 607, Page 87, of the Public Records of Lee County, Florida. NOTE: No determination has been made as to the current owner of oil, gas and/or minerals excepted herein. In the event a Florida Endorsement Form 9 is issued with the policy(ies), Form 9 Endorsement coverage is not afforded for this exception.

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SCHEDULE B, PART II Exceptions

10. Easements described in that certain Warranty Deed recorded in Official Records Book 1178, Page 1572, of the Public Records of Lee County, Florida.

11. Easement Agreement recorded in Official Records Book 1560, Page 2201, of the Public Records of Lee County, Florida.

12. Agreement for Easement recorded in Official Records Book 1579, Page 1682, of the Public Records of Lee County, Florida.

13. Grant of Drainage Easement recorded in Official Records Book 2252, Page 305, of the Public Records of Lee County, Florida.

14. Easement Agreement recorded in Official Records Book 2438, Page 3436, of the Public Records of Lee County, Florida.

15. Drainage Easement recorded in Official Records Book 2441, Page 3424, of the Public Records of Lee County, Florida.

16. Ingress, Egress, Utility and Signage Easement between Samir Cabrera, 13701 Fiddlesticks Blvd., LLC, a Florida limited liability company, and Daniels Parkway JV Investment, LLC, a Florida limited liability company, recorded in Official Records Instrument Number 2007000211039, of the Public Records of Lee County, Florida.

17. Ingress, Egress, Utility and Signage Easement between Samir Cabrera, Daniels View, LLC, a Florida limited liability company, and Daniels Parkway JV Investment, LLC, a Florida limited liability company, recorded in Official Records Instrument Number 2007000211040, of the Public Records of Lee County, Florida.

18. Land Exchange and Impact Fee Credit Agreement by and between Lee County, a political subdivision of the State of Florida, and Daniels Parkway JV Development, LLC, a Florida limited liability company, recorded in Official Records Instrument Number 2021000128594, as affected by Amendment to Land Exchange and Impact Fee Credit Agreement recorded in Official Records Instrument Number 2023000023362, of the Public Records of Lee County, Florida.

19. Order of Taking in favor of Lee County, a political subdivision of the State of Florida, recorded in Official Records Instrument Number 2023000203121, of the Public Records of Lee County, Florida.

20. Lee County Ordinance 11-03, as amended by Lee County Ordinance 11-27, providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.

21. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.

NOTE: All recording references in this form shall refer to the public records of Lee County, Florida, unless otherwise noted.

NOTE: Exception 1 above shall be deemed deleted as of the time the settlement funds or proceeds of the loan to be secured by the insured mortgage, as applicable, are disbursed by the Company or its authorized agent. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

NOTES ON STANDARD EXCEPTIONS:

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SCHEDULE B, PART II Exceptions

Item 3A will be deleted from the policy(ies) upon receipt of an accurate survey of the Land acceptable to the Company. Exception will be made for any encroachment, setback line violation, overlap, boundary line dispute or other adverse matter disclosed by the survey.

Items 3B, 3C, and 3D will be deleted from the policy(ies) upon receipt of an affidavit acceptable to the Company, affirming that, except as disclosed therein (i) no parties in possession of the Land exist other than the record owner(s); (ii) no improvements have been made to the Land within 90 days prior to closing which have not have been paid for in full; and (iii) no unpaid taxes or assessments are against the Land which are not shown as existing liens in the public records. Exception will be made for matters disclosed in the affidavit.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Chicago Title Insurance Company, 12800 University Dr., Ft. Myers, FL 33916; Telephone 239-275-8212.

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AMERICAN LAND TITLE ASSOCIATION

EXHIBIT "A"

That part of the Southeast Quarter (SE 1/4) of Section 22, Township 45 South, Range 25 East, lying West of Interstate 75 (I-75) and lying Southerly of Daniels Parkway right-of-way, Lee County, Florida.

AND

The East One-half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 22, Township 45 South, Range 25 East, Lee County, Florida.

Less and except the real property described in that certain Warranty Deed dated September 17, 2021, and recorded in Official Records Instrument Number 2021000306954, of the Public Records of Lee County.

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AMERICAN LAND TITLE ASSOCIATION

EXHIBIT M9 – AERIAL MAP

Copyright RVI

RVi
10150 Highland Manor Drive
Suite 450
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

DANIELS TOWN SQUARE CPA • **AERIAL MAP**

- Lee County, FL
- Date: 6/26/2024
- # 22000239
- Bison Property Holdings, LLC

Subject Boundary
Parcels

0 210 420 840 Feet

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

EXHIBIT M10 – AUTHORIZATION LETTER

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Jim Lott (name), as Authorized Signatory (owner/title) of Bison Property Holdings, LLC (company/property), swear or affirm under oath, that I am the authorized representative of the owner(s) of the property and authorize the Meyers Group as the applicant and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

JLott
Authorized Signatory

2/22/24
Date

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 22 day of February, 2024, by Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

STATE OF GEORGIA NOTARY PUBLIC
SHEILA HAMILTON
Notary Public, Georgia
Cherokee County
My Commission Expires
June 29, 2024

Sheila Hamilton
Signature of Notary Public

EXHIBIT M11 – LEE PLAN ANALYSIS

DANIELS TOWN SQUARE CPA

Request Statement and Lee Plan Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential of up to 1,234 du as shown in table 1 below. There are 5.19 acres of wetlands to be impacted as approved by ERP No. 230220-37612.

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***	

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

II. PROPERTY HISTORY

The Property is made up of five (5) parcels with different entitlement and development histories.

Daniels Parkway JV Development

Four parcels make up the majority of 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 three 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	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.

Most of 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. The most wooded parcel is the 5 acres south of the storage area along Indian Paint Lane easement. It is heavily wooded with invasive exotics and moderate-to low quality.

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 with no project related occupancy prior to Phases I and II of the Three Oaks Parkway Extension project being completed. There are three 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. 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, it's 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, it's 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 that is a required portion in order to receive an occupancy permit for the development. Applicant agrees to not occupy Phase I of the development plan until there is public access onto the Three Oaks Parkway Extension with full connection south to Alico Road.

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 contained in the comprehensive plan package.

e. Impact on adjacent land uses and surrounding neighborhoods;

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

f. Proximity to other similar centers; and

The subject property is one of four quadrants of an intersection of a major arterial and Interstate Highway. The northwest and southeast quadrants are intensely developed with a

mix of residential, commercial and industrial development. Typically, similar quadrants to the north and south, at intersections like I-75 and SR82, SR80, Colonial, 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 no less than 200 feet north. The most dense and intense commercial area is across the right-of-way for Three Oaks North. The area is programmed for centralized intensities that support commercial, retail, recreational, and hospitality uses in conformation of the mixed-use development.

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 commercial. 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. All other necessary improvements to carry the proposed volume of trips that will be necessary to handle in order to secure development orders for the development.

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

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

GOAL 11: MIXED USE.

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

The subject parcel is in proposed to be in the Intensive Development FLUC and in the Mixed-Use overlay (MUO). The property is currently in the General Interchange FLUC and therefore has been consistent with this Goal as it allows multi-family and a wide range of commercial

and light industrial uses. The move to Intensive Development FLUC and the MUO will serve to further codify the location as appropriate and desirable for mixed uses.

OBJECTIVE 11.2: MIXED USE OVERLAY.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities though 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 alterative form of transportation to automobiles. The users of this project will be able to access local commercial uses via two Daniels 9300 (ingress only for automobiles) and Indian Pony Drive 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 commercial. 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 available at this location according to Lee County Utilities and the project will connect.

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

The subject site 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 zones, and a restored indigenous area. The design will meet all requirements of the LDC (except where approved deviations occur) and all requirements of the ERP.

POLICY 61.1.1: 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 General Interchange and the proposed Intensive Development FLUC are both similar in commercial uses permitted and residential density. The move to Intensive Development will allow for vertical density and the Mixed-use overlay will allow the density, which is limited to multi-family, to be integrated 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.

EXHIBIT M12 – ENVIRONMENTAL IMPACT ANALYSIS

DANIELS TOWN SQUARE MPD - DCI2022-00059
INDIGENOUS PRESERVE MONITORING AND MANAGEMENT PLAN

1.0 Introduction

This site is located at the SW quadrant of the Interstate 75 - Daniels Parkway intersection in Section 22 , Township 45 S, Range 25 E in Lee County, FL. This 66.20 ac site is an assemblage of two parcels. The summary information for these parcels is included in the Appendix of this report. The Daniels Town Square site is bounded by commercial developments and undeveloped land along it's western boundary. I-75, Daniels Pkwy and undeveloped land are the northern boundary. The access ramp from Daniels Pkwy to I-75 border and I-75 bound this site to the east. Indian Pony Dr. And undeveloped land border this land to the south. The latitude/longitude information for the center of this site is 26 degrees, 32', 32.73" N and 81 degrees 81 degrees, 49', 49.34" W.

This 0.79 ac. Indigenous Preserve includes the largest FLUCCS 621 area on this site and is shown in the figure on the next page. The Figure presented also shows the location of this preserve area and details of the Monitoring Plan.

2.0 Indigenous Preserve

On site preservation of this 0.79 ac mature Cypress head preserves the highest quality wetland on this site. Management activities include removal and subsequent ongoing control of exotic Category I and II plant species using the Florida Exotic Pest Plant Council (EPPC). Primary exotic species to be removed and them controlled by ongoing maintenance are Brazilian pepper and Melaleuca.

Indigenous Preserve details are presented in subsequent portions of this document. Description of these activities is also presented.

2.1 Indigenous Preserve Exotic Control and Management

As mentioned previously this indigenous preserve area consists of a mature 0.79 ac. cypress head. This area is rated FLUCCS E-2, a plant community with more than 25% and less than 50% exotic vegetation dominance. The principal method of enhancement of this area will be accomplished by a combination of the following techniques for exotic/nuisance vegetation.

- Cut exotics within 12" of ground level and hand remove cut vegetation, then, in real time, treat the exposed stump with approved herbicide
- Foliar application of approved herbicides to sapling that will primarily be Melaleuca, Brazilian pepper and earleaf acacia.
- Application of approved herbicide of exotic seedling and/or cattails.
- Hand pull exotic woody, cattail and other exotic seedlings

Debris of exotic vegetation, including dead standing vegetation resulting from herbicide applications will be removed from the Indigenous Preserve area. There will be no stock piling in this area. The preserve/conservation easement area is devoid of trails. If truck removal is necessary because of large tree debris, these trucks will be directed along the existing road to the west of this area. Once the dead vegetation debris has been removed, any surface disturbance will be repaired to match surrounding elevation.

This cypress head Indigenous Preserve area is of good quality with good age distribution of dominant wetland woody species. The benefit from exotic removal and subsequent control will provide a relatively quick increase in the vigor of this area.

3.0 Prescribed Burning

The lack of post development develop communities along with proximity to intensive development along with limited extent of this community preclude the feasibility of using fire as a management tool for these preserve/conservation easement areas.

4.0 Indigenous Preserve Success Criteria

We propose the following for success criteria of mitigation/conservation easement areas.

- Record the conservation easement for the Indigenous Preserve areas
- Successfully complete initial exotic control and nuisance vegetation treatment. This is defines as < 5% coverage of exotic and nuisance species overall or. "Islands" of exotic vegetation within the native matrix will not be allowed. Such areas will be remediated with a combination of exotic control/removal and supplemental plantings.
- Exotic vegetation defined as most current EPCC Category I and II Invasive exotic plant species list will have a coverage of <5%.
- This area maintain an 80% appropriate native vegetation coverage. If this criteria is not met after the first two monitoring events, supplemental plantings will occur. These planting areas success criteria is 80% survival rate of OBL and FACW species. If subsequent monitoring efforts find this survival criteria is not being met supplemental plants will be done once more until there is a stable 80% native planted survival rate in these areas.
- Indigenous Preserve monitoring will be done annually for five consecutive years. Once complete, these reports will be shared with the County in a timely manner. Community compatibility will be considered if/when supplemental plantings are necessary.
- The monitoring program will include observations beyond the performance standard metrics. Such things as wildlife use, or lack of use, duration of inundation, lack of inundation will be observed and reported. Observations and events that reflect negative or degraded trends and community vigor will be reported to the County verbally and by email as well as inclusion in

the annual monitoring report along with remediation/remedy plans to reverse the condition or trend.

4.1 Target Wetland Community Structure

Cypress (FLUCCS Code 621)

The canopy of this wetland habitat primarily mature Pond cypress *(Taxodium ascendens)* with scattered Bald cypress (*Taxodium distichum*). Laurel oak *(Quercus laurifolia)*, cabbage palm *(Sabal palmetto)*, dahoon holly *(Ilex cassine)*, red maple *(Acer rubrum)*, and pop ash *(Fraxinus caroliniana)* are present, but on red maple approaches any level of dominance. The shrub strata may consist of a combination of buttonbush *(Cephalanthus occidentals)*, wax myrtle, saltbush, gallberry *(Ilex glabra)*, myrsine *(Myrsine cubana)*, pond apple *(Anona glabra)*, and cabbage palm. The ground cover composition will be a variety of native OBL and FACW species dependent on water depths and durations. These species will include, but are not limited to, swamp fern *(Blechnum serrulatum)*, maidencane *(Panicum hemitomon)*, pickerelweed *(Pontederia cordata)*, arrowhead *(Sagitaria lancifolia)*, Fireflag (Thalia geniculata) sawgrass *(Cladium jamaicense)*, spikerush *(Eleocharis interstincta)*,

5.0 Monitoring Report

The applicant has conducted a baseline monitoring report and includes this report to with this submittal. This effort identified an area within the proposed conservation area that requires enhancement. The restoration figure showing the target area along with restoration planting protocols are presented on the following pages. The baseline monitoring report submitted to Lee County follows.

Monitoring Program Methodology and Performance Standard

A monitoring program will be implemented in accordance with Application No. DCI2022-00059. As indicated in the Applicant's Indigenous Preserve Management and Maintenance Plan, this monitoring program shall extend for a period of five years with annual reports submitted to County Staff. When this monitoring period ends the indigenous preserve area will contain at least a 95% composition of OBL+FACW wetland species dominance that are canopy appropriate. This plant community will have 95% floristic dominance of OBL+FACW species and 80% canopy coverage of the same combination. If native wetland and transitional species do not achieve an 80% coverage within the initial two years of this monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the five year monitoring program the entire mitigation area must contain: 1) At least 80% survival of any/all plantings. 2) 80% canopy coverage of OBL+FACW species and 3) A 95% floristic composition of OBL+FACW species.

We propose Four transects and four photo stations established in this Indigenous Preserve Area. Please refer to the Cypress Head Indigenous Preserve Area Figure on the following page.

ACTIVITY *	DUE DATE
Baseline Monitoring Report	**Jan 2024**
Initial Exotic Control/Removal	June 2024
Time Zero Monitoring Report	Aug 2024
Second Exotic Control	May 2025
First Annual Monitoring Report	Jan 2025
Third Exotic Control	May 2026
Second Annual Monitoring Report	Jan 2026
Third Annual Monitoring Report	Jan 2027
Fourth Annual Monitoring Report	Jan 2028
Fifth Annual Monitoring Report	Jan 2029
Lee County Site Visit/Signoff	Feb 2029

* Bold indicated completed tasks.

SYNECOLOGICAL ANALYSTS
ENVIRONMENTAL EVALUATION AND ADVOCACY
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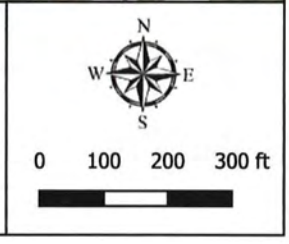
PROJECT:	Daniels Town Square - Cypress Head Indigenous Preserve
DATE:	Sept 22, 2023
DRAWN BY:	NW



VEGETATION ANALYSIS

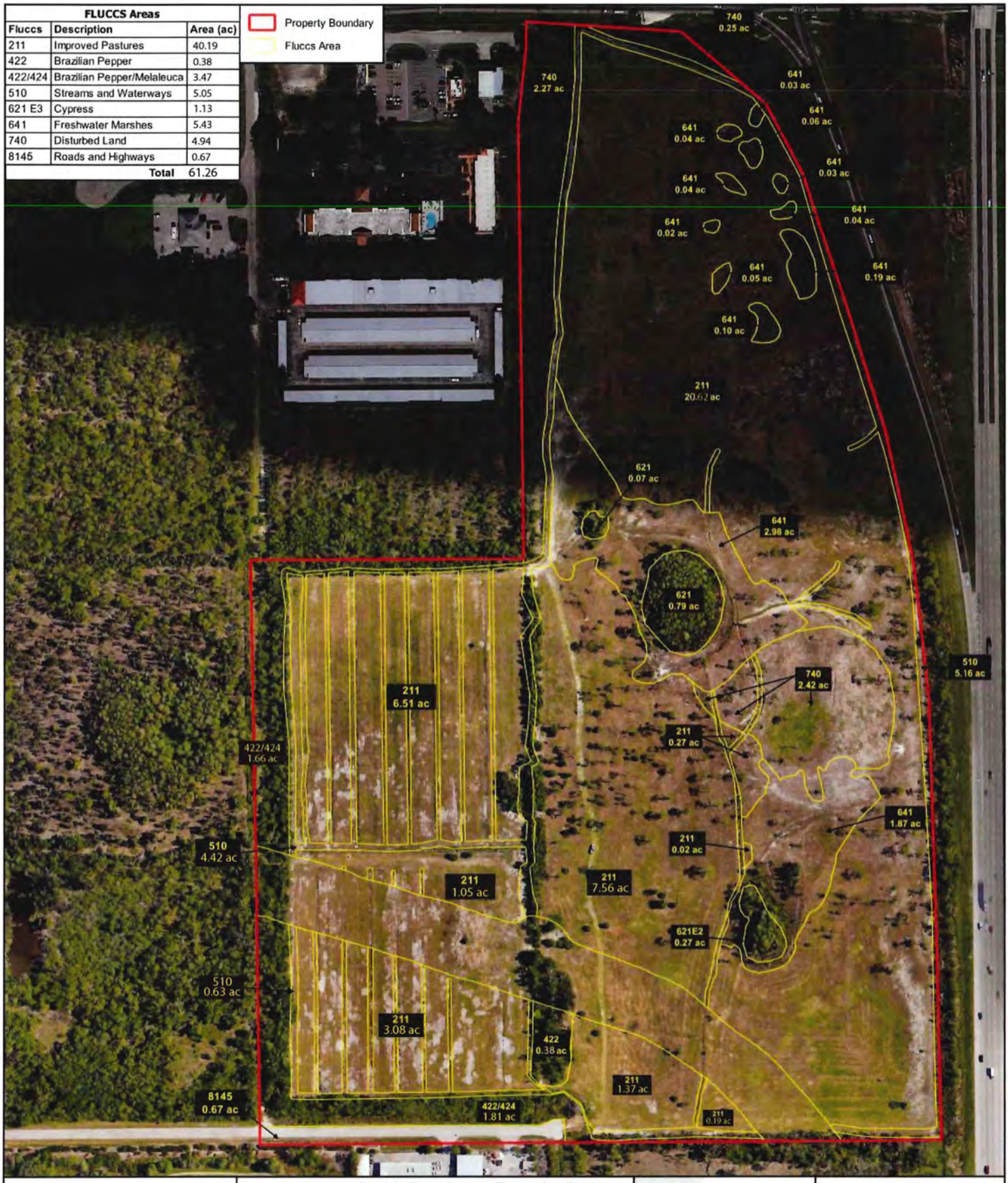
Vegetation in the Wetland Preserve Area will be evaluated by Lee Co. validated meandering transect methodology. The results of these observations will be presented summary tables following the discussion secton of this Indigenous Preserve area.

METHODOLOGY

The four transects will evaluated using the Meandering Transect Survey Methodology and observations recorded regarding species composition by strata. Trends of stability, improvement or degradation will be recorded. These results will be compared with future monitoring reports to identify and/or confirm trends. Special attention will be given to indications of listed species such as scat, tracks or other sign throughout this Indigenous Preserve.

Rainfall at the most proximate Lee Co. Rain gauge for the last calendar year will presented with the monitoring report.

FLUCCS Areas		
Fluccs	Description	Area (ac)
211	Improved Pastures	40.19
422	Brazilian Pepper	0.38
422/424	Brazilian Pepper/Melaleuca	3.47
510	Streams and Waterways	5.05
621 E3	Cypress	1.13
641	Freshwater Marshes	5.43
740	Disturbed Land	4.94
8145	Roads and Highways	0.67
	Total	61.26



SYNECOLOGICAL ANALYSTS
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PHONE: (239) 514-3998
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PROJECT: Daniels Town Square Fluccs Application No. 220526-34567

DATE: April 25, 2024

DRAWN BY: NW

Site Location

N W E S

0 100 200 300 ft

PHOTOS

PHOTO STATION A: 90°

PHOTO STATION A: 180°

PHOTO STATION A: 270°

PHOTO STATION A: 360°

PHOTOS

PHOTO STATION B: 90°

PHOTO STATION B: 180°

PHOTO STATION B: 270°

PHOTO STATION B: 360°

PHOTOS

PHOTO STATION C: 90°

PHOTO STATION C: 180°

PHOTO STATION C: 270°

PHOTO STATION C: 360°

PHOTOS

PHOTO STATION D: 90°

PHOTO STATION D: 180°

PHOTO STATION D: 270°

PHOTO STATION D: 360°

FRESH CRAWFISH BURROW

THIS IS A CONSERVATION EASEMENT AREA ESTABLISHED PURSUANT TO 704.06 F.S., ANY* ACTIVITIES WHICH AFFECT THE NATURAL CONDITION OF THIS EASEMENT AREA SHOULD BE REPORTED TO LEE COUNTY

ESTA ES UN AREA ELEJIDA PARA SU CONSERVACIÓN, DESIGNADA POR LOS RECLAMEMENTOS ESTATALES 704.06, CUALQUIER ACTIVIDAD QUE PUDIERA AFECTAR LAS CONDICIONES NATURALES DE ESTA AREA, DEBERÁ SER REPORTADA A LA GERENCIA DE AQUA DEL DISTRITO SUR DE LA FLORIDA

ID	Gauge	Date	Total Rain
14	Ten Mile Canal	24-Jan	0.01
		23-Oct	2.85
		23-Nov	2.7
		23-Dec	3.3
		23-Feb	0.02
		23-Mar	0.16
		23-Apr	6.76
		23-May	4.66
		23-Jun	7.25
		23-Jul	7.28
		23-Aug	9.27
		23-Sep	6.61
		Total	50.87

CONSTRUCTION PHASE BROCHURES RELATIVE TO LISTED SPECIES

ALLIGATOR
WADING BIRDS
WOOD STORK

Alligators

Species: *mississippiensis*
Status: Threatened

Alligators are the largest reptile in North America. Alligators live in wetlands. Alligators have the strongest bite force measured; 2000 pounds per square inch. For comparison, lions bite with 600 pounds of pressure, and humans have 120 pounds of pressure per square inch. Alligators are most active when temperatures are between 82° to 92° F.

Alligators mate once a year; courtship begins in early April, and mating occurs in May or June. Male alligators make loud throaty bellowing roars to attract females.

Female alligators lay their eggs during June to early July. The female alligator builds her nest above ground. The nest is made of mounds of vegetation and mud that can rise 3.5 ft and twice as wide. Females lay between 30-50 eggs in late June or early July. Each egg weighs 2 ounces to 3 ounces.

Hatching occurs after 65 days of incubation, mid-August to September. If the temperature drops below 86˚F, all eggs will hatch as females. If the temperature rises to 93˚F or above, all eggs will hatch as males. At 89.6˚F, more than ¾ of the hatchlings are female.

Newborn alligators are only about 9 inches long. Female alligators may reach about 9 feet in length, but males may grow to 14 feet. The Florida record for weight is a 1,043 pound (13' 10.5" long) male from Orange Lake in Alachua County. In the wild, alligators can live up to 50 years and can go through 2,000 to 3,000 teeth!

Baby alligators eat insects, crabs, crayfish, small fish, frogs, snails, and many other small prey. Larger alligators eat fish, turtles, mammals, snakes, crabs, crayfish, birds, insects, and other alligators.

The American alligator is Federally protected by the Endangered Species Act as a Threatened species, due to their similarity of appearance to the American crocodile, and as a Federally-designated Threatened species by Florida's Endangered and Threatened Species Rule.

If you see an alligator, please avoid it.

If activities threaten an alligator,
call your supervisor
or Brown Collins
at Tel# (239) 450-8039

Wood stork

Species: *Mycteria americana*
Status: Federally-designated Threatened

The wood stork is a large wading bird with long legs. Wood storks can reach a length of 35-45 inches with a wingspan of 60-65 inches. Adults have no feathers on their head and neck, only rough, gray, scaly skin. They have mainly white feathers, with black feathers at the tips of their wings and tail. Wood storks have a long, curved, black bill and black legs with pink toes.

Wood storks nest in mixed hardwood swamps, sloughs, mangroves, and cypress domes/strands from late November to early March. Their nests are usually built in trees that stand in water. Females lay 2-5 eggs from October to June. The eggs hatch after 30 days. Young wood storks are able to fly 10-12 weeks after hatching.

Males and females look the same, but males are generally larger. Young wood storks have similar, but duller coloring than adults. Adults are mostly silent except for a hissing sound. Young Wood Storks have noisy begging calls.

Wood storks forage in a variety of wetlands including both freshwater and estuarine marshes, but only in depths less than 10-12 inches. Wood storks feed on small to medium-sized fish, crayfish, amphibians, and reptiles.

If a wood stork is found on the construction site, all activity must cease immediately, and the wood stork allowed to move away from any dangerous area on its own.

If you see a wood stork, please avoid it.

If activities threaten a wood stork,
call your supervisor
or Brown Collins
at Tel# (239) 450-8039

Wading Birds

Snowy egret photo.

Wading birds are generally found in wetlands.

There are many types of wading birds of all sizes, shapes, and colors, but they share some similar characteristics.

Wading birds typically have long, thin legs and agile toes which help them navigate and remain stable while foraging in muddy waters and flowing currents.

They often have long bills, although the shape differs for their particular type of foraging and food. Herons have spear-like bills to grab and stab fish, while cranes and ibises have long bills to dig around in the soil and forage in the grass.

Wading birds often have long, but powerful, necks. Changing their posture changes the shape of their neck, helping to improve their angle, view, and camouflage when searching for food.

Wading birds are patient hunters and often stand still for long periods of time waiting for their prey to be within reach. Their steps are slow and steady so that they don't scare their prey. They will 'freeze' if they feel threatened.

Wading birds often change their color during breeding season. Larger wading birds often develop beautiful plumes, while smaller wading birds become more camouflaged.

They often flock with other species of wading birds, roosting together and breeding in rookeries.

Wading birds are less vocal than many bird species, though flocks can be relatively noisy. Young birds may whimper or make begging calls. Adults remain silent when hunting.

When wading birds fly, they usually have their legs fully stretched out behind them. They contract or extend their neck depending on the species.

Some examples of wading birds are:
American Bittern, Least Bittern, Wood Stork, Roseate Spoonbill, Limpkin, Sandhill Crane, Herons (Great Blue Heron, Little Blue Heron, Green Heron, Tri-colored Heron, Black-Crowned Night Heron, and Yellow-Crowned Night Heron), Egrets (Great Egret, Snowy Egret, and Cattle Egret), and Ibis (White ibis and Glossy Ibis).

If you see a wading bird, please avoid it.

If activities threaten a wading bird,
call your supervisor
or Brown Collins
at Tel# (239) 450-8039

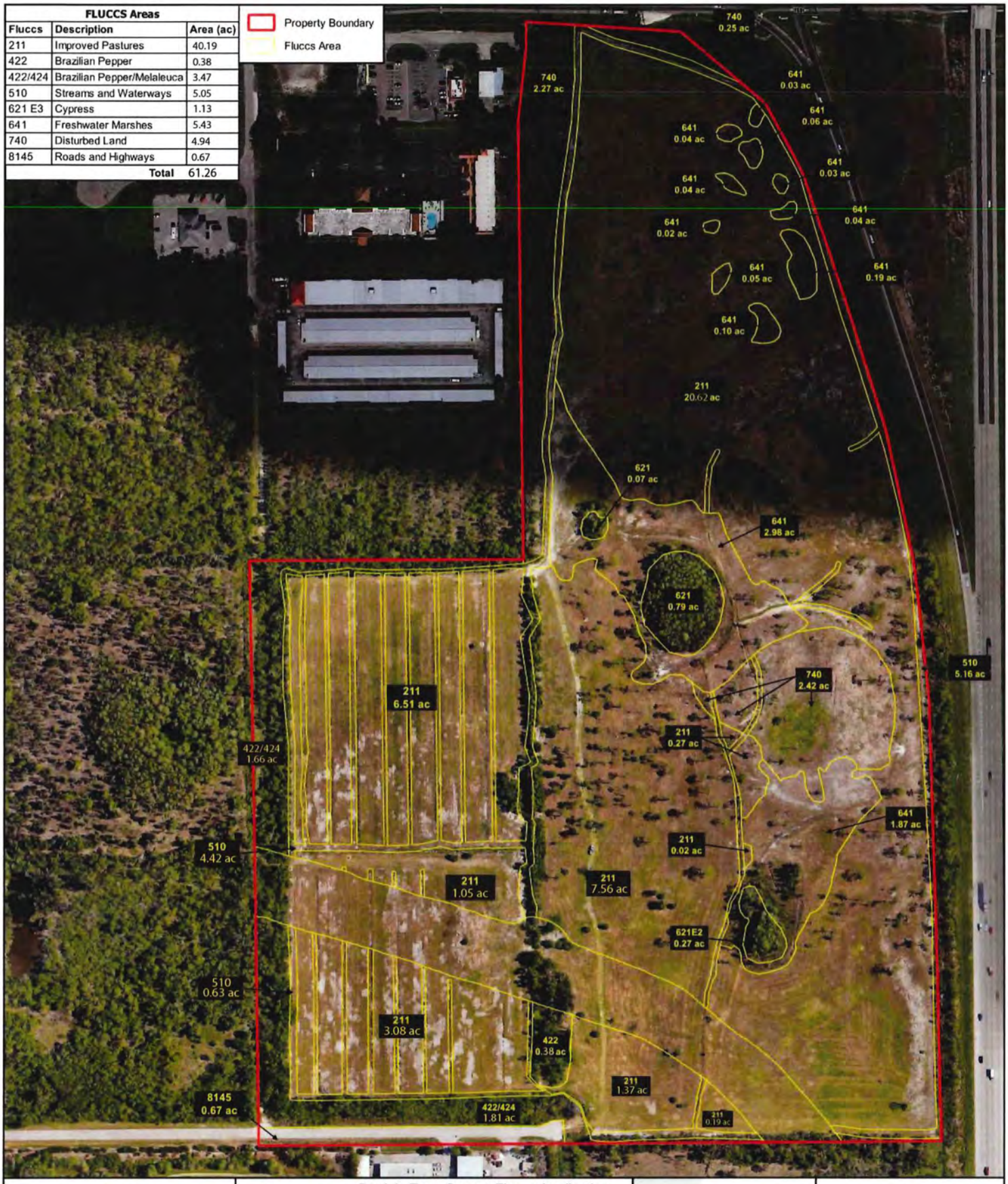
CATTLE EGRET

GREAT EGRET

GREAT BLUE HERON

LITTLE BLUE HERON

FLUCCS Areas		
Fluccs	Description	Area (ac)
211	Improved Pastures	40.19
422	Brazilian Pepper	0.38
422/424	Brazilian Pepper/Melaleuca	3.47
510	Streams and Waterways	5.05
621 E3	Cypress	1.13
641	Freshwater Marshes	5.43
740	Disturbed Land	4.94
8145	Roads and Highways	0.67
	Total	61.26



SYNECOLOGICAL ANALYSTS
ENVIRONMENTAL EVALUATION AND ADVOCACY

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PHONE: (239) 514-3998
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PROJECT: Daniels Town Square Fluccs Application No. 220526-34567

DATE: April 25, 2024

DRAWN BY: NW

Site Location

N W E S

0 100 200 300 ft

EXHIBIT M13 – HISTORIC RESOURCES IMPACT ANALYSIS

DANIELS TOWN SQUARE CPA

Historic Resources Impact Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

Additionally, there is a companion zoning action being submitted to rezone from CPD to Mixed-use Planned Development (MPD). The intent is to use the property as a commercial retail and employment center as well as multifamily residential housing.

II. HISTORIC RESOURCES IMPACT ANALYSIS

The property does not contain any historic resources (including structure, districts, and/or archaeologically sensitive areas). A letter has been secured from the Division of Historical Resources - Florida Department of State which is included in this document.

EXHIBIT M14 – PUBLIC FACILITIES IMPACTS ANALYSIS

DANIELS TOWN SQUARE CPA

Public Facilities Impacts Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

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

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

Additionally, there is a companion zoning action being submitted to rezone from CPD to Mixed-use Planned Development (MPD) for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,234 dwelling units.

Comprehensive Plan Amendment (Text and Maps)

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

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

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

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

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

CURRENT FUTURE LAND USE	Acreage	Density	Residential Units	Non-Residential Intensity
General Interchange	61.26+/- (Less 5.19 acres of impacted wetlands)	14 du/acre (base); 8 du/acre (bonus)	1,234	Per code
		Density is calculated for the area dedicated to residential uses only.		
PROPOSED FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**	**Non-Residential Intensity**
Intensive Development And Mixed-use Overlay	61.26+/- (Less 5.19 acres of impacted wetlands)	14 du/acre (base); 8 du/acre (bonus)	1,234	Per code
		Density is calculated for the entire project area less parcel south of Three Oaks Parkway extension.		

Potable Water

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

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

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

RESIDENTIAL
Existing Maximum Residential per General Interchange FLUC
1,234 ERC X 250 GPD = 312,750 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay
1,234 ERC X 250 GPD = 312,750 GPD

COMMERCIAL
Existing Maximum Residential per General Interchange FLUC
30,000TOTAL SF (30,000 SF RESTAURANT/RETAIL; 200 Hotel) = 13,000 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay
30,000TOTAL SF (30,000 SF RESTAURANT/RETAIL; 200 Hotel) = 13,000 GPD

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

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

RESIDENTIAL
Existing Maximum Residential per General Interchange FLUC
1,234 ERC X 200 GPD = 250,200 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay
1,234 ERC X 200 GPD = 250,200 GPD

COMMERCIAL
Existing Maximum Residential per General Interchange FLUC
30,000 TOTAL SF (30,000 SF RESTAURANT/RETAIL; 200 Hotel) = 13,000 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay
30,000 TOTAL SF (30,000 SF RESTAURANT/RETAIL; 200 Hotel) = 13,000 GPD

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

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

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

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

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

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

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

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

<u>Regional Parks Level of Service:</u>
867,000 [seasonal county population] X (6 acres/1,000 population) = 5,202 acres

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT M15 – TRAFFIC IMPACT STATEMENT

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

DANIELS TOWN CENTER

(PROJECT NO. F2208.06)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

Revised:
April 16, 2024

TRANSPORTATION CONSULTANTS, INC

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I. INTRODUCTION

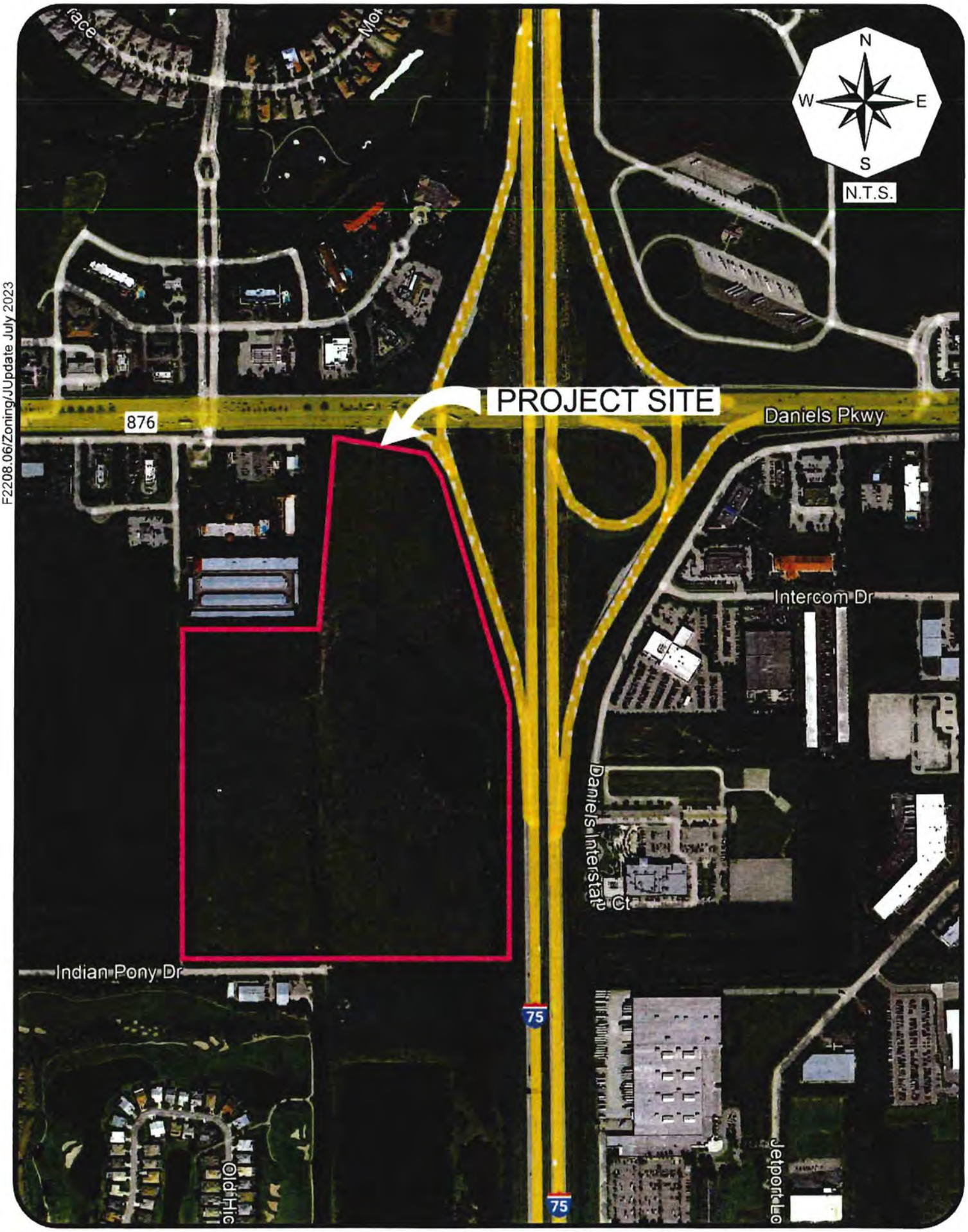
TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located at the southwest quadrant of the interchange of I-75 and Daniels Parkway in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The approximate 66-acre subject site is currently zoned CPD, CT and AG-2. The applicant is requesting to rezone the subject site to a Mixed Use Planned Development (MPD) to allow the development of up to approximately 30,000 square feet of commercial uses and 1,251 residential dwelling units and up to 200 hotel rooms. Access to the subject site will be provided to the future Three Oaks Parkway extension and to Daniels Parkway via an existing frontage road (Daniels 9300).

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The overall site is bordered by Daniels Parkway to the north and I-75 to the east, vacant land and the Olde Hickory Golf Course maintenance facility to the south, and vacant property and commercial uses to the west.



F2208.06/Zoning/JUpdate July 2023

TR TRANSPORTATION CONSULTANTS, INC

PROJECT LOCATION MAP
DANIELS TOWN CENTER

Figure 1

Daniels Parkway is a six-lane divided arterial roadway in the vicinity of the subject site. Daniels Parkway from Metro Parkway to I-75 has been defined as a "constrained" roadway, which enables Lee County to assign a higher volume to capacity (v/c) ratio to this roadway. No direct access to Daniels Parkway is being requested. Daniels Parkway has a posted speed limit of 50 mph and is under the jurisdiction of the Lee County Department of Transportation.

Three Oaks Parkway from Daniels Parkway to the southern property boundary is under design and is funded to be constructed starting in 2023 through 2025 from the Fiddlesticks Canal north to Daniels Parkway as a four-lane divided roadway. Three Oaks Parkway will be under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The majority of the approximately 66-acre subject site is currently zoned CPD under Zoning Resolution Z-08-043. This resolution approved 250,000 square feet of commercial retail uses, 90,000 square feet of general office uses, 50,000 square feet of medical office uses and up to 120 hotel rooms on the site. The proposed rezoning would decrease the commercial intensity and allow for the inclusion of multi-family residential dwelling units on the site to create a mixed-use development. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

Table 1
Land Uses
Daniels Town Square

Land Use	Size
Retail	30,000 square feet
Multi-Family Dwelling Units	1,251 Units
Hotel	200 Rooms

Access to the subject site will be provided to the Three Oaks Parkway extension as well as to Daniels Parkway via the existing connection west of I-75.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 822 (Strip Retail Plaza <40k) was utilized for the trip generation purposes of the proposed commercial retail uses, Land Use Code 221 (Multi-Family Housing – Mid-Rise) was used for the multi-family dwelling units and Land Use Code 310 (Hotel) was utilized for the hotel rooms. The trip generation equations utilized from these land uses are attached to the Appendix for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed. Included in the Appendix of this report is a comparison of the trip generation between the proposed uses illustrated in Table 1 and the approved used within the CPD under Z-08-043.

Table 2
Trip Generation – Total Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (30,000 Sq. Ft.)	36	23	59	85	85	170	1,496
Multi-Family (1,251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Rooms)	52	41	93	61	59	120	1,744
Total Trips	**212**	**479**	**691**	**444**	**334**	**778**	**9,161**

However, the total trips generated by the project will not all be new trips added to the adjacent roadway system. With mixed use projects, ITE estimates that there will be a certain amount of interaction between uses that will reduce the overall trip generation of the proposed project. This interaction is called "internal capture". In other words, trips that would normally come from external sources would come from uses that are within the project, thus reducing the overall impact the development has on the surrounding

roadways. ITE, in conjunction with a study conducted by the NCHRP (National Cooperative Highway Research Program), has summarized the internal trip capture reductions between various land uses. For uses shown in Table 2, there is data in the ITE report for interaction between the residential, retail and hotel uses.

An internal capture calculation was completed consistent with the methodologies in the NCHRP Report and published in the ITE ***Trip Generation Handbook***, 3rd Edition. The resultant analysis indicates that with the proposed development scenario there will be an internal trip capture reduction of two percent (2%) in the A.M. peak hour and eleven percent (11%) in the PM peak hour between the residential, retail and hotel uses. The summary sheets utilized to calculate these internal capture rates for the weekday AM peak hour and PM peak hour are included in the Appendix of this report for reference.

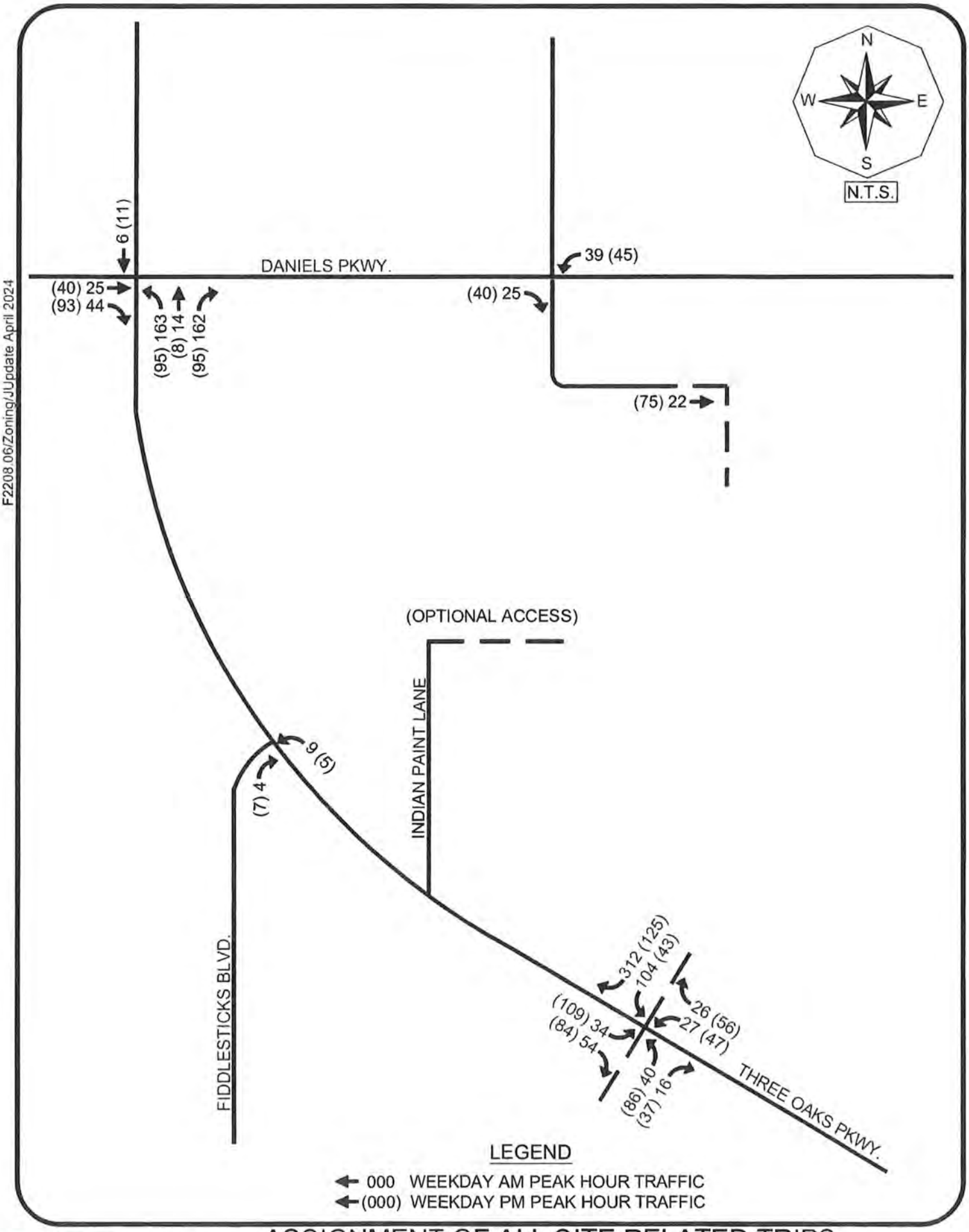
Pass-by traffic was also taken into account based on the proposed retail uses shown in Table 2. Consistent with previous analysis approved by Lee County, thirty percent (30%) of the total project traffic was assumed to be pass-by traffic for the retail uses. **Table 3** indicates the total commercial and residential external trip generation of the subject site based on the proposed rezoning request.

Table 3
Trip Generation – Net New Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Retail (30.000 Sq. Ft)	36	23	59	85	85	170	1,496
Multi-Family (1.251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Room)	52	41	93	61	59	120	1,744
Total	212	479	691	444	334	778	9,161
Less Internal Capture	-7	-7	-14	-43	-43	-86	-1,007
Less Pass-By Trips	-7	-8	-15	-20	-20	-40	-448
Net New Trips	**198**	**464**	**662**	**381**	**271**	**652**	**7,706**

V. TRIP DISTRIBUTION

The trips the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The trips were also distributed to the surrounding roadway network, including Three Oaks Parkway south of the site since the extension of Three Oaks Parkway to Daniels Parkway is under construction and programmed to be open in the next 5 years. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project ***traffic distribution*** and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, ***illustrates the percent project traffic distribution*** and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).



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ASSIGNMENT OF ALL SITE RELATED TRIPS
NET NEW + PASS-BY TRIPS
DANIELS TOWN CENTER

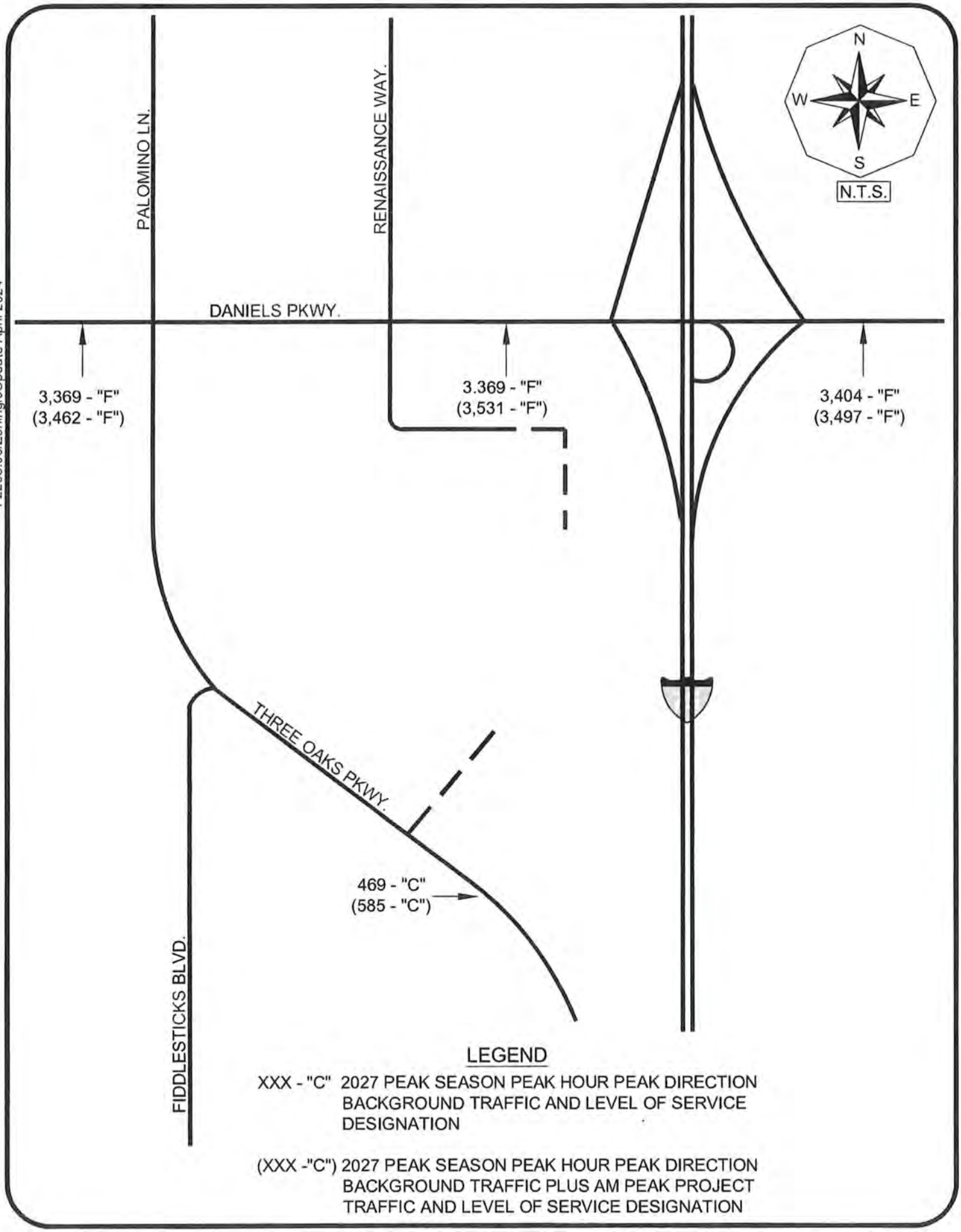
Figure 2

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes. The Level of Service threshold volumes were obtained from the ***Lee County Generalized Peak Hour Directional Service Volume Tables*** (June, 2016). Based on Table 1A, none of the roadway segments in the study area projected to be significantly impacted as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2027 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Based on the project distribution illustrated on Figure A-1, the link data was analyzed for the year 2027 without the development and year 2027 with the development. The only trips added to the roadway network in 2027 were the net new trips that the development would add as illustrated in Table 3. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2027 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the ***2022 Lee County Public Facilities Level of Service and Concurrency Report***.

Figure 3 indicates the year 2027 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.



F2208.06/Zoning/JUpdate April 2024

TR TRANSPORTATION CONSULTANTS, INC

2027 LEVEL OF SERVICE ANALYSIS
DANIELS TOWN CENTER

Figure 3

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2027 traffic volumes to the Service Volume Tables, it was determined that Daniels Parkway from to I-75 is projected to operate below the minimum recommended Level of Service in 2027 both with and without the proposed development. Three Oaks Parkway south of Daniels Parkway is shown to operate at LOS "C" in 2027 both with and without the project trips. As previously stated, Daniels Parkway as been designated as a "Constrained" facility by the Board of County Commissioners and the Level of Service is projected to be an issue prior to any of the project trips being added to the network, so the deficiency is not caused by the project. Therefore, no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed development.

The updated Master Concept Plan indicates that access to the site will be provided to Daniels 9300 (the frontage road along Daniels Parkway) via an ***ENTRANCE only***, only allowing site traffic to enter the site from Daniels Parkway. All traffic exiting the site will be required to exit the site to the south via the newly constructed Three Oaks Parkway extension. The Master Concept Plan also reflects an "Optional" accessway being provided to Indian Paint Lane, which currently does not exist along the western boundary of the site. Indian Paint Lane currently only exist further to the north near Daniels 9300. Should the Development choose to construct Indian Paint Lane within the easement provided and connect to Three Oaks Parkway, the access connection would be limited to right-in/right-out movements only. It is unlikely due to the circuitous nature of this route that site traffic would even utilize this accessway to access Three Oaks Parkway as the main access to Three Oaks Parkway would be a more direct access to the project. For this reason the "Optional" access drive is illustrated on the graphics but there is no site traffic assigned to this access drive at this time based on the Master Concept Plan. At the time of Local Development Order, should the site development plan change and a more direct

access to Three Oaks Parkway is provided that would allow site traffic to have a more direct access to the Three Oaks Parkway corridor, further evaluation of this connection will be made at that time and a turn lane analysis will be made at the time of Local Development Order, as will all of the other access connections, to determine what, if any, off-site turn lane improvements at the site access drive intersections will be required based on the Administrative Code requirements.

VIII. INTERSECTION ANALYSIS

Intersection analysis was conducted utilizing the latest version of the program ***SYNCHRO®*** to determine the operational characteristics of the signalized intersections of Daniels Parkway and Danport Boulevard and Daniels Parkway and I-75 southbound ramps as well as the future signalized intersection of Three Oaks Parkway and the site access drive intersection. The analysis was based on the projected 2027 weekday AM and PM peak hour traffic conditions both with and without the project traffic. Traffic counts were conducted between hours of 7:00 to 9:00 A.M. and 4:00 to 6:00 P.M. and adjusted to peak season conditions based on the FDOT Peak Season adjustment factors. The existing peak season traffic volumes were then increased by a growth rate factor to determine the projected 2027 background turning movement volumes. The volumes utilized for the intersection analysis can be found in the Appendix of this report in the *Development of Future Year Background Turning Movement Volumes* spreadsheets.

The volumes for Three Oaks Parkway south of Daniels Parkway were formulated by referencing the ***Three Oaks Parkway Extension Design Project Traffic Analysis Report***, prepared by McCormick Taylor and dated April 2020. This report identified the projected 2025 volumes for the weekday AM and PM peak hours for Three Oaks Parkway at the future signalized intersection of Three Oaks Parkway and the site access to the Daniels Town Center project. These 2025 volumes were increased by two additional years to obtain the projected 2027 north/south through volumes on Three Oaks Parkway in order to complete the intersection analysis. This intersection was assumed to be signalized at

the build-out of the Daniels Town Center project, which is consistent with the analysis conducted in the report prepared by McCormick Taylor. Copies of the relevant pages of the Traffic Analysis Report for the Three Oaks Parkway Extension Design Project are included in the Appendix of this report for reference.

The improvements programmed by Lee County along Daniels Parkway were also included in the intersection analysis, consistent with the analysis conducted in the previously referenced ***Design Project Traffic Analysis Report*** prepared for Lee County Department of Transportation. Improvements included adding additional travel lanes to Daniels Parkway between the I-75 southbound ramp through the Fiddlesticks Boulevard intersection. FDOT is also programming improvements to the I-75 interchange with Daniels Parkway to coincide with the improvements to Daniels Parkway that are being made by Lee County. FDOT has a Design/Build project funded for construction beginning in FY 2025 for this improvement, but the PD&E Study for this project has yet to be completed to determine exactly what improvements will be constructed. Since those improvements are not yet determined, they were not accounted for in this analysis. **Table 4** summarizes the results of the intersection analysis.

Table 4
Peak Hour Intersection Level of Service Summary
Daniels Town Square

Intersection	Projected 2027 Background Conditions	Projected 2027 Background + Project Conditions
	LOS	LOS
Daniels Pkwy/Danport Blvd.	AM: LOS "E"	AM: LOS "E"
	PM: LOS "F"	PM: LOS "F"
Daniels Pkwy/I-75 SB Ramp	AM: LOS "F"	AM: LOS "F"
	PM: LOS "F"	PM: LOS "F"
Three Oaks Pkwy/Daniels Town Center Access	N/A	AM: LOS "C"
	N/A	PM: LOS "C"

Based upon the results of the capacity analysis, as illustrated in Table 4, the signalized intersections along Daniels Parkway will experience significant levels of congestion in 2027 both with and without the project.

The results of the capacity analysis at the proposed site access drive intersection on Three Oaks Parkway indicate all movements to operate at an acceptable Level of Service in 2027 with the project traffic conditions. Copies of all the relevant ***SYNCHRO***® summary sheets are included in the Appendix of this report for reference.

IX. CONCLUSION

The proposed zoning amendment in the southwest quadrant of the I-75/Daniels Parkway interchange to provide for an increase in commercial floor area and add in residential dwelling units will not have a significant impact on the surrounding roadway network. The construction of the Three Oaks Parkway Extension project will provide develop traffic the option to travel south to the Alico Road corridor without having to access Daniels Parkway. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan. Daniels Parkway west of I-75 has been designated as a "Constrained Facility" by the Board of County Commissioners. The Lee County Department of Transportation is providing additional capacity improvements to the segment of Daniels Parkway between I-75 and Apaloosa Lane as part of the Three Oaks Parkway Extension project and the Florida Department of Transportation is programming improvements to the I-75 interchange with Daniels Parkway.

The Alico Road Extension project, which is now funded by Lee County, will also provide some relief to the Daniels Parkway corridor as this will provide for another east/west route from the Lehigh Acres area to the I-75 corridor and points further west for the residents of Lehigh Acres. Currently, drivers must use either the Daniels Parkway or Lee Boulevard/Colonial Boulevard corridors to access I-75.

Turn lane improvements and site specific road improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
DANIELS TOWN SQUARE REZONING

Revised 4-12-2024

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 662 VPH IN= 198 OUT= 464

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 652 VPH IN= 381 OUT= 271

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Daniels Pkwy	E. of Metro Pkwy.	6LD	0	430	3050	3180	3180	12%	56	1.8%
	E. of Six Mile Cypress	6LD	0	430	3050	3180	3180	20%	93	3.0%
	E. of Palomino Ln.	8LD	0	540	3830	3940	3940	35%	162	4.2%
	E of I-75	6LD	0	430	3050	3180	3180	20%	93	3.0%
	E. of Treeline Ave.	6LD	0	430	3050	3180	3180	15%	70	2.3%
	E. of Chamberlin Ave.	6LD	0	430	3050	3180	3180	15%	70	2.3%
Treeline Ave.	N. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	3%	14	0.8%
	S. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	2%	9	0.5%
	S. of Terminal Access	4LD	0	270	1,970	2,100	2,100	2%	9	0.5%
I-75	N. of Daniels Pkwy	6LF	0	3,360	4,580	5,500	6,080	3%	14	0.3%
	S. of Daniels Pkwy	6LF	0	3,360	4,580	5,500	6,080	2%	9	0.2%
Three Oaks Pkwy	S. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	25%	116	6.3%
Six Mile Cypress Pkwy	N. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	5%	23	1.2%
	S. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	10%	46	2.4%

* The Level of Service thresholds were for all roadways were obtained from the Lee County Generalized Service Volume Table.

** The Level of Service thresholds for I-75 were obtained from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
DANIELS TOWN SQUARE REZONING

Revised 4-12-2024

TOTAL PROJECT TRAFFIC AM =	662	VPH	IN =	198	OUT=	464
TOTAL PROJECT TRAFFIC PM =	652	VPH	IN=	381	OUT=	271

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	LATEST ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2021 PK HR PK SEASON PEAK DIR.[2]	2027 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2027 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2027 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Daniels Pkwy	E. of Six Mile Cypress	31	60,700	65,800	4	2.04%	2,985	3,369	F	1.06	20%	93	76	3,462	F	1.09	3,445	F	1.08
	E. of Palomino Ln.	31	60,700	65,800	4	2.04%	2,985	3,369	C	0.86	35%	162	133	3,531	C	0.90	3,502	C	0.89
	E. of I-75	52	51,800	56,400	4	2.15%	2,996	3,404	F	1.07	20%	93	76	3,497	F	1.10	3,480	F	1.09
Three Oaks Pkwy	S. of Daniels Pkwy[3]							469	C	0.24	25%	116	95	585	C	0.30	564	C	0.29

[1] Annual Growth Rate was calculated utilizing AADT data from 2022 Lee County Traffic Count Report

[2] 2021 peak hour peak season peak direction traffic volumes were obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report

[3] Peak Hour Peak Season Volume for Three Oaks Pkwy south of Daniels Pkwy provided by Lee County in 2027 model run

LEE COUNTY GENERALIZED SERVICE VOLUMES TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

		Level of Service				
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

TRAFFIC DATA FROM THE LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 2 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	NAME	ROADWAY LINK FROM	ROADWAY LINK TO	F. Class	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD DIRECTIONAL CAPACITY	2021 100TH HIGHEST HOUR LOS	2021 100TH HIGHEST HOUR VOL	2021 100TH HIGHEST HOUR V/C	FUTURE FORECAST (2026) LOS	FUTURE FORECAST (2026) VOL	FUTURE FORECAST (2026) V/C	Notes
04800	CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	Maj. Col	2LN	E	860	C	308	0.36	C	323	0.38	
04900	CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	Maj. Col	4LN	E	1,790	C	105	0.06	C	150	0.08	Port Authority maintained
05000	COCONUT RD	WEST END	VIA VENETTO BLVD	Maj. Col	2LN	E	860	C	268	0.31	C	420	0.49	Estero maintains to east
05100	COLLEGE PKWY	McGREGOR BLVD	WINKLER RD	P. Art	6LD	E	2,980	D	2,292	0.77	D	2,409	0.81	*
05200	COLLEGE PKWY	WINKLER RD	WHISKEY CREEK DR	P. Art	6LD	E	2,980	D	2,059	0.69	D	2,164	0.73	
05300	COLLEGE PKWY	WHISKEY CREEK DR	SUMMERLIN RD	P. Art	6LD	E	2,980	D	2,059	0.69	D	2,164	0.73	
05400	COLLEGE PKWY	SUMMERLIN RD	US 41	P. Art	6LD	E	2,980	D	1,898	0.64	D	1,995	0.67	
05500	COLONIAL BLVD	McGREGOR BLVD	SUMMERLIN RD	P. Art	6LD	E	2,840	F	3,049	1.07	F	3,204	1.13	*
05600	COLONIAL BLVD	SUMMERLIN RD	US 41	P. Art	6LD	E	2,840	D	2,650	0.93	D	2,785	0.98	
06200	COLONIAL BLVD	DYNASTY DR	SR 82	P. Art	6LD	D	3,040	B	2,070	0.68	C	2,175	0.72	*
06300	COLUMBUS BLVD	SR 82	MILWAUKEE BLVD	Maj. Col	2LN	E	860	C	100	0.12	C	105	0.12	old count
06400	CONSTITUTION BLVD	US 41	CONSTITUTION CIR	Maj. Col	2LN	E	860	C	217	0.25	C	245	0.28	old count projection(2010)
06500	CORBETT RD	SR 78 (PINE ISLAND RD)	LITTLETON RD	Maj. Col	2LN	E	860	C	22	0.03	C	225	0.26	old count, added VA clinic(2009)
06600	CORKSCREW RD	US 41	THREE OAKS PKWY	P. Art	4LD	E	1,900	C	1,047	0.55	C	1,312	0.69	Galleria at Corkscrew
06700	CORKSCREW RD	THREE OAKS PKWY	W OF I-75	P. Art	4LD	E	1,900	F	2,129	1.12	F	2,368	1.25	Estero Crossing
06800	CORKSCREW RD	E OF I-75	BEN HILL GRIFFIN BLVD	P. Art	4LD	E	1,900	C	1,069	0.56	C	1,281	0.67	
06900	CORKSCREW RD	BEN HILL GRIFFIN BLVD	ALICO RD	P. Art	4LD	E	1,960	C	1,186	0.61	C	1,388	0.71	
07000	CORKSCREW RD	ALICO RD	COUNTY LINE	P. Art	2LN	E	1,140	C	464	0.41	F	1,244	1.09	EEPCO Study, The Place
07100	COUNTRY LAKES BLVD	LUCKETT RD	TICE ST	Maj. Col	2LN	E	860	C	143	0.17	C	293	0.34	old count projection(2010)
07200	CRYSTAL DR	US 41	METRO PKWY	Maj. Col	2LN	E	860	C	360	0.42	C	379	0.44	
07300	CRYSTAL DR	METRO PKWY	PLANTATION RD	Maj. Col	2LN	E	860	C	242	0.28	C	254	0.30	
07400	CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	P. Art	4LD	E	1,940	D	1,129	0.58	D	1,186	0.61	
07500	CYPRESS LAKE DR	SOUTH POINT BLVD	WINKLER RD	P. Art	4LD	E	1,940	D	1,419	0.73	D	1,491	0.77	
07600	CYPRESS LAKE DR	WINKLER RD	SUMMERLIN RD	P. Art	4LD	E	1,940	D	1,419	0.73	D	1,491	0.77	
07700	CYPRESS LAKE DR	SUMMERLIN RD	US 41	P. Art	6LD	E	2,940	D	2,085	0.71	D	2,191	0.75	
07800	DANIELS PKWY	US 41	METRO PKWY	Controlled xs	6LD	E	2,680	D	2,288	0.85	D	2,405	0.90	
07900	DANIELS PKWY	METRO PKWY	SIX MILE PKWY	Controlled xs	6LD	E	2,680	D	2,109	0.79	E	2,520	0.94	Constrained
08000	DANIELS PKWY	SIX MILE PKWY	PALOMINO LN	Controlled xs	6LD	E	3,040	E	2,985	0.98	F	3,256	1.07	Constrained
08100	DANIELS PKWY	PALOMINO LN	I-75	Controlled xs	6LD	E	3,040	E	2,985	0.98	F	3,137	1.03	Constrained
08200	DANIELS PKWY	I-75	TREELINE AVE	Controlled xs	6LD	E	3,260	B	2,996	0.92	B	3,149	0.97	
08300	DANIELS PKWY	TREELINE AVE	CHAMBERLIN PKWY	Controlled xs	6LD	E	3,260	B	2,996	0.92	B	3,149	0.97	
08400	DANIELS PKWY	CHAMBERLIN PKWY	GATEWAY BLVD	Controlled xs	6LD	E	3,260	B	2,765	0.85	B	2,906	0.89	
08500	DANIELS PKWY	GATEWAY BLVD	SR 82	Controlled xs	4LD	E	2,160	F	2,163	1.00	F	2,307	1.07	SKY Walk *
08600	DANLEY DR	US 41	METRO PKWY	Maj. Col	2LN	E	860	C	255	0.30	C	286	0.33	
08700	DAVIS RD	McGREGOR BLVD	IONA RD	Maj. Col	2LN	E	860	C	15	0.02	C	29	0.03	old count projection(2010)
08800	DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	P. Art	6LD	E	2,660	C	1,404	0.53	C	1,586	0.60	old count projection(2009)
08900	DEL PRADO BLVD	SE 46TH ST	CORONADO PKWY	P. Art	6LD	E	2,660	C	1,404	0.53	C	1,586	0.60	old count projection(2009)
09000	DEL PRADO BLVD	CORONADO PKWY	CORNWALLIS PKWY	P. Art	6LD	E	2,660	D	1,869	0.70	D	1,964	0.74	
09100	DEL PRADO BLVD	CORNWALLIS PKWY	CORAL POINT DR	P. Art	6LD	E	2,660	D	2,565	0.96	F	2,696	1.01	
09200	DEL PRADO BLVD	CORAL POINT DR	HANCOCK B. PKWY	P. Art	6LD	E	2,800	D	1,997	0.71	D	2,098	0.75	
09300	DEL PRADO BLVD	HANCOCK B. PKWY	SR 78	P. Art	6LD	E	2,800	C	1,642	0.59	C	1,725	0.62	*
09400	DEL PRADO BLVD	US 41	SLATER RD	M. Art	2LN	E	860	C	489	0.57	D	742	0.86	Crane Landing
09700	EAST 21ST ST	JOEL BLVD	GRANT AVE	Min. Col	2LN	E	860	C	31	0.04	C	33	0.04	*
09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PESCADORA AVE	M. Art	2LN	E	726	A	356	0.49	A	374	0.52	Constrained*
09900	ESTERO BLVD	PESCADORA AVE	VOORHIS ST	M. Art	2LN	E	726	B	602	0.83	C	633	0.87	Constrained*
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	M. Art	2LN	E	726	B	602	0.83	C	633	0.87	Constrained*
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	M. Art	2LN	E	671	F	716	1.07	F	779	1.16	Constrained, old count(2010)
00007	ESTERO PKWY	US 41	THREE OAKS PKWY	P. Art	4LD	E	2,000	B	861	0.43	B	1,154	0.58	Not County Mntnd

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

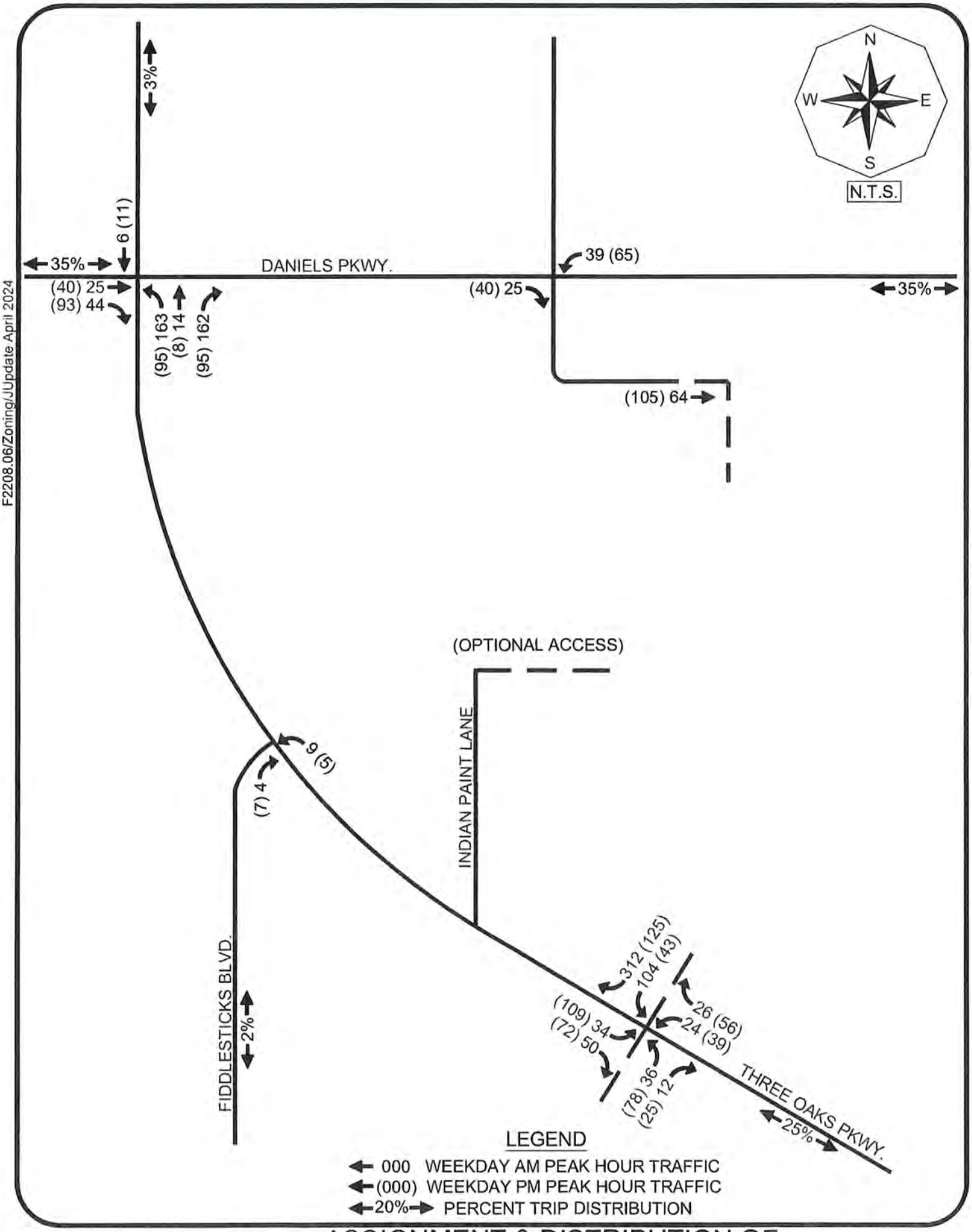
County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Controlled Access Aterial Facility

County Maintained Expressway

SITE TRAFFIC ASSIGNMENT
SUPPLEMENTAL GRAPHICS
FIGURES A-1 & A-2

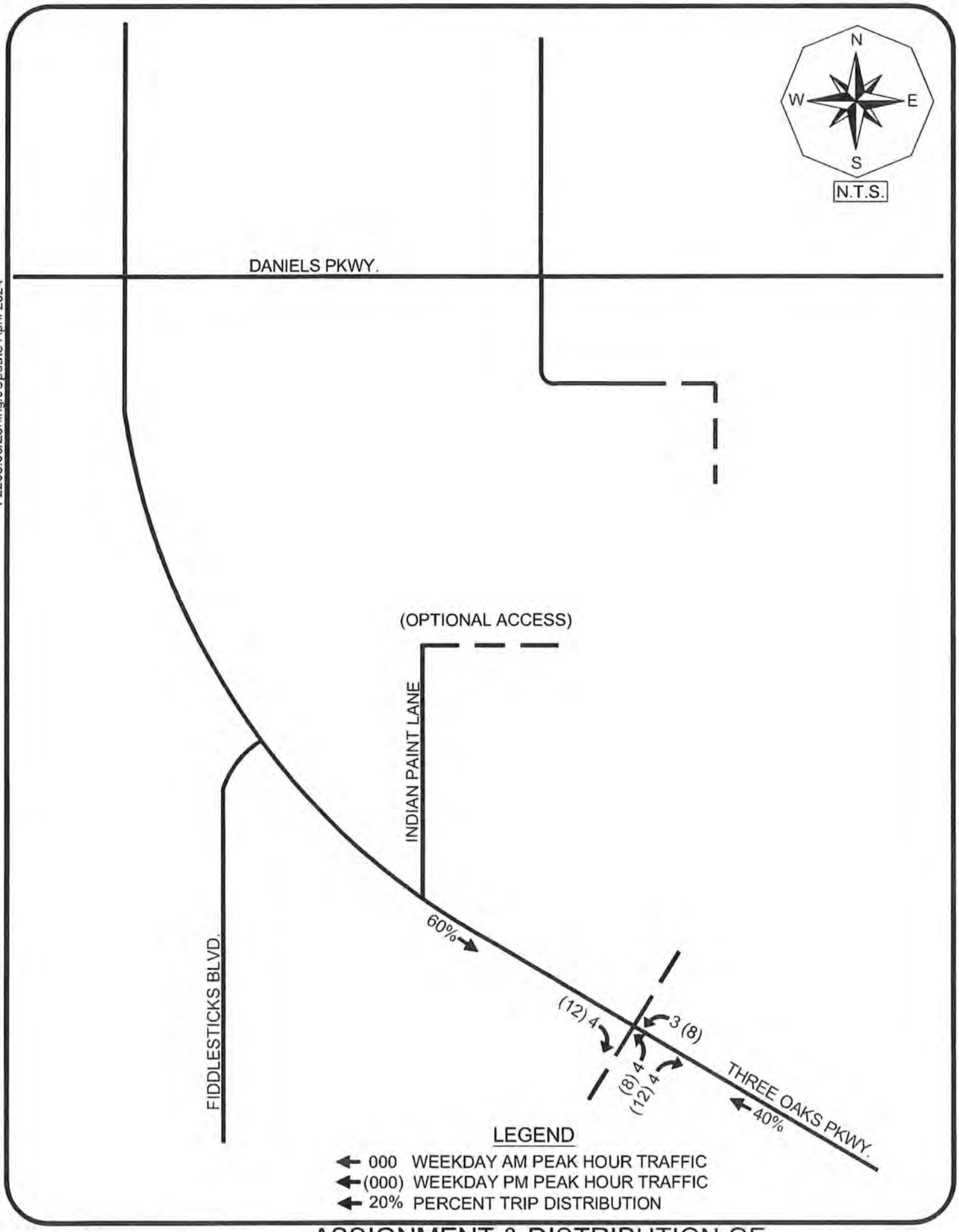


F2208.06/Zoning/JUpdate April 2024

TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF
NET NEW PROJECT TRIPS
DANIELS TOWN CENTER

Figure A-1



F2208.06/Zoning/JUpdate April 2024

TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF PASS-BY PROJECT TRIPS
DANIELS TOWN CENTER

Figure A-2

TRAFFIC DATA FROM THE LEE COUNTY TRAFFIC COUNT REPORT

Updated 5/3/2023			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
DANIELS PKWY	W OF METRO PKWY	30	40100	46400	47400	48300	48300	49400	49900	41900	49300	49400
DANIELS PKWY	W OF PLANTATION RD	263		48000		47600						
DANIELS PKWY	E OF SIX MILE PKWY	31	53200	51800	53200	59700		60700	62500	54100	63100	65800
DANIELS PKWY	W OF I - 75	264	48700	51500	60600		52400					
DANIELS PKWY	E OF I - 75	52	44800	47100	44200		52600	51800	54500	48400	55800	56400
DANIELS PKWY	E OF TREELINE DR	32										
DANIELS PKWY	E OF CHAMBERLIN PKWY	48	35800	38100	37300	41900	45600	41400	41900	40600	46200	48600
DANIELS PKWY	W OF GATEWAY BLVD	89			35800	34500		35700	39000			
DANIELS PKWY	S OF IMMOKALEE RD	524	20600	28200	29000	33400	32100			37400	38700	41900
DANLEY RD	W OF METRO PKWY	518		4900		6300		6700		4500		7100
DEL PRADO BLVD	S OF BEACH PKWY	86							25500	25500		
DEL PRADO BLVD	S OF CORNWALLIS PKWY	2	37100	37800	38300			40700	40700	36000	45800	42100
DEL PRADO BLVD	S OF FOUR MILE COVE RD	40	45800	46500	45600	46500	46400	45200	45100	40400	45000	45100
DEL PRADO BLVD	E OF US 41	443	4700	5400	6000	6600	7200	7800	7800	8800		9600
ESTERO BLVD	@ BIG CARLOS PASS BR.	274	9600				9400		10200			
ESTERO BLVD	N OF DENORA ST	44	13500	13500	12700	12400			11000	11400	13400	12200
ESTERO PKWY	W OF BEN HILL GRIFFIN PKW	459	15700		15800		19500		17400		12500	
ESTERO PKWY	E OF US 41	465	8200		11500		16200		15700		17100	
FIDDLESTICKS BLVD	S OF DANIELS PKWY	276		7200		7700		7800		7700		7000
FOWLER ST	E OF US 41	511		20700		23300		22100		18800		21700
FOWLER ST	S OF MORENO ST	28	21700	23000	24500	23700	24900	23900	27400	24800	27700	28700
FOWLER ST	S OF M.L.K. BLVD (SR 82)	119								14400	17400	17600

TRAFFIC DATA FROM THE FDOT FLORIDA TRAFFIC ONLINE

2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: COUNTY
CATEGORY: 1207 SR 876/ DANIELS RD

MOCF: 0.97

WEEK	DATES	SF	PSCF
1	01/01/2021 - 01/02/2021	0.97	1.00
2	01/03/2021 - 01/09/2021	1.01	1.04
3	01/10/2021 - 01/16/2021	1.05	1.08
4	01/17/2021 - 01/23/2021	1.04	1.07
5	01/24/2021 - 01/30/2021	1.02	1.05
6	01/31/2021 - 02/06/2021	1.01	1.04
7	02/07/2021 - 02/13/2021	1.00	1.03
* 8	02/14/2021 - 02/20/2021	0.99	1.02
* 9	02/21/2021 - 02/27/2021	0.98	1.01
*10	02/28/2021 - 03/06/2021	0.97	1.00
*11	03/07/2021 - 03/13/2021	0.96	0.99
*12	03/14/2021 - 03/20/2021	0.95	0.98
*13	03/21/2021 - 03/27/2021	0.95	0.98
*14	03/28/2021 - 04/03/2021	0.96	0.99
*15	04/04/2021 - 04/10/2021	0.96	0.99
*16	04/11/2021 - 04/17/2021	0.97	1.00
*17	04/18/2021 - 04/24/2021	0.98	1.01
*18	04/25/2021 - 05/01/2021	0.99	1.02
*19	05/02/2021 - 05/08/2021	0.99	1.02
*20	05/09/2021 - 05/15/2021	1.00	1.03
21	05/16/2021 - 05/22/2021	1.00	1.03
22	05/23/2021 - 05/29/2021	1.00	1.03
23	05/30/2021 - 06/05/2021	1.01	1.04
24	06/06/2021 - 06/12/2021	1.01	1.04
25	06/13/2021 - 06/19/2021	1.01	1.04
26	06/20/2021 - 06/26/2021	1.02	1.05
27	06/27/2021 - 07/03/2021	1.03	1.06
28	07/04/2021 - 07/10/2021	1.04	1.07
29	07/11/2021 - 07/17/2021	1.05	1.08
30	07/18/2021 - 07/24/2021	1.05	1.08
31	07/25/2021 - 07/31/2021	1.05	1.08
32	08/01/2021 - 08/07/2021	1.05	1.08
33	08/08/2021 - 08/14/2021	1.05	1.08
34	08/15/2021 - 08/21/2021	1.06	1.09
35	08/22/2021 - 08/28/2021	1.05	1.08
36	08/29/2021 - 09/04/2021	1.05	1.08
37	09/05/2021 - 09/11/2021	1.05	1.08
38	09/12/2021 - 09/18/2021	1.05	1.08
39	09/19/2021 - 09/25/2021	1.03	1.06
40	09/26/2021 - 10/02/2021	1.02	1.05
41	10/03/2021 - 10/09/2021	1.00	1.03
42	10/10/2021 - 10/16/2021	0.99	1.02
43	10/17/2021 - 10/23/2021	0.98	1.01
44	10/24/2021 - 10/30/2021	0.98	1.01
45	10/31/2021 - 11/06/2021	0.98	1.01
46	11/07/2021 - 11/13/2021	0.98	1.01
47	11/14/2021 - 11/20/2021	0.98	1.01
48	11/21/2021 - 11/27/2021	0.97	1.00
49	11/28/2021 - 12/04/2021	0.97	1.00
50	12/05/2021 - 12/11/2021	0.97	1.00
51	12/12/2021 - 12/18/2021	0.97	1.00
52	12/19/2021 - 12/25/2021	1.01	1.04
53	12/26/2021 - 12/31/2021	1.05	1.08

* PEAK SEASON

TURNING MOVEMENT COUNT

DANIELS PKWY @ DANPORT BLVD

Daniels Pkwy @ Danport Blvd 9-6-22 AM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 AM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	Danport Blvd Southbound						Daniels Pkwy Westbound						Danport Blvd Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
07:00		5	3	33	0	41		30	367	8	43	448		23	0	2	0	25		16	587	7	0	610	1124
07:15		2	6	38	0	46		23	378	16	54	471		14	3	8	0	25		16	660	14	0	690	1232
07:30		10	1	19	0	30		14	444	5	43	506		14	1	5	0	20		17	667	12	0	696	1252
07:45		5	1	27	0	33		25	457	16	41	539		20	0	7	0	27		8	641	11	0	660	1259
Total	0	22	11	117	0	150	0	92	1646	45	181	1964	0	71	4	22	0	97	0	57	2555	44	0	2656	4867
08:00		14	1	18	0	33		23	429	18	38	508		20	0	7	0	27		9	664	10	2	685	1253
08:15		10	0	15	0	25		28	419	22	26	495		27	1	6	0	34		25	610	15	0	650	1204
08:30		13	0	12	0	25		27	503	15	41	586		26	0	8	0	34		16	613	20	0	649	1294
08:45		15	5	22	0	42		27	581	22	36	666		17	2	17	0	36		24	551	18	1	594	1338
Total	0	52	6	67	0	125	0	105	1932	77	141	2255	0	90	3	38	0	131	0	74	2438	63	3	2578	5089
Grand Total	0	74	17	184	0	275	0	197	3578	122	322	4219	0	161	7	60	0	228	0	131	4993	107	3	5234	9956
Appr %		26.9	6.2	66.9	0			4.7	84.8	2.9	7.6			70.6	3.1	26.3	0			2.5	95.4	2	0.1		
Total %		0.7	0.2	1.8	0			2	35.9	1.2	3.2			1.6	0.1	0.6	0			1.3	50.2	1.1	0		
AM Pk Hr		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00	08:00
AM Pk Vol		52	6	67	0	125		105	1932	77	141	2255		90	3	38	0	131		74	2438	63	3	2578	5089
AM PHF		0.867	0.300	0.761	NaN	0.744		0.938	0.831	0.875	0.860	0.846		0.833	0.375	0.559	NaN	0.910		0.740	0.918	0.788	0.375	0.941	0.951

CountingCars.com

Daniels Pkwy @ Danport Blvd 9-6-22 AM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 AM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

Danport Blvd

Right	Thru	Left	U-Turn
52	6	67	0

Daniels Pkwy

Right	Thru	Left	U-Turn
105	1932	77	141

AM Peak Hour Statistics
AM Peak Hour Begins: 08:00
AM Peak Hour Volume: 5089
AM Peak Hour Factor: 0.951

Daniels Pkwy

Right	Thru	Left	U-Turn
74	2438	63	3

Danport Blvd

U-Turn	Left	Thru	Right
0	38	3	90

CountingCars.com

Daniels Pkwy @ Danport Blvd 9-6-22 PM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 PM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	Danport Blvd Southbound						Daniels Pkwy Westbound						Danport Blvd Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00		19	0	34	0	53		15	487	11	1	514		27	1	4	0	32		10	681	5	0	696	1295
16:15		12	0	25	0	37		21	552	9	3	585		18	2	5	0	25		11	734	7	0	752	1399
16:30		19	2	31	0	52		25	591	19	0	635		36	2	10	0	48		16	691	3	2	712	1447
16:45		14	1	55	0	70		23	617	7	4	651		32	4	10	0	46		16	742	17	0	775	1542
Total	0	64	3	145	0	212	0	84	2247	46	8	2385	0	113	9	29	0	151	0	53	2848	32	2	2935	5683
17:00		12	3	41	0	56		18	598	15	5	636		27	0	8	0	35		14	708	8	1	731	1458
17:15		18	2	32	0	52		13	527	15	6	561		17	2	11	0	30		13	707	12	0	732	1375
17:30		20	0	26	0	46		29	577	15	4	625		24	3	5	0	32		17	744	13	1	775	1478
17:45		19	3	35	0	57		25	508	13	1	547		25	5	8	0	38		19	639	17	2	677	1319
Total	0	69	8	134	0	211	0	85	2210	58	16	2369	0	93	10	32	0	135	0	63	2798	50	4	2915	5630
Grand Total	0	133	11	279	0	423	0	169	4457	104	24	4754	0	206	19	61	0	286	0	116	5646	82	6	5850	11313
Appr %		31.4	2.6	66	0			3.6	93.8	2.2	0.5			72	6.6	21.3	0			2	96.5	1.4	0.1		
Total %		1.2	0.1	2.5	0			1.5	39.4	0.9	0.2			1.8	0.2	0.5	0			1	49.9	0.7	0.1		
PM Pk Hr		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45	16:45
PM Pk Vol		64	6	154	0	224		83	2319	52	19	2473		100	9	34	0	143		60	2901	50	2	3013	5853
PM PHF		0.800	0.500	0.700	NaN	0.800		0.716	0.940	0.867	0.792	0.950		0.781	0.563	0.773	NaN	0.777		0.882	0.975	0.735	0.500	0.972	0.949

CountingCars.com

Daniels Pkwy @ Danport Blvd 9-6-22 PM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 PM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

Danport Blvd

Right	Thru	Left	U-Turn
64	6	154	0

Daniels Pkwy

Right	Thru	Left	U-Turn
60	2901	50	2

PM Peak Hour Statistics
PM Peak Hour Begins: 16:45
PM Peak Hour Volume: 5853
PM Peak Hour Factor: 0.949

Daniels Pkwy

Right	Thru	Left	U-Turn
83	2319	52	19

Danport Blvd

U-Turn	Left	Thru	Right
0	34	9	100

CountingCars.com

TURNING MOVEMENT COUNT

DANIELS PKWY @ I-75 SB RAMP

Daniels Pkwy @ W. Side of I-75 9-6-22 AM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 AM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	I-75 Southbound						Daniels Pkwy Westbound						I-75 Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
07:00		15	1	26	0	42		0	420	193	0	613						0		305	338	0	0	643	1298
07:15		23	0	32	0	55		0	461	208	0	669						0		311	397	0	0	708	1432
07:30		27	0	42	0	69		0	477	176	0	653						0		334	381	0	0	715	1437
07:45		40	0	28	0	68		0	502	188	0	690						0		309	380	0	0	689	1447
Total	0	105	1	128	0	234	0	0	1860	765	0	2625	0	0	0	0	0	0	0	1259	1496	0	0	2755	5614
08:00		37	0	39	0	76		0	516	181	0	697						0		299	399	0	0	698	1471
08:15		53	0	50	0	103		0	491	168	0	659						0		294	364	0	0	658	1420
08:30		54	1	61	0	116		8	522	158	0	688						0		302	344	0	0	646	1450
08:45		86	0	61	0	147		0	564	147	0	711						0		277	323	0	0	600	1458
Total	0	230	1	211	0	442	0	8	2093	654	0	2755	0	0	0	0	0	0	0	1172	1430	0	0	2602	5799
Grand Total	0	335	2	339	0	676	0	8	3953	1419	0	5380	0	0	0	0	0	0	0	2431	2926	0	0	5357	11413
Appr %		49.6	0.3	50.1	0			0.1	73.5	26.4	0			-2	-2	-2	-2			45.4	54.6	0	0		
Total %		2.9	0	3	0			0.1	34.6	12.4	0			0	0	0	0			21.3	25.6	0	0		
AM Pk Hr		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00	08:00
AM Pk Vol		230	1	211	0	442		8	2093	654	0	2755		0	0	0	0	0		1172	1430	0	0	2602	5799
AM PHF		0.669	0.250	0.865	NaN	0.752		0.250	0.928	0.903	NaN	0.969		NaN	NaN	NaN	NaN	NaN		0.970	0.896	NaN	NaN	0.932	0.986

CountingCars.com

Daniels Pkwy @ W. Side of I-75 9-6-22 AM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 AM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

I-75

Right	Thru	Left	U-Turn
230	1	211	0

Daniels Pkwy

Right	Thru	Left	U-Turn
1172	1430	0	0

AM Peak Hour Statistics
AM Peak Hour Begins: 08:00
AM Peak Hour Volume: 5799
AM Peak Hour Factor: 0.986

Daniels Pkwy

Right	Thru	Left	U-Turn
8	2093	654	0

I-75

U-Turn	Left	Thru	Right
0	0	0	0

CountingCars.com

Daniels Pkwy @ W. Side of I-75 9-6-22 PM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 PM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	I-75 Southbound						Daniels Pkwy Westbound						I-75 Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00		76	0	41	0	117		0	438	94	0	532						0		126	644	0	0	770	1419
16:15		92	0	46	0	138		0	490	96	0	586						0		120	655	0	0	775	1499
16:30		107	1	43	0	151		0	529	104	0	633						0		135	638	0	0	773	1557
16:45		105		57	0	162		0	587	92	0	679						0		116	733	0	0	849	1690
Total	0	380	1	187	0	568	0	0	2044	386	0	2430	0	0	0	0	0	0	0	497	2670	0	0	3167	6165
17:00		94	0	44	0	138		0	562	110	0	672						0		123	710	0	0	833	1643
17:15		88	0	42	0	130		0	482	103	0	585						0		113	691	0	0	804	1519
17:30		80	0	39	0	119		0	533	92	0	625						0		112	739	0	0	851	1595
17:45		69	0	43	0	112		0	476	85	0	561						0		109	697	0	0	806	1479
Total	0	331	0	168	0	499	0	0	2053	390	0	2443	0	0	0	0	0	0	0	457	2837	0	0	3294	6236
Grand Total	0	711	1	355	0	1067	0	0	4097	776	0	4873	0	0	0	0	0	0	0	954	5507	0	0	6461	12401
Appr %		66.6	0.1	33.3	0			0	84.1	15.9	0			-2	-2	-2	-2			14.8	85.2	0	0		
Total %		5.7	0	2.9	0			0	33	6.3	0			0	0	0	0			7.7	44.4	0	0		
PM Pk Hr		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45	16:45
PM Pk Vol		367	0	182	0	549		0	2164	397	0	2561		0	0	0	0	0		464	2873	0	0	3337	6447
PM PHF		0.874	NaN	0.798	NaN	0.847		NaN	0.922	0.902	NaN	0.943		NaN	NaN	NaN	NaN	NaN		0.943	0.972	NaN	NaN	0.980	0.954

CountingCars.com

Daniels Pkwy @ W. Side of I-75 9-6-22 PM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 PM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

I-75

Right	Thru	Left	U-Turn
367	0	182	0

Daniels Pkwy

Right	Thru	Left	U-Turn
464	2873	0	0

PM Peak Hour Statistics
PM Peak Hour Begins: 16:45
PM Peak Hour Volume: 6447
PM Peak Hour Factor: 0.954

Daniels Pkwy

Right	Thru	Left	U-Turn
0	2164	397	0

I-75

U-Turn	Left	Thru	Right
0	0	0	0

CountingCars.com

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING VOLUMES

Development of Future Year Background Turning Volumes

Intersection	**Daniels Pkwy @ Danport Blvd.**
Count Date	September 6, 2022
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR
RAW Turning Movement Counts	38	3	90	67	6	52	3	63	2,438	74	141	77	1,923	105
Peak Season Correction Factor	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Current Peak Season Volumes	41	3	97	72	6	56	3	68	2,633	80	152	83	2,077	113
Growth Rate							4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5	5	5
2027 Background Turning Volumes	**41**	**3**	**97**	**72**	**6**	**56**	**4**	**83**	**3,220**	**98**	**186**	**102**	**2,540**	**138**
Project Turning Volumes										25		39		
2027 Background + Project	**41**	**3**	**97**	**72**	**6**	**56**	**4**	**83**	**3,220**	**123**	**186**	**141**	**2,540**	**138**

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR
RAW Turning Movement Counts	34	9	100	154	6	64	2	50	2,901	60	19	52	2,319	83
Peak Season Correction Factor	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Current Peak Season Volumes	37	10	108	166	6	69	2	54	3,133	65	21	56	2,505	90
Growth Rate							4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5	5	5
2027 Background Turning Volumes	**37**	**10**	**108**	**166**	**6**	**69**	**2**	**66**	**3,832**	**80**	**26**	**68**	**3,064**	**110**
Project Turning Volumes										40		45		
2027 Background + Project	**37**	**10**	**108**	**166**	**6**	**69**	**2**	**66**	**3,832**	**120**	**26**	**113**	**3,064**	**110**

Development of Future Year Background Turning Volumes

Intersection	**Daniels Pkwy @ I-75 SB Ramp**
Count Date	September 6, 2022
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts				211	1	230		1,430	1,172	654	2,093	
Peak Season Correction Factor				1.08	1.08	1.08		1.08	1.08	1.08	1.08	
Current Peak Season Volumes				228	1	248		1,544	1,266	706	2,260	
Growth Rate				4.11%	4.11%	4.11%		4.11%	4.11%	4.11%	4.11%	
Years to Build-out				5	5	4		5	5	5	5	
2027 Background Turning Volumes				**279**	**1**	**293**		**1,888**	**1,548**	**864**	**2,764**	
Project Turning Volumes						6		15	30		6	
2027 Background + Project				**279**	**1**	**299**		**1,903**	**1,578**	**864**	**2,770**	

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts				182	0	367		2,873	464	397	2,164	
Peak Season Correction Factor				1.08	1.08	1.08		1.08	1.08	1.08	1.08	
Current Peak Season Volumes				197	0	396		3,103	501	429	2,337	
Growth Rate				4.11%	4.11%	4.11%		4.11%	4.11%	4.11%	4.11%	
Years to Build-out				5	5	5		5	5	5	5	
2027 Background Turning Volumes				**241**	**0**	**484**		**3,795**	**613**	**525**	**2,858**	
Project Turning Volumes						15		10	11		30	
2027 Background + Project				**241**	**0**	**499**		**3,805**	**624**	**525**	**2,888**	

Development of Future Year Background Turning Volumes

Intersection	**Three Oaks Pkwy @ Daniels Town Center**
Count Date	
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL		EBT	EBR	WBL		WBT	WBR
RAW Turning Movement Counts														
Peak Season Correction Factor														
Current Peak Season Volumes														
Growth Rate														
Years to Build-out														
2027 Background Turning Volumes	**0**	**354**	**0**	**0**	**332**	**0**	**0**	**0**	**0**	**0**	**0**			**0**
Project Turning Volumes	27		26	34		54	40			16	104			312
2027 Background + Project	**27**	**354**	**26**	**34**	**332**	**54**	**40**	**0**	**0**	**16**	**104**			**312**

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL		EBT	EBR	WBL		WBT	WBR
RAW Turning Movement Counts														
Peak Season Correction Factor														
Current Peak Season Volumes														
Growth Rate														
Years to Build-out														
2027 Background Turning Volumes	**0**	**407**	**0**	**0**	**308**	**0**	**0**	**0**	**0**	**0**	**0**			**0**
Project Turning Volumes	47		56	109		84	86			37	43			125
2027 Background + Project	**40**	**407**	**56**	**122**	**308**	**106**	**101**	**0**	**0**	**37**	**43**			**125**

TRIP GENERATION COMPARISON

EXISTING ZONING

VS.

PROPOSED ZONING

TRIP GENERATION COMPARISON
EXISTING ZONING VS. PROPOSED ZONING
DANIELS TOWN CENTER

Table 1
Approved Land Uses
Per Z-08-043

Land Use	Size
Retail	250,000 square feet
Office	90,000 square feet
Medical Office	50,000 square feet
Hotel	120 Rooms

Table 2
Proposed Land Uses
Daniels Town Square

Land Use	Size
Retail	30,000 square feet
Multi-Family Dwelling Units	1,251 Units
Hotel	200 Rooms

Table 3
Trip Generation – Approved Uses
Per Z-08-043

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (250,000 Sq. Ft.)	174	107	281	524	568	1,092	12,391
Office (90,000 Sq. Ft.)	135	18	153	26	126	152	1,059
Medical Office (50,000 Sq. Ft.)	102	27	129	60	140	200	2,040
Hotel (120 Rooms)	29	24	53	31	30	61	877
Total Trips	**440**	**176**	**616**	**641**	**864**	**1,505**	**16,367**

Table 4
Trip Generation – Total Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (30,000 Sq. Ft.)	36	23	59	85	85	170	1,496
Multi-Family (1,251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Rooms)	52	41	93	61	59	120	1,744
Total Trips	**212**	**479**	**691**	**444**	**334**	**778**	**9,161**

Table 5
Trip Generation – Net New Trips Approved Uses
Per Z-08-043

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Retail (250,000 Sq. Ft)	174	107	281	524	568	1,092	12,391
Office (90,000 Sq. Ft.)	135	18	153	26	126	152	1,059
Medical Office (50,000 Sq. Ft.)	102	27	129	60	140	200	2,040
Hotel (120 Room)	29	24	53	31	30	61	877
Total	440	176	616	641	864	1,505	16,367
Less Internal Capture	-36	-36	-72	-63	-63	-126	-1,309
Less Pass-By Trips	-42	-41	-83	-160	-161	-267	-3,643
Net New Trips	**362**	**99**	**461**	**418**	**640**	**1,058**	**11,415**

Table 6
Trip Generation – Net New Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Retail (30,000 Sq. Ft)	36	23	59	85	85	170	1,496
Multi-Family (1,251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Room)	52	41	93	61	59	120	1,744
Total	212	479	691	444	334	778	9,161
Less Internal Capture	-7	-7	-14	-43	-43	-86	-1,007
Less Pass-By Trips	-7	-8	-15	-20	-20	-40	-448
Net New Trips	**198**	**464**	**662**	**381**	**271**	**652**	**7,706**

INTERNAL CAPTURE ESTIMATES

PROPOSED ZONING

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	**Organization:**	
Project Location:		**Performed By:**	
Scenario Description:		**Date:**	
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	822			59	36	23
Restaurant				0		
Cinema/Entertainment				0		
Residential	221			539	124	415
Hotel	310			93	52	41
All Other Land Uses[2]				0		
				691	212	479

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	2	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	4	0	0		0
Hotel	0	1	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	691	212	479
Internal Capture Percentage	2%	3%	1%
External Vehicle-Trips[5]	677	205	472
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	14%	9%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	2%	1%
Hotel	0%	2%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

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NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	**Organization:**	
Project Location:		**Performed By:**	
Scenario Description:		**Date:**	
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	822			170	85	85
Restaurant				0		
Cinema/Entertainment				0		
Residential	221			488	298	190
Hotel	320			120	61	59
All Other Land Uses[2]				0		
				778	444	334

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	22	4
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	9	0	0		6
Hotel	0	2	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	778	444	334
Internal Capture Percentage	11%	10%	13%
External Vehicle-Trips[5]	692	401	291
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	13%	31%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	7%	8%
Hotel	16%	3%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

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INTERNAL CAPTURE ESTIMATES

EXISTING ZONING

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	**Organization:**	
Project Location:	Approved Zoning	**Performed By:**	
Scenario Description:		**Date:**	
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710/720			282	237	45
Retail	820			281	174	107
Restaurant				0		
Cinema/Entertainment				0		
Residential				0		
Hotel	310			91	30	61
All Other Land Uses[2]				0		
				654	441	213

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		13	0	0	0	0
Retail	9		0	0	0	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	7	7	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	654	441	213
Internal Capture Percentage	11%	8%	17%
External Vehicle-Trips[5]	582	405	177
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	7%	29%
Retail	11%	8%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	0%	23%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

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NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	Organization:	
Project Location:	Approved Zoning	Performed By:	
Scenario Description:		Date:	
Analysis Year:		Checked By:	
Analysis Period:	PM Street Peak Hour	Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710/720			352	86	266
Retail	820			1,092	524	568
Restaurant				0		
Cinema/Entertainment				0		
Residential				0		
Hotel	310			61	31	30
All Other Land Uses[2]				0		
				1,505	641	864

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		42	0	0	0	0
Retail	11		0	0	0	5
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	5	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	1,505	641	864
Internal Capture Percentage	8%	10%	7%
External Vehicle-Trips[5]	1,379	578	801
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	13%	16%
Retail	9%	3%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	16%	17%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

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FDOT FIVE YEAR WORK PROGRAM

I-75 @ DANIELS PARKWAY

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Web Application

Office of Work Program and Budget Cynthia Lorenzo - Director

Updated: 11/18/2022 12:3

Five Year Work Program

Selection Criteria	
District 01 **Lee County** **Item Number:**446296-2	**2023-2027 AD** **Category:**Highways

Display current records in a Report Style
Display current records in an Excel Document

Project Summary

Transportation System: INTRASTATE INTERSTATE
Description: SR 93 (I-75) AT CR 876 / DANIELS PARKWAY
Type of Work: INTERCHANGE IMPROVEMENT
Item Number: 446296-2
Length: 0.800

District 01 - Le

View Scheduled

View Ma

Project Detail

Fiscal Year:	2023	2024	2025	2026
Highways/Preliminary Engineering				
Amount:			$248,400	
Highways/Design Build				
Amount:			$38,686,035	
Item Total:			**$38,934,435**	

This site is maintained by the Office of Work Program and Budget, located at 605 Suwannee Street, MS 21, Tallahassee, Florida 323

View Contact Information for Office of Work Program and Budget

Application Home: Work Program
Office Home: Office of Work Program and Budget

INTERSECTION ANALYSIS
SYNCHRO SUMMARY SHEETS

DANIELS PARKWAY

@

DANPORT BLVD

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	4	83	3220	98	186	102	2540	138	41	3	97	72
Future Volume (vph)	4	83	3220	98	186	102	2540	138	41	3	97	72
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.996				0.992				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6382	0	0	1770	6357	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.756
Satd. Flow (perm)	0	3433	6382	0	0	1770	6357	0	1403	1863	1583	1408
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			6				14				177	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1499				1055			427		
Travel Time (s)			34.1				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	4	90	3500	107	202	111	2761	150	45	3	105	78
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	94	3607	0	0	313	2911	0	45	3	105	78
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

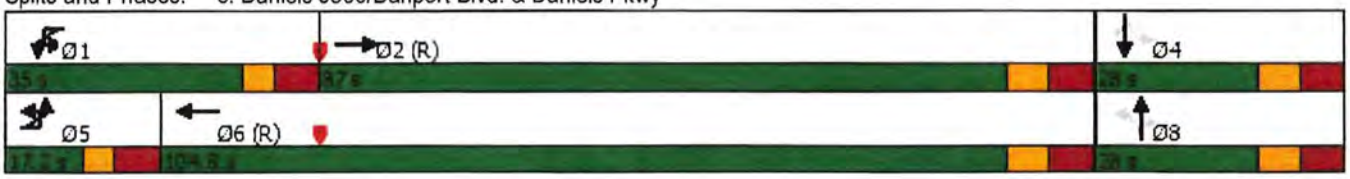
Lane Group	SBT	SBR
Lane Configurations		
Traffic Volume (vph)	6	56
Future Volume (vph)	6	56
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		177
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	61
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	61
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	17.2	17.2	87.0		35.0	35.0	104.8		28.0	28.0	28.0	28.0
Total Split (%)	11.5%	11.5%	58.0%		23.3%	23.3%	69.9%		18.7%	18.7%	18.7%	18.7%
Maximum Green (s)	8.6	8.6	77.0		26.3	26.3	94.8		18.1	18.1	18.1	18.1
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		8.2	77.0			26.3	95.2		18.1	18.1	18.1	18.1
Actuated g/C Ratio		0.05	0.51			0.18	0.63		0.12	0.12	0.12	0.12
v/c Ratio		0.50	1.10			1.01	0.72		0.27	0.01	0.30	0.46
Control Delay		78.3	85.4			103.5	17.4		64.5	58.3	2.2	71.1
Queue Delay		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Delay		78.3	85.4			103.5	17.4		64.5	58.3	2.2	71.1
LOS		E	F			F	B		E	E	A	E
Approach Delay			85.2				25.8			21.7		
Approach LOS			F				C			C		

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.10
Intersection Signal Delay: 56.5 Intersection LOS: E
Intersection Capacity Utilization 106.5% ICU Level of Service G
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	28.0	28.0
Total Split (%)	18.7%	18.7%
Maximum Green (s)	18.1	18.1
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	18.1	18.1
Actuated g/C Ratio	0.12	0.12
v/c Ratio	0.03	0.18
Control Delay	58.8	1.1
Queue Delay	0.0	0.0
Total Delay	58.8	1.1
LOS	E	A
Approach Delay	41.3	
Approach LOS	D	

Intersection Summary

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	2	66	3832	80	26	68	3064	110	37	10	108	166
Future Volume (vph)	2	66	3832	80	26	68	3064	110	37	10	108	166
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.997				0.995				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6389	0	0	1770	6376	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.750
Satd. Flow (perm)	0	3433	6389	0	0	1770	6376	0	1403	1863	1583	1397
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			4				8				183	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1499				1055			427		
Travel Time (s)			34.1				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	72	4165	87	28	74	3330	120	40	11	117	180
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	74	4252	0	0	102	3450	0	40	11	117	180
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

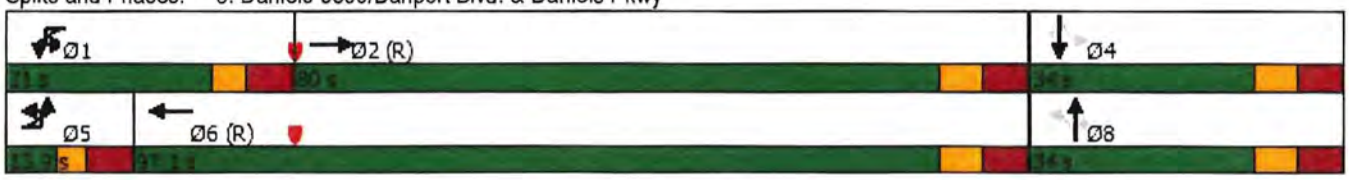
Lane Group	SBT	SBR
Lane Configurations		
Traffic Volume (vph)	6	69
Future Volume (vph)	6	69
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		183
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	75
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	75
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	13.9	13.9	80.0		31.0	31.0	97.1		34.0	34.0	34.0	34.0
Total Split (%)	9.6%	9.6%	55.2%		21.4%	21.4%	67.0%		23.4%	23.4%	23.4%	23.4%
Maximum Green (s)	5.3	5.3	70.0		22.3	22.3	87.1		24.1	24.1	24.1	24.1
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		5.3	78.6			13.7	87.1		24.1	24.1	24.1	24.1
Actuated g/C Ratio		0.04	0.54			0.09	0.60		0.17	0.17	0.17	0.17
v/c Ratio		0.59	1.23			0.61	0.90		0.17	0.04	0.28	0.78
Control Delay		88.0	135.8			81.1	23.8		54.2	51.3	2.0	80.4
Queue Delay		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Delay		88.0	135.8			81.1	23.8		54.2	51.3	2.0	80.4
LOS		F	F			F	C		D	D	A	F
Approach Delay			135.0				25.5			17.6		
Approach LOS			F				C			B		

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.23
Intersection Signal Delay: 83.4 Intersection LOS: F
Intersection Capacity Utilization 110.0% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	34.0	34.0
Total Split (%)	23.4%	23.4%
Maximum Green (s)	24.1	24.1
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	24.1	24.1
Actuated g/C Ratio	0.17	0.17
v/c Ratio	0.02	0.18
Control Delay	51.0	1.0
Queue Delay	0.0	0.0
Total Delay	51.0	1.0
LOS	D	A
Approach Delay	56.9	
Approach LOS	E	

Intersection Summary

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	4	83	3220	123	186	114	2540	138	41	3	97	72
Future Volume (vph)	4	83	3220	123	186	114	2540	138	41	3	97	72
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.994				0.992				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6369	0	0	1770	6357	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.756
Satd. Flow (perm)	0	3433	6369	0	0	1770	6357	0	1403	1863	1583	1408
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			7				14				177	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1523				1055			427		
Travel Time (s)			34.6				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	4	90	3500	134	202	124	2761	150	45	3	105	78
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	94	3634	0	0	326	2911	0	45	3	105	78
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

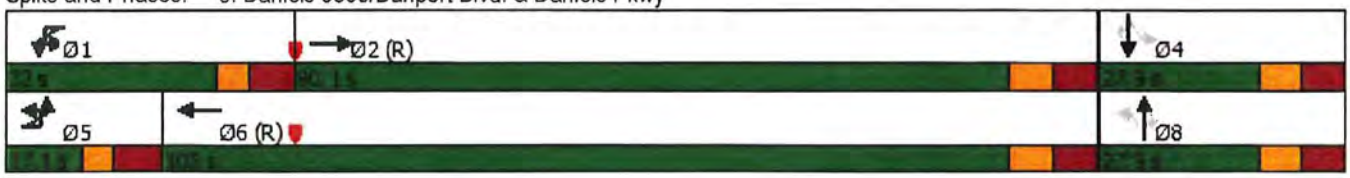
Lane Group	SBT	SBR
Lane Configurations	↑	↱
Traffic Volume (vph)	6	56
Future Volume (vph)	6	56
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		177
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	61
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	61
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	17.1	17.1	90.1		32.0	32.0	105.0		27.9	27.9	27.9	27.9
Total Split (%)	11.4%	11.4%	60.1%		21.3%	21.3%	70.0%		18.6%	18.6%	18.6%	18.6%
Maximum Green (s)	8.5	8.5	80.1		23.3	23.3	95.0		18.0	18.0	18.0	18.0
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		8.2	80.1			23.3	95.3		18.0	18.0	18.0	18.0
Actuated g/C Ratio		0.05	0.53			0.16	0.64		0.12	0.12	0.12	0.12
v/c Ratio		0.51	1.07			1.19	0.72		0.27	0.01	0.30	0.46
Control Delay		78.6	71.3			158.4	16.0		64.7	58.7	2.3	71.3
Queue Delay		0.0	14.1			0.2	0.0		0.0	0.0	0.4	3.9
Total Delay		78.6	85.4			158.6	16.0		64.7	58.7	2.7	75.2
LOS		E	F			F	B		E	E	A	E
Approach Delay			85.3				30.3			22.0		
Approach LOS			F				C			C		

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 95 (63%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.19
Intersection Signal Delay: 58.6 — Intersection LOS: E
Intersection Capacity Utilization 107.6% — ICU Level of Service G
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	27.9	27.9
Total Split (%)	18.6%	18.6%
Maximum Green (s)	18.0	18.0
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	18.0	18.0
Actuated g/C Ratio	0.12	0.12
v/c Ratio	0.03	0.18
Control Delay	58.8	1.1
Queue Delay	0.0	0.0
Total Delay	58.8	1.1
LOS	E	A
Approach Delay	43.5	
Approach LOS	D	

Intersection Summary

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	2	66	3832	120	26	113	3064	110	37	10	108	166
Future Volume (vph)	2	66	3832	120	26	113	3064	110	37	10	108	166
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.995				0.995				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6376	0	0	1770	6376	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.750
Satd. Flow (perm)	0	3433	6376	0	0	1770	6376	0	1403	1863	1583	1397
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			6				8				183	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1523				1055			427		
Travel Time (s)			34.6				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	72	4165	130	28	123	3330	120	40	11	117	180
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	74	4295	0	0	151	3450	0	40	11	117	180
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

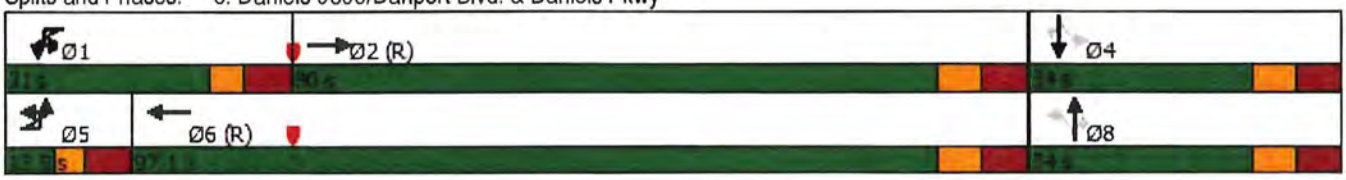
Lane Group	SBT	SBR
Lane Configurations	↑	↱
Traffic Volume (vph)	6	69
Future Volume (vph)	6	69
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		183
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	75
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	75
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	13.9	13.9	80.0		31.0	31.0	97.1		34.0	34.0	34.0	34.0
Total Split (%)	9.6%	9.6%	55.2%		21.4%	21.4%	67.0%		23.4%	23.4%	23.4%	23.4%
Maximum Green (s)	5.3	5.3	70.0		22.3	22.3	87.1		24.1	24.1	24.1	24.1
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		5.3	75.0			17.3	87.1		24.1	24.1	24.1	24.1
Actuated g/C Ratio		0.04	0.52			0.12	0.60		0.17	0.17	0.17	0.17
v/c Ratio		0.59	1.30			0.72	0.90		0.17	0.04	0.28	0.78
Control Delay		88.0	169.0			79.6	23.7		54.2	51.3	2.0	80.4
Queue Delay		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Delay		88.0	169.0			79.6	23.7		54.2	51.3	2.0	80.4
LOS		F	F			E	C		D	D	A	F
Approach Delay			167.6				26.0			17.6		
Approach LOS			F				C			B		

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.30
Intersection Signal Delay: 100.5 Intersection LOS: F
Intersection Capacity Utilization 113.2% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	34.0	34.0
Total Split (%)	23.4%	23.4%
Maximum Green (s)	24.1	24.1
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	24.1	24.1
Actuated g/C Ratio	0.17	0.17
v/c Ratio	0.02	0.18
Control Delay	51.0	1.0
Queue Delay	0.0	0.0
Total Delay	51.0	1.0
LOS	D	A
Approach Delay	56.9	
Approach LOS	E	

Intersection Summary

DANIELS PARKWAY

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I-75 SB RAMP

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1888	1548	864	2764	0	0	0	0	279	0	293
Future Volume (vph)	0	1888	1548	864	2764	0	0	0	0	279	0	293
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			231									86
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	2052	1683	939	3004	0	0	0	0	303	0	318
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	2052	1683	939	3004	0	0	0	0	303	0	318
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		85.0	85.0	48.0	133.0					17.0		17.0
Total Split (%)		56.7%	56.7%	32.0%	88.7%					11.3%		11.3%
Maximum Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Actuated g/C Ratio		0.52	0.52	0.27	0.84					0.07		0.07
v/c Ratio		0.78	1.81	1.96	0.71					1.26		1.16
Control Delay		21.8	385.5	468.9	6.0					200.4		145.7
Queue Delay		0.0	0.1	0.0	0.0					0.0		0.0
Total Delay		21.8	385.7	468.9	6.0					200.4		145.7
LOS		C	F	F	A					F		F
Approach Delay		185.8			116.2						172.4	
Approach LOS		F			F						F	

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.96
Intersection Signal Delay: 151.7 — Intersection LOS: F
Intersection Capacity Utilization 156.1% — ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	3795	613	525	2858	0	0	0	0	241	0	484
Future Volume (vph)	0	3795	613	525	2858	0	0	0	0	241	0	484
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			267									89
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	4125	666	571	3107	0	0	0	0	262	0	526
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	4125	666	571	3107	0	0	0	0	262	0	526
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		87.0	87.0	35.0	122.0					23.0		23.0
Total Split (%)		60.0%	60.0%	24.1%	84.1%					15.9%		15.9%
Maximum Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Actuated g/C Ratio		0.55	0.55	0.19	0.79					0.11		0.11
v/c Ratio		1.48	0.67	1.70	0.77					0.67		1.33
Control Delay		235.7	6.5	362.1	9.9					70.9		203.6
Queue Delay		0.0	0.0	0.0	0.0					0.0		0.0
Total Delay		235.7	6.5	362.1	9.9					70.9		203.6
LOS		F	A	F	A					E		F
Approach Delay		203.8			64.6						159.5	
Approach LOS		F			E						F	

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.70
Intersection Signal Delay: 144.7 Intersection LOS: F
Intersection Capacity Utilization 125.0% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1903	1578	864	2770	0	0	0	0	279	0	299
Future Volume (vph)	0	1903	1578	864	2770	0	0	0	0	279	0	299
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			231									86
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	2068	1715	939	3011	0	0	0	0	303	0	325
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	2068	1715	939	3011	0	0	0	0	303	0	325
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		85.0	85.0	48.0	133.0					17.0		17.0
Total Split (%)		56.7%	56.7%	32.0%	88.7%					11.3%		11.3%
Maximum Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Actuated g/C Ratio		0.52	0.52	0.27	0.84					0.07		0.07
v/c Ratio		0.79	1.84	1.96	0.71					1.26		1.18
Control Delay		24.5	402.5	468.9	6.0					200.4		154.4
Queue Delay		0.0	0.1	0.0	0.0					0.0		0.0
Total Delay		24.5	402.6	468.9	6.0					200.4		154.4
LOS		C	F	F	A					F		F
Approach Delay		195.9			116.0						176.6	
Approach LOS		F			F						F	

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.96
Intersection Signal Delay: 156.7 Intersection LOS: F
Intersection Capacity Utilization 157.9% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	3805	624	525	2888	0	0	0	0	241	0	499
Future Volume (vph)	0	3805	624	525	2888	0	0	0	0	241	0	499
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			271									89
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	4136	678	571	3139	0	0	0	0	262	0	542
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	4136	678	571	3139	0	0	0	0	262	0	542
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		87.0	87.0	35.0	122.0					23.0		23.0
Total Split (%)		60.0%	60.0%	24.1%	84.1%					15.9%		15.9%
Maximum Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Actuated g/C Ratio		0.55	0.55	0.19	0.79					0.11		0.11
v/c Ratio		1.48	0.68	1.70	0.78					0.67		1.37
Control Delay		237.7	7.2	362.1	10.1					70.9		219.7
Queue Delay		0.0	0.0	0.0	0.0					0.0		0.0
Total Delay		237.7	7.2	362.1	10.1					70.9		219.7
LOS		F	A	F	B					E		F
Approach Delay		205.3			64.3						171.2	
Approach LOS		F			E						F	

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.70
Intersection Signal Delay: 146.3 Intersection LOS: F
Intersection Capacity Utilization 125.1% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

THREE OAKS PARKWAY

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DANIELS TOWN CENTER ACCESS

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Traffic Volume (vph)	34	332	54	27	354	26	40	0	16	104	0	312
Future Volume (vph)	34	332	54	27	354	26	40	0	16	104	0	312
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	450		400	450		400	200		0	200		0
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1770	1863	1583	1770	1863	1583
Flt Permitted	0.428			0.536			0.757			0.574		
Satd. Flow (perm)	797	3539	1583	998	3539	1583	1410	1863	1583	1069	1863	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			182			182			524			522
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		392			1222			646			802	
Travel Time (s)		8.9			27.8			14.7			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	37	361	59	29	385	28	43	0	17	113	0	339
Shared Lane Traffic (%)												
Lane Group Flow (vph)	37	361	59	29	385	28	43	0	17	113	0	339
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	60		60	60		60	60		60	60		60
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	pm+pt		Perm	pm+pt		Perm
Protected Phases	1	6		5	2		7	4		3	8	
Permitted Phases	6		6	2		2	4		4	8		8
Minimum Split (s)	12.0	25.0	25.0	12.0	29.0	29.0	12.0	25.0	25.0	12.0	25.0	25.0
Total Split (s)	23.0	64.0	64.0	18.0	59.0	59.0	28.0	29.0	29.0	39.0	40.0	40.0
Total Split (%)	15.3%	42.7%	42.7%	12.0%	39.3%	39.3%	18.7%	19.3%	19.3%	26.0%	26.7%	26.7%
Maximum Green (s)	16.0	57.0	57.0	11.0	52.0	52.0	21.0	22.0	22.0	32.0	33.0	33.0
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
All-Red Time (s)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Walk Time (s)		7.0	7.0		7.0	7.0		7.0	7.0		7.0	7.0
Flash Dont Walk (s)		11.0	11.0		11.0	11.0		11.0	11.0		11.0	11.0
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	0
Act Effct Green (s)	73.0	57.0	57.0	63.0	52.0	52.0	43.0		22.0	61.0		33.0
Actuated g/C Ratio	0.49	0.38	0.38	0.42	0.35	0.35	0.29		0.15	0.41		0.22
v/c Ratio	0.08	0.27	0.08	0.06	0.31	0.04	0.09		0.03	0.19		0.45

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Control Delay	19.7	32.8	0.2	20.0	36.8	0.1	28.9		0.1	29.3		1.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0
Total Delay	19.7	32.8	0.2	20.0	36.8	0.1	28.9		0.1	29.3		1.9
LOS	B	C	A	B	D	A	C		A	C		A
Approach Delay		27.5			33.4			20.7			8.8	
Approach LOS		C			C			C			A	

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:NWTL and 6:SETL, Start of Green
Natural Cycle: 80
Control Type: Pretimed
Maximum v/c Ratio: 0.45
Intersection Signal Delay: 23.1 — Intersection LOS: C
Intersection Capacity Utilization 50.8% — ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 14: Three Oaks Pkwy & Daniels Town Center

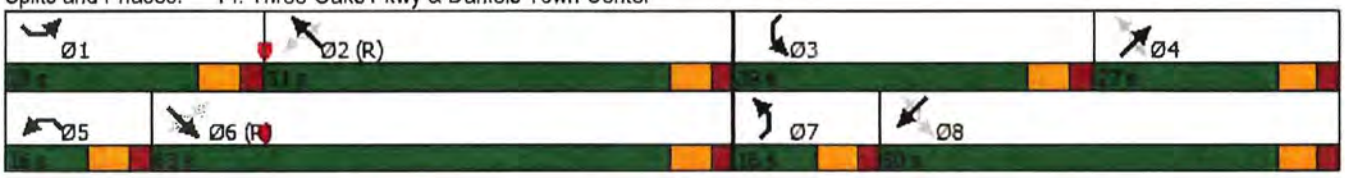
Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Traffic Volume (vph)	122	308	106	40	407	56	101	0	37	43	0	125
Future Volume (vph)	122	308	106	40	407	56	101	0	37	43	0	125
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	450		400	450		400	200		0	200		0
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1770	1863	1583	1770	1863	1583
Flt Permitted	0.350			0.550			0.757			0.561		
Satd. Flow (perm)	652	3539	1583	1025	3539	1583	1410	1863	1583	1045	1863	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			188			241			602			398
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		392			1222			646			802	
Travel Time (s)		8.9			27.8			14.7			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	133	335	115	43	442	61	110	0	40	47	0	136
Shared Lane Traffic (%)												
Lane Group Flow (vph)	133	335	115	43	442	61	110	0	40	47	0	136
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	60		60	60		60	60		60	60		60
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	pm+pt		Perm	pm+pt		Perm
Protected Phases	1	6		5	2		7	4		3	8	
Permitted Phases	6		6	2		2	4		4	8		8
Minimum Split (s)	12.0	25.0	25.0	12.0	25.0	25.0	12.0	25.0	25.0	12.0	25.0	25.0
Total Split (s)	28.0	63.0	63.0	16.0	51.0	51.0	16.0	27.0	27.0	39.0	50.0	50.0
Total Split (%)	19.3%	43.4%	43.4%	11.0%	35.2%	35.2%	11.0%	18.6%	18.6%	26.9%	34.5%	34.5%
Maximum Green (s)	21.0	56.0	56.0	9.0	44.0	44.0	9.0	20.0	20.0	32.0	43.0	43.0
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
All-Red Time (s)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Walk Time (s)		7.0	7.0		7.0	7.0		7.0	7.0		7.0	7.0
Flash Dont Walk (s)		11.0	11.0		11.0	11.0		11.0	11.0		11.0	11.0
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	0
Act Effct Green (s)	72.0	56.0	56.0	53.0	44.0	44.0	29.0		20.0	59.0		43.0
Actuated g/C Ratio	0.50	0.39	0.39	0.37	0.30	0.30	0.20		0.14	0.41		0.30
v/c Ratio	0.27	0.25	0.16	0.10	0.41	0.09	0.36		0.05	0.08		0.18

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Control Delay	21.5	30.8	0.5	20.8	41.6	0.3	34.6		0.1	26.7		0.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0
Total Delay	21.5	30.8	0.5	20.8	41.6	0.3	34.6		0.1	26.7		0.5
LOS	C	C	A	C	D	A	C		A	C		A
Approach Delay		22.7			35.4			25.4			7.3	
Approach LOS		C			D			C			A	

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:NWTL and 6:SETL, Start of Green
Natural Cycle: 75
Control Type: Pretimed
Maximum v/c Ratio: 0.41
Intersection Signal Delay: 25.8 — Intersection LOS: C
Intersection Capacity Utilization 47.8% — ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 14: Three Oaks Pkwy & Daniels Town Center



THREE OAKS PARKWAY EXTENSION

DESIGN PROJECT

TRAFFIC ANALYSIS REPORT

EXCERPTS

McCORMICK TAYLOR

THREE OAKS PARKWAY EXTENSION DESIGN PROJECT

TRAFFIC ANALYSIS REPORT

April 2020

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Prepared for:

Lee County
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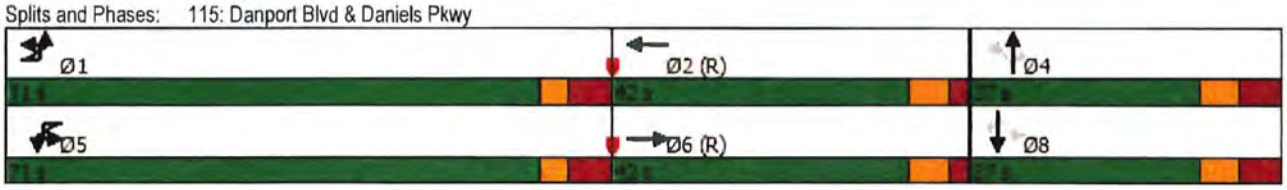
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	69	1968	114	2511	30	11	125	132	5	99
Future Volume (vph)	69	1968	114	2511	30	11	125	132	5	99
Turn Type	Prot	NA	Prot	NA	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6	5	2		4			8	
Permitted Phases					4	4	4	8	8	8
Detector Phase	1	6	5	2	4	4	4	8	8	8
Switch Phase										
Minimum Initial (s)	7.0	15.0	7.0	15.0	8.0	8.0	8.0	8.0	8.0	8.0
Minimum Split (s)	15.6	24.0	15.6	24.0	17.9	17.9	17.9	17.9	17.9	17.9
Total Split (s)	71.0	42.0	71.0	42.0	37.0	37.0	37.0	37.0	37.0	37.0
Total Split (%)	47.3%	28.0%	47.3%	28.0%	24.7%	24.7%	24.7%	24.7%	24.7%	24.7%
Yellow Time (s)	3.4	4.8	3.4	4.8	4.8	4.8	4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	2.4	5.2	2.4	5.1	5.1	5.1	5.1	5.1	5.1
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	8.6	7.2	8.6	7.2	9.9	9.9	9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lag	Lead	Lag						
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	C-Max	Max	Max	Max	None	None	None
Act Effct Green (s)	9.8	79.8	17.4	87.4	27.1	27.1	27.1	27.1	27.1	27.1
Actuated g/C Ratio	0.07	0.53	0.12	0.58	0.18	0.18	0.18	0.18	0.18	0.18
v/c Ratio	0.53	0.53	0.73	0.63	0.12	0.03	0.33	0.54	0.01	0.26
Control Delay	79.4	11.7	77.4	19.1	54.5	53.0	11.2	64.7	50.8	10.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	79.4	11.7	77.4	19.1	54.5	53.0	11.2	64.7	50.8	10.9
LOS	E	B	E	B	D	D	B	E	D	B
Approach Delay		15.5		22.2		21.8			41.8	
Approach LOS		B		C		C			D	

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 2 (1%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 70
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.73
Intersection Signal Delay: 20.4 — Intersection LOS: C
Intersection Capacity Utilization 86.8% — ICU Level of Service E
Analysis Period (min) 15

Splits and Phases: 115: Danport Blvd & Daniels Pkwy

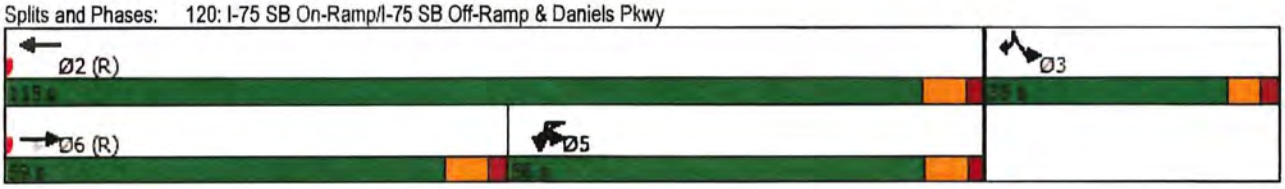


Lane Group	EBT	EBR	WBL	WBT	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	1929	332	573	2115	599	700
Future Volume (vph)	1929	332	573	2115	599	700
Turn Type	NA	Perm	Prot	NA	Prot	Prot
Protected Phases	6		5	2	3	3
Permitted Phases		6			3	
Detector Phase	6	6	5	2	3	3
Switch Phase						
Minimum Initial (s)	15.0	15.0	7.0	15.0	8.0	8.0
Minimum Split (s)	24.0	24.0	15.0	24.0	16.0	16.0
Total Split (s)	59.0	59.0	56.0	115.0	35.0	35.0
Total Split (%)	39.3%	39.3%	37.3%	76.7%	23.3%	23.3%
Yellow Time (s)	5.1	5.1	5.1	5.1	4.0	4.0
All-Red Time (s)	2.3	2.3	2.0	2.3	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.4	7.4	7.1	7.4	6.5	6.5
Lead/Lag	Lead	Lead	Lag			
Lead-Lag Optimize?						
Recall Mode	C-Max	C-Max	None	C-Max	None	None
Act Effct Green (s)	51.6	51.6	48.9	107.6	28.5	28.5
Actuated g/C Ratio	0.34	0.34	0.33	0.72	0.19	0.19
v/c Ratio	1.04	0.50	1.09	0.54	0.96	1.13
Control Delay	57.0	7.1	110.1	7.5	87.1	124.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	57.0	7.1	110.1	7.5	87.1	124.0
LOS	E	A	F	A	F	F
Approach Delay	49.7			30.6		
Approach LOS	D			C		

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 148 (99%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.13
Intersection Signal Delay: 53.2 — Intersection LOS: D
Intersection Capacity Utilization 101.5% — ICU Level of Service G
Analysis Period (min) 15

Splits and Phases: 120: I-75 SB On-Ramp/I-75 SB Off-Ramp & Daniels Pkwy



Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	83	2705	61	2638	32	15	149	168	20	99
Future Volume (vph)	83	2705	61	2638	32	15	149	168	20	99
Turn Type	Prot	NA	Prot	NA	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6	5	2		4			8	
Permitted Phases					4	4	4	8	8	8
Detector Phase	1	6	5	2	4	4	4	8	8	8
Switch Phase										
Minimum Initial (s)	7.0	15.0	7.0	15.0	8.0	8.0	8.0	8.0	8.0	8.0
Minimum Split (s)	16.0	24.0	15.6	24.0	17.9	17.9	17.9	17.9	17.9	17.9
Total Split (s)	28.0	64.0	28.0	64.0	38.0	38.0	38.0	38.0	38.0	38.0
Total Split (%)	21.5%	49.2%	21.5%	49.2%	29.2%	29.2%	29.2%	29.2%	29.2%	29.2%
Yellow Time (s)	3.4	4.8	3.4	4.8	4.8	4.8	4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	2.4	5.2	2.4	5.1	5.1	5.1	5.1	5.1	5.1
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	8.6	7.2	8.6	7.2	9.9	9.9	9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lag	Lead	Lag						
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	C-Max	Max	Max	Max	None	None	None
Act Effct Green (s)	9.3	64.3	11.9	66.9	28.1	28.1	28.1	28.1	28.1	28.1
Actuated g/C Ratio	0.07	0.49	0.09	0.51	0.22	0.22	0.22	0.22	0.22	0.22
v/c Ratio	0.51	0.78	0.63	0.75	0.11	0.04	0.33	0.56	0.05	0.24
Control Delay	75.1	8.1	69.2	22.2	42.4	41.1	8.3	53.5	41.0	8.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	75.1	8.1	69.2	22.2	42.4	41.1	8.3	53.5	41.0	8.4
LOS	E	A	E	C	D	D	A	D	D	A
Approach Delay		11.0		23.8		16.4			37.1	
Approach LOS		B		C		B			D	

Intersection Summary

Cycle Length: 130
Actuated Cycle Length: 130
Offset: 112 (86%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.78
Intersection Signal Delay: 18.3 — Intersection LOS: B
Intersection Capacity Utilization 93.1% — ICU Level of Service F
Analysis Period (min) 15

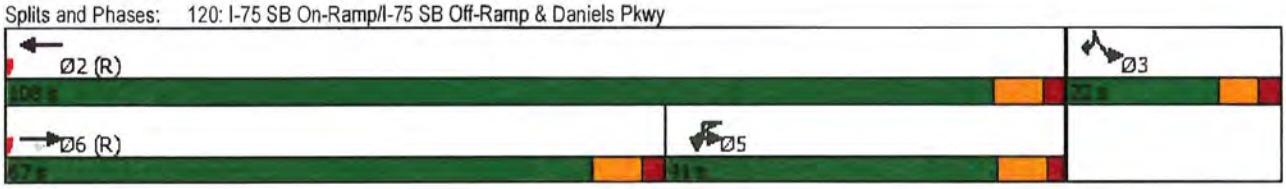
Splits and Phases: 115: Danport Blvd & Daniels Pkwy

Lane Group	EBT	EBR	WBL	WBT	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	2608	452	472	2396	237	514
Future Volume (vph)	2608	452	472	2396	237	514
Turn Type	NA	Perm	Prot	NA	Prot	Prot
Protected Phases	6		5	2	3	3
Permitted Phases		6			3	
Detector Phase	6	6	5	2	3	3
Switch Phase						
Minimum Initial (s)	15.0	15.0	7.0	15.0	8.0	8.0
Minimum Split (s)	24.0	24.0	15.0	24.0	16.0	16.0
Total Split (s)	67.0	67.0	41.0	108.0	22.0	22.0
Total Split (%)	51.5%	51.5%	31.5%	83.1%	16.9%	16.9%
Yellow Time (s)	5.1	5.1	5.1	5.1	4.0	4.0
All-Red Time (s)	2.3	2.3	2.0	2.3	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.4	7.4	7.1	7.4	6.5	6.5
Lead/Lag	Lead	Lead	Lag			
Lead-Lag Optimize?						
Recall Mode	C-Max	C-Max	None	C-Max	None	None
Act Effct Green (s)	59.6	59.6	33.9	100.6	15.5	15.5
Actuated g/C Ratio	0.46	0.46	0.26	0.77	0.12	0.12
v/c Ratio	1.02	0.52	1.06	0.55	0.63	1.14
Control Delay	37.0	2.2	104.3	4.6	62.7	127.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	37.0	2.2	104.3	4.6	62.7	127.0
LOS	D	A	F	A	E	F
Approach Delay	31.8			21.2		
Approach LOS	C			C		

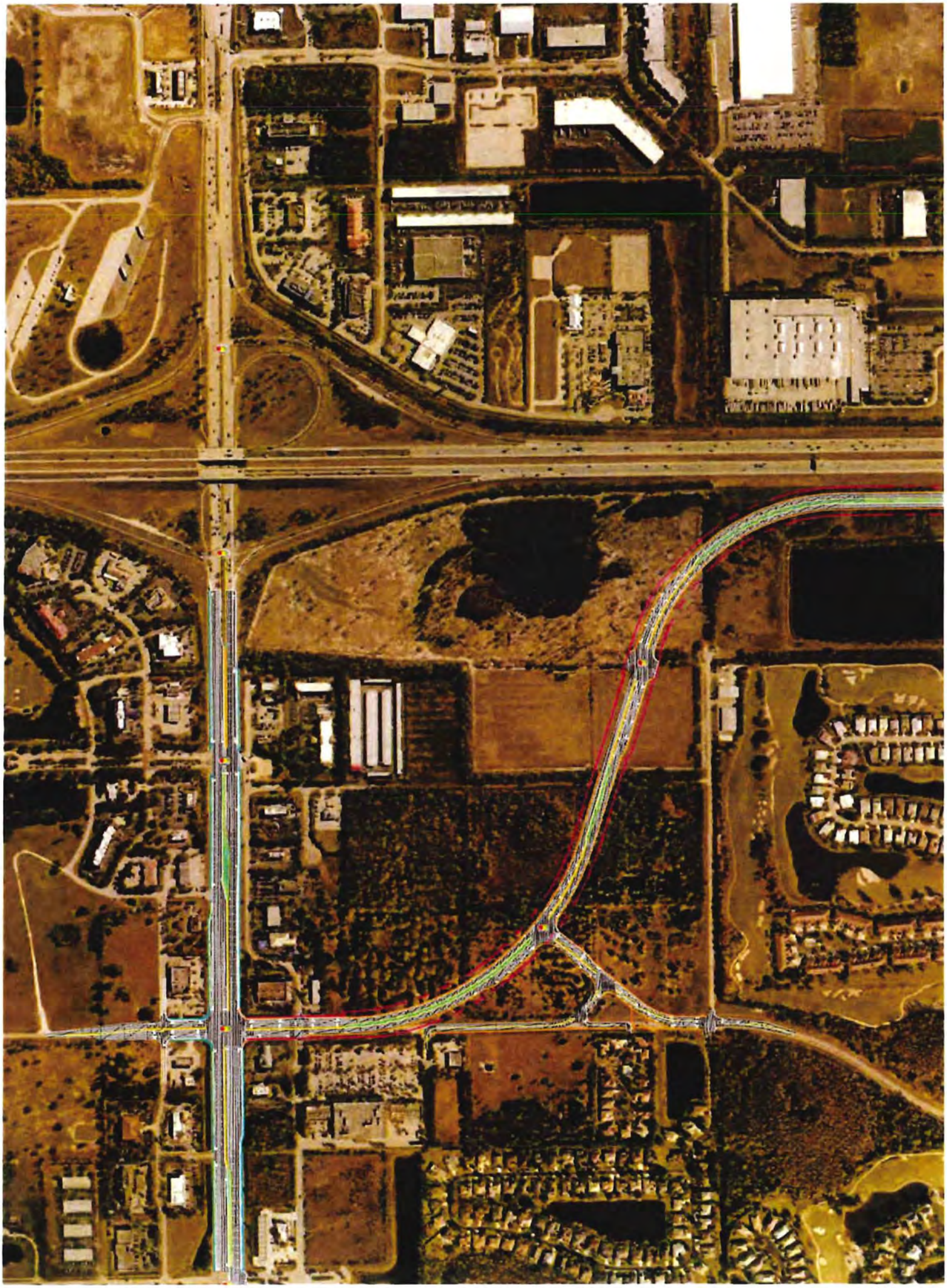
Intersection Summary

Cycle Length: 130
Actuated Cycle Length: 130
Offset: 128 (98%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 130
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.14
Intersection Signal Delay: 35.7 — Intersection LOS: D
Intersection Capacity Utilization 96.9% — ICU Level of Service F
Analysis Period (min) 15

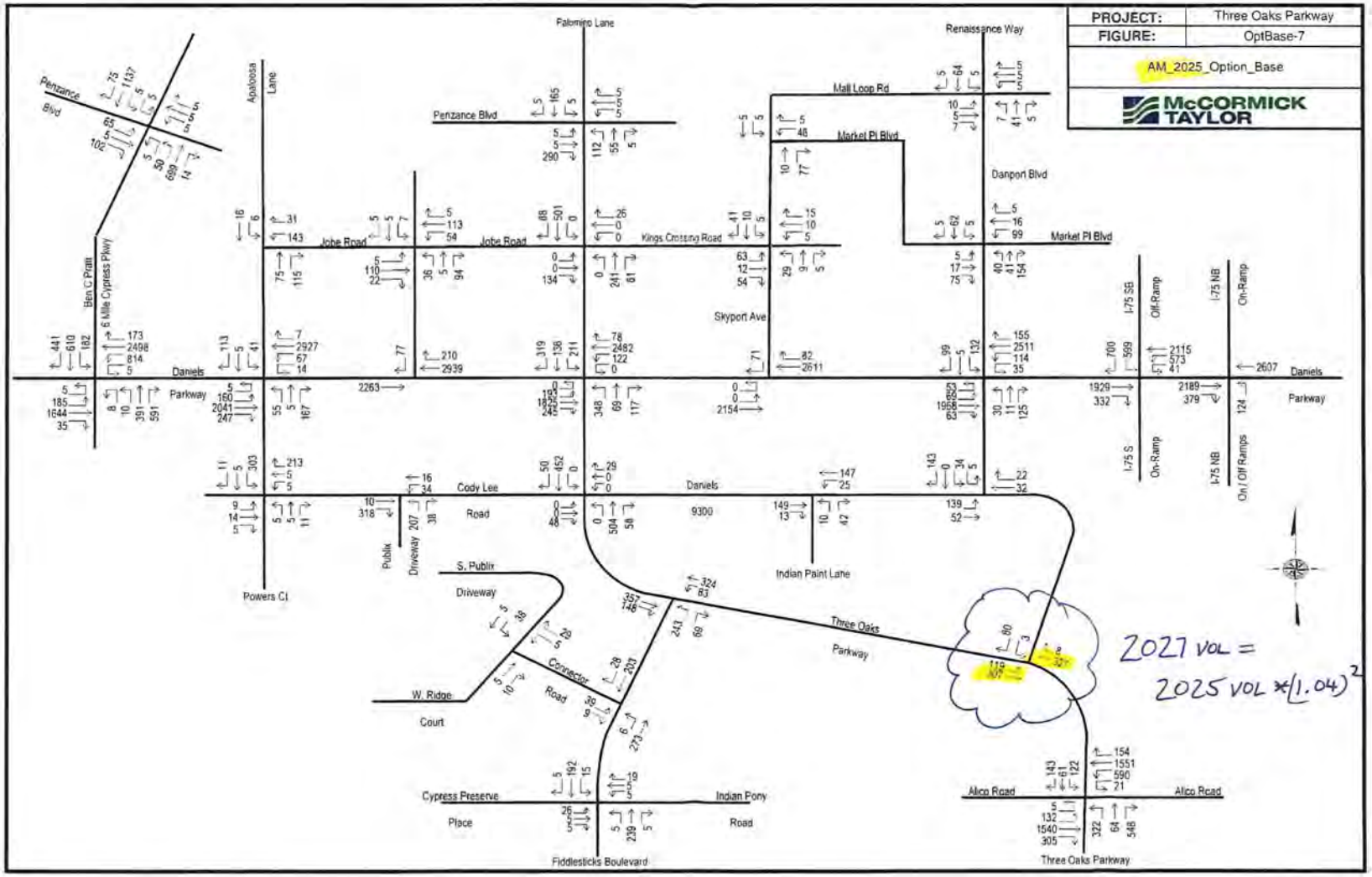
Splits and Phases: 120: I-75 SB On-Ramp/I-75 SB Off-Ramp & Daniels Pkwy



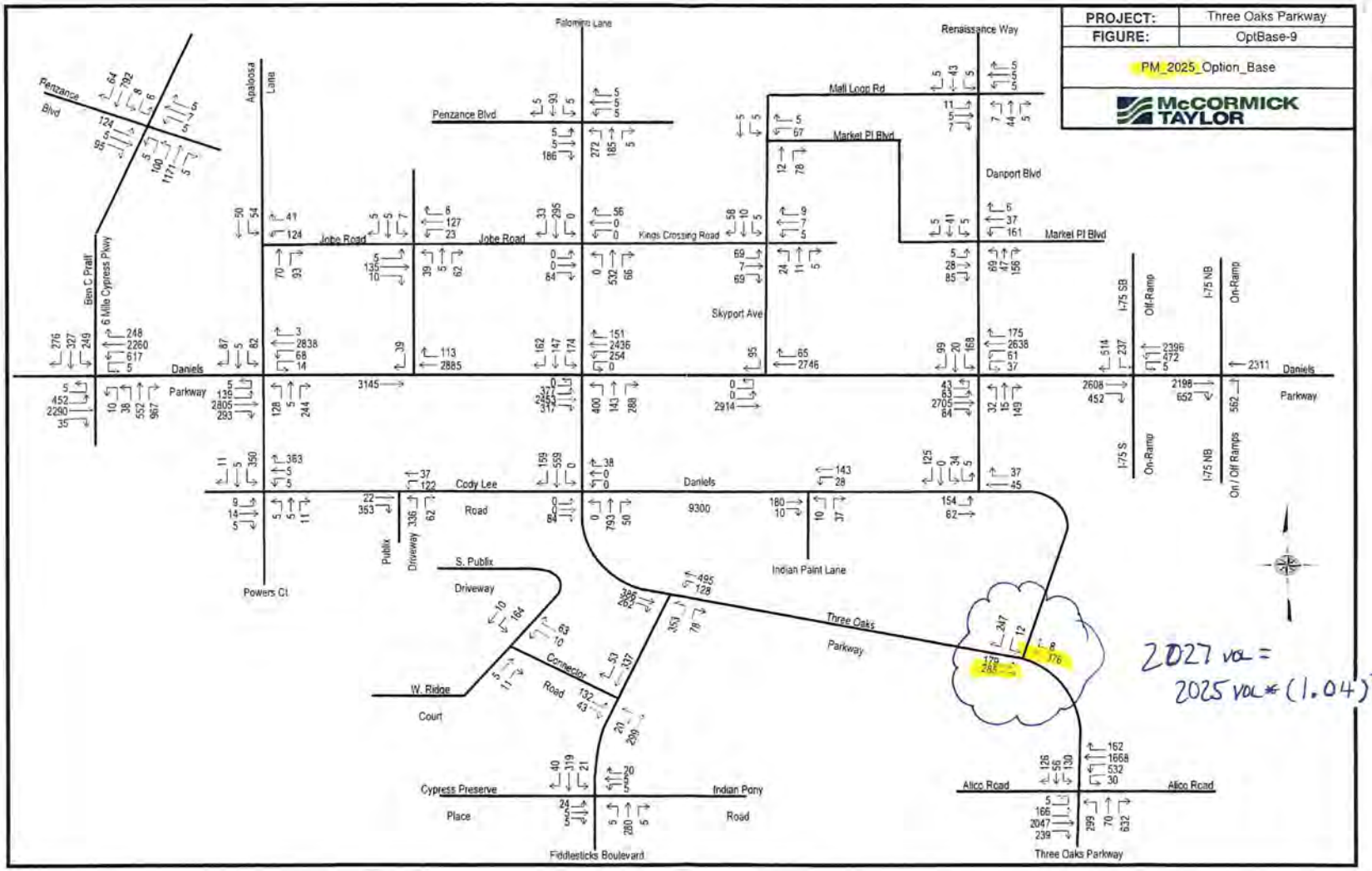
THRE OAKS PARKWAY ALIGNMENT



DEVELOPMENT OF FUTURE BACKGROUND THROUGH VOLUMES ON THREE OAKS PARKWAY



2027 VOL = 2025 VOL *(1.04)^2



2027 vol = 2025 vol * $(1.04)^2$

TRIP GENERATION EQUATIONS

Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

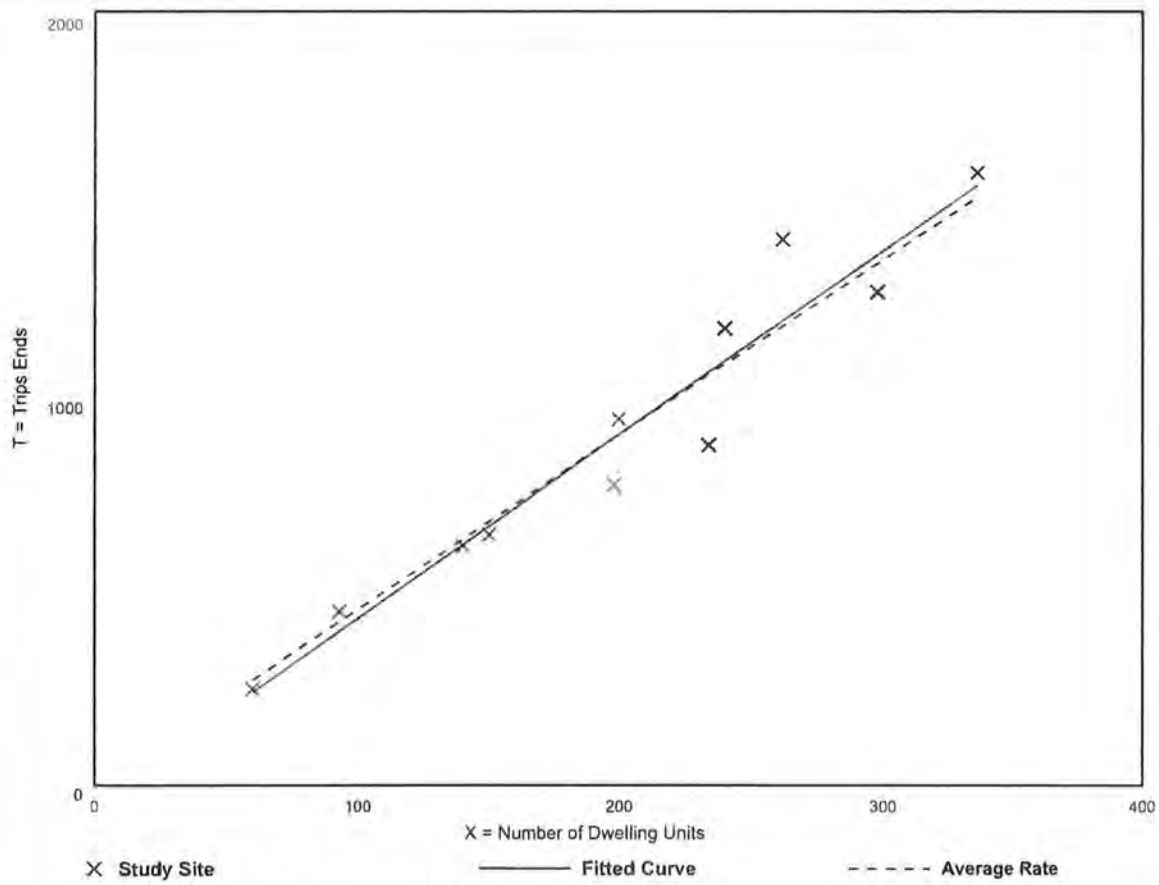
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Fitted Curve Equation: T = 4.77(X) - 46.46

R^2= 0.93

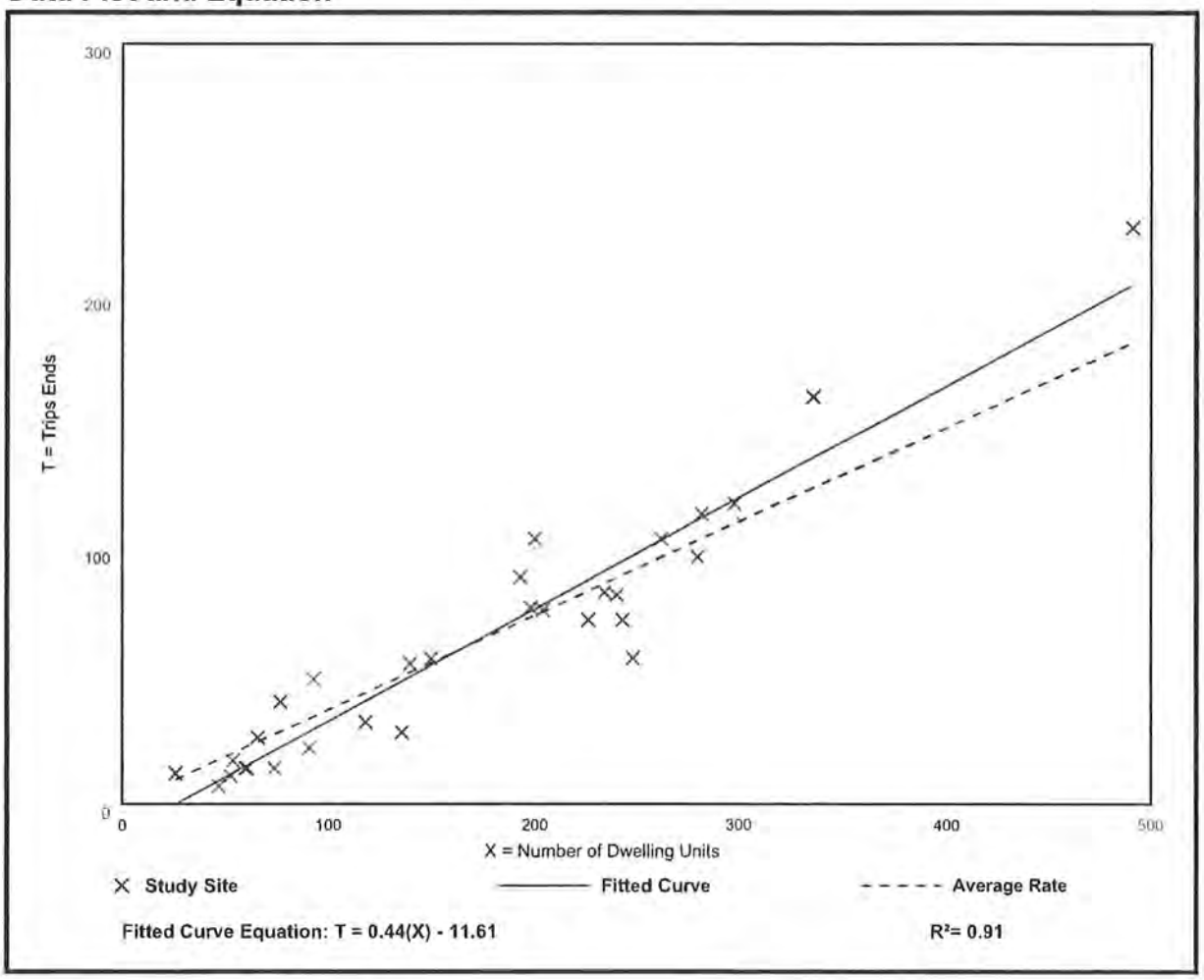
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 30
Avg. Num. of Dwelling Units: 173
Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Fitted Curve Equation: T = 0.44(X) - 11.61

R^2= 0.91

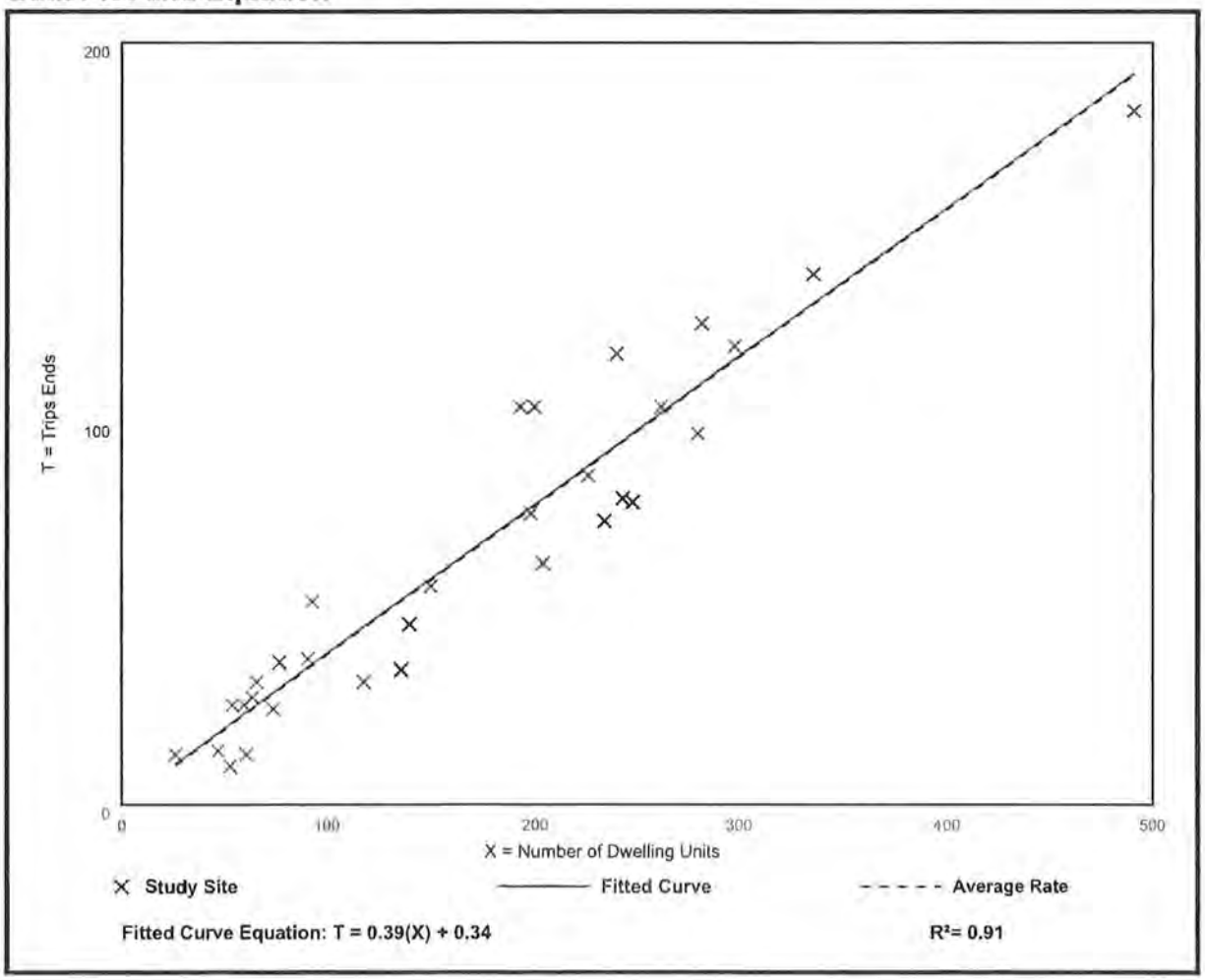
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Dwelling Units: 169
Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Hotel
(310)

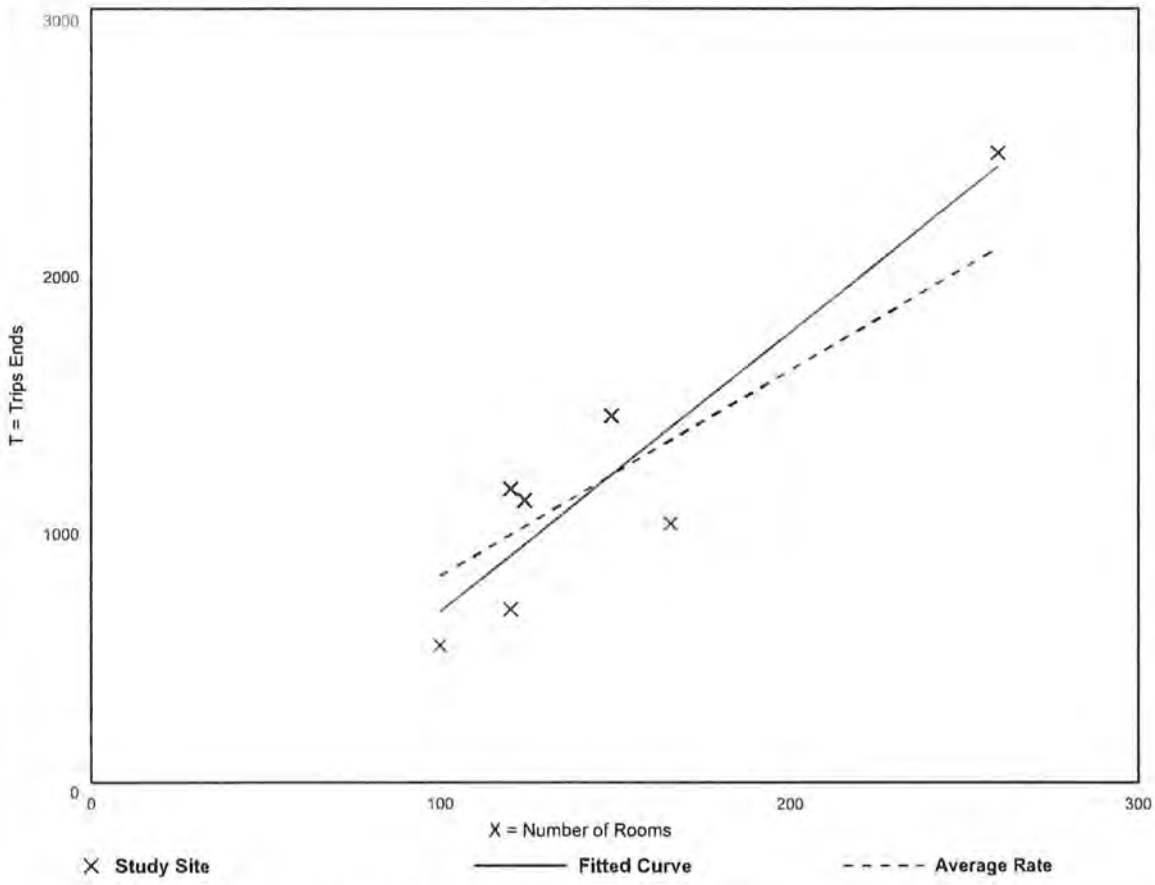
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



Fitted Curve Equation: T = 10.84(X) - 423.51

R^2= 0.85

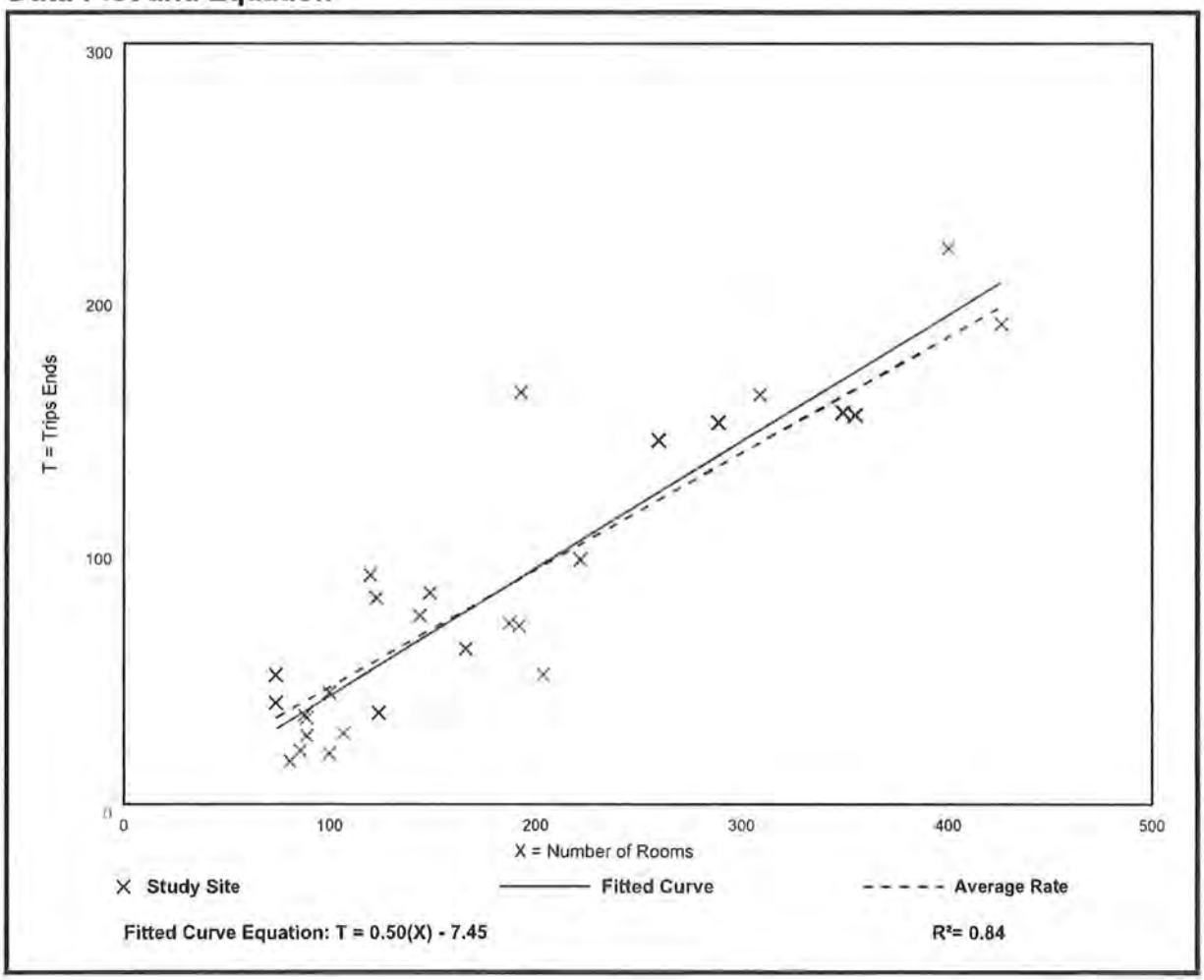
Hotel
(310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 28
Avg. Num. of Rooms: 182
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



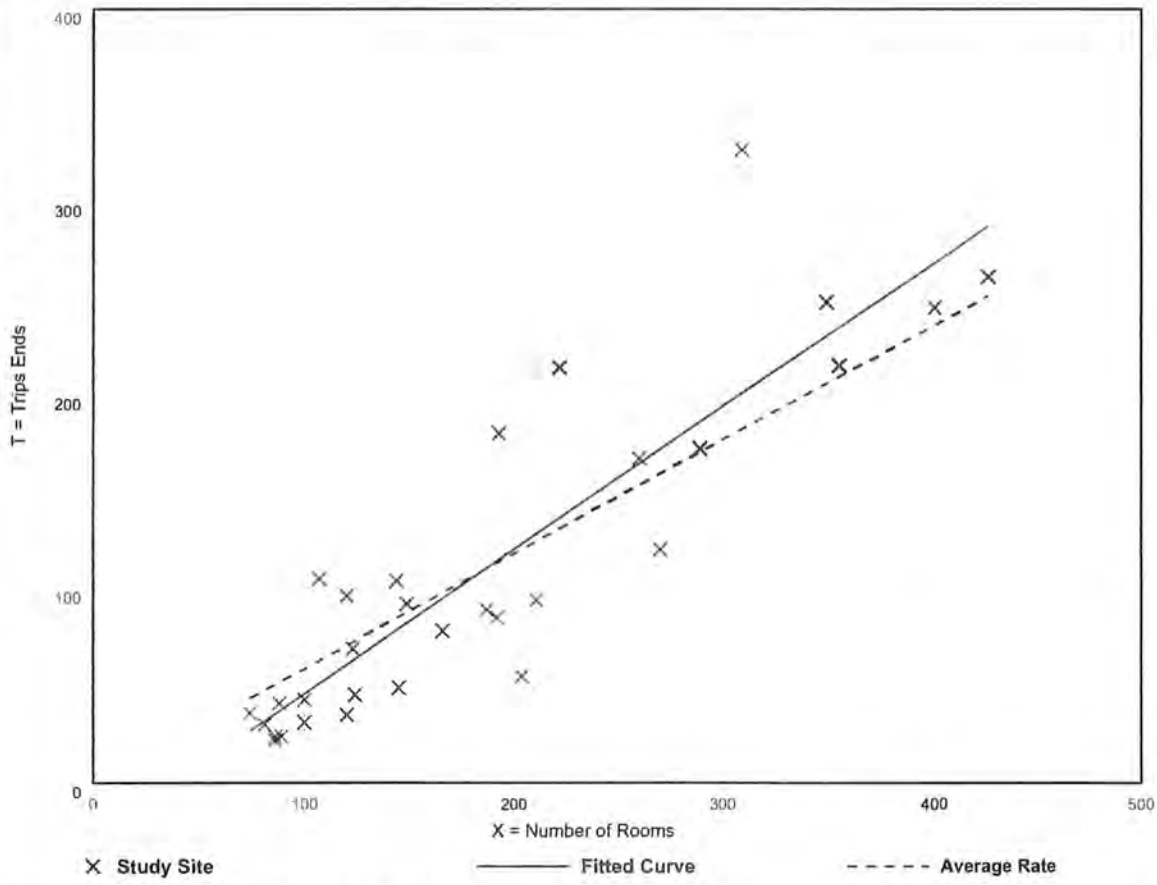
Hotel
(310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Rooms: 186
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Fitted Curve Equation: T = 0.74(X) - 27.89

R^2= 0.78

Strip Retail Plaza (<40k)
(822)

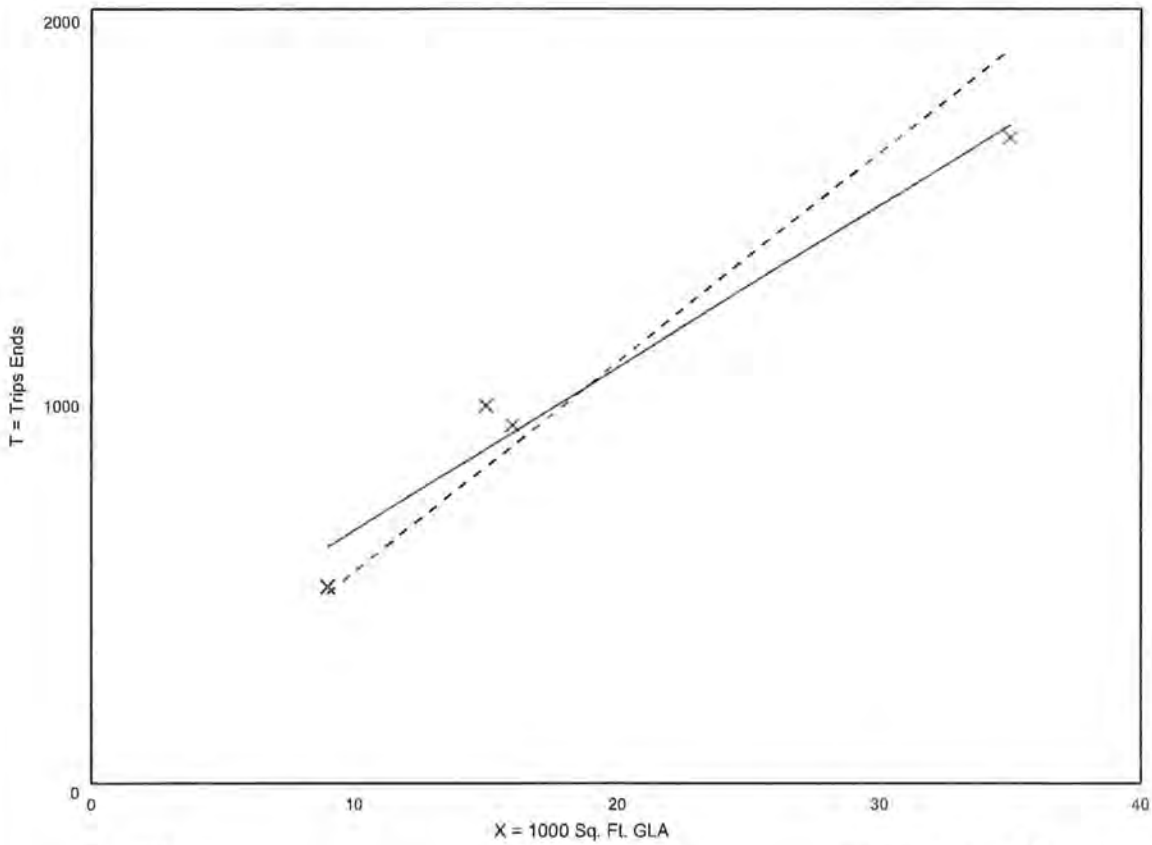
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation



X Study Site ——— Fitted Curve - - - - - Average Rate

Fitted Curve Equation: T = 42.20(X) + 229.68 **R^2= 0.96**

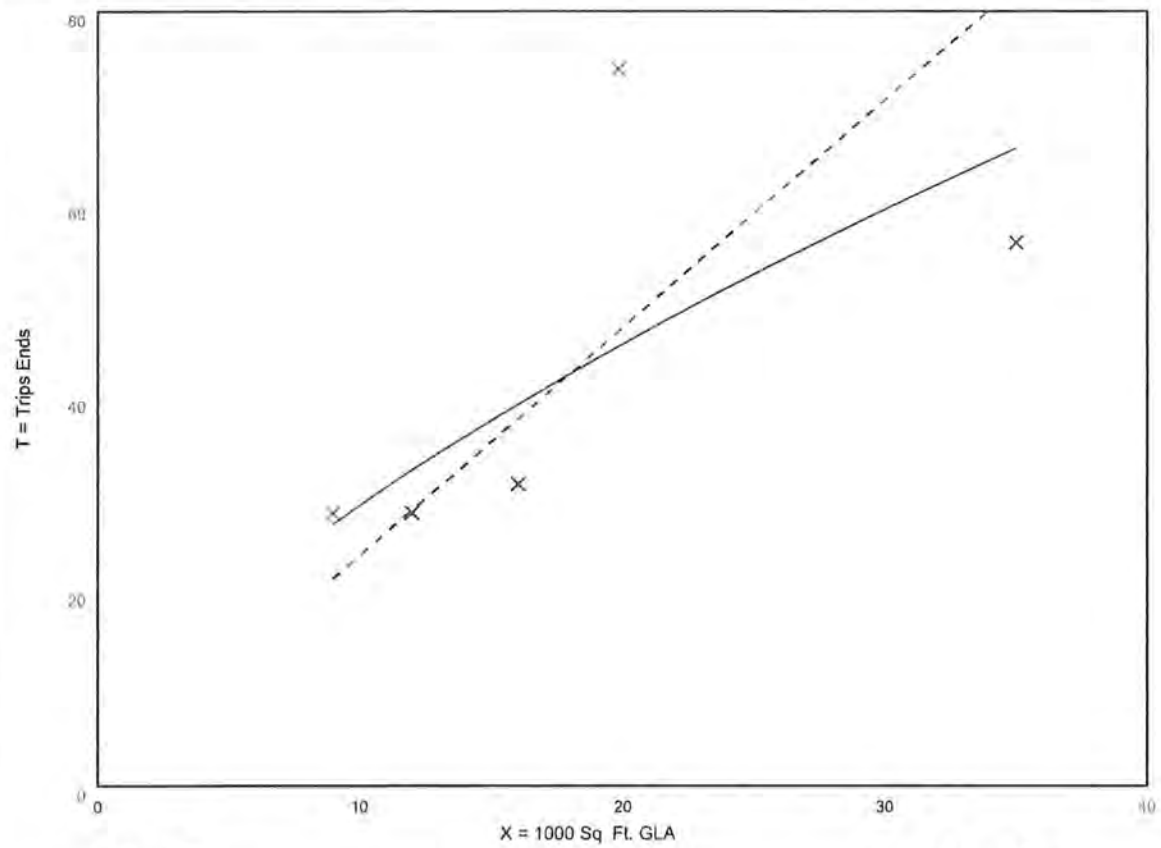
Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 18
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.66 Ln(X) + 1.84 **R^2= 0.57**

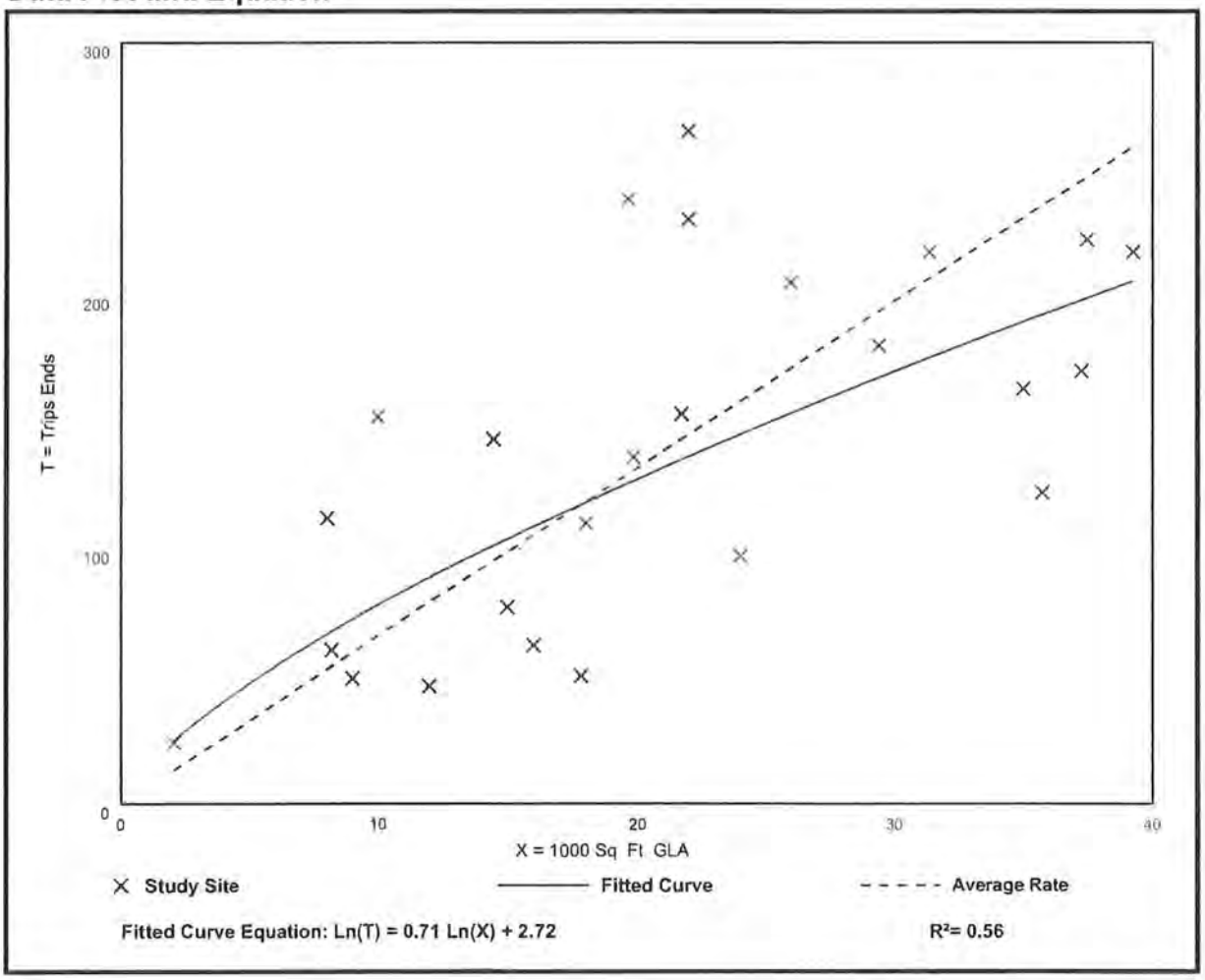
Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 25
Avg. 1000 Sq. Ft. GLA: 21
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.71 Ln(X) + 2.72 **R^2= 0.56**

EXHIBIT M16 – EXISTING AND FUTURE CONDITIONS ANALYSIS - SANITARY SEWER, POTABLE WATER, SURFACE WATER/DRAINAGE BASINS, PARKS AND REC, OPEN SPACE, PUBLIC SCHOOLS

DANIELS TOWN SQUARE CPA

Existing and Future Conditions Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

Additionally, there is a companion zoning action being submitted to rezone from CPD to Mixed-use Planned Development (MPD) for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential of up to 1,234 du. There are 5.19 acres of wetlands to be impacted as approved by ERP No. 230220-37612.

II. PROPERTY HISTORY

The Property is made up of five (5) parcels with different entitlement and development histories.

Daniels Parkway JV Development

Four parcels make up the majority of 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 three 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	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.

Most of 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. The most wooded parcel is the 5 acres south of the storage area along Indian Paint Lane easement. It is heavily wooded with invasive exotics and moderate-to low quality.

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 with no project related occupancy prior to Phases I and II of the Three Oaks Parkway Extension project being completed. There are three 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. FLUC CHANGE JUSTIFICATION

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

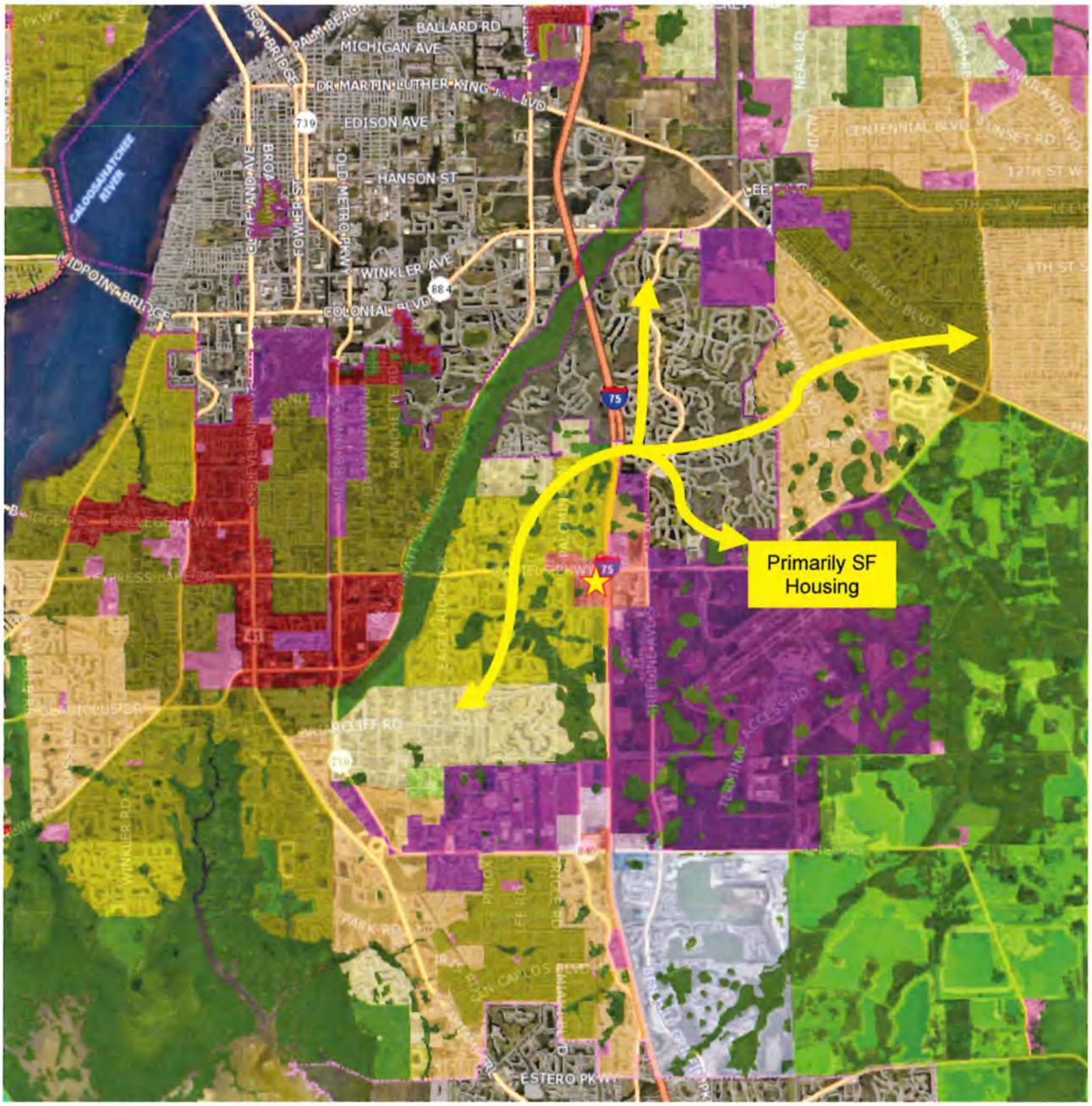
Central Location

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

Infill
The road is largely developed from Treeline west to Cape Coral. The subject property is the last quadrant to be developed at the Daniels interchange to I-75. The interchange has long been identified as a service-oriented quadrant having been placed in the General Interchange FLUC. However, the 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.

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

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



Impacts of the Request

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

The non-residential development intensity is not limited by floor area ratios in Lee County so the intensity per acre difference between the two categories is difficult to quantify. The uses between the two land use categories both allow for intense uses. The General Interchange FLUC encourages

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

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

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

CURRENT FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**	**Non-Residential Intensity**
General Interchange	61.26+/- (Less 5.19 acres of impacted wetlands)	14 du/acre (base); 8 du/acre (bonus)	1,234	Per code
		Density is calculated for the area dedicated to residential uses only.		
PROPOSED FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**	**Non-Residential Intensity**
Intensive Development And Mixed-use Overlay	61.26+/- (Less 5.19 acres of impacted wetlands)	14 du/acre (base); 8 du/acre (bonus)	1,234	Per code
		Density is calculated for the entire project area.		

Conclusion

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

EXHIBIT M17 – LETTER OF DETERMINATION FOR THE ADEQUACY/PROVISION OF EXISTING/PROPOSED SUPPORT FACILITIES - FIRE PROTECTION, EMERGENCY MEDICAL SERVICE, LAW ENFORCEMENT, SOLID WASTE, MASS TRANSIT, SCHOOLS

THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia
District Planning Specialist
2855 Colonial Boulevard, Fort Myers, FL 33966 | **O:** 239.335.1494

March 15, 2023

RE: RVI Daniels Square

Dear Fred Drovdlic:

This letter is in response to your request for concurrency review dated March 6, 2023 for the subject property in Daniels Town Square in regard to educational impact. This project is located in South choice Zone.

This development is a request for 1351 Multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .149 for elementary, .0071 for middle and .077 for high. A total of 156.72 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Jacqueline Heredia, District Planning Specialist

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GREGORY K. ADKINS, Ed.D., Superintendent | **ALAN L. GABRIEL, ESQ.,** Board Attorney

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee County School District
NAME/CASE NUMBER	Daniels Town Square
OWNER/AGENT	RVI
ITEM DESCRIPTION	Mixed Use Planned Development
LOCATION	South of Daniels and west of Interstate 75
ACRES	66.20
CURRENT FLU	
CURRENT ZONING	

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	1,351	

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.149	0.058		78.36
Middle School	0.071	0.028		37.83
High School	0.077	0.03		40.53

Source: Lee County School District, September 8, 2018 letter

CSA SCHOOL NAME 2022/23	**CSA Capacity (1)**	**CSA Projected Enrollment (2)**	**CSA Available Capacity**	**Projected Impact of Project**	**Available Capacity W/Impact**	**LOS is 100% Perm FISH Capacity**	**Adjacent CSA Available Capacity w/Impact**
South CSA, Elementary	14,234	14,026	208	78	130	99%	
South CSA, Middle	7,293	6,912	381	38	343	95%	
South CSA, High	9,536	8,492	1,044	41	1003	89%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Jacqueline Heredia, Planning Specialist

Lee County
Southwest Florida

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County Chief Hearing Examiner

August 16, 2022 Via E-Mail

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

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

Dear Mr. Drovdlic:

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

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

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

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

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

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

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

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic

Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

Lee County
Southwest Florida

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County Attorney

Donna Marie Collins
County Hearing Examiner

July 19, 2022

Fred Drovdlic
RVi Planning
10401 Highland Manor Drive, Suite 220
Tampa, FL 33610

Re: Letter of Service Availability – Daniels Town Square

Mr. Drovdlic,

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

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

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

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

Sincerely,

Benjamin Abes
Director, Public Safety

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

3401 Metro Parkway
Fort Myers, FL 33901
Phone: (239) 533-0340

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County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

July 15, 2022

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

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

Mr. Drovdlic,

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

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

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

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

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

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz, Transit Service Planner

Lee County Transit

Lee County
Southwest Florida

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July 14, 2022

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

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

Dear Mr. Drovdlic,

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

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

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

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

Sincerely,

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

Carmine Marceno
Sheriff

"Proud to Serve"

State of Florida
County of Lee

July 14, 2022

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

Mr. Drovdlic,

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

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

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

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

Respectfully,

Chris Reeves
Major, Patrol Bureau

Lee County
Southwest Florida

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County Attorney

Donna Marie Collins
County Hearing Examiner

March 6, 2023

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

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

Dear Mr. Drovdlic:

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

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

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

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department

SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

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Commissioner

Ken Brown
Commissioner

Administration

Gene Rogers
Fire Chief

David Bollen
Assistant Chief

Todd Anderson
Assistant Chief

March 7, 2023 VIA Electronic Mail

Fred Drovdlic, RVi Planning & Landscape Architecture:

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

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

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

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

We look forward to discussing this possibility with you soon.

Respectfully,

Gene Rogers
Fire Chief
GRogerrs@southtrailfire.org

July 14, 2022

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

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

Dear Chief Rogers,

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

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

The proposed population at build out is estimated at 4,102 people (maximum of 1.590 dwelling units X 2.58 persons per dwelling unit). Buildout is anticipated to occur by 2030; however, this date is variable depending upon market demand.

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

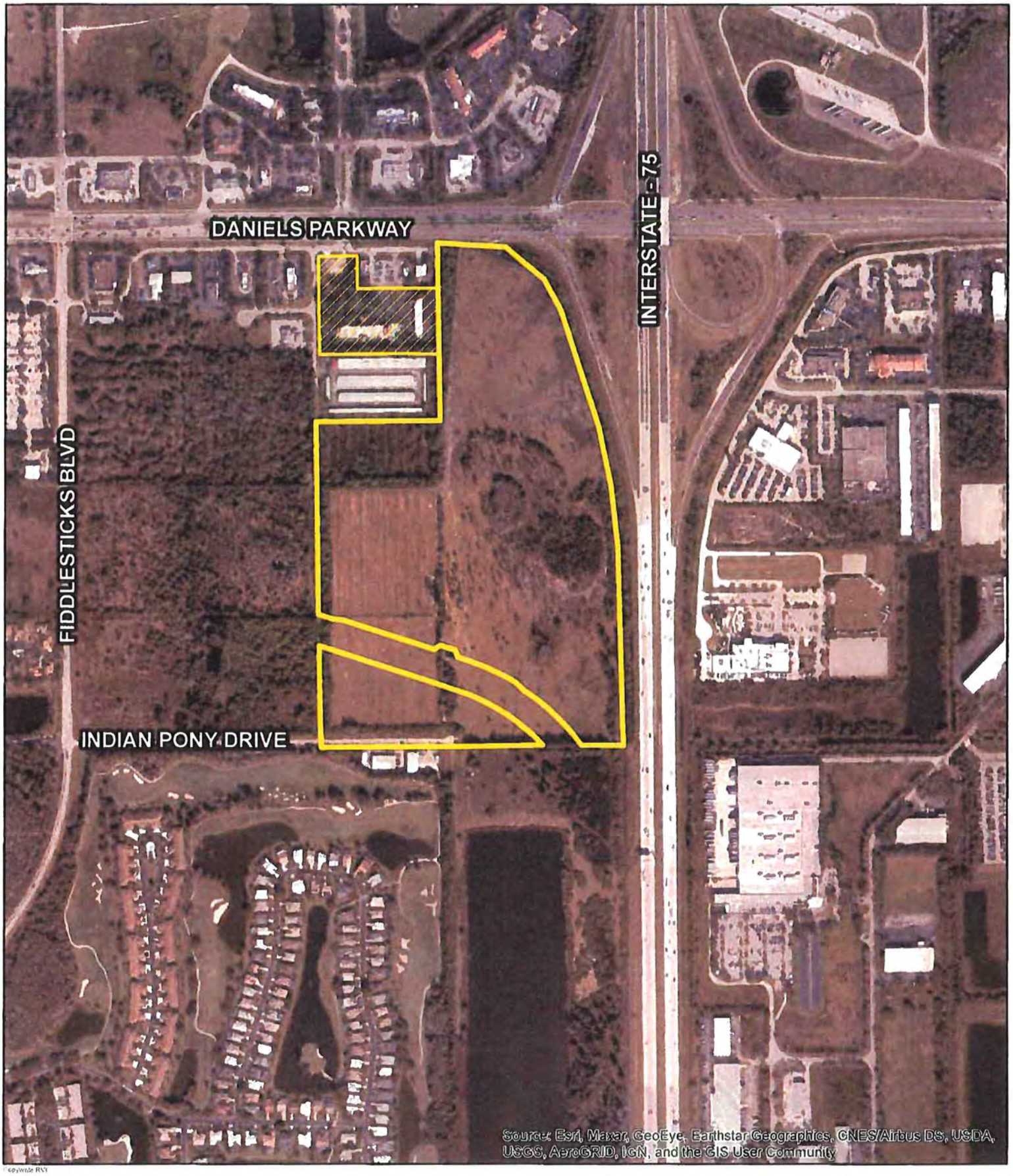
If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Fred Drovdlic, AICP
Planning Director

Enclosure



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RVi
1514 Broadway
Suite 201
Fort Myers, Florida 33901
Tel 239.344.0000
www.rviplanning.com

DANIELS TOWN SQUARE MPD• AERIAL MAP

- Lee County, FL
- Date: 4/26/2022
- 22000239
- Daniels Parkway JV Development

Subject Boundary

Potential Boundary

0 210 420 840
Feet

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

EXHIBIT M18 – STATE POLICY PLAN AND REGIONAL POLICY PLAN

DANIELS TOWN SQUARE CPA

State Policy Plan and Regional Policy Plan

I. STATE COMPREHENSIVE PLAN

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

187.201(6) PUBLIC SAFETY.—
(a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

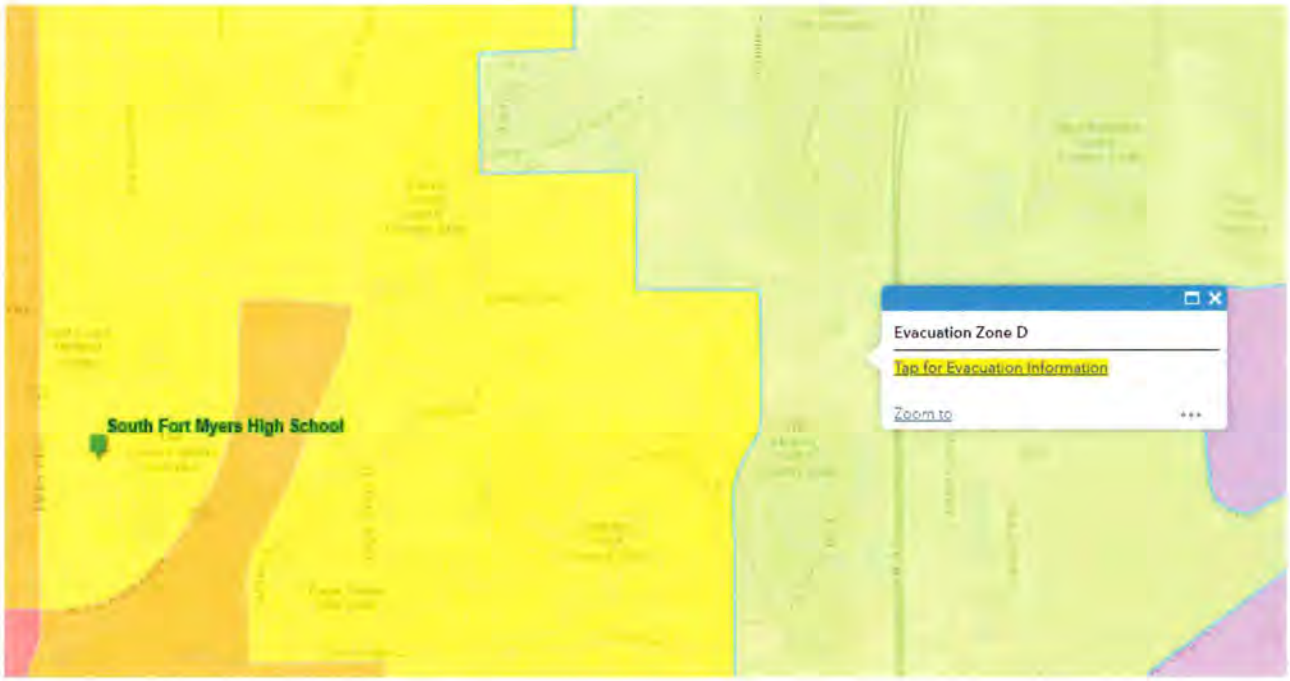
(b) Policies:
9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

CONSISTENCY: The Lee County Sheriff's Office has provided a letter of service availability for this site dated July 20, 2022.

(b) Policies:
22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

CONSISTENCY: The map amendment from General Interchange to Intensive Development does not alter the density or allowance for population to occupy the parcel and need to evacuate during a natural disaster. The Lee County Emergency Management department has accounted for the population and likeliness of a natural disaster by assigning it to Evacuation Zone D. According to the LCEM plan, Zone D is one of our least vulnerable Evacuation Zones. Well prepared and protected buildings should be safe in most events. However, if evacuations are required, the safest option may be to travel to the east coast." The site will have direct access to Daniels Parkway and Three Oaks North (once completed) which connect directly to Alico Road and I-75. This is an ideal place for quick and effective evacuation and a proper place for density as it is inland out of most major dangers such as flooding or tidal surges. The site is also within 3 miles of South Fort Myers High DSchool which is a public shelter site.



187.201(7) WATER RESOURCES.—
(a) Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies:
5. Ensure that new development is compatible with existing local and regional water supplies.

CONSISTENCY: Lee County Utilities has issued a letter of utility service availability for the site.

10. Protect surface and groundwater quality and quantity in the state.

CONSISTENCY: The site is undergoing a planned development zoning, a custom zoning district that will be required to meet the Land Development Code regulations for Lee County, and additionally may be conditioned by the County to ensure consistency with all groundwater quality and quantity requirements. Moreover, in order for development to occur an Environmental Resource Permit will have to be attained from the State of Florida which will enforce the requirements to protect surface and ground water. The property has an active ERP in process – Application No. 220526-34567.

187.201(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.—
(a) Goal.—Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies:

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
3. Prohibit the destruction of endangered species and protect their habitats.
4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.

CONSISTENCY: Lee County requires a Protected species Survey and mitigation if endangered or protected species are found. Lee County's requirements are consistent with State programs and requirements. The Southwest Florida Water Management District (SFWMD) monitors the protection of wetlands and similar environmentally sensitive site. As mentioned, the property is obtaining an ERP (Application No. 220526-34567) which will demonstrate compliance with State law.

187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.—
(a) Goal.—All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies:
2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.

CONSISTENCY: Lee County Solid Waste has provided a letter of service availability to dispose of all solid waste on site and Lee County has an incineration plant to minimize landfill contributions.

187.201(14) PROPERTY RIGHTS.—
(a) Goal.—Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

(b) Policies:
1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.
2. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.
3. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

CONSISTENCY: The site is under private contracts and not negatively affected by State or local policy or land use regulations that would constitute compensation.

(15) LAND USE.—
(a) Goal.—In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) Policies:
1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

CONSISTENCY: The development area is an urban environment with current intense allowances for development that are appropriate as the site is serviced by or has commitments from all applicable urban services agencies such as EMS, Police, Fire, Transit, Utilities, Schools, Solid Waste and Parks. Additionally, the site will have access to major roadways with adequate carrying capacity when the current plans for Three Oaks North, Daniels Parkway Expansion and the I-75 interchange improvements are made – all slated and funded for construction.

(17) PUBLIC FACILITIES.—
(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies:
1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.
2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.
3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.

CONSISTENCY: The site is considered an urban site that has been identified as a proper place for intense development by the Lee Plan having been placed in the General Interchange future land use category. The change to Intensive Development and the Mixed-use Overlay is a reflection of the proper placement of population and commercial employment centers that are serviced by all means if urban services.

EXHIBIT M19 – JUSTIFICATION OF PROPOSED AMENDMENT

DANIELS TOWN SQUARE CPA

Justification of Proposed Amendment

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

Additionally, there is a companion zoning action being submitted to rezone from CPD to Mixed-use Planned Development (MPD) for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential of up to 1,234 du. There are 5.19 acres of wetlands to be impacted as approved by ERP No. 230220-37612.

II. FLUC CHANGE JUSTIFICATION

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

Central Location

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

Infill

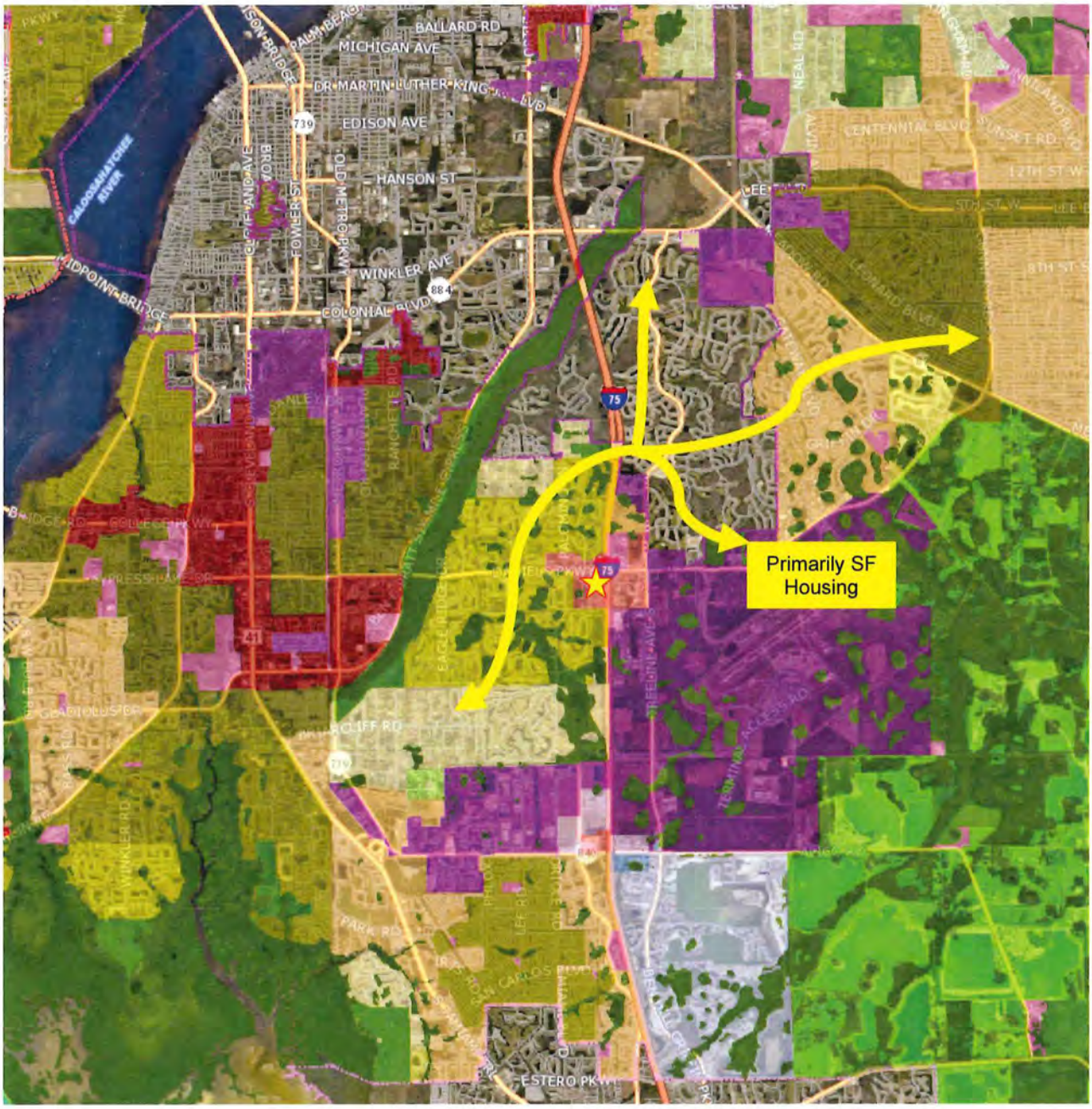
The road is largely developed from Treeline west to Cape Coral. The subject property is the last quadrant to be developed at the Daniels interchange to I-75. The interchange has long been identified as a service-oriented quadrant having been placed in the General Interchange FLUC. However, the north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

Serves Residential Rooftops

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

Infrastructure

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



Impacts of the Request

The impacts of the requested amendments are compared to the existing by-right entitlements per the future land use designations. The density permitted for the development area is consistent between the current and proposed land use category at up to 22 units per acre. However, the difference lies in the fact that the density in the Mixed-use Overlay is allowed to be calculated over

the commercial areas and the Intensive FLUC allows greater heights leading to the opportunity for greater overall development square footage to occur on sight.

The non-residential development intensity is not limited by floor area ratios in Lee County so the intensity per acre difference between the two categories is difficult to quantify. The uses between the two land use categories both allow for intense uses. The General Interchange FLUC encourages uses that best serve the travelling public and because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and multi-family dwelling units. The Intensive Development FLUC is also to be located along major arterial roads and similarly the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. However, in the Intensive Development category mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged.

Overall, the two land use categories, given the interchange location, have very similar intended permitted uses and allowances for similar intensities except that Intensive allows for up to 12 stories and 135 feet rather than 6 stories and 75 feet although the heights proposed in the CPD do not maximize the use of the higher allowances.

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

CURRENT FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**	**Non-Residential Intensity**
General Interchange	61.26+/- (Less 5.19 acres of impacted wetlands)	14 du/acre (base); 8 du/acre (bonus)	1,234	Per code
		Density is calculated for the area dedicated to residential uses only.		
PROPOSED FUTURE LAND USE	**Acreage**	**Density**	**Residential Units**	**Non-Residential Intensity**
Intensive Development And Mixed-use Overlay	61.26+/- (Less 5.19 acres of impacted wetlands)	14 du/acre (base); 8 du/acre (bonus)	1,234	Per code
		Density is calculated for the entire project area.		

Conclusion

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

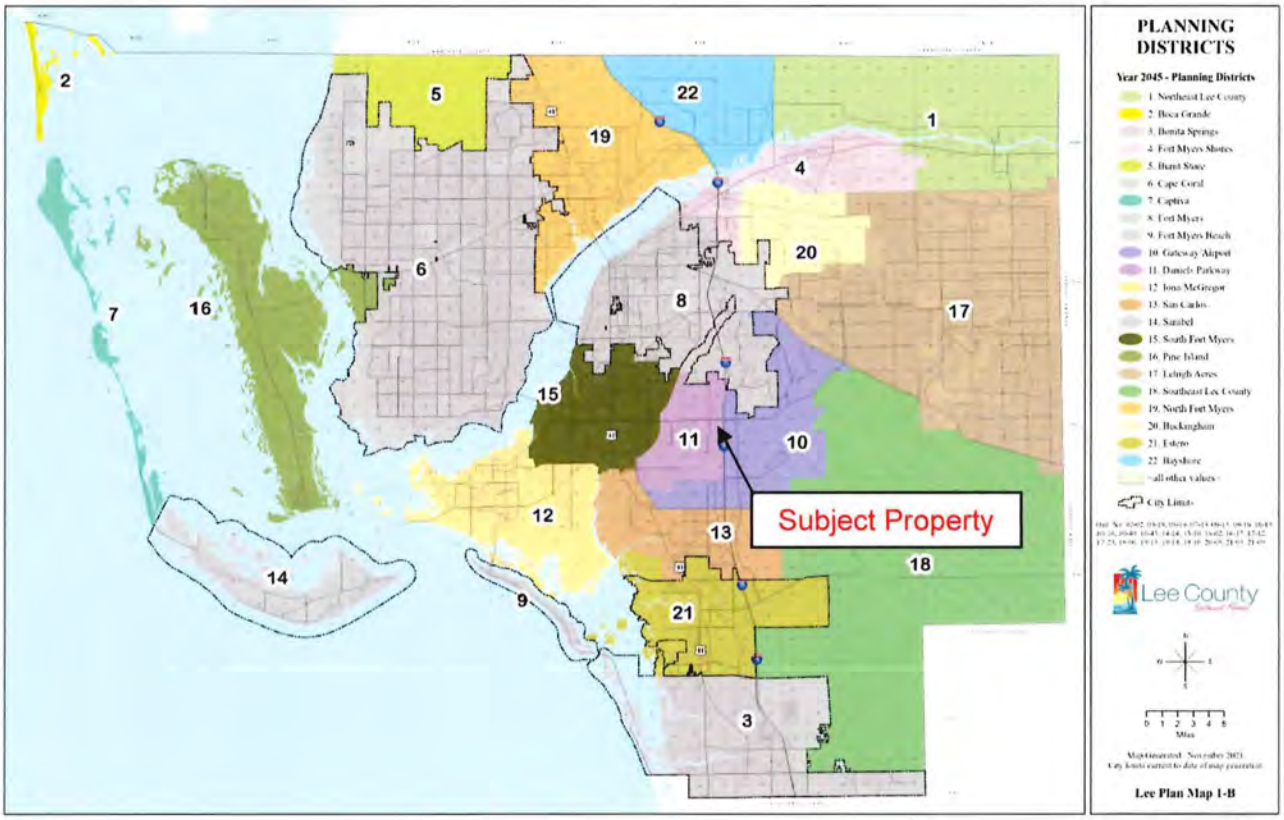
EXHIBIT M20 – PLANNING COMMUNITIES/COMMUNITY PLAN AREA REQUIREMENTS

DANIELS TOWN SQUARE CPA

Planning Districts/Community Plan Area Requirements

I. LEE PLAN

Lee Plan Map 1-B shows the parcels as part of the Daniels Parkway Planning District (#11). The parcel is not part of a planning community with specific Land Development Code requirements; therefore, does not require public meeting or to meet community plan code as part of the LDC.



DANIELS TOWN SQUARE CPA

Large-scale Comprehensive Plan Amendment

- Text Amendment -

RECEIVED
AUG 13 2024
COMMUNITY DEVELOPMENT

August 26, 2024

PREPARED FOR:
Bison Property Holdings, LLC

SUBMITTED TO:
Lee County, Community Development
Development Services Department
1500 Monroe Street
Fort Myers, FL 33901

RVi

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EXHIBIT T1 – CPA APPLICATION

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: **Daniels Town Square CPA**

Project Description: **Bison Property Holdings, LLC ("Applicant") seeks to amend the Future Land Use Category (FLUC) of 61.26+/- acres located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida. The Applicant seeks to amend the FLUC from General Interchange to Intensive Development and include the acreage north of Three Oaks Extension in the Mixed-use Overlay. The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential of up to 1,234 du. There are 5.79 acres of wetlands to be impacted as approved by ERP No. 230220-37612.**

State Review Process: ☐ State Coordinated Review Expedited State Review Small-Scale Text*

***Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.**

APPLICANT – PLEASE NOTE:

A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

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

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

1. **Name of Applicant:** **Bison Property Holdings, LLC c/o Chris Moore**
   Address: 150 E. Palmetto Park Road City, State, Zip: Boca Raton, FL 33432
   Phone Number: (561) 452-8239 E-mail: cmoore@waypointresidential.com

1. **Name of Contact:** **Fred Drovdlic, AICP, RVi Planning and Landscape Architecture**
   Address: 1514 Broadway, Suite 201 City, State, Zip: Fort Myers, FL 39901
   Phone Number: 239-318-6707 E-mail: fdrovdlic@rviplanning.com

2. **Property Information: Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment.** The General Interchange and Intensive Development FLUC are similar in scope, uses, and intensity. Intensive Development allows for greater height and therefore greater potential intensity. The effect of this potential increase may affect the land abutting the subject property to the west and south with greater heights and intensity; however, the uses will be similar and compatible with General Interchange.

4a. **Does the proposed change affect any of the following areas?** ***Not Applicable***

If located in one of the following areas, provide an analysis of the change to the affected area.

☐ Public Acquisition [Map 1-D]
☐ Agricultural Overlay [Map 1-G]
☐ Airport Mitigation Lands [Map 1-D]
☐ Airport Noise Zones [Map 1-E]
☐ Southeast Lee County Residential Overlay [Map 2-D]
☐ Mixed Use Overlay [Map 1-C]
☐ Community Planning Areas [Map 2-A]
☐ Urban Reserve [Map 1-D]
☐ Water-Dependent Overlay [Map 1-H]
☐ Private Recreational Facilities Overlay [Map 1-F]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

■ N/A	☐ Bayshore [Goal 18]	☐ Boca Grande [Goal 19]	☐ Buckingham [Goal 20]
☐ Caloosahatchee Shores [Goal 21]	☐ Olga [Goal 22]	☐ Captiva [Goal 23]	☐ Greater Pine Island [Goal 24]
☐ Lehigh Acres [Goal 25]	☐ North Captiva [Goal 26]	☐ NE Lee County [Goal 27]	☐ Alva [Goal 28]
☐ North Olga [Goal 29]	☐ North Fort Myers [Goal 30]	☐ Page Park [Goal 31]	☐ San Carlos Island [Goal 32]
☐ Southeast Lee County [Goal 33]	☐ Tice [Goal 34]		

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario. ***(See Exhibit M14-Public Facilities Analysis)***

1. **Traffic Circulation Analysis**: Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) and on the Capital Improvements Element (5-year horizon). ***(See Exhibit M15-Traffic Circulation Analysis)***

2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3): ***(See Exhibit M11-Lee Plan Analysis)***
   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage Basins
   d. Parks, Recreation, and Open Space
   e. Public Schools

Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative). ***(See Exhibit M12-Environmental Impacts Analysis)***

Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative). ***(See Exhibit M13-Historic Resources Impact Analysis)***

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

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

SUBMITTAL REQUIREMENTS

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

MINIMUM SUBMITTAL ITEMS

☒	Completed application (Exhibit – T1)
☒	Filing Fee (Exhibit – T2)
☒	Pre-Application Meeting (Exhibit – T3)
☒	Proposed text changes (in strike through and underline format) (Exhibit – T4)
☒	Analysis of impacts from proposed changes (Exhibit – T5)
☒	Lee Plan Analysis (Exhibit – T6/**M11**)
☒	Traffic Circulation Analysis (Exhibit – T7/**M15**)
☒	Historic Resources Impacts Analysis (Exhibit – T8/**M13**)
☒	State Policy Plan Analysis (Exhibit – T9/**M18**)
☒	Strategic Regional Policy Plan Analysis (Exhibit – T10/**M18**)

EXHIBIT M3 – DISCLOSURES AND AFFIDAVITS

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Jim Lott (name), as Authorized Signatory (owner/title) of Bison Property Holdings, LLC (company/property), swear or affirm under oath, that I am the authorized representative of the owner(s) of the property and authorize the Meyers Group as the applicant and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Authorized Signatory	2/22/24 **Date**

**************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [ ] online notarization, this 22 day of February, 2024, by Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

STATE OF GEORGIA
SHEILA HAMILTON
Notary Public, Georgia
Cherokee County
My Commission Expires
June 29, 2024

Signature of Notary Public

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Jim Lott as Authorized Signatory of Bison Property Holdings, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAPS 22-45-25-L3-U2053.3576, 22-45-25-L4-U2037.3579, 22-45-25-L3-U2060.3612 and 22-45-25-L4-U2038.3602 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Authorized Signatory

Jim Lott

Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of [X] physical presence or [ ] online notarization, on February 22, 2024 (date) by Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary Public

STAMP/SEAL

SHEILA HAMILTON
Notary Public, Georgia
Cherokee County
My Commission Expires
June 29, 2024

EXHIBIT T3 – PREAPPLICATION MEETING

DANIELS TOWN SQUARE CPA

Pre-application Meeting

I. REQUEST

The contract purchaser for the 72.3+/- acre subject property, Meyers Group, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

II. MEETING OVERVIEW

A meeting was held in-person at 1500 Monroe Street, first floor conference room 1B on April 11, 2022, at 10AM to 11AM. The discussion was to gain understanding about timing of access to the future roadways for future development and the steps to making that happen including zoning for a mixed-use development of multi-family and retail commercial.

The team on behalf of the applicant attending was:

- Fred Drovdlic (planner)
- Alexis Crespo (planner)
- Russell Schropp (attorney)
- Brown Collins (environmental)
- James Ink (engineering)
- Gary Tasman and Shawn Stoneburner (brokers)
- Christopher Moore (Myers Group – Contract Purchaser and Developer)
- Ted Treesch (traffic)

The staff in attendance was:

- Cerchie, Randy
- Price, Robert
- Miller, Vincent;
- Dunn, Brandon
- Sweigert, Rebecca
- DeFilippo, Nicholas
- Danley Jr, Dirk
- Rodriguez, Anthony
- Workman, Elizabeth
- Adams, Joseph
- Jacob, Michael

The applicants internal agenda is attached as an exhibit.

Daniels Town Square MPD
PRE-APPLICATION MEETING INTERNAL AGENDA
April 11, 2022

A. Project Team

- Applicant – Meyers Group
- Traffic – Ted Treesh
- Planning & Engineering – RVi and Atwell
- Environmental – Brown Collins
- Land Use Attorney – Russell Schropp
- EDSA - Design

B. Property Overview

- 73+/- acres (65.5 acres in original MPD + additional lands)
- Zoned MPD (Z-08-043) for up to 50k Medical, 90k Office, 250k Retail (390k non residential and 120 room hotel)
- Future Land Use: General Interchange
    - Amend into Intensive Development and Mixed-Use Overlay

C. Request Overview

- Amend the MPD for a mixed use Town Square concept
- Add parcels to original MPD
- CPA to add into Mixed-Use Overlay
- Use TDR program to seek 22 DU/acre
- Improve intersection with Daniels Parkway/Daniels 9300/Danport Blvd

D. Proposed Master Plan

850,000 SF Non-Residential 200 room Hotel 1,590 DU

E. Questions/Discussion Items:

- Impact Fee credits (require separate meeting to negotiate)
- Access – LCDOT and FDOT road construction timelines

EXHIBIT T4 – PROPOSED TEXT CHANGES

TABLE 1(b)
YEAR 2045 ALLOCATIONS

Future Land Use Category	Unincorporated County	Planning District									
		District 1 Northeast Lee County	District 2 Boca Grande	District 3 Bonita	District 4 Fort Myers Shores	District 5 Burnt Store	District 6 Cape Coral	District 7 Captiva	District 8 Fort Myers	District 9 Fort Myers Beach	District 10 Gateway / Airport
Residential By Future Land Use Category											
Intensive Development	1,483	-	-	-	17	-	21	-	238	-	-
Central Urban	13,838	-	-	-	207	-	-	-	230	-	25
Urban Community	22,739	813	453	-	475	-	-	-	-	-	150
Suburban	14,913	-	-	-	1,950	-	-	-	80	-	-
Outlying Suburban	3,648	25	-	-	490	13	3	429	-	-	-
Sub-Outlying Suburban	1,731	-	-	-	330	-	-	-	-	-	227
Commercial	-	-	-	-	-	-	-	-	-	-	-
Industrial	15	-	-	-	-	-	-	-	-	-	6
Public Facilities	-	-	-	-	-	-	-	-	-	-	-
University Community	503	-	-	-	-	-	-	-	-	-	-
Destination Resort Mixed Use Water Dependent	8	-	-	-	-	-	-	-	-	-	-
Burnt Store Marina Village	2	-	-	-	-	2	-	-	-	-	-
Industrial Interchange	-	-	-	-	-	-	-	-	-	-	-
General Interchange	114	-	-	-	-	-	-	-	-	-	15
General Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
Industrial Commercial Interchange	-	-	-	-	-	-	-	-	-	-	-
University Village Interchange	-	-	-	-	-	-	-	-	-	-	-
New Community	2,104	1,115	-	-	-	-	-	-	-	-	989
Airport	-	-	-	-	-	-	-	-	-	-	-
Tradeport	3	-	-	-	-	-	-	-	-	-	3
Rural	7,764	2,431	-	-	800	730	-	-	-	-	-
Rural Community Preserve	3,517	-	-	-	-	-	-	-	-	-	-
Coastal Rural	1,338	-	-	-	-	-	-	-	-	-	-
Outer Island	233	2	4	-	1	-	-	169	-	-	-
Open Lands	2,186	153	-	-	-	257	-	-	-	-	-
Density Reduction/ Groundwater Resource	6,974	131	-	-	-	-	-	-	-	-	-
Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-
Wetlands	-	-	-	-	-	-	-	-	-	-	-
Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-
Unincorporated County Total Residential	**83,113**	**4,669**	**457**	**-**	**4,270**	**1,002**	**24**	**598**	**548**	**-**	**1,415**
Commercial	**8,916**	**300**	**53**	**-**	**450**	**27**	**9**	**125**	**150**	**-**	**1,216**
Industrial	**4,787**	**30**	**3**	**-**	**300**	**10**	**15**	**70**	**315**	**-**	**2,134**
Non Regulatory Allocations											
Public	**120,211**	**14,191**	**622**	**-**	**4,864**	**7,323**	**6**	**2,340**	**583**	**-**	**9,660**
Active AG	**21,944**	**5,500**	**-**	**-**	**240**	**90**	**-**	**-**	**-**	**-**	**2**
Passive AG	**13,685**	**5,500**	**-**	**-**	**615**	**100**	**-**	**-**	**-**	**-**	**485**
Conservation	**87,746**	**2,458**	**297**	**-**	**1,163**	**3,186**	**67**	**1,595**	**926**	**-**	**2,206**
Vacant	**26,118**	**1,145**	**28**	**-**	**733**	**766**	**8**	**103**	**17**	**-**	**88**
Total	**366,520**	**33,793**	**1,460**	**-**	**12,634**	**12,505**	**129**	**4,831**	**2,538**	**-**	**17,205**
Population Distribution (unincorporated Lee County)	**584,331**	**8,235**	**1,470**	**-**	**35,253**	**2,179**	**152**	**725**	**5,273**	**-**	**22,281**

November 2021 (Ord. No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-06, 19-13, 19-14, 19-16, 20-05, 21-03, 21-09)
Printed 11/06/2021

TABLE 1(b)
YEAR 2045 ALLOCATIONS

	Future Land Use Category	Planning District											
		District 11 Daniels Parkway	District 12 Iona / McGregor	District 13 San Carlos	District 14 Sanibel	District 15 South Fort Myers	District 16 Pine Island	District 17 Lehigh Acres	District 18 Southeast Lee County	District 19 North Fort Myers	District 20 Buckingham	District 21 Estero	District 22 Bashore
Residential By Future Land Use Category	Intensive Development	62 -	-	-	-	801	1	30	-	376	-	-	-
	Central Urban	-	656	20	-	3,113	-	7,362	-	2,225	-	-	-
	Urban Community	-	978	1,318	-	863	540	17,034	-	-	115	-	-
	Suburban	-	2,566	2,069	-	1,202	659	-	-	6,387	-	-	-
	Outlying Suburban	1,253	438	-	-	-	502	-	-	406	-	90	-
	Sub-Outlying Suburban	-	-	13	-	-	-	-	-	145	66	-	950
	Commercial	-	-	-	-	-	-	-	-	-	-	-	-
	Industrial	-	3				-	-	-	-	-	-	-
	Public Facilities	-	-				-	-	-	-	-	-	-
	University Community	-	-				-	-	-	-	-	-	-
	Destination Resort Mixed Use Water Dependent	-	8				-	-	-	-	-	-	-
	Burnt Store Marina Village	-	-				-	-	-	-	-	-	-
	Industrial Interchange	-					-	-	-	-	-	-	-
	General Interchange	- 58	-				-	-	8	14	-	-	20
	General Commercial Interchange		-				-	-	-	-	-	-	-
	Industrial Commercial Interchange	-	-				-	-	-	-	-	-	-
	University Village Interchange	-	-				-	-	-	-	-	-	-
	New Community	-	-				-	-	-	-	-	-	-
	Airport	-	-	-	-	-	-	-	-	-	-	-	-
	Tradeport	-	-	-	-	-	-	-	-	-	-	-	-
	Rural	1,573	-	99	-	-	227	14	-	454	50	-	1,387
	Rural Community Preserve	-	-	-	-	-	-	-	-	-	3,517	-	-
	Coastal Rural	-	-	-	-	-	1,338	-	-	-	-	-	-
	Outer Island	-	2	-	-	-	55	-	-	-	-	-	-
	Open Lands	80	-	-	-	-	-	-	-	30	-	-	1,667
	Density Reduction/ Groundwater Resource	-	-	-	-	-	-	-	4,742	-	-	-	2,101
	Conservation Lands Upland	-	-	-	-	-	-	-	-	-	-	-	-
	Wetlands	-	-	-	-	-	-	-	-	-	-	-	-
	Conservation Lands Wetland	-	-	-	-	-	-	-	-	-	-	-	-
	Unincorporated County Total Residential	2,964	4,650	4,024	-	5,982	3,322	24,440	4,750	10,035	3,748	90	6,125
	Commercial	326	774	938	-	2,012	288	900	118	1,121	19	18	72
	Industrial	5	198	387	-	566	67	218	215	244	4	2	4
	Non Regulatory Allocations												
	Public	3,214	4,898	6,364	-	5,883	4,831	20,267	17,992	10,117	3,052	653	3,351
	Active AG	5	13	5	-	-	2,780	35	12,000	90	630	4	550
	Passive AG	10	-	5	-	-	70	50	2,500	250	2,000	-	2,100
	Conservation	1,677	9,786	2,232	-	211	15,489	1,077	41,028	1,607	382	1,465	895
	Vacant	20	55	158	-	4	2,200	14,804	2,400	1,183	850	130	1,425
	Total	8,221	20,374	14,114	-	14,658	29,047	61,791	81,003	24,649	10,684	2,362	14,523
	Population Distribution (unincorporated Lee County)	14,322	44,132	54,615	-	76,582	13,431	162,245	17,369	110,722	5,951	741	8,653

THis FLUC did not allow residential until recently. This number seems inconsistent with the actual acreage in District 11 in the General Interchange FLUC. The subject property alone is greater acreage than this figure.

November 2021 (Ord. No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-06, 19-13, 19-14, 19-16, 20-05, 21-03, 21-09)
Printed 11/06/2021

EXHIBIT T5 – ANALYSIS OF IMPACTS

DANIELS TOWN SQUARE CPA

Existing and Future Conditions Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

Additionally, there is a companion zoning action being submitted to rezone from CPD to Mixed-use Planned Development (MPD) for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,234 dwelling units.

II. PROPERTY HISTORY

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

Daniels Parkway JV Development

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

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

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 1: Inventory of Surrounding Lands

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

The property is in 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 North 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 and to a signalized intersection at Three Oaks North Extension – Phases I and II, which is scheduled to be completed to the property's western boundary by early 2025. Phase III will be under construction with a tentative date for completion in mid to late 2026. This will connect the extension to Daniels Parkway at the Fiddlesticks intersection and complete the new north-south connection to Alico Road from Daniels Parkway.

Most of 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. The most wooded parcel is the 5 acres south of the storage area along Indian Paint Lane easement. It is heavily wooded with invasive exotics and moderate-to low quality. Pending the ERP permit the site will be impacted as permitted and most likely used for storm water management.

IV. FUTURE CONDITIONS

The MCP that accompanies the zoning is proposing a mixed-use development of up to a 30,000 square foot of commercial development with a 200-room hotel and up to 1,251 residential dwelling units.

Access to the site will be improved over time with no project related occupancy prior to Phases I and II of the Three Oaks Expansion project being completed. There are three major actions that will likely be completed by 2029:

1. Three Oaks Extension, Phases I and II that extends Three Oaks north across the canal to the western property boundary of the subject property – early 2025
2. Three Oak Extension Phase III connecting Daniels to Alico Road via Fiddlesticks Boulevard – late 2026
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 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 1.2 miles west on Daniels), Lee County Emergency Medical Services, Lee County Solid Waste, Lee Tran (served by Bus Stop #1554 via Route 50 on Daniels Parkway within ¼ mile of property).

A new ERP is in progress as the applicant withdrew the older ERP (#220526-34567). The current application (#230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site. It should be completed over the next two months. The state is waiting on the ERP for the Three Oaks Extension to be updated with revised right-of-way boundaries. This work is being conducted by Lee County subconsultant Avalon Engineering. This needs to be completed and then the approval can be made for our application.

VI. FLUC CHANGE JUSTIFICATION

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

Central Location

In the captured image of the Lee County Future Land Use Map the subject property is marked with a yellow star. The significance of this regional view is to show the central location and significance of the Daniels Parkway intersection at I-75. The interchange marks the central Lee County east-west corridor between the Caloosahatchee River and Bonita Springs. The Daniels corridor is one of two primary connectors of Lehigh to the rest of the region, the accessway to the RSW airport and the

Skyplex development, the primary road for service to the two spring training baseball stadiums, a connection to all major north-south arterials such as Treeline Avenue, Six Mile Cypress, Metro Parkway, US 41, McGregor Boulevard and Summerlin Road that serves access to Fort Myers Beach.

Infill

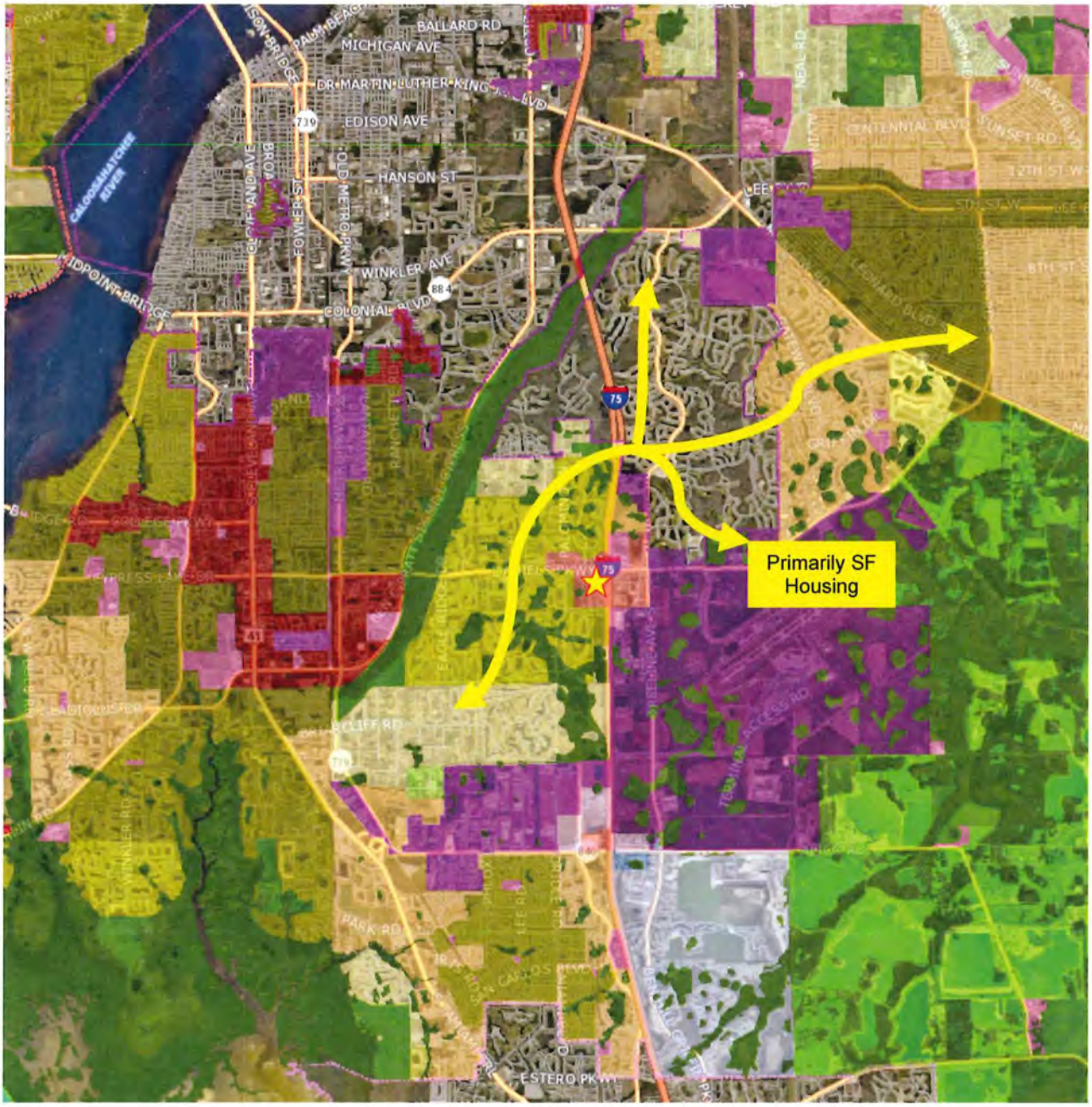
The road is largely developed from Treeline west to Cape Coral. The subject property is the last quadrant to be developed at the Daniels interchange to I-75. The interchange has long been identified as a service-oriented quadrant having been placed in the General Interchange FLUC. However, the northeast 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.

Serves Residential Rooftops

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

Infrastructure

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



Impacts of the Request

Overall, the two land use categories, given the interchange location, have very similar density and intended permitted uses and allowances for similar intensities, except that Intensive allows for up to 12 stories and 135 feet rather than 6 stories and 75 feet and allows for inclusion into the Mixed Use Overlay (MUO).

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

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

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

The companion Mixed Use Planned Development is limiting the potential density and intensity per Table 1 below. The Intensive Development FLUC allows for the use of Greater Pine Island TDU's however, the MPD is proposing to use a few of that type of bonus density.

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***	

Conclusion

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

EXHIBIT T6 – LEE PLAN ANALYSIS

DANIELS TOWN SQUARE CPA

Request Statement and Lee Plan Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential of up to 1,234 du as shown in table 1 below. There are 5.19 acres of wetlands to be impacted as approved by ERP No. 230220-37612.

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***	

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

II. PROPERTY HISTORY

The Property is made up of five (5) parcels with different entitlement and development histories.

Daniels Parkway JV Development

Four parcels make up the majority of 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 three 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	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.

Most of 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. The most wooded parcel is the 5 acres south of the storage area along Indian Paint Lane easement. It is heavily wooded with invasive exotics and moderate-to low quality.

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 with no project related occupancy prior to Phases I and II of the Three Oaks Parkway Extension project being completed. There are three 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. 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, it's 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, it's 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 that is a required portion in order to receive an occupancy permit for the development. Applicant agrees to not occupy Phase I of the development plan until there is public access onto the Three Oaks Parkway Extension with full connection south to Alico Road.

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 contained in the comprehensive plan package.

e. Impact on adjacent land uses and surrounding neighborhoods;

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

f. Proximity to other similar centers; and

The subject property is one of four quadrants of an intersection of a major arterial and Interstate Highway. The northwest and southeast quadrants are intensely developed with a

mix of residential, commercial and industrial development. Typically, similar quadrants to the north and south, at intersections like I-75 and SR82, SR80, Colonial, 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 no less than 200 feet north. The most dense and intense commercial area is across the right-of-way for Three Oaks North. The area is programmed for centralized intensities that support commercial, retail, recreational, and hospitality uses in conformation of the mixed-use development.

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 commercial. 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. All other necessary improvements to carry the proposed volume of trips that will be necessary to handle in order to secure development orders for the development.

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

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

GOAL 11: MIXED USE.

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

The subject parcel is in proposed to be in the Intensive Development FLUC and in the Mixed-Use overlay (MUO). The property is currently in the General Interchange FLUC and therefore has been consistent with this Goal as it allows multi-family and a wide range of commercial

and light industrial uses. The move to Intensive Development FLUC and the MUO will serve to further codify the location as appropriate and desirable for mixed uses.

OBJECTIVE 11.2: MIXED USE OVERLAY.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities though 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 alterative form of transportation to automobiles. The users of this project will be able to access local commercial uses via two Daniels 9300 (ingress only for automobiles) and Indian Pony Drive 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 commercial. 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 available at this location according to Lee County Utilities and the project will connect.

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

The subject site 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 zones, and a restored indigenous area. The design will meet all requirements of the LDC (except where approved deviations occur) and all requirements of the ERP.

POLICY 61.1.1: 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 General Interchange and the proposed Intensive Development FLUC are both similar in commercial uses permitted and residential density. The move to Intensive Development will allow for vertical density and the Mixed-use overlay will allow the density, which is limited to multi-family, to be integrated 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.

EXHIBIT T7 – TRAFFIC CIRCULATION ANALYSIS

TR TRANSPORTATION CONSULTANTS, INC

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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

DANIELS TOWN CENTER

(PROJECT NO. F2208.06)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
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Revised:
April 16, 2024

TRANSPORTATION CONSULTANTS, INC

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III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. INTERSECTION ANALYIS

IX. CONCLUSION

I. INTRODUCTION

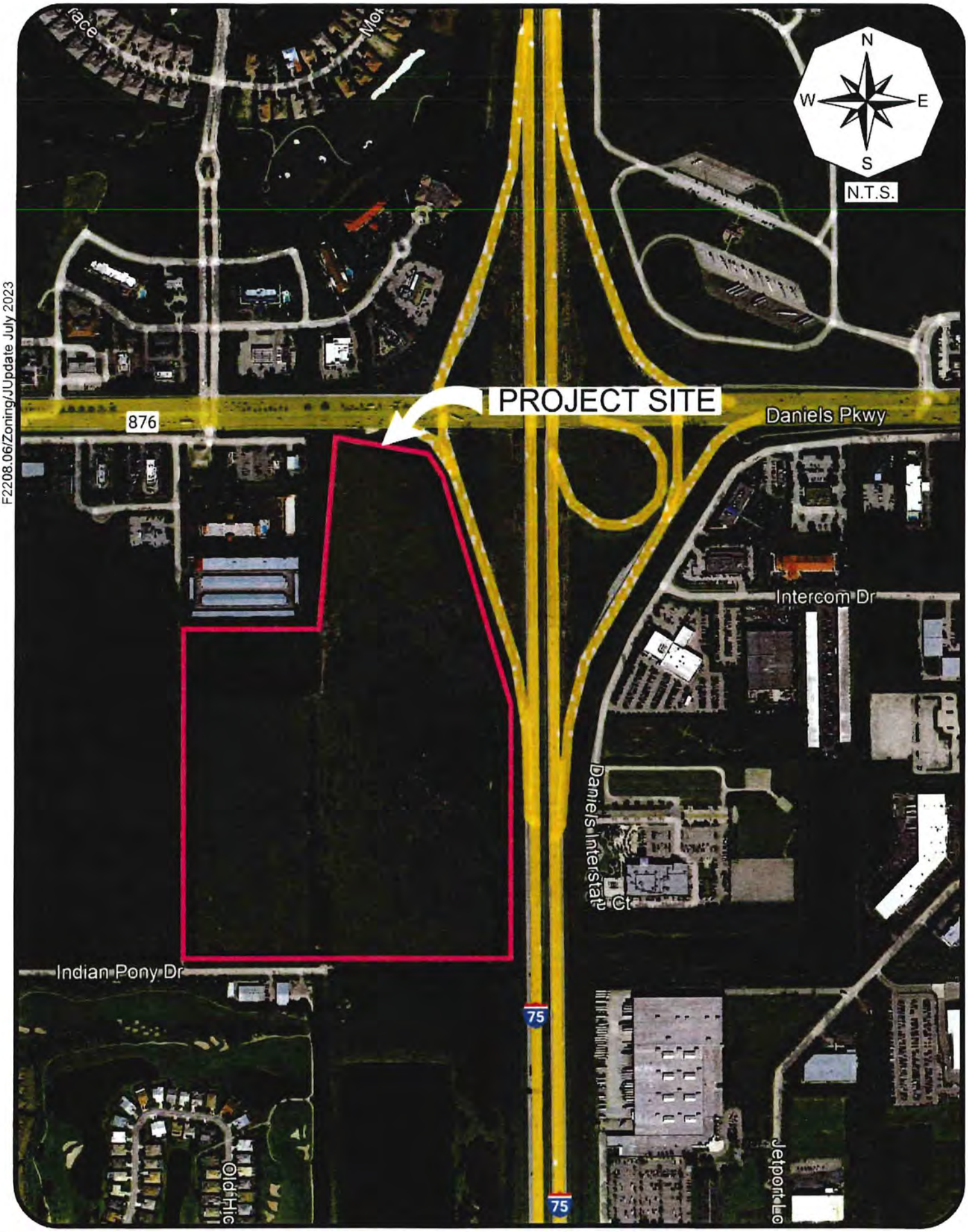
TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The proposed development is located at the southwest quadrant of the interchange of I-75 and Daniels Parkway in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The approximate 66-acre subject site is currently zoned CPD, CT and AG-2. The applicant is requesting to rezone the subject site to a Mixed Use Planned Development (MPD) to allow the development of up to approximately 30,000 square feet of commercial uses and 1,251 residential dwelling units and up to 200 hotel rooms. Access to the subject site will be provided to the future Three Oaks Parkway extension and to Daniels Parkway via an existing frontage road (Daniels 9300).

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives were completed and an analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The overall site is bordered by Daniels Parkway to the north and I-75 to the east, vacant land and the Olde Hickory Golf Course maintenance facility to the south, and vacant property and commercial uses to the west.



F2208.06/Zoning/JUpdate July 2023

TRANSPORTATION CONSULTANTS, INC

PROJECT LOCATION MAP
DANIELS TOWN CENTER

Figure 1

Daniels Parkway is a six-lane divided arterial roadway in the vicinity of the subject site. Daniels Parkway from Metro Parkway to I-75 has been defined as a "constrained" roadway, which enables Lee County to assign a higher volume to capacity (v/c) ratio to this roadway. No direct access to Daniels Parkway is being requested. Daniels Parkway has a posted speed limit of 50 mph and is under the jurisdiction of the Lee County Department of Transportation.

Three Oaks Parkway from Daniels Parkway to the southern property boundary is under design and is funded to be constructed starting in 2023 through 2025 from the Fiddlesticks Canal north to Daniels Parkway as a four-lane divided roadway. Three Oaks Parkway will be under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The majority of the approximately 66-acre subject site is currently zoned CPD under Zoning Resolution Z-08-043. This resolution approved 250,000 square feet of commercial retail uses, 90,000 square feet of general office uses, 50,000 square feet of medical office uses and up to 120 hotel rooms on the site. The proposed rezoning would decrease the commercial intensity and allow for the inclusion of multi-family residential dwelling units on the site to create a mixed-use development. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

Table 1
Land Uses
Daniels Town Square

Land Use	Size
Retail	30,000 square feet
Multi-Family Dwelling Units	1,251 Units
Hotel	200 Rooms

Access to the subject site will be provided to the Three Oaks Parkway extension as well as to Daniels Parkway via the existing connection west of I-75.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. Land Use Code 822 (Strip Retail Plaza <40k) was utilized for the trip generation purposes of the proposed commercial retail uses, Land Use Code 221 (Multi-Family Housing – Mid-Rise) was used for the multi-family dwelling units and Land Use Code 310 (Hotel) was utilized for the hotel rooms. The trip generation equations utilized from these land uses are attached to the Appendix for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed. Included in the Appendix of this report is a comparison of the trip generation between the proposed uses illustrated in Table 1 and the approved used within the CPD under Z-08-043.

Table 2
Trip Generation – Total Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (30,000 Sq. Ft.)	36	23	59	85	85	170	1,496
Multi-Family (1,251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Rooms)	52	41	93	61	59	120	1,744
Total Trips	**212**	**479**	**691**	**444**	**334**	**778**	**9,161**

However, the total trips generated by the project will not all be new trips added to the adjacent roadway system. With mixed use projects, ITE estimates that there will be a certain amount of interaction between uses that will reduce the overall trip generation of the proposed project. This interaction is called "internal capture". In other words, trips that would normally come from external sources would come from uses that are within the project, thus reducing the overall impact the development has on the surrounding

roadways. ITE, in conjunction with a study conducted by the NCHRP (National Cooperative Highway Research Program), has summarized the internal trip capture reductions between various land uses. For uses shown in Table 2, there is data in the ITE report for interaction between the residential, retail and hotel uses.

An internal capture calculation was completed consistent with the methodologies in the NCHRP Report and published in the ITE ***Trip Generation Handbook***, 3rd Edition. The resultant analysis indicates that with the proposed development scenario there will be an internal trip capture reduction of two percent (2%) in the A.M. peak hour and eleven percent (11%) in the PM peak hour between the residential, retail and hotel uses. The summary sheets utilized to calculate these internal capture rates for the weekday AM peak hour and PM peak hour are included in the Appendix of this report for reference.

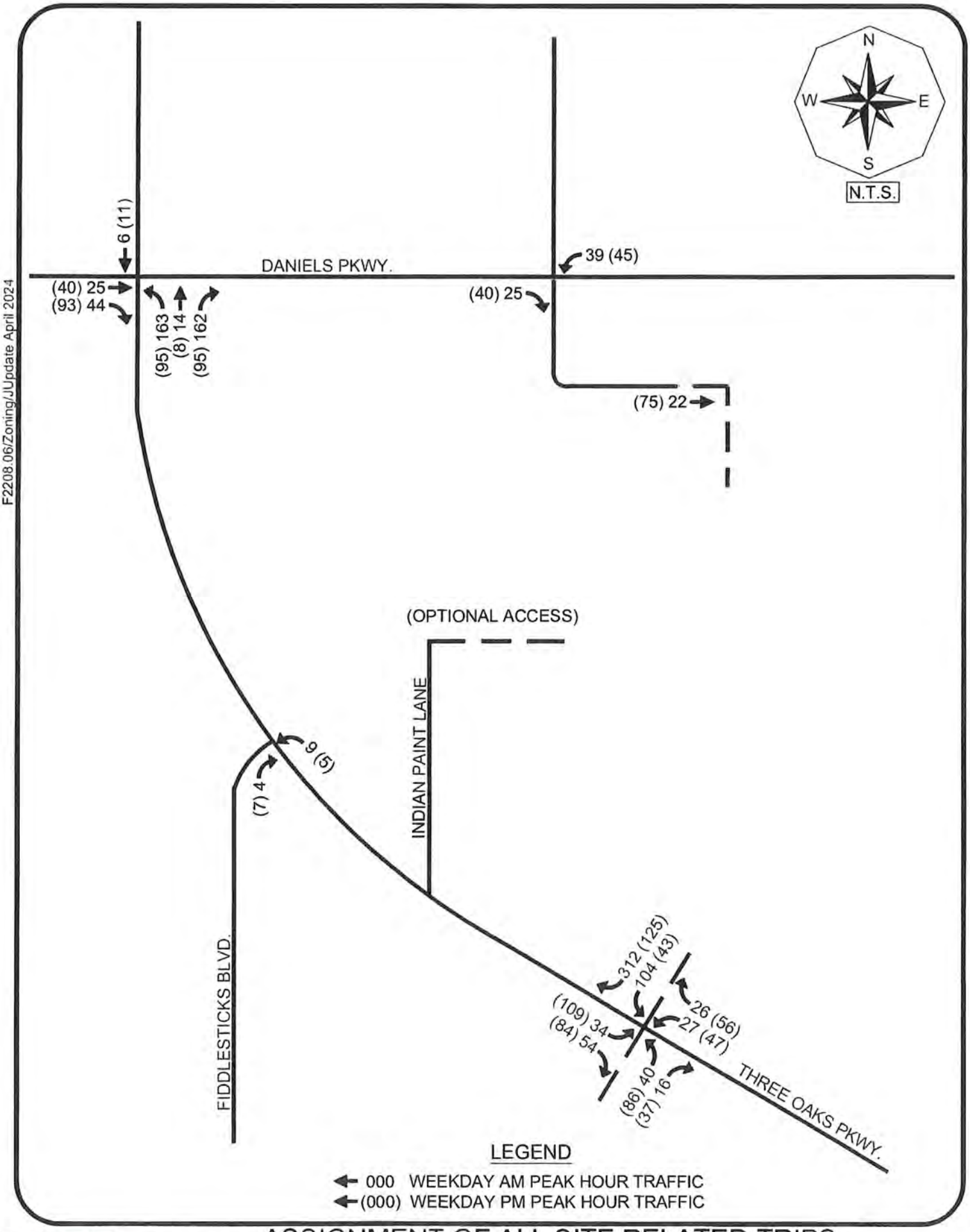
Pass-by traffic was also taken into account based on the proposed retail uses shown in Table 2. Consistent with previous analysis approved by Lee County, thirty percent (30%) of the total project traffic was assumed to be pass-by traffic for the retail uses. **Table 3** indicates the total commercial and residential external trip generation of the subject site based on the proposed rezoning request.

Table 3
Trip Generation – Net New Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Retail (30.000 Sq. Ft)	36	23	59	85	85	170	1,496
Multi-Family (1.251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Room)	52	41	93	61	59	120	1,744
Total	212	479	691	444	334	778	9,161
Less Internal Capture	-7	-7	-14	-43	-43	-86	-1,007
Less Pass-By Trips	-7	-8	-15	-20	-20	-40	-448
Net New Trips	**198**	**464**	**662**	**381**	**271**	**652**	**7,706**

V. TRIP DISTRIBUTION

The trips the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The trips were also distributed to the surrounding roadway network, including Three Oaks Parkway south of the site since the extension of Three Oaks Parkway to Daniels Parkway is under construction and programmed to be open in the next 5 years. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project ***traffic distribution*** and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, ***illustrates the percent project traffic distribution*** and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).



F2208.06/Zoning/JUpdate April 2024

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ASSIGNMENT OF ALL SITE RELATED TRIPS
NET NEW + PASS-BY TRIPS
DANIELS TOWN CENTER

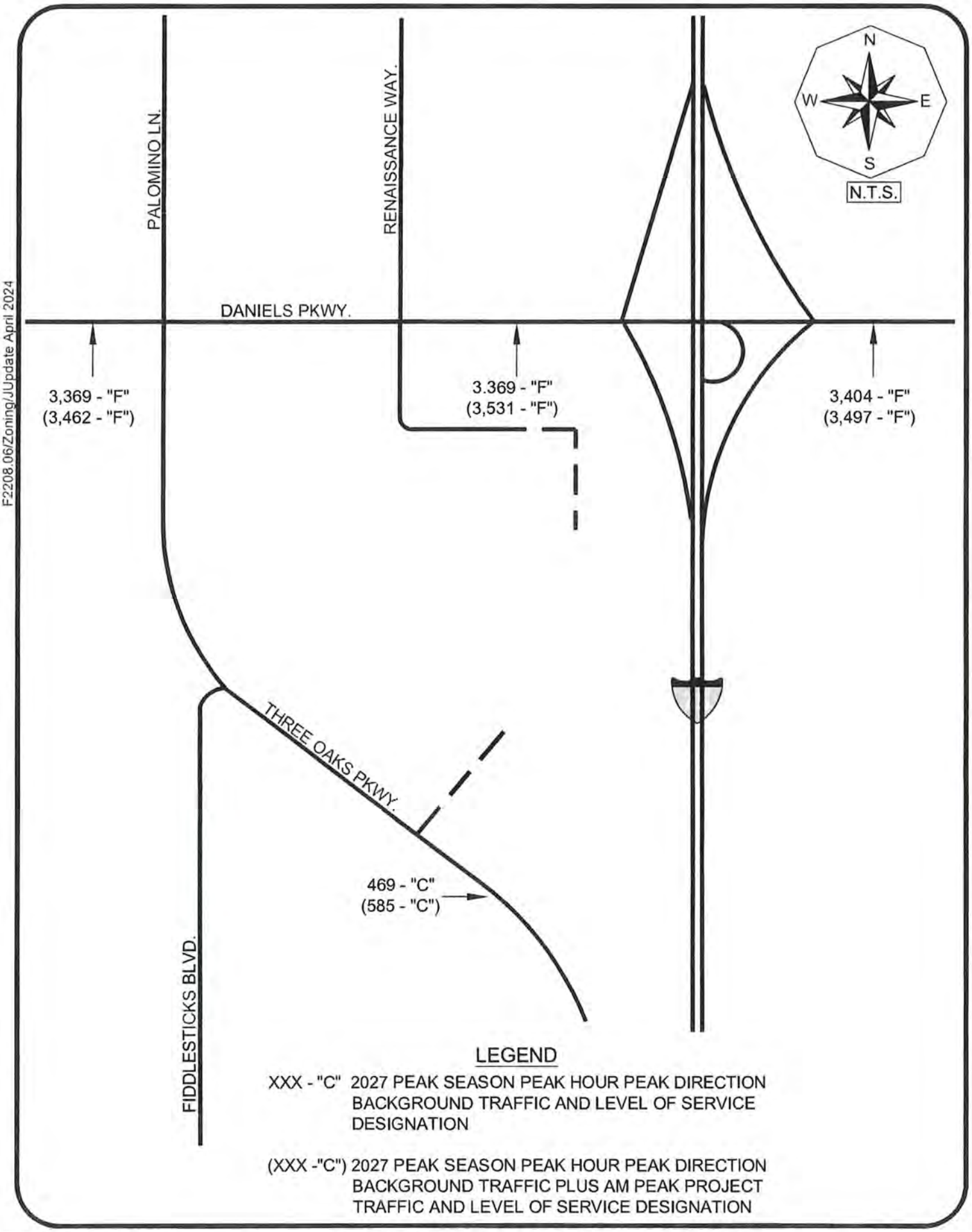
Figure 2

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes. The Level of Service threshold volumes were obtained from the ***Lee County Generalized Peak Hour Directional Service Volume Tables*** (June, 2016). Based on Table 1A, none of the roadway segments in the study area projected to be significantly impacted as a result of the proposed development. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2027 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Based on the project distribution illustrated on Figure A-1, the link data was analyzed for the year 2027 without the development and year 2027 with the development. The only trips added to the roadway network in 2027 were the net new trips that the development would add as illustrated in Table 3. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2027 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the ***2022 Lee County Public Facilities Level of Service and Concurrency Report.***

Figure 3 indicates the year 2027 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.



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TR TRANSPORTATION CONSULTANTS, INC

2027 LEVEL OF SERVICE ANALYSIS
DANIELS TOWN CENTER

Figure 3

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2027 traffic volumes to the Service Volume Tables, it was determined that Daniels Parkway from to I-75 is projected to operate below the minimum recommended Level of Service in 2027 both with and without the proposed development. Three Oaks Parkway south of Daniels Parkway is shown to operate at LOS "C" in 2027 both with and without the project trips. As previously stated, Daniels Parkway as been designated as a "Constrained" facility by the Board of County Commissioners and the Level of Service is projected to be an issue prior to any of the project trips being added to the network, so the deficiency is not caused by the project. Therefore, no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed development.

The updated Master Concept Plan indicates that access to the site will be provided to Daniels 9300 (the frontage road along Daniels Parkway) via an ***ENTRANCE only***, only allowing site traffic to enter the site from Daniels Parkway. All traffic exiting the site will be required to exit the site to the south via the newly constructed Three Oaks Parkway extension. The Master Concept Plan also reflects an "Optional" accessway being provided to Indian Paint Lane, which currently does not exist along the western boundary of the site. Indian Paint Lane currently only exist further to the north near Daniels 9300. Should the Development choose to construct Indian Paint Lane within the easement provided and connect to Three Oaks Parkway, the access connection would be limited to right-in/right-out movements only. It is unlikely due to the circuitous nature of this route that site traffic would even utilize this accessway to access Three Oaks Parkway as the main access to Three Oaks Parkway would be a more direct access to the project. For this reason the "Optional" access drive is illustrated on the graphics but there is no site traffic assigned to this access drive at this time based on the Master Concept Plan. At the time of Local Development Order, should the site development plan change and a more direct

access to Three Oaks Parkway is provided that would allow site traffic to have a more direct access to the Three Oaks Parkway corridor, further evaluation of this connection will be made at that time and a turn lane analysis will be made at the time of Local Development Order, as will all of the other access connections, to determine what, if any, off-site turn lane improvements at the site access drive intersections will be required based on the Administrative Code requirements.

VIII. INTERSECTION ANALYSIS

Intersection analysis was conducted utilizing the latest version of the program ***SYNCHRO®*** to determine the operational characteristics of the signalized intersections of Daniels Parkway and Danport Boulevard and Daniels Parkway and I-75 southbound ramps as well as the future signalized intersection of Three Oaks Parkway and the site access drive intersection. The analysis was based on the projected 2027 weekday AM and PM peak hour traffic conditions both with and without the project traffic. Traffic counts were conducted between hours of 7:00 to 9:00 A.M. and 4:00 to 6:00 P.M. and adjusted to peak season conditions based on the FDOT Peak Season adjustment factors. The existing peak season traffic volumes were then increased by a growth rate factor to determine the projected 2027 background turning movement volumes. The volumes utilized for the intersection analysis can be found in the Appendix of this report in the *Development of Future Year Background Turning Movement Volumes* spreadsheets.

The volumes for Three Oaks Parkway south of Daniels Parkway were formulated by referencing the ***Three Oaks Parkway Extension Design Project Traffic Analysis Report***, prepared by McCormick Taylor and dated April 2020. This report identified the projected 2025 volumes for the weekday AM and PM peak hours for Three Oaks Parkway at the future signalized intersection of Three Oaks Parkway and the site access to the Daniels Town Center project. These 2025 volumes were increased by two additional years to obtain the projected 2027 north/south through volumes on Three Oaks Parkway in order to complete the intersection analysis. This intersection was assumed to be signalized at

the build-out of the Daniels Town Center project, which is consistent with the analysis conducted in the report prepared by McCormick Taylor. Copies of the relevant pages of the Traffic Analysis Report for the Three Oaks Parkway Extension Design Project are included in the Appendix of this report for reference.

The improvements programmed by Lee County along Daniels Parkway were also included in the intersection analysis, consistent with the analysis conducted in the previously referenced ***Design Project Traffic Analysis Report*** prepared for Lee County Department of Transportation. Improvements included adding additional travel lanes to Daniels Parkway between the I-75 southbound ramp through the Fiddlesticks Boulevard intersection. FDOT is also programming improvements to the I-75 interchange with Daniels Parkway to coincide with the improvements to Daniels Parkway that are being made by Lee County. FDOT has a Design/Build project funded for construction beginning in FY 2025 for this improvement, but the PD&E Study for this project has yet to be completed to determine exactly what improvements will be constructed. Since those improvements are not yet determined, they were not accounted for in this analysis. **Table 4** summarizes the results of the intersection analysis.

Table 4
Peak Hour Intersection Level of Service Summary
Daniels Town Square

Intersection	Projected 2027 Background Conditions	Projected 2027 Background + Project Conditions
	LOS	LOS
Daniels Pkwy/Danport Blvd.	AM: LOS "E"	AM: LOS "E"
	PM: LOS "F"	PM: LOS "F"
Daniels Pkwy/I-75 SB Ramp	AM: LOS "F"	AM: LOS "F"
	PM: LOS "F"	PM: LOS "F"
Three Oaks Pkwy/Daniels Town Center Access	N/A	AM: LOS "C"
	N/A	PM: LOS "C"

Based upon the results of the capacity analysis, as illustrated in Table 4, the signalized intersections along Daniels Parkway will experience significant levels of congestion in 2027 both with and without the project.

The results of the capacity analysis at the proposed site access drive intersection on Three Oaks Parkway indicate all movements to operate at an acceptable Level of Service in 2027 with the project traffic conditions. Copies of all the relevant ***SYNCHRO***® summary sheets are included in the Appendix of this report for reference.

IX. CONCLUSION

The proposed zoning amendment in the southwest quadrant of the I-75/Daniels Parkway interchange to provide for an increase in commercial floor area and add in residential dwelling units will not have a significant impact on the surrounding roadway network. The construction of the Three Oaks Parkway Extension project will provide develop traffic the option to travel south to the Alico Road corridor without having to access Daniels Parkway. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan. Daniels Parkway west of I-75 has been designated as a "Constrained Facility" by the Board of County Commissioners. The Lee County Department of Transportation is providing additional capacity improvements to the segment of Daniels Parkway between I-75 and Apaloosa Lane as part of the Three Oaks Parkway Extension project and the Florida Department of Transportation is programming improvements to the I-75 interchange with Daniels Parkway.

The Alico Road Extension project, which is now funded by Lee County, will also provide some relief to the Daniels Parkway corridor as this will provide for another east/west route from the Lehigh Acres area to the I-75 corridor and points further west for the residents of Lehigh Acres. Currently, drivers must use either the Daniels Parkway or Lee Boulevard/Colonial Boulevard corridors to access I-75.

Turn lane improvements and site specific road improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

APPENDIX

TABLE 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
DANIELS TOWN SQUARE REZONING

Revised 4-12-2024

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	662 VPH	IN=	198	OUT=	464
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	652 VPH	IN=	381	OUT=	271

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Daniels Pkwy	E. of Metro Pkwy.	6LD	0	430	3050	3180	3180	12%	56	1.8%
	E. of Six Mile Cypress	6LD	0	430	3050	3180	3180	20%	93	3.0%
	E. of Palomino Ln.	8LD	0	540	3830	3940	3940	35%	162	4.2%
	E of I-75	6LD	0	430	3050	3180	3180	20%	93	3.0%
	E. of Treeline Ave.	6LD	0	430	3050	3180	3180	15%	70	2.3%
	E. of Chamberlin Ave.	6LD	0	430	3050	3180	3180	15%	70	2.3%
Treeline Ave.	N. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	3%	14	0.8%
	S. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	2%	9	0.5%
	S. of Terminal Access	4LD	0	270	1,970	2,100	2,100	2%	9	0.5%
I-75	N. of Daniels Pkwy	6LF	0	3,360	4,580	5,500	6,080	3%	14	0.3%
	S. of Daniels Pkwy	6LF	0	3,360	4,580	5,500	6,080	2%	9	0.2%
Three Oaks Pkwy	S. of Daniels Pkwy	4LD	0	250	1,840	1,960	1,960	25%	116	6.3%
Six Mile Cypress Pkwy	N. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	5%	23	1.2%
	S. of Daniels Pkwy	4LD	0	270	1,970	2,100	2,100	10%	46	2.4%

* The Level of Service thresholds were for all roadways were obtained from the Lee County Generalized Service Volume Table.

** The Level of Service thresholds for I-75 were obtained from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
DANIELS TOWN SQUARE REZONING

Revised 4-12-2024

TOTAL PROJECT TRAFFIC AM =	662	VPH	IN =	198	OUT=	464
TOTAL PROJECT TRAFFIC PM =	652	VPH	IN=	381	OUT=	271

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	LATEST ADT	YRS OF GROWTH.[1]	ANNUAL RATE	2021 PK HR PK SEASON PEAK DIR.[2]	2027 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2027 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2027 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
Daniels Pkwy	E. of Six Mile Cypress	31	60,700	65,800	4	2 04%	2,985	3,369	F	1.06	20%	93	76	3,462	F	1.09	3,445	F	1 08
	E. of Palomino Ln.	31	60,700	65,800	4	2.04%	2,985	3,369	C	0.86	35%	162	133	3,531	C	0.90	3,502	C	0 89
	E. of I-75	52	51,800	56,400	4	2.15%	2,996	3,404	F	1 07	20%	93	76	3,497	F	1 10	3,480	F	1 09
Three Oaks Pkwy	S. of Daniels Pkwy[3]							469	C	0 24	25%	116	95	585	C	0 30	564	C	0 29

[1] Annual Growth Rate was calculated utilizing AADT data from 2022 Lee County Traffic Count Report

[2] 2021 peak hour peak season peak direction traffic volumes were obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report

[3] Peak Hour Peak Season Volume for Three Oaks Pkwy south of Daniels Pkwy provided by Lee County in 2027 model run

LEE COUNTY GENERALIZED SERVICE VOLUMES TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

TRAFFIC DATA FROM THE LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 2 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)

Link No.	NAME	ROADWAY LINK FROM	ROADWAY LINK TO	F. Class	ROAD TYPE	PERFORMANCE STANDARD LOS	PERFORMANCE STANDARD DIRECTIONAL CAPACITY	2021 100TH HIGHEST HOUR LOS	2021 100TH HIGHEST HOUR VOL	2021 100TH HIGHEST HOUR V/C	FUTURE FORECAST (2026) LOS	FUTURE FORECAST (2026) VOL	FUTURE FORECAST (2026) V/C	Notes
04800	CEMETERY RD	BUCKINGHAM RD	HIGGINS AVE	Maj. Col	2LN	E	860	C	308	0.36	C	323	0.38	
04900	CHAMBERLIN PKWY	AIRPORT ENT	DANIELS PKWY	Maj. Col	4LN	E	1,790	C	105	0.06	C	150	0.08	Port Authority maintained
05000	COCONUT RD	WEST END	VIA VENETTO BLVD	Maj. Col	2LN	E	860	C	268	0.31	C	420	0.49	Estero maintains to east
05100	COLLEGE PKWY	McGREGOR BLVD	WINKLER RD	P Art	6LD	E	2,980	D	2,292	0.77	D	2,409	0.81	*
05200	COLLEGE PKWY	WINKLER RD	WHISKEY CREEK DR	P Art	6LD	E	2,980	D	2,059	0.69	D	2,164	0.73	
05300	COLLEGE PKWY	WHISKEY CREEK DR	SUMMERLIN RD	P Art	6LD	E	2,980	D	2,059	0.69	D	2,164	0.73	
05400	COLLEGE PKWY	SUMMERLIN RD	US 41	P Art	6LD	E	2,980	D	1,898	0.64	D	1,995	0.67	
05500	COLONIAL BLVD	McGREGOR BLVD	SUMMERLIN RD	P. Art	6LD	E	2,840	F	3,049	1.07	F	3,204	1.13	*
05600	COLONIAL BLVD	SUMMERLIN RD	US 41	P. Art	6LD	E	2,840	D	2,650	0.93	D	2,785	0.98	
06200	COLONIAL BLVD	DYNASTY DR	SR 82	P. Art	6LD	D	3,040	B	2,070	0.68	C	2,175	0.72	*
06300	COLUMBUS BLVD	SR 82	MILWAUKEE BLVD	Maj. Col	2LN	E	860	C	100	0.12	C	105	0.12	old count
06400	CONSTITUTION BLVD	US 41	CONSTITUTION CIR	Maj. Col	2LN	E	860	C	217	0.25	C	245	0.28	old count projection(2010)
06500	CORBETT RD	SR 78 (PINE ISLAND RD)	LITTLETON RD	Maj. Col	2LN	E	860	C	22	0.03	C	226	0.26	old count, added VA clinic(2009)
06600	CORKSCREW RD	US 41	THREE OAKS PKWY	P. Art	4LD	E	1,900	C	1,047	0.55	C	1,312	0.69	Galleria at Corkscrew
06700	CORKSCREW RD	THREE OAKS PKWY	W OF I-75	P. Art	4LD	E	1,900	F	2,129	1.12	F	2,368	1.25	Estero Crossing
06800	CORKSCREW RD	E OF I-75	BEN HILL GRIFFIN BLVD	P. Art	4LD	E	1,900	C	1,069	0.56	C	1,281	0.67	
06900	CORKSCREW RD	BEN HILL GRIFFIN BLVD	ALICO RD	P. Art	4LD	E	1,960	C	1,186	0.61	C	1,388	0.71	
07000	CORKSCREW RD	ALICO RD	COUNTY LINE	P Art	2LN	E	1,140	C	464	0.41	F	1,244	1.09	EEPCO Study, The Place
07100	COUNTRY LAKES BLVD	LUCKETT RD	TICE ST	Maj. Col	2LN	E	860	C	143	0.17	C	293	0.34	old count projection(2010)
07200	CRYSTAL DR	US 41	METRO PKWY	Maj. Col	2LN	E	860	C	360	0.42	C	379	0.44	
07300	CRYSTAL DR	METRO PKWY	PLANTATION RD	Maj. Col	2LN	E	860	C	242	0.28	C	254	0.30	
07400	CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	P Art	4LD	E	1,940	D	1,129	0.58	D	1,186	0.61	
07500	CYPRESS LAKE DR	SOUTH POINT BLVD	WINKLER RD	P Art	4LD	E	1,940	D	1,419	0.73	D	1,491	0.77	
07600	CYPRESS LAKE DR	WINKLER RD	SUMMERLIN RD	P Art	4LD	E	1,940	D	1,419	0.73	D	1,491	0.77	
07700	CYPRESS LAKE DR	SUMMERLIN RD	US 41	P Art	6LD	E	2,940	D	2,085	0.71	D	2,191	0.75	
07800	DANIELS PKWY	US 41	METRO PKWY	Controlled xs	6LD	E	2,680	D	2,288	0.85	D	2,405	0.90	
07900	DANIELS PKWY	METRO PKWY	SIX MILE PKWY	Controlled xs	6LD	E	2,680	D	2,109	0.79	E	2,520	0.94	Constrained
08000	DANIELS PKWY	SIX MILE PKWY	PALOMINO LN	Controlled xs	6LD	E	3,040	E	2,985	0.98	F	3,256	1.07	Constrained
08100	DANIELS PKWY	PALOMINO LN	I-75	Controlled xs	6LD	E	3,040	E	2,985	0.98	F	3,137	1.03	Constrained
08200	DANIELS PKWY	I-75	TREELINE AVE	Controlled xs	6LD	E	3,260	B	2,996	0.92	B	3,149	0.97	
08300	DANIELS PKWY	TREELINE AVE	CHAMBERLIN PKWY	Controlled xs	6LD	E	3,260	B	2,996	0.92	B	3,149	0.97	
08400	DANIELS PKWY	CHAMBERLIN PKWY	GATEWAY BLVD	Controlled xs	6LD	E	3,260	B	2,765	0.85	B	2,906	0.89	
08500	DANIELS PKWY	GATEWAY BLVD	SR 82	Controlled xs	4LD	E	2,160	F	2,163	1.00	F	2,307	1.07	SKY Walk *
08600	DANLEY DR	US 41	METRO PKWY	Maj. Col	2LN	E	860	C	255	0.30	C	286	0.33	
08700	DAVIS RD	McGREGOR BLVD	IONA RD	Maj. Col	2LN	E	860	C	15	0.02	C	29	0.03	old count projection(2010)
08800	DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	P. Art	6LD	E	2,660	C	1,404	0.53	C	1,586	0.60	old count projection(2009)
08900	DEL PRADO BLVD	SE 46TH ST	CORONADO PKWY	P. Art	6LD	E	2,660	C	1,404	0.53	C	1,586	0.60	old count projection(2009)
09000	DEL PRADO BLVD	CORONADO PKWY	CORNWALLIS PKWY	P. Art	6LD	E	2,660	D	1,869	0.70	D	1,964	0.74	
09100	DEL PRADO BLVD	CORNWALLIS PKWY	CORAL POINT DR	P Art	6LD	E	2,660	D	2,565	0.96	F	2,696	1.01	
09200	DEL PRADO BLVD	CORAL POINT DR	HANCOCK B. PKWY	P. Art	6LD	E	2,800	D	1,997	0.71	D	2,098	0.75	
09300	DEL PRADO BLVD	HANCOCK B. PKWY	SR 78	P. Art	6LD	E	2,800	C	1,642	0.59	C	1,725	0.62	*
09400	DEL PRADO BLVD	US 41	SLATER RD	M Art	2LN	E	860	C	489	0.57	D	742	0.86	Crane Landing
09700	EAST 21ST ST	JOEL BLVD	GRANT AVE	Min. Col	2LN	E	860	C	31	0.04	C	33	0.04	*
09800	ESTERO BLVD	BIG CARLOS PASS BRIDGE	PESCADORA AVE	M. Art	2LN	E	726	A	356	0.49	A	374	0.52	Constrained*
09900	ESTERO BLVD	PESCADORA AVE	VOORHIS ST	M. Art	2LN	E	726	B	602	0.83	C	633	0.87	Constrained*
10000	ESTERO BLVD	VOORHIS ST	TROPICAL SHORES WAY	M Art	2LN	E	726	B	602	0.83	C	633	0.87	Constrained*
10100	ESTERO BLVD	TROPICAL SHORES WAY	CENTER ST	M. Art	2LN	E	671	F	716	1.07	F	779	1.16	Constrained, old count(2010)
00007	ESTERO PKWY	US 41	THREE OAKS PKWY	P. Art	4LD	E	2,000	B	861	0.43	B	1,154	0.58	Not County Mntnd

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

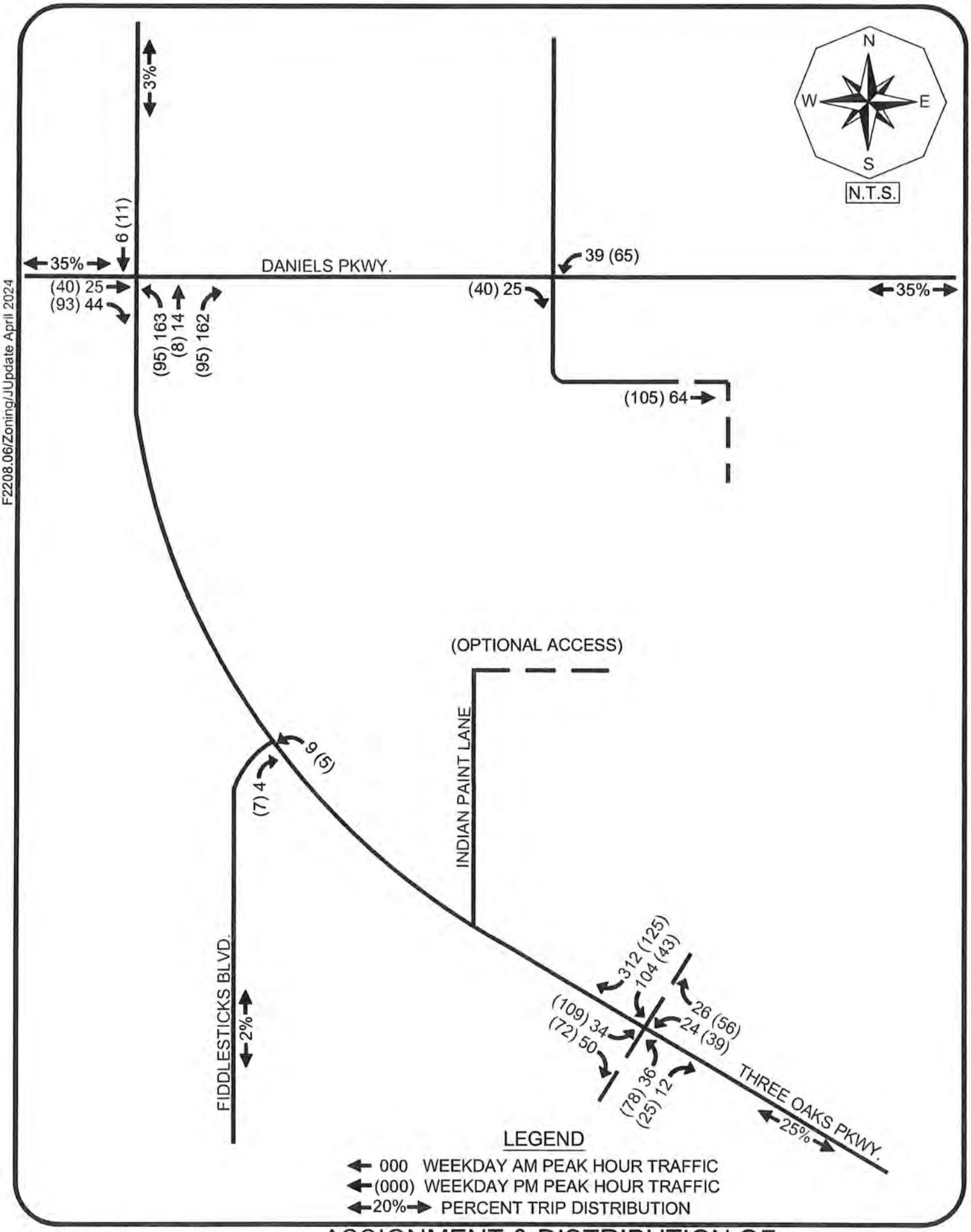
County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Controlled Access Aterial Facility

County Maintained Expressway

SITE TRAFFIC ASSIGNMENT
SUPPLEMENTAL GRAPHICS
FIGURES A-1 & A-2

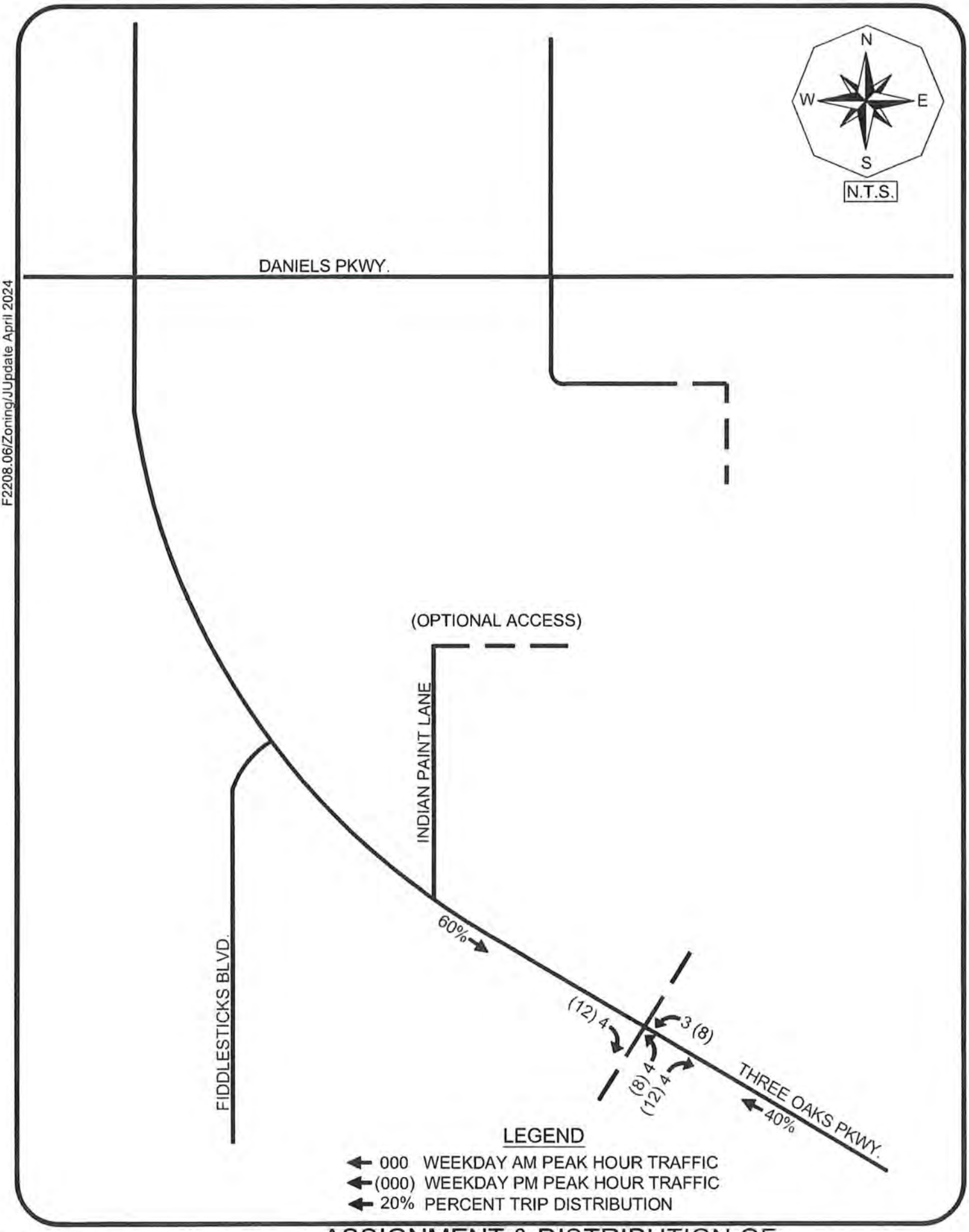


F2208.06/Zoning/JUpdate April 2024

TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF
NET NEW PROJECT TRIPS
DANIELS TOWN CENTER

Figure A-1



F2208.06/Zoning/JUpdate April 2024

TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF PASS-BY PROJECT TRIPS
DANIELS TOWN CENTER

Figure A-2

TRAFFIC DATA FROM THE LEE COUNTY TRAFFIC COUNT REPORT

Updated 5/3/2023			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
DANIELS PKWY	W OF METRO PKWY	30	40100	46400	47400	48300	48300	49400	49900	41900	49300	49400
DANIELS PKWY	W OF PLANTATION RD	263		48000		47600						
DANIELS PKWY	E OF SIX MILE PKWY	31	53200	51800	53200	59700		60700	62500	54100	63100	65800
DANIELS PKWY	W OF I - 75	264	48700	51500	60600		52400					
DANIELS PKWY	E OF I - 75	52	44800	47100	44200		52600	51800	54500	48400	55800	56400
DANIELS PKWY	E OF TREELINE DR	32										
DANIELS PKWY	E OF CHAMBERLIN PKWY	48	35800	38100	37300	41900	45600	41400	41900	40600	46200	48600
DANIELS PKWY	W OF GATEWAY BLVD	89			35800	34500		35700	39000			
DANIELS PKWY	S OF IMMOKALEE RD	524	20600	28200	29000	33400	32100			37400	38700	41900
DANLEY RD	W OF METRO PKWY	518		4900		6300		6700		4500		7100
DEL PRADO BLVD	S OF BEACH PKWY	86							25500	25500		
DEL PRADO BLVD	S OF CORNWALLIS PKWY	2	37100	37800	38300			40700	40700	36000	45800	42100
DEL PRADO BLVD	S OF FOUR MILE COVE RD	40	45800	46500	45600	46500	46400	45200	45100	40400	45000	45100
DEL PRADO BLVD	E OF US 41	443	4700	5400	6000	6600	7200	7800	7800	8800		9600
ESTERO BLVD	@ BIG CARLOS PASS BR.	274	9600				9400		10200			
ESTERO BLVD	N OF DENORA ST	44	13500	13500	12700	12400			11000	11400	13400	12200
ESTERO PKWY	W OF BEN HILL GRIFFIN PKW	459	15700		15800		19500		17400		12500	
ESTERO PKWY	E OF US 41	465	8200		11500		16200		15700		17100	
FIDDLESTICKS BLVD	S OF DANIELS PKWY	276		7200		7700		7800		7700		7000
FOWLER ST	E OF US 41	511		20700		23300		22100		18800		21700
FOWLER ST	S OF MORENO ST	28	21700	23000	24500	23700	24900	23900	27400	24800	27700	28700
FOWLER ST	S OF M.L.K. BLVD (SR 82)	119								14400	17400	17600

TRAFFIC DATA FROM THE FDOT FLORIDA TRAFFIC ONLINE

2021 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: COUNTY
CATEGORY: 1207 SR 876/ DANIELS RD

MOCF: 0.97

WEEK	DATES	SF	PSCF
1	01/01/2021 - 01/02/2021	0.97	1.00
2	01/03/2021 - 01/09/2021	1.01	1.04
3	01/10/2021 - 01/16/2021	1.05	1.08
4	01/17/2021 - 01/23/2021	1.04	1.07
5	01/24/2021 - 01/30/2021	1.02	1.05
6	01/31/2021 - 02/06/2021	1.01	1.04
7	02/07/2021 - 02/13/2021	1.00	1.03
* 8	02/14/2021 - 02/20/2021	0.99	1.02
* 9	02/21/2021 - 02/27/2021	0.98	1.01
*10	02/28/2021 - 03/06/2021	0.97	1.00
*11	03/07/2021 - 03/13/2021	0.96	0.99
*12	03/14/2021 - 03/20/2021	0.95	0.98
*13	03/21/2021 - 03/27/2021	0.95	0.98
*14	03/28/2021 - 04/03/2021	0.96	0.99
*15	04/04/2021 - 04/10/2021	0.96	0.99
*16	04/11/2021 - 04/17/2021	0.97	1.00
*17	04/18/2021 - 04/24/2021	0.98	1.01
*18	04/25/2021 - 05/01/2021	0.99	1.02
*19	05/02/2021 - 05/08/2021	0.99	1.02
*20	05/09/2021 - 05/15/2021	1.00	1.03
21	05/16/2021 - 05/22/2021	1.00	1.03
22	05/23/2021 - 05/29/2021	1.00	1.03
23	05/30/2021 - 06/05/2021	1.01	1.04
24	06/06/2021 - 06/12/2021	1.01	1.04
25	06/13/2021 - 06/19/2021	1.01	1.04
26	06/20/2021 - 06/26/2021	1.02	1.05
27	06/27/2021 - 07/03/2021	1.03	1.06
28	07/04/2021 - 07/10/2021	1.04	1.07
29	07/11/2021 - 07/17/2021	1.05	1.08
30	07/18/2021 - 07/24/2021	1.05	1.08
31	07/25/2021 - 07/31/2021	1.05	1.08
32	08/01/2021 - 08/07/2021	1.05	1.08
33	08/08/2021 - 08/14/2021	1.05	1.08
34	08/15/2021 - 08/21/2021	1.06	1.09
35	08/22/2021 - 08/28/2021	1.05	1.08
36	08/29/2021 - 09/04/2021	1.05	1.08
37	09/05/2021 - 09/11/2021	1.05	1.08
38	09/12/2021 - 09/18/2021	1.05	1.08
39	09/19/2021 - 09/25/2021	1.03	1.06
40	09/26/2021 - 10/02/2021	1.02	1.05
41	10/03/2021 - 10/09/2021	1.00	1.03
42	10/10/2021 - 10/16/2021	0.99	1.02
43	10/17/2021 - 10/23/2021	0.98	1.01
44	10/24/2021 - 10/30/2021	0.98	1.01
45	10/31/2021 - 11/06/2021	0.98	1.01
46	11/07/2021 - 11/13/2021	0.98	1.01
47	11/14/2021 - 11/20/2021	0.98	1.01
48	11/21/2021 - 11/27/2021	0.97	1.00
49	11/28/2021 - 12/04/2021	0.97	1.00
50	12/05/2021 - 12/11/2021	0.97	1.00
51	12/12/2021 - 12/18/2021	0.97	1.00
52	12/19/2021 - 12/25/2021	1.01	1.04
53	12/26/2021 - 12/31/2021	1.05	1.08

* PEAK SEASON

TURNING MOVEMENT COUNT

DANIELS PKWY @ DANPORT BLVD

Daniels Pkwy @ Danport Blvd 9-6-22 AM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 AM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	Danport Blvd Southbound						Daniels Pkwy Westbound						Danport Blvd Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
07:00		5	3	33	0	41		30	367	8	43	448		23	0	2	0	25		16	587	7	0	610	1124
07:15		2	6	38	0	46		23	378	16	54	471		14	3	8	0	25		16	660	14	0	690	1232
07:30		10	1	19	0	30		14	444	5	43	506		14	1	5	0	20		17	667	12	0	696	1252
07:45		5	1	27	0	33		25	457	16	41	539		20	0	7	0	27		8	641	11	0	660	1259
Total	0	22	11	117	0	150	0	92	1646	45	181	1964	0	71	4	22	0	97	0	57	2555	44	0	2656	4867
08:00		14	1	18	0	33		23	429	18	38	508		20	0	7	0	27		9	664	10	2	685	1253
08:15		10	0	15	0	25		28	419	22	26	495		27	1	6	0	34		25	610	15	0	650	1204
08:30		13	0	12	0	25		27	503	15	41	586		26	0	8	0	34		16	613	20	0	649	1294
08:45		15	5	22	0	42		27	581	22	36	666		17	2	17	0	36		24	551	18	1	594	1338
Total	0	52	6	67	0	125	0	105	1932	77	141	2255	0	90	3	38	0	131	0	74	2438	63	3	2578	5089
Grand Total	0	74	17	184	0	275	0	197	3578	122	322	4219	0	161	7	60	0	228	0	131	4993	107	3	5234	9956
Appr %		26.9	6.2	66.9	0			4.7	84.8	2.9	7.6			70.6	3.1	26.3	0			2.5	95.4	2	0.1		
Total %		0.7	0.2	1.8	0			2	35.9	1.2	3.2			1.6	0.1	0.6	0			1.3	50.2	1.1	0		
AM Pk Hr		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00	08:00
AM Pk Vol		52	6	67	0	125		105	1932	77	141	2255		90	3	38	0	131		74	2438	63	3	2578	5089
AM PHF		0.867	0.300	0.761	NaN	0.744		0.938	0.831	0.875	0.860	0.846		0.833	0.375	0.559	NaN	0.910		0.740	0.918	0.788	0.375	0.941	0.951

CountingCars.com

Daniels Pkwy @ Danport Blvd 9-6-22 AM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 AM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

Danport Blvd

Right	Thru	Left	U-Turn
52	6	67	0

Daniels Pkwy

Right	Thru	Left	U-Turn
105	1932	77	141

AM Peak Hour Statistics
AM Peak Hour Begins: 08:00
AM Peak Hour Volume: 5089
AM Peak Hour Factor: 0.951

Daniels Pkwy

Right	Thru	Left	U-Turn
74	2438	63	3

Danport Blvd

U-Turn	Left	Thru	Right
0	38	3	90

CountingCars.com

Daniels Pkwy @ Danport Blvd 9-6-22 PM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 PM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	Danport Blvd Southbound						Daniels Pkwy Westbound						Danport Blvd Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00		19	0	34	0	53		15	487	11	1	514		27	1	4	0	32		10	681	5	0	696	1295
16:15		12	0	25	0	37		21	552	9	3	585		18	2	5	0	25		11	734	7	0	752	1399
16:30		19	2	31	0	52		25	591	19	0	635		36	2	10	0	48		16	691	3	2	712	1447
16:45		14	1	55	0	70		23	617	7	4	651		32	4	10	0	46		16	742	17	0	775	1542
Total	0	64	3	145	0	212	0	84	2247	46	8	2385	0	113	9	29	0	151	0	53	2848	32	2	2935	5683
17:00		12	3	41	0	56		18	598	15	5	636		27	0	8	0	35		14	708	8	1	731	1458
17:15		18	2	32	0	52		13	527	15	6	561		17	2	11	0	30		13	707	12	0	732	1375
17:30		20	0	26	0	46		29	577	15	4	625		24	3	5	0	32		17	744	13	1	775	1478
17:45		19	3	35	0	57		25	508	13	1	547		25	5	8	0	38		19	639	17	2	677	1319
Total	0	69	8	134	0	211	0	85	2210	58	16	2369	0	93	10	32	0	135	0	63	2798	50	4	2915	5630
Grand Total	0	133	11	279	0	423	0	169	4457	104	24	4754	0	206	19	61	0	286	0	116	5646	82	6	5850	11313
Appr %		31.4	2.6	66	0			3.6	93.8	2.2	0.5			72	6.6	21.3	0			2	96.5	1.4	0.1		
Total %		1.2	0.1	2.5	0			1.5	39.4	0.9	0.2			1.8	0.2	0.5	0			1	49.9	0.7	0.1		
PM Pk Hr		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45	16:45
PM Pk Vol		64	6	154	0	224		83	2319	52	19	2473		100	9	34	0	143		60	2901	50	2	3013	5853
PM PHF		0.800	0.500	0.700	NaN	0.800		0.716	0.940	0.867	0.792	0.950		0.781	0.563	0.773	NaN	0.777		0.882	0.975	0.735	0.500	0.972	0.949

CountingCars.com

Daniels Pkwy @ Danport Blvd 9-6-22 PM

File Name: Daniels Pkwy @ Danport Blvd 9-6-22 PM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

Danport Blvd

Right	Thru	Left	U-Turn
64	6	154	0

Daniels Pkwy

Right	Thru	Left	U-Turn
83	2319	52	19

PM Peak Hour Statistics
PM Peak Hour Begins: 16:45
PM Peak Hour Volume: 5853
PM Peak Hour Factor: 0.949

Daniels Pkwy

Right	Thru	Left	U-Turn
60	2901	50	2

Danport Blvd

U-Turn	Left	Thru	Right
0	34	9	100

CountingCars.com

TURNING MOVEMENT COUNT

DANIELS PKWY @ I-75 SB RAMP

Daniels Pkwy @ W. Side of I-75 9-6-22 AM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 AM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	I-75 Southbound						Daniels Pkwy Westbound						I-75 Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
07:00		15	1	26	0	42		0	420	193	0	613						0		305	338	0	0	643	1298
07:15		23	0	32	0	55		0	461	208	0	669						0		311	397	0	0	708	1432
07:30		27	0	42	0	69		0	477	176	0	653						0		334	381	0	0	715	1437
07:45		40	0	28	0	68		0	502	188	0	690						0		309	380	0	0	689	1447
Total	0	105	1	128	0	234	0	0	1860	765	0	2625	0	0	0	0	0	0	0	1259	1496	0	0	2755	5614
08:00		37	0	39	0	76		0	516	181	0	697						0		299	399	0	0	698	1471
08:15		53	0	50	0	103		0	491	168	0	659						0		294	364	0	0	658	1420
08:30		54	1	61	0	116		8	522	158	0	688						0		302	344	0	0	646	1450
08:45		86	0	61	0	147		0	564	147	0	711						0		277	323	0	0	600	1458
Total	0	230	1	211	0	442	0	8	2093	654	0	2755	0	0	0	0	0	0	0	1172	1430	0	0	2602	5799
Grand Total	0	335	2	339	0	676	0	8	3953	1419	0	5380	0	0	0	0	0	0	0	2431	2926	0	0	5357	11413
Appr %		49.6	0.3	50.1	0			0.1	73.5	26.4	0			-2	-2	-2	-2			45.4	54.6	0	0		
Total %		2.9	0	3	0			0.1	34.6	12.4	0			0	0	0	0			21.3	25.6	0	0		
AM Pk Hr		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00		08:00	08:00	08:00	08:00	08:00	08:00
AM Pk Vol		230	1	211	0	442		8	2093	654	0	2755		0	0	0	0	0		1172	1430	0	0	2602	5799
AM PHF		0.669	0.250	0.865	NaN	0.752		0.250	0.928	0.903	NaN	0.969		NaN	NaN	NaN	NaN	NaN		0.970	0.896	NaN	NaN	0.932	0.986

CountingCars.com

Daniels Pkwy @ W. Side of I-75 9-6-22 AM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 AM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

I-75

Right	Thru	Left	U-Turn
230	1	211	0

Daniels Pkwy

Right	Thru	Left	U-Turn
1172	1430	0	0

AM Peak Hour Statistics
AM Peak Hour Begins: 08:00
AM Peak Hour Volume: 5799
AM Peak Hour Factor: 0.986

Daniels Pkwy

Right	Thru	Left	U-Turn
8	2093	654	0

I-75

U-Turn	Left	Thru	Right
0	0	0	0

CountingCars.com

Daniels Pkwy @ W. Side of I-75 9-6-22 PM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 PM
Location:

Cars and Peds

Site Code:
Study Date: 09/06/2022

	I-75 Southbound						Daniels Pkwy Westbound						I-75 Northbound						Daniels Pkwy Eastbound						
Time	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Peds	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00		76	0	41	0	117		0	438	94	0	532						0		126	644	0	0	770	1419
16:15		92	0	46	0	138		0	490	96	0	586						0		120	655	0	0	775	1499
16:30		107	1	43	0	151		0	529	104	0	633						0		135	638	0	0	773	1557
16:45		105		57	0	162		0	587	92	0	679						0		116	733	0	0	849	1690
Total	0	380	1	187	0	568	0	0	2044	386	0	2430	0	0	0	0	0	0	0	497	2670	0	0	3167	6165
17:00		94	0	44	0	138		0	562	110	0	672						0		123	710	0	0	833	1643
17:15		88	0	42	0	130		0	482	103	0	585						0		113	691	0	0	804	1519
17:30		80	0	39	0	119		0	533	92	0	625						0		112	739	0	0	851	1595
17:45		69	0	43	0	112		0	476	85	0	561						0		109	697	0	0	806	1479
Total	0	331	0	168	0	499	0	0	2053	390	0	2443	0	0	0	0	0	0	0	457	2837	0	0	3294	6236
Grand Total	0	711	1	355	0	1067	0	0	4097	776	0	4873	0	0	0	0	0	0	0	954	5507	0	0	6461	12401
Appr %		66.6	0.1	33.3	0			0	84.1	15.9	0			-2	-2	-2	-2			14.8	85.2	0	0		
Total %		5.7	0	2.9	0			0	33	6.3	0			0	0	0	0			7.7	44.4	0	0		
PM Pk Hr		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45		16:45	16:45	16:45	16:45	16:45	16:45
PM Pk Vol		367	0	182	0	549		0	2164	397	0	2561		0	0	0	0	0		464	2873	0	0	3337	6447
PM PHF		0.874	NaN	0.798	NaN	0.847		NaN	0.922	0.902	NaN	0.943		NaN	NaN	NaN	NaN	NaN		0.943	0.972	NaN	NaN	0.980	0.954

CountingCars.com

Daniels Pkwy @ W. Side of I-75 9-6-22 PM

File Name: Daniels Pkwy @ W. Side of I-75 9-6-22 PM
Location:

All Vehicles

Site Code:
Study Date: 09/06/2022

I-75

Right	Thru	Left	U-Turn
367	0	182	0

Daniels Pkwy

Right	Thru	Left	U-Turn
464	2873	0	0

PM Peak Hour Statistics
PM Peak Hour Begins: 16:45
PM Peak Hour Volume: 6447
PM Peak Hour Factor: 0.954

Daniels Pkwy

Right	Thru	Left	U-Turn
0	2164	397	0

I-75

U-Turn	Left	Thru	Right
0	0	0	0

CountingCars.com

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING VOLUMES

Development of Future Year Background Turning Volumes

Intersection	**Daniels Pkwy @ Danport Blvd.**
Count Date	September 6, 2022
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR
RAW Turning Movement Counts	38	3	90	67	6	52	3	63	2,438	74	141	77	1,923	105
Peak Season Correction Factor	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Current Peak Season Volumes	41	3	97	72	6	56	3	68	2,633	80	152	83	2,077	113
Growth Rate							4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5	5	5
2027 Background Turning Volumes	**41**	**3**	**97**	**72**	**6**	**56**	**4**	**83**	**3,220**	**98**	**186**	**102**	**2,540**	**138**
Project Turning Volumes										25		39		
2027 Background + Project	**41**	**3**	**97**	**72**	**6**	**56**	**4**	**83**	**3,220**	**123**	**186**	**141**	**2,540**	**138**

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR
RAW Turning Movement Counts	34	9	100	154	6	64	2	50	2,901	60	19	52	2,319	83
Peak Season Correction Factor	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08	1.08
Current Peak Season Volumes	37	10	108	166	6	69	2	54	3,133	65	21	56	2,505	90
Growth Rate							4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%	4.11%
Years to Build-out	5	5	5	5	5	5	5	5	5	5	5	5	5	5
2027 Background Turning Volumes	**37**	**10**	**108**	**166**	**6**	**69**	**2**	**66**	**3,832**	**80**	**26**	**68**	**3,064**	**110**
Project Turning Volumes										40		45		
2027 Background + Project	**37**	**10**	**108**	**166**	**6**	**69**	**2**	**66**	**3,832**	**120**	**26**	**113**	**3,064**	**110**

Development of Future Year Background Turning Volumes

Intersection	**Daniels Pkwy @ I-75 SB Ramp**
Count Date	September 6, 2022
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts				211	1	230		1,430	1,172	654	2,093	
Peak Season Correction Factor				1.08	1.08	1.08		1.08	1.08	1.08	1.08	
Current Peak Season Volumes				228	1	248		1,544	1,266	706	2,260	
Growth Rate				4.11%	4.11%	4.11%		4.11%	4.11%	4.11%	4.11%	
Years to Build-out				5	5	4		5	5	5	5	
2027 Background Turning Volumes				**279**	**1**	**293**		**1,888**	**1,548**	**864**	**2,764**	
Project Turning Volumes						6		15	30		6	
2027 Background + Project				**279**	**1**	**299**		**1,903**	**1,578**	**864**	**2,770**	

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts				182	0	367		2,873	464	397	2,164	
Peak Season Correction Factor				1.08	1.08	1.08		1.08	1.08	1.08	1.08	
Current Peak Season Volumes				197	0	396		3,103	501	429	2,337	
Growth Rate				4.11%	4.11%	4.11%		4.11%	4.11%	4.11%	4.11%	
Years to Build-out				5	5	5		5	5	5	5	
2027 Background Turning Volumes				**241**	**0**	**484**		**3,795**	**613**	**525**	**2,858**	
Project Turning Volumes						15		10	11		30	
2027 Background + Project				**241**	**0**	**499**		**3,805**	**624**	**525**	**2,888**	

Development of Future Year Background Turning Volumes

Intersection	**Three Oaks Pkwy @ Daniels Town Center**
Count Date	
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL		EBT	EBR	WBL		WBT	WBR
RAW Turning Movement Counts														
Peak Season Correction Factor														
Current Peak Season Volumes														
Growth Rate														
Years to Build-out														
2027 Background Turning Volumes	**0**	**354**	**0**	**0**	**332**	**0**	**0**	**0**	**0**	**0**	**0**			**0**
Project Turning Volumes	27		26	34		54	40			16	104			312
2027 Background + Project	**27**	**354**	**26**	**34**	**332**	**54**	**40**	**0**	**0**	**16**	**104**			**312**

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL		EBT	EBR	WBL		WBT	WBR
RAW Turning Movement Counts														
Peak Season Correction Factor														
Current Peak Season Volumes														
Growth Rate														
Years to Build-out														
2027 Background Turning Volumes	**0**	**407**	**0**	**0**	**308**	**0**	**0**	**0**	**0**	**0**	**0**			**0**
Project Turning Volumes	47		56	109		84	86			37	43			125
2027 Background + Project	**40**	**407**	**56**	**122**	**308**	**106**	**101**	**0**	**0**	**37**	**43**			**125**

TRIP GENERATION COMPARISON

EXISTING ZONING

VS.

PROPOSED ZONING

TRIP GENERATION COMPARISON
EXISTING ZONING VS. PROPOSED ZONING
DANIELS TOWN CENTER

Table 1
Approved Land Uses
Per Z-08-043

Land Use	Size
Retail	250,000 square feet
Office	90,000 square feet
Medical Office	50,000 square feet
Hotel	120 Rooms

Table 2
Proposed Land Uses
Daniels Town Square

Land Use	Size
Retail	30,000 square feet
Multi-Family Dwelling Units	1,251 Units
Hotel	200 Rooms

Table 3
Trip Generation – Approved Uses
Per Z-08-043

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (250,000 Sq. Ft.)	174	107	281	524	568	1,092	12,391
Office (90,000 Sq. Ft.)	135	18	153	26	126	152	1,059
Medical Office (50,000 Sq. Ft.)	102	27	129	60	140	200	2,040
Hotel (120 Rooms)	29	24	53	31	30	61	877
Total Trips	**440**	**176**	**616**	**641**	**864**	**1,505**	**16,367**

Table 4
Trip Generation – Total Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (30,000 Sq. Ft.)	36	23	59	85	85	170	1,496
Multi-Family (1,251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Rooms)	52	41	93	61	59	120	1,744
Total Trips	**212**	**479**	**691**	**444**	**334**	**778**	**9,161**

Table 5
Trip Generation – Net New Trips Approved Uses
Per Z-08-043

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Retail (250,000 Sq. Ft)	174	107	281	524	568	1,092	12,391
Office (90,000 Sq. Ft.)	135	18	153	26	126	152	1,059
Medical Office (50,000 Sq. Ft.)	102	27	129	60	140	200	2,040
Hotel (120 Room)	29	24	53	31	30	61	877
Total	440	176	616	641	864	1,505	16,367
Less Internal Capture	-36	-36	-72	-63	-63	-126	-1,309
Less Pass-By Trips	-42	-41	-83	-160	-161	-267	-3,643
Net New Trips	**362**	**99**	**461**	**418**	**640**	**1,058**	**11,415**

Table 6
Trip Generation – Net New Trips
Daniels Town Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Retail (30,000 Sq. Ft)	36	23	59	85	85	170	1,496
Multi-Family (1,251 Units)	124	415	539	298	190	488	5,921
Hotel (200 Room)	52	41	93	61	59	120	1,744
Total	212	479	691	444	334	778	9,161
Less Internal Capture	-7	-7	-14	-43	-43	-86	-1,007
Less Pass-By Trips	-7	-8	-15	-20	-20	-40	-448
Net New Trips	**198**	**464**	**662**	**381**	**271**	**652**	**7,706**

INTERNAL CAPTURE ESTIMATES

PROPOSED ZONING

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	**Organization:**	
Project Location:		**Performed By:**	
Scenario Description:		**Date:**	
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	822			59	36	23
Restaurant				0		
Cinema/Entertainment				0		
Residential	221			539	124	415
Hotel	310			93	52	41
All Other Land Uses[2]				0		
				691	212	479

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	2	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	4	0	0		0
Hotel	0	1	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	691	212	479
Internal Capture Percentage	2%	3%	1%
External Vehicle-Trips[5]	677	205	472
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	14%	9%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	2%	1%
Hotel	0%	2%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	**Organization:**	
Project Location:		**Performed By:**	
Scenario Description:		**Date:**	
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	822			170	85	85
Restaurant				0		
Cinema/Entertainment				0		
Residential	221			488	298	190
Hotel	320			120	61	59
All Other Land Uses[2]				0		
				778	444	334

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	22	4
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	9	0	0		6
Hotel	0	2	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	778	444	334
Internal Capture Percentage	11%	10%	13%
External Vehicle-Trips[5]	692	401	291
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	13%	31%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	7%	8%
Hotel	16%	3%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

INTERNAL CAPTURE ESTIMATES

EXISTING ZONING

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	**Organization:**	
Project Location:	Approved Zoning	**Performed By:**	
Scenario Description:		**Date:**	
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710/720			282	237	45
Retail	820			281	174	107
Restaurant				0		
Cinema/Entertainment				0		
Residential				0		
Hotel	310			91	30	61
All Other Land Uses[2]				0		
				654	441	213

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		13	0	0	0	0
Retail	9		0	0	0	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	7	7	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	654	441	213
Internal Capture Percentage	11%	8%	17%
External Vehicle-Trips[5]	582	405	177
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	7%	29%
Retail	11%	8%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	0%	23%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-A vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made to Tables 5-A, 9-A (O and D). Enter transit, non-motorized percentages that will result with proposed mixed-use project complete.

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Daniels Town Center	Organization:	
Project Location:	Approved Zoning	Performed By:	
Scenario Description:		Date:	
Analysis Year:		Checked By:	
Analysis Period:	PM Street Peak Hour	Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710/720			352	86	266
Retail	820			1,092	524	568
Restaurant				0		
Cinema/Entertainment				0		
Residential				0		
Hotel	310			61	31	30
All Other Land Uses[2]				0		
				1,505	641	864

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		42	0	0	0	0
Retail	11		0	0	0	5
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	5	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	1,505	641	864
Internal Capture Percentage	8%	10%	7%
External Vehicle-Trips[5]	1,379	578	801
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	13%	16%
Retail	9%	3%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	16%	17%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

FDOT FIVE YEAR WORK PROGRAM

I-75 @ DANIELS PARKWAY

FDOT Emergency Travel Alert: For information on the current situation, please visit the following page - Alerts.

Florida Department of

TRANSPORTATION

Web Application

Office of Work Program and Budget Cynthia Lorenzo - Director

Updated: 11/18/2022 12:3

Five Year Work Program

Selection Criteria	
District 01 **Lee County** **Item Number:**446296-2	**2023-2027 AD** **Category:**Highways

Display current records in a Report Style
Display current records in an Excel Document

Project Summary

Transportation System: INTRASTATE INTERSTATE
Description: SR 93 (I-75) AT CR 876 / DANIELS PARKWAY
Type of Work: INTERCHANGE IMPROVEMENT
Item Number: 446296-2
Length: 0.800

District 01 - Le

View Scheduled

View Ma

Project Detail

Fiscal Year:	**2023**	**2024**	**2025**	**2026**
Highways/Preliminary Engineering				
Amount:			$248,400	
Highways/Design Build				
Amount:			$38,686,035	
Item Total:			**$38,934,435**	

This site is maintained by the Office of Work Program and Budget, located at 605 Suwannee Street, MS 21, Tallahassee, Florida 323

View Contact Information for Office of Work Program and Budget

Application Home: Work Program
Office Home: Office of Work Program and Budget

INTERSECTION ANALYSIS
SYNCHRO SUMMARY SHEETS

DANIELS PARKWAY

@

DANPORT BLVD

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	4	83	3220	98	186	102	2540	138	41	3	97	72
Future Volume (vph)	4	83	3220	98	186	102	2540	138	41	3	97	72
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.996				0.992				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6382	0	0	1770	6357	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.756
Satd. Flow (perm)	0	3433	6382	0	0	1770	6357	0	1403	1863	1583	1408
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			6				14				177	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1499				1055			427		
Travel Time (s)			34.1				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	4	90	3500	107	202	111	2761	150	45	3	105	78
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	94	3607	0	0	313	2911	0	45	3	105	78
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

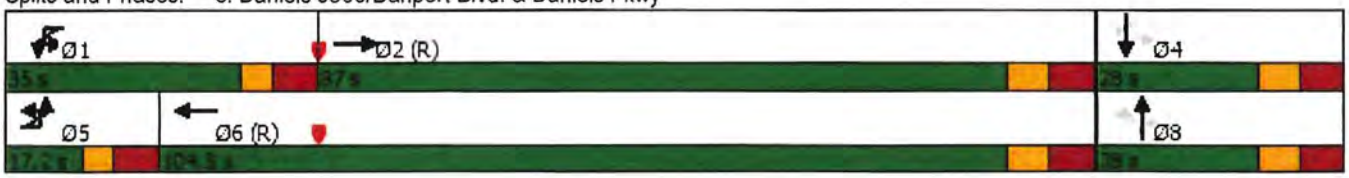
Lane Group	SBT	SBR
Lane Configurations		
Traffic Volume (vph)	6	56
Future Volume (vph)	6	56
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		177
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	61
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	61
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	17.2	17.2	87.0		35.0	35.0	104.8		28.0	28.0	28.0	28.0
Total Split (%)	11.5%	11.5%	58.0%		23.3%	23.3%	69.9%		18.7%	18.7%	18.7%	18.7%
Maximum Green (s)	8.6	8.6	77.0		26.3	26.3	94.8		18.1	18.1	18.1	18.1
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		8.2	77.0			26.3	95.2		18.1	18.1	18.1	18.1
Actuated g/C Ratio		0.05	0.51			0.18	0.63		0.12	0.12	0.12	0.12
v/c Ratio		0.50	1.10			1.01	0.72		0.27	0.01	0.30	0.46
Control Delay		78.3	85.4			103.5	17.4		64.5	58.3	2.2	71.1
Queue Delay		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Delay		78.3	85.4			103.5	17.4		64.5	58.3	2.2	71.1
LOS		E	F			F	B		E	E	A	E
Approach Delay			85.2				25.8			21.7		
Approach LOS			F				C			C		

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.10
Intersection Signal Delay: 56.5 — Intersection LOS: E
Intersection Capacity Utilization 106.5% — ICU Level of Service G
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	28.0	28.0
Total Split (%)	18.7%	18.7%
Maximum Green (s)	18.1	18.1
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	18.1	18.1
Actuated g/C Ratio	0.12	0.12
v/c Ratio	0.03	0.18
Control Delay	58.8	1.1
Queue Delay	0.0	0.0
Total Delay	58.8	1.1
LOS	E	A
Approach Delay	41.3	
Approach LOS	D	

Intersection Summary

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	2	66	3832	80	26	68	3064	110	37	10	108	166
Future Volume (vph)	2	66	3832	80	26	68	3064	110	37	10	108	166
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.997				0.995				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6389	0	0	1770	6376	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.750
Satd. Flow (perm)	0	3433	6389	0	0	1770	6376	0	1403	1863	1583	1397
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			4				8				183	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1499				1055			427		
Travel Time (s)			34.1				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	72	4165	87	28	74	3330	120	40	11	117	180
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	74	4252	0	0	102	3450	0	40	11	117	180
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

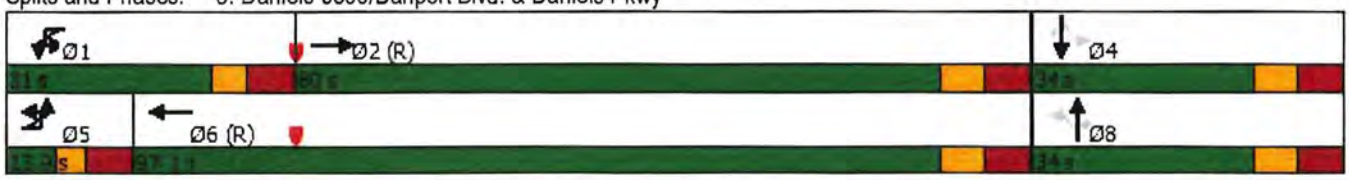
Lane Group	SBT	SBR
Lane Configurations	↑	↱
Traffic Volume (vph)	6	69
Future Volume (vph)	6	69
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		183
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	75
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	75
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	13.9	13.9	80.0		31.0	31.0	97.1		34.0	34.0	34.0	34.0
Total Split (%)	9.6%	9.6%	55.2%		21.4%	21.4%	67.0%		23.4%	23.4%	23.4%	23.4%
Maximum Green (s)	5.3	5.3	70.0		22.3	22.3	87.1		24.1	24.1	24.1	24.1
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		5.3	78.6			13.7	87.1		24.1	24.1	24.1	24.1
Actuated g/C Ratio		0.04	0.54			0.09	0.60		0.17	0.17	0.17	0.17
v/c Ratio		0.59	1.23			0.61	0.90		0.17	0.04	0.28	0.78
Control Delay		88.0	135.8			81.1	23.8		54.2	51.3	2.0	80.4
Queue Delay		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Delay		88.0	135.8			81.1	23.8		54.2	51.3	2.0	80.4
LOS		F	F			F	C		D	D	A	F
Approach Delay			135.0				25.5			17.6		
Approach LOS			F				C			B		

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.23
Intersection Signal Delay: 83.4 Intersection LOS: F
Intersection Capacity Utilization 110.0% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	34.0	34.0
Total Split (%)	23.4%	23.4%
Maximum Green (s)	24.1	24.1
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	24.1	24.1
Actuated g/C Ratio	0.17	0.17
v/c Ratio	0.02	0.18
Control Delay	51.0	1.0
Queue Delay	0.0	0.0
Total Delay	51.0	1.0
LOS	D	A
Approach Delay	56.9	
Approach LOS	E	

Intersection Summary

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	4	83	3220	123	186	114	2540	138	41	3	97	72
Future Volume (vph)	4	83	3220	123	186	114	2540	138	41	3	97	72
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.994				0.992				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6369	0	0	1770	6357	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.756
Satd. Flow (perm)	0	3433	6369	0	0	1770	6357	0	1403	1863	1583	1408
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			7				14				177	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1523				1055			427		
Travel Time (s)			34.6				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	4	90	3500	134	202	124	2761	150	45	3	105	78
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	94	3634	0	0	326	2911	0	45	3	105	78
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

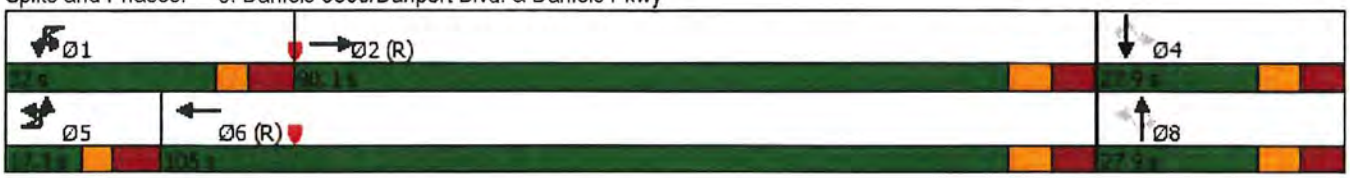
Lane Group	SBT	SBR
Lane Configurations	↑	↱
Traffic Volume (vph)	6	56
Future Volume (vph)	6	56
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		177
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	61
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	61
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	17.1	17.1	90.1		32.0	32.0	105.0		27.9	27.9	27.9	27.9
Total Split (%)	11.4%	11.4%	60.1%		21.3%	21.3%	70.0%		18.6%	18.6%	18.6%	18.6%
Maximum Green (s)	8.5	8.5	80.1		23.3	23.3	95.0		18.0	18.0	18.0	18.0
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		8.2	80.1			23.3	95.3		18.0	18.0	18.0	18.0
Actuated g/C Ratio		0.05	0.53			0.16	0.64		0.12	0.12	0.12	0.12
v/c Ratio		0.51	1.07			1.19	0.72		0.27	0.01	0.30	0.46
Control Delay		78.6	71.3			158.4	16.0		64.7	58.7	2.3	71.3
Queue Delay		0.0	14.1			0.2	0.0		0.0	0.0	0.4	3.9
Total Delay		78.6	85.4			158.6	16.0		64.7	58.7	2.7	75.2
LOS		E	F			F	B		E	E	A	E
Approach Delay			85.3				30.3			22.0		
Approach LOS			F				C			C		

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 95 (63%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.19
Intersection Signal Delay: 58.6 Intersection LOS: E
Intersection Capacity Utilization 107.6% ICU Level of Service G
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	27.9	27.9
Total Split (%)	18.6%	18.6%
Maximum Green (s)	18.0	18.0
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	18.0	18.0
Actuated g/C Ratio	0.12	0.12
v/c Ratio	0.03	0.18
Control Delay	58.8	1.1
Queue Delay	0.0	0.0
Total Delay	58.8	1.1
LOS	E	A
Approach Delay	43.5	
Approach LOS	D	

Intersection Summary

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Lane Configurations												
Traffic Volume (vph)	2	66	3832	120	26	113	3064	110	37	10	108	166
Future Volume (vph)	2	66	3832	120	26	113	3064	110	37	10	108	166
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)		670		0		575		0	100		100	300
Storage Lanes		2		0		1		0	1		1	1
Taper Length (ft)		25				25			25			25
Lane Util. Factor	0.86	0.97	0.86	0.86	0.86	1.00	0.86	0.86	1.00	1.00	1.00	1.00
Frt			0.995				0.995				0.850	
Flt Protected		0.950				0.950			0.950			0.950
Satd. Flow (prot)	0	3433	6376	0	0	1770	6376	0	1770	1863	1583	1770
Flt Permitted		0.950				0.950			0.753			0.750
Satd. Flow (perm)	0	3433	6376	0	0	1770	6376	0	1403	1863	1583	1397
Right Turn on Red				Yes				Yes			Yes	
Satd. Flow (RTOR)			6				8				183	
Link Speed (mph)			30				50			30		
Link Distance (ft)			1523				1055			427		
Travel Time (s)			34.6				14.4			9.7		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	72	4165	130	28	123	3330	120	40	11	117	180
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	74	4295	0	0	151	3450	0	40	11	117	180
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	R NA	Left	Left	Right	R NA	Left	Left	Right	Left	Left	Right	Left
Median Width(ft)			24				24			12		
Link Offset(ft)			0				0			0		
Crosswalk Width(ft)			16				16			16		
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	9	15		9	9	15		9	15		9	15
Number of Detectors	1	1	2		1	1	2		1	2	1	1
Detector Template	Left	Left	Thru		Left	Left	Thru		Left	Thru	Right	Left
Leading Detector (ft)	20	20	100		20	20	100		20	100	20	20
Trailing Detector (ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Position(ft)	0	0	0		0	0	0		0	0	0	0
Detector 1 Size(ft)	20	20	6		20	20	6		20	6	20	20
Detector 1 Type	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Queue (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 1 Delay (s)	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0	0.0
Detector 2 Position(ft)			94				94			94		
Detector 2 Size(ft)			6				6			6		
Detector 2 Type			Cl+Ex				Cl+Ex			Cl+Ex		
Detector 2 Channel												
Detector 2 Extend (s)			0.0				0.0			0.0		
Turn Type	Prot	Prot	NA		Prot	Prot	NA		Perm	NA	Perm	Perm
Protected Phases	5	5	2		1	1	6			8		
Permitted Phases									8		8	4

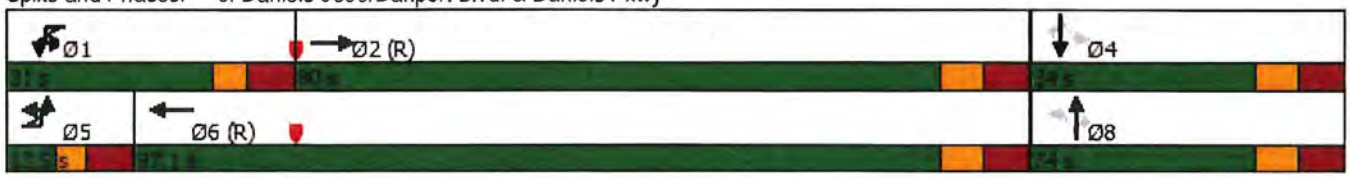
Lane Group	SBT	SBR
Lane Configurations	↑	↱
Traffic Volume (vph)	6	69
Future Volume (vph)	6	69
Ideal Flow (vphpl)	1900	1900
Storage Length (ft)		300
Storage Lanes		1
Taper Length (ft)		
Lane Util. Factor	1.00	1.00
Frt		0.850
Flt Protected		
Satd. Flow (prot)	1863	1583
Flt Permitted		
Satd. Flow (perm)	1863	1583
Right Turn on Red		Yes
Satd. Flow (RTOR)		183
Link Speed (mph)	30	
Link Distance (ft)	504	
Travel Time (s)	11.5	
Peak Hour Factor	0.92	0.92
Adj. Flow (vph)	7	75
Shared Lane Traffic (%)		
Lane Group Flow (vph)	7	75
Enter Blocked Intersection	No	No
Lane Alignment	Left	Right
Median Width(ft)	12	
Link Offset(ft)	0	
Crosswalk Width(ft)	16	
Two way Left Turn Lane		
Headway Factor	1.00	1.00
Turning Speed (mph)		9
Number of Detectors	2	1
Detector Template	Thru	Right
Leading Detector (ft)	100	20
Trailing Detector (ft)	0	0
Detector 1 Position(ft)	0	0
Detector 1 Size(ft)	6	20
Detector 1 Type	Cl+Ex	Cl+Ex
Detector 1 Channel		
Detector 1 Extend (s)	0.0	0.0
Detector 1 Queue (s)	0.0	0.0
Detector 1 Delay (s)	0.0	0.0
Detector 2 Position(ft)	94	
Detector 2 Size(ft)	6	
Detector 2 Type	Cl+Ex	
Detector 2 Channel		
Detector 2 Extend (s)	0.0	
Turn Type	NA	Perm
Protected Phases	4	
Permitted Phases		4

Lane Group	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	NBL	NBT	NBR	SBL
Detector Phase	5	5	2		1	1	6		8	8	8	4
Switch Phase												
Minimum Initial (s)	5.0	5.0	5.0		5.0	5.0	5.0		5.0	5.0	5.0	5.0
Minimum Split (s)	13.6	13.6	28.0		13.7	13.7	28.0		27.9	27.9	27.9	27.9
Total Split (s)	13.9	13.9	80.0		31.0	31.0	97.1		34.0	34.0	34.0	34.0
Total Split (%)	9.6%	9.6%	55.2%		21.4%	21.4%	67.0%		23.4%	23.4%	23.4%	23.4%
Maximum Green (s)	5.3	5.3	70.0		22.3	22.3	87.1		24.1	24.1	24.1	24.1
Yellow Time (s)	3.4	3.4	4.8		3.5	3.5	4.8		4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	5.2	5.2		5.2	5.2	5.2		5.1	5.1	5.1	5.1
Lost Time Adjust (s)		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Lost Time (s)		8.6	10.0			8.7	10.0		9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lead	Lag		Lead	Lead	Lag					
Lead-Lag Optimize?	Yes	Yes	Yes		Yes	Yes	Yes					
Vehicle Extension (s)	3.0	3.0	3.0		3.0	3.0	3.0		3.0	3.0	3.0	3.0
Recall Mode	None	None	C-Max		None	None	C-Max		Max	Max	Max	Max
Walk Time (s)			7.0				7.0		7.0	7.0	7.0	7.0
Flash Dont Walk (s)			11.0				11.0		11.0	11.0	11.0	11.0
Pedestrian Calls (#/hr)			0				0		0	0	0	0
Act Effct Green (s)		5.3	75.0			17.3	87.1		24.1	24.1	24.1	24.1
Actuated g/C Ratio		0.04	0.52			0.12	0.60		0.17	0.17	0.17	0.17
v/c Ratio		0.59	1.30			0.72	0.90		0.17	0.04	0.28	0.78
Control Delay		88.0	169.0			79.6	23.7		54.2	51.3	2.0	80.4
Queue Delay		0.0	0.0			0.0	0.0		0.0	0.0	0.0	0.0
Total Delay		88.0	169.0			79.6	23.7		54.2	51.3	2.0	80.4
LOS		F	F			E	C		D	D	A	F
Approach Delay			167.6				26.0			17.6		
Approach LOS			F				C			B		

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.30
Intersection Signal Delay: 100.5 Intersection LOS: F
Intersection Capacity Utilization 113.2% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 6: Daniels 9300/Danport Blvd. & Daniels Pkwy



Lane Group	SBT	SBR
Detector Phase	4	4
Switch Phase		
Minimum Initial (s)	5.0	5.0
Minimum Split (s)	27.9	27.9
Total Split (s)	34.0	34.0
Total Split (%)	23.4%	23.4%
Maximum Green (s)	24.1	24.1
Yellow Time (s)	4.8	4.8
All-Red Time (s)	5.1	5.1
Lost Time Adjust (s)	0.0	0.0
Total Lost Time (s)	9.9	9.9
Lead/Lag		
Lead-Lag Optimize?		
Vehicle Extension (s)	3.0	3.0
Recall Mode	Max	Max
Walk Time (s)	7.0	7.0
Flash Dont Walk (s)	11.0	11.0
Pedestrian Calls (#/hr)	0	0
Act Effct Green (s)	24.1	24.1
Actuated g/C Ratio	0.17	0.17
v/c Ratio	0.02	0.18
Control Delay	51.0	1.0
Queue Delay	0.0	0.0
Total Delay	51.0	1.0
LOS	D	A
Approach Delay	56.9	
Approach LOS	E	

Intersection Summary

DANIELS PARKWAY

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I-75 SB RAMP

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1888	1548	864	2764	0	0	0	0	279	0	293
Future Volume (vph)	0	1888	1548	864	2764	0	0	0	0	279	0	293
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			231									86
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	2052	1683	939	3004	0	0	0	0	303	0	318
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	2052	1683	939	3004	0	0	0	0	303	0	318
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		85.0	85.0	48.0	133.0					17.0		17.0
Total Split (%)		56.7%	56.7%	32.0%	88.7%					11.3%		11.3%
Maximum Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Actuated g/C Ratio		0.52	0.52	0.27	0.84					0.07		0.07
v/c Ratio		0.78	1.81	1.96	0.71					1.26		1.16
Control Delay		21.8	385.5	468.9	6.0					200.4		145.7
Queue Delay		0.0	0.1	0.0	0.0					0.0		0.0
Total Delay		21.8	385.7	468.9	6.0					200.4		145.7
LOS		C	F	F	A					F		F
Approach Delay		185.8			116.2						172.4	
Approach LOS		F			F						F	

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.96
Intersection Signal Delay: 151.7 Intersection LOS: F
Intersection Capacity Utilization 156.1% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	3795	613	525	2858	0	0	0	0	241	0	484
Future Volume (vph)	0	3795	613	525	2858	0	0	0	0	241	0	484
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			267									89
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	4125	666	571	3107	0	0	0	0	262	0	526
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	4125	666	571	3107	0	0	0	0	262	0	526
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		87.0	87.0	35.0	122.0					23.0		23.0
Total Split (%)		60.0%	60.0%	24.1%	84.1%					15.9%		15.9%
Maximum Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Actuated g/C Ratio		0.55	0.55	0.19	0.79					0.11		0.11
v/c Ratio		1.48	0.67	1.70	0.77					0.67		1.33
Control Delay		235.7	6.5	362.1	9.9					70.9		203.6
Queue Delay		0.0	0.0	0.0	0.0					0.0		0.0
Total Delay		235.7	6.5	362.1	9.9					70.9		203.6
LOS		F	A	F	A					E		F
Approach Delay		203.8			64.6						159.5	
Approach LOS		F			E						F	

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.70
Intersection Signal Delay: 144.7 Intersection LOS: F
Intersection Capacity Utilization 125.0% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	1903	1578	864	2770	0	0	0	0	279	0	299
Future Volume (vph)	0	1903	1578	864	2770	0	0	0	0	279	0	299
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			231									86
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	2068	1715	939	3011	0	0	0	0	303	0	325
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	2068	1715	939	3011	0	0	0	0	303	0	325
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		85.0	85.0	48.0	133.0					17.0		17.0
Total Split (%)		56.7%	56.7%	32.0%	88.7%					11.3%		11.3%
Maximum Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		77.6	77.6	40.6	125.6					10.5		10.5
Actuated g/C Ratio		0.52	0.52	0.27	0.84					0.07		0.07
v/c Ratio		0.79	1.84	1.96	0.71					1.26		1.18
Control Delay		24.5	402.5	468.9	6.0					200.4		154.4
Queue Delay		0.0	0.1	0.0	0.0					0.0		0.0
Total Delay		24.5	402.6	468.9	6.0					200.4		154.4
LOS		C	F	F	A					F		F
Approach Delay		195.9			116.0						176.6	
Approach LOS		F			F						F	

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.96
Intersection Signal Delay: 156.7 Intersection LOS: F
Intersection Capacity Utilization 157.9% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	3805	624	525	2888	0	0	0	0	241	0	499
Future Volume (vph)	0	3805	624	525	2888	0	0	0	0	241	0	499
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	1000		0	0		0	0		0
Storage Lanes	0		1	1		0	0		0	2		2
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00	1.00	1.00	1.00	0.97	1.00	0.88
Frt			0.850									0.850
Flt Protected				0.950						0.950		
Satd. Flow (prot)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Flt Permitted				0.950						0.950		
Satd. Flow (perm)	0	5085	1583	1770	5085	0	0	0	0	3433	0	2787
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			271									89
Link Speed (mph)		30			50			30			30	
Link Distance (ft)		1055			1869			697			1230	
Travel Time (s)		24.0			25.5			15.8			28.0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	4136	678	571	3139	0	0	0	0	262	0	542
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	4136	678	571	3139	0	0	0	0	262	0	542
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors		2	1	1	2					1		1
Detector Template		Thru	Right	Left	Thru					Left		Right
Leading Detector (ft)		100	20	20	100					20		20
Trailing Detector (ft)		0	0	0	0					0		0
Detector 1 Position(ft)		0	0	0	0					0		0
Detector 1 Size(ft)		6	20	20	6					20		20
Detector 1 Type		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex					Cl+Ex		Cl+Ex
Detector 1 Channel												
Detector 1 Extend (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Queue (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 1 Delay (s)		0.0	0.0	0.0	0.0					0.0		0.0
Detector 2 Position(ft)		94			94							
Detector 2 Size(ft)		6			6							
Detector 2 Type		Cl+Ex			Cl+Ex							
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0							
Turn Type		NA	Perm	Prot	NA					Prot		Prot
Protected Phases		6		5	2					3		3
Permitted Phases			6									

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase		6	6	5	2					3		3
Switch Phase												
Minimum Initial (s)		5.0	5.0	5.0	5.0					5.0		5.0
Minimum Split (s)		25.4	25.4	12.4	25.4					14.5		14.5
Total Split (s)		87.0	87.0	35.0	122.0					23.0		23.0
Total Split (%)		60.0%	60.0%	24.1%	84.1%					15.9%		15.9%
Maximum Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Yellow Time (s)		5.1	5.1	5.1	5.1					4.0		4.0
All-Red Time (s)		2.3	2.3	2.3	2.3					2.5		2.5
Lost Time Adjust (s)		0.0	0.0	0.0	0.0					0.0		0.0
Total Lost Time (s)		7.4	7.4	7.4	7.4					6.5		6.5
Lead/Lag		Lag	Lag	Lead								
Lead-Lag Optimize?		Yes	Yes	Yes								
Vehicle Extension (s)		3.0	3.0	3.0	3.0					3.0		3.0
Recall Mode		C-Max	C-Max	None	C-Max					None		None
Walk Time (s)		7.0	7.0		7.0							
Flash Dont Walk (s)		11.0	11.0		11.0							
Pedestrian Calls (#/hr)		0	0		0							
Act Effct Green (s)		79.6	79.6	27.6	114.6					16.5		16.5
Actuated g/C Ratio		0.55	0.55	0.19	0.79					0.11		0.11
v/c Ratio		1.48	0.68	1.70	0.78					0.67		1.37
Control Delay		237.7	7.2	362.1	10.1					70.9		219.7
Queue Delay		0.0	0.0	0.0	0.0					0.0		0.0
Total Delay		237.7	7.2	362.1	10.1					70.9		219.7
LOS		F	A	F	B					E		F
Approach Delay		205.3			64.3						171.2	
Approach LOS		F			E						F	

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:WBTU and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.70
Intersection Signal Delay: 146.3 Intersection LOS: F
Intersection Capacity Utilization 125.1% ICU Level of Service H
Analysis Period (min) 15

Splits and Phases: 4: I-75 SB Ramp & Daniels Pkwy

THREE OAKS PARKWAY

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DANIELS TOWN CENTER ACCESS

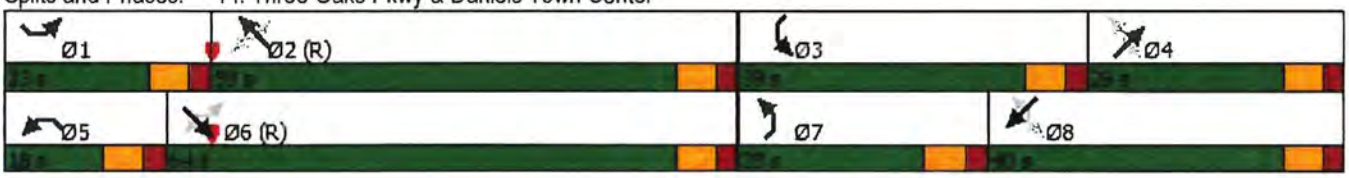
Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Traffic Volume (vph)	34	332	54	27	354	26	40	0	16	104	0	312
Future Volume (vph)	34	332	54	27	354	26	40	0	16	104	0	312
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	450		400	450		400	200		0	200		0
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1770	1863	1583	1770	1863	1583
Flt Permitted	0.428			0.536			0.757			0.574		
Satd. Flow (perm)	797	3539	1583	998	3539	1583	1410	1863	1583	1069	1863	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			182			182			524			522
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		392			1222			646			802	
Travel Time (s)		8.9			27.8			14.7			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	37	361	59	29	385	28	43	0	17	113	0	339
Shared Lane Traffic (%)												
Lane Group Flow (vph)	37	361	59	29	385	28	43	0	17	113	0	339
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	60		60	60		60	60		60	60		60
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	pm+pt		Perm	pm+pt		Perm
Protected Phases	1	6		5	2		7	4		3	8	
Permitted Phases	6		6	2		2	4		4	8		8
Minimum Split (s)	12.0	25.0	25.0	12.0	29.0	29.0	12.0	25.0	25.0	12.0	25.0	25.0
Total Split (s)	23.0	64.0	64.0	18.0	59.0	59.0	28.0	29.0	29.0	39.0	40.0	40.0
Total Split (%)	15.3%	42.7%	42.7%	12.0%	39.3%	39.3%	18.7%	19.3%	19.3%	26.0%	26.7%	26.7%
Maximum Green (s)	16.0	57.0	57.0	11.0	52.0	52.0	21.0	22.0	22.0	32.0	33.0	33.0
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
All-Red Time (s)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Walk Time (s)		7.0	7.0		7.0	7.0		7.0	7.0		7.0	7.0
Flash Dont Walk (s)		11.0	11.0		11.0	11.0		11.0	11.0		11.0	11.0
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	0
Act Effct Green (s)	73.0	57.0	57.0	63.0	52.0	52.0	43.0		22.0	61.0		33.0
Actuated g/C Ratio	0.49	0.38	0.38	0.42	0.35	0.35	0.29		0.15	0.41		0.22
v/c Ratio	0.08	0.27	0.08	0.06	0.31	0.04	0.09		0.03	0.19		0.45

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Control Delay	19.7	32.8	0.2	20.0	36.8	0.1	28.9		0.1	29.3		1.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0
Total Delay	19.7	32.8	0.2	20.0	36.8	0.1	28.9		0.1	29.3		1.9
LOS	B	C	A	B	D	A	C		A	C		A
Approach Delay		27.5			33.4			20.7			8.8	
Approach LOS		C			C			C			A	

Intersection Summary

Area Type: Other
Cycle Length: 150
Actuated Cycle Length: 150
Offset: 0 (0%), Referenced to phase 2:NWTL and 6:SETL, Start of Green
Natural Cycle: 80
Control Type: Pretimed
Maximum v/c Ratio: 0.45
Intersection Signal Delay: 23.1 — Intersection LOS: C
Intersection Capacity Utilization 50.8% — ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 14: Three Oaks Pkwy & Daniels Town Center



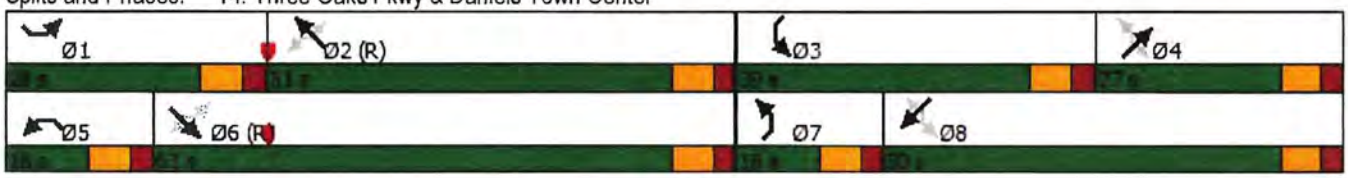
Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Traffic Volume (vph)	122	308	106	40	407	56	101	0	37	43	0	125
Future Volume (vph)	122	308	106	40	407	56	101	0	37	43	0	125
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	450		400	450		400	200		0	200		0
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583	1770	1863	1583	1770	1863	1583
Flt Permitted	0.350			0.550			0.757			0.561		
Satd. Flow (perm)	652	3539	1583	1025	3539	1583	1410	1863	1583	1045	1863	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			188			241			602			398
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		392			1222			646			802	
Travel Time (s)		8.9			27.8			14.7			18.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	133	335	115	43	442	61	110	0	40	47	0	136
Shared Lane Traffic (%)												
Lane Group Flow (vph)	133	335	115	43	442	61	110	0	40	47	0	136
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	60		60	60		60	60		60	60		60
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	pm+pt		Perm	pm+pt		Perm
Protected Phases	1	6		5	2		7	4		3	8	
Permitted Phases	6		6	2		2	4		4	8		8
Minimum Split (s)	12.0	25.0	25.0	12.0	25.0	25.0	12.0	25.0	25.0	12.0	25.0	25.0
Total Split (s)	28.0	63.0	63.0	16.0	51.0	51.0	16.0	27.0	27.0	39.0	50.0	50.0
Total Split (%)	19.3%	43.4%	43.4%	11.0%	35.2%	35.2%	11.0%	18.6%	18.6%	26.9%	34.5%	34.5%
Maximum Green (s)	21.0	56.0	56.0	9.0	44.0	44.0	9.0	20.0	20.0	32.0	43.0	43.0
Yellow Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
All-Red Time (s)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Walk Time (s)		7.0	7.0		7.0	7.0		7.0	7.0		7.0	7.0
Flash Dont Walk (s)		11.0	11.0		11.0	11.0		11.0	11.0		11.0	11.0
Pedestrian Calls (#/hr)		0	0		0	0		0	0		0	0
Act Effct Green (s)	72.0	56.0	56.0	53.0	44.0	44.0	29.0		20.0	59.0		43.0
Actuated g/C Ratio	0.50	0.39	0.39	0.37	0.30	0.30	0.20		0.14	0.41		0.30
v/c Ratio	0.27	0.25	0.16	0.10	0.41	0.09	0.36		0.05	0.08		0.18

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Control Delay	21.5	30.8	0.5	20.8	41.6	0.3	34.6		0.1	26.7		0.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0
Total Delay	21.5	30.8	0.5	20.8	41.6	0.3	34.6		0.1	26.7		0.5
LOS	C	C	A	C	D	A	C		A	C		A
Approach Delay		22.7			35.4			25.4			7.3	
Approach LOS		C			D			C			A	

Intersection Summary

Area Type: Other
Cycle Length: 145
Actuated Cycle Length: 145
Offset: 0 (0%), Referenced to phase 2:NWTL and 6:SETL, Start of Green
Natural Cycle: 75
Control Type: Pretimed
Maximum v/c Ratio: 0.41
Intersection Signal Delay: 25.8 — Intersection LOS: C
Intersection Capacity Utilization 47.8% — ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 14: Three Oaks Pkwy & Daniels Town Center



THREE OAKS PARKWAY EXTENSION

DESIGN PROJECT

TRAFFIC ANALYSIS REPORT

EXCERPTS

McCORMICK TAYLOR

THREE OAKS PARKWAY EXTENSION DESIGN PROJECT

TRAFFIC ANALYSIS REPORT

April 2020

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Southwest Florida

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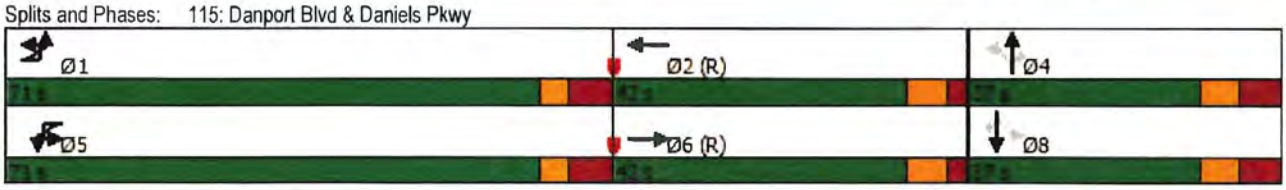
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	69	1968	114	2511	30	11	125	132	5	99
Future Volume (vph)	69	1968	114	2511	30	11	125	132	5	99
Turn Type	Prot	NA	Prot	NA	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6	5	2		4			8	
Permitted Phases					4	4	4	8	8	8
Detector Phase	1	6	5	2	4	4	4	8	8	8
Switch Phase										
Minimum Initial (s)	7.0	15.0	7.0	15.0	8.0	8.0	8.0	8.0	8.0	8.0
Minimum Split (s)	15.6	24.0	15.6	24.0	17.9	17.9	17.9	17.9	17.9	17.9
Total Split (s)	71.0	42.0	71.0	42.0	37.0	37.0	37.0	37.0	37.0	37.0
Total Split (%)	47.3%	28.0%	47.3%	28.0%	24.7%	24.7%	24.7%	24.7%	24.7%	24.7%
Yellow Time (s)	3.4	4.8	3.4	4.8	4.8	4.8	4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	2.4	5.2	2.4	5.1	5.1	5.1	5.1	5.1	5.1
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	8.6	7.2	8.6	7.2	9.9	9.9	9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lag	Lead	Lag						
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	C-Max	Max	Max	Max	None	None	None
Act Effct Green (s)	9.8	79.8	17.4	87.4	27.1	27.1	27.1	27.1	27.1	27.1
Actuated g/C Ratio	0.07	0.53	0.12	0.58	0.18	0.18	0.18	0.18	0.18	0.18
v/c Ratio	0.53	0.53	0.73	0.63	0.12	0.03	0.33	0.54	0.01	0.26
Control Delay	79.4	11.7	77.4	19.1	54.5	53.0	11.2	64.7	50.8	10.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	79.4	11.7	77.4	19.1	54.5	53.0	11.2	64.7	50.8	10.9
LOS	E	B	E	B	D	D	B	E	D	B
Approach Delay		15.5		22.2		21.8			41.8	
Approach LOS		B		C		C			D	

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 2 (1%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 70
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.73
Intersection Signal Delay: 20.4 — Intersection LOS: C
Intersection Capacity Utilization 86.8% — ICU Level of Service E
Analysis Period (min) 15

Splits and Phases: 115: Danport Blvd & Daniels Pkwy

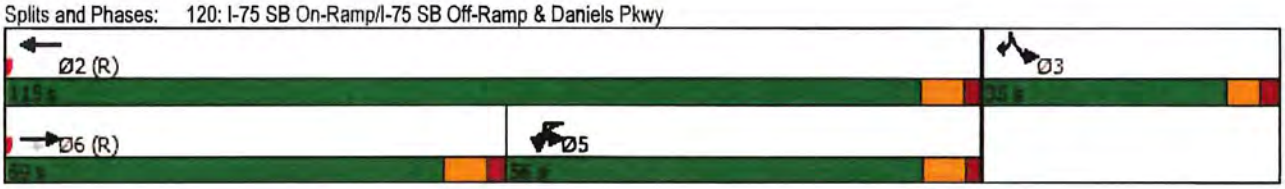


Lane Group	EBT	EBR	WBL	WBT	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	1929	332	573	2115	599	700
Future Volume (vph)	1929	332	573	2115	599	700
Turn Type	NA	Perm	Prot	NA	Prot	Prot
Protected Phases	6		5	2	3	3
Permitted Phases		6			3	
Detector Phase	6	6	5	2	3	3
Switch Phase						
Minimum Initial (s)	15.0	15.0	7.0	15.0	8.0	8.0
Minimum Split (s)	24.0	24.0	15.0	24.0	16.0	16.0
Total Split (s)	59.0	59.0	56.0	115.0	35.0	35.0
Total Split (%)	39.3%	39.3%	37.3%	76.7%	23.3%	23.3%
Yellow Time (s)	5.1	5.1	5.1	5.1	4.0	4.0
All-Red Time (s)	2.3	2.3	2.0	2.3	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.4	7.4	7.1	7.4	6.5	6.5
Lead/Lag	Lead	Lead	Lag			
Lead-Lag Optimize?						
Recall Mode	C-Max	C-Max	None	C-Max	None	None
Act Effct Green (s)	51.6	51.6	48.9	107.6	28.5	28.5
Actuated g/C Ratio	0.34	0.34	0.33	0.72	0.19	0.19
v/c Ratio	1.04	0.50	1.09	0.54	0.96	1.13
Control Delay	57.0	7.1	110.1	7.5	87.1	124.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	57.0	7.1	110.1	7.5	87.1	124.0
LOS	E	A	F	A	F	F
Approach Delay	49.7			30.6		
Approach LOS	D			C		

Intersection Summary

Cycle Length: 150
Actuated Cycle Length: 150
Offset: 148 (99%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 150
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.13
Intersection Signal Delay: 53.2 — Intersection LOS: D
Intersection Capacity Utilization 101.5% — ICU Level of Service G
Analysis Period (min) 15

Splits and Phases: 120: I-75 SB On-Ramp/I-75 SB Off-Ramp & Daniels Pkwy



Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	83	2705	61	2638	32	15	149	168	20	99
Future Volume (vph)	83	2705	61	2638	32	15	149	168	20	99
Turn Type	Prot	NA	Prot	NA	Perm	NA	Perm	Perm	NA	Perm
Protected Phases	1	6	5	2		4			8	
Permitted Phases					4	4	4	8	8	8
Detector Phase	1	6	5	2	4	4	4	8	8	8
Switch Phase										
Minimum Initial (s)	7.0	15.0	7.0	15.0	8.0	8.0	8.0	8.0	8.0	8.0
Minimum Split (s)	16.0	24.0	15.6	24.0	17.9	17.9	17.9	17.9	17.9	17.9
Total Split (s)	28.0	64.0	28.0	64.0	38.0	38.0	38.0	38.0	38.0	38.0
Total Split (%)	21.5%	49.2%	21.5%	49.2%	29.2%	29.2%	29.2%	29.2%	29.2%	29.2%
Yellow Time (s)	3.4	4.8	3.4	4.8	4.8	4.8	4.8	4.8	4.8	4.8
All-Red Time (s)	5.2	2.4	5.2	2.4	5.1	5.1	5.1	5.1	5.1	5.1
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	8.6	7.2	8.6	7.2	9.9	9.9	9.9	9.9	9.9	9.9
Lead/Lag	Lead	Lag	Lead	Lag						
Lead-Lag Optimize?										
Recall Mode	None	C-Max	None	C-Max	Max	Max	Max	None	None	None
Act Effct Green (s)	9.3	64.3	11.9	66.9	28.1	28.1	28.1	28.1	28.1	28.1
Actuated g/C Ratio	0.07	0.49	0.09	0.51	0.22	0.22	0.22	0.22	0.22	0.22
v/c Ratio	0.51	0.78	0.63	0.75	0.11	0.04	0.33	0.56	0.05	0.24
Control Delay	75.1	8.1	69.2	22.2	42.4	41.1	8.3	53.5	41.0	8.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	75.1	8.1	69.2	22.2	42.4	41.1	8.3	53.5	41.0	8.4
LOS	E	A	E	C	D	D	A	D	D	A
Approach Delay		11.0		23.8		16.4			37.1	
Approach LOS		B		C		B			D	

Intersection Summary

Cycle Length: 130
Actuated Cycle Length: 130
Offset: 112 (86%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.78
Intersection Signal Delay: 18.3 — Intersection LOS: B
Intersection Capacity Utilization 93.1% — ICU Level of Service F
Analysis Period (min) 15

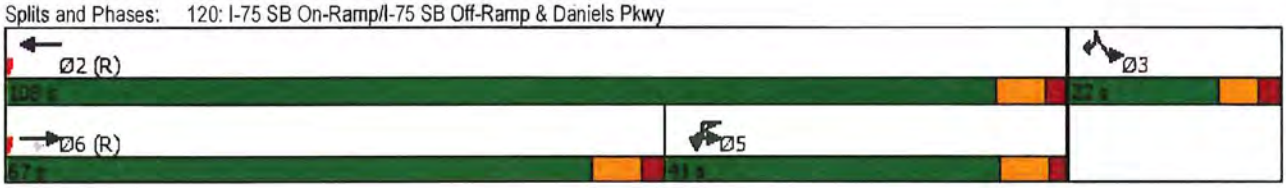
Splits and Phases: 115: Danport Blvd & Daniels Pkwy

Lane Group	EBT	EBR	WBL	WBT	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	2608	452	472	2396	237	514
Future Volume (vph)	2608	452	472	2396	237	514
Turn Type	NA	Perm	Prot	NA	Prot	Prot
Protected Phases	6		5	2	3	3
Permitted Phases		6			3	
Detector Phase	6	6	5	2	3	3
Switch Phase						
Minimum Initial (s)	15.0	15.0	7.0	15.0	8.0	8.0
Minimum Split (s)	24.0	24.0	15.0	24.0	16.0	16.0
Total Split (s)	67.0	67.0	41.0	108.0	22.0	22.0
Total Split (%)	51.5%	51.5%	31.5%	83.1%	16.9%	16.9%
Yellow Time (s)	5.1	5.1	5.1	5.1	4.0	4.0
All-Red Time (s)	2.3	2.3	2.0	2.3	2.5	2.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	7.4	7.4	7.1	7.4	6.5	6.5
Lead/Lag	Lead	Lead	Lag			
Lead-Lag Optimize?						
Recall Mode	C-Max	C-Max	None	C-Max	None	None
Act Effct Green (s)	59.6	59.6	33.9	100.6	15.5	15.5
Actuated g/C Ratio	0.46	0.46	0.26	0.77	0.12	0.12
v/c Ratio	1.02	0.52	1.06	0.55	0.63	1.14
Control Delay	37.0	2.2	104.3	4.6	62.7	127.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	37.0	2.2	104.3	4.6	62.7	127.0
LOS	D	A	F	A	E	F
Approach Delay	31.8			21.2		
Approach LOS	C			C		

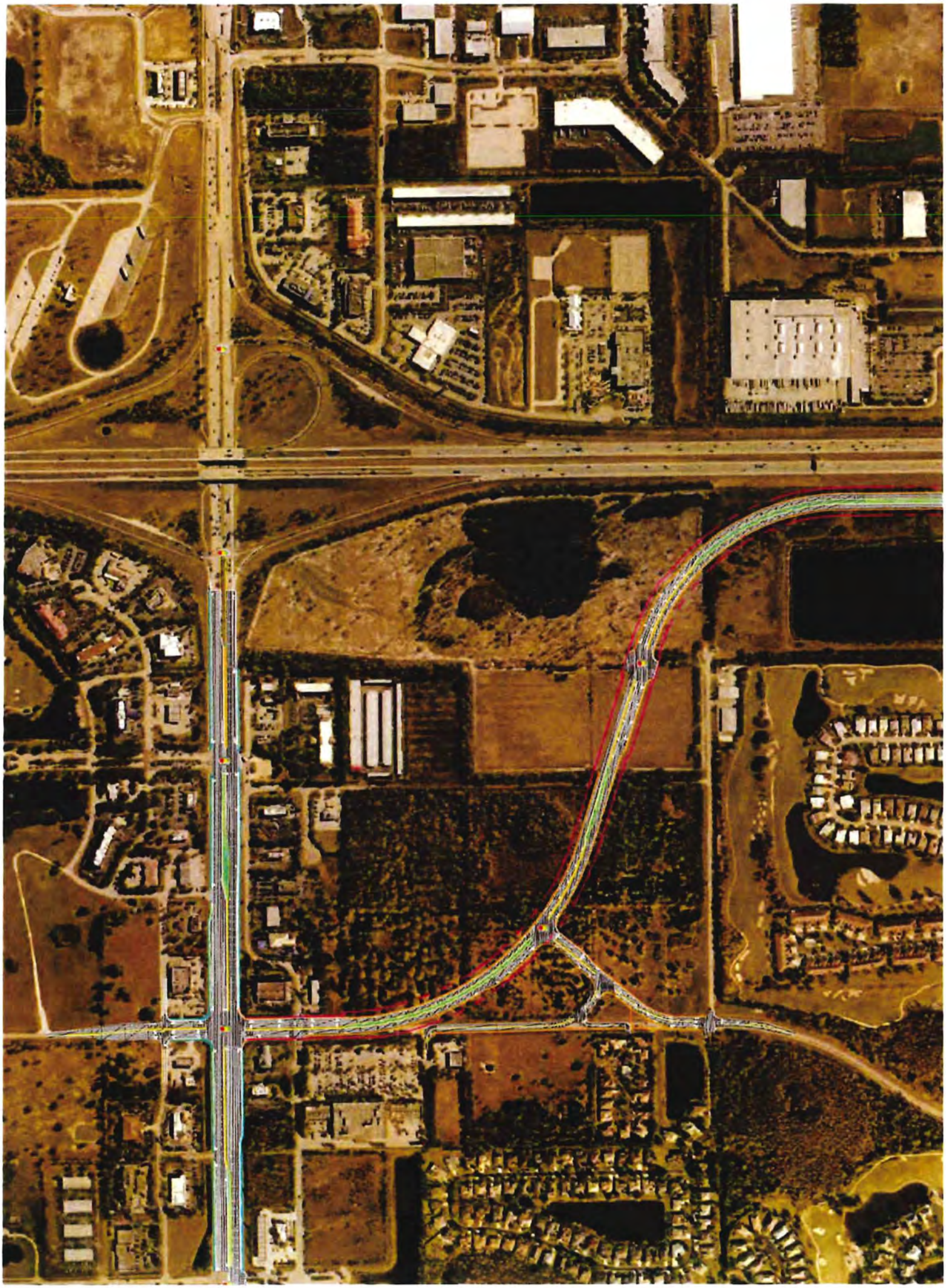
Intersection Summary

Cycle Length: 130
Actuated Cycle Length: 130
Offset: 128 (98%), Referenced to phase 2:WBT and 6:EBT, Start of Green
Natural Cycle: 130
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.14
Intersection Signal Delay: 35.7 — Intersection LOS: D
Intersection Capacity Utilization 96.9% — ICU Level of Service F
Analysis Period (min) 15

Splits and Phases: 120: I-75 SB On-Ramp/I-75 SB Off-Ramp & Daniels Pkwy



THRE OAKS PARKWAY ALIGNMENT

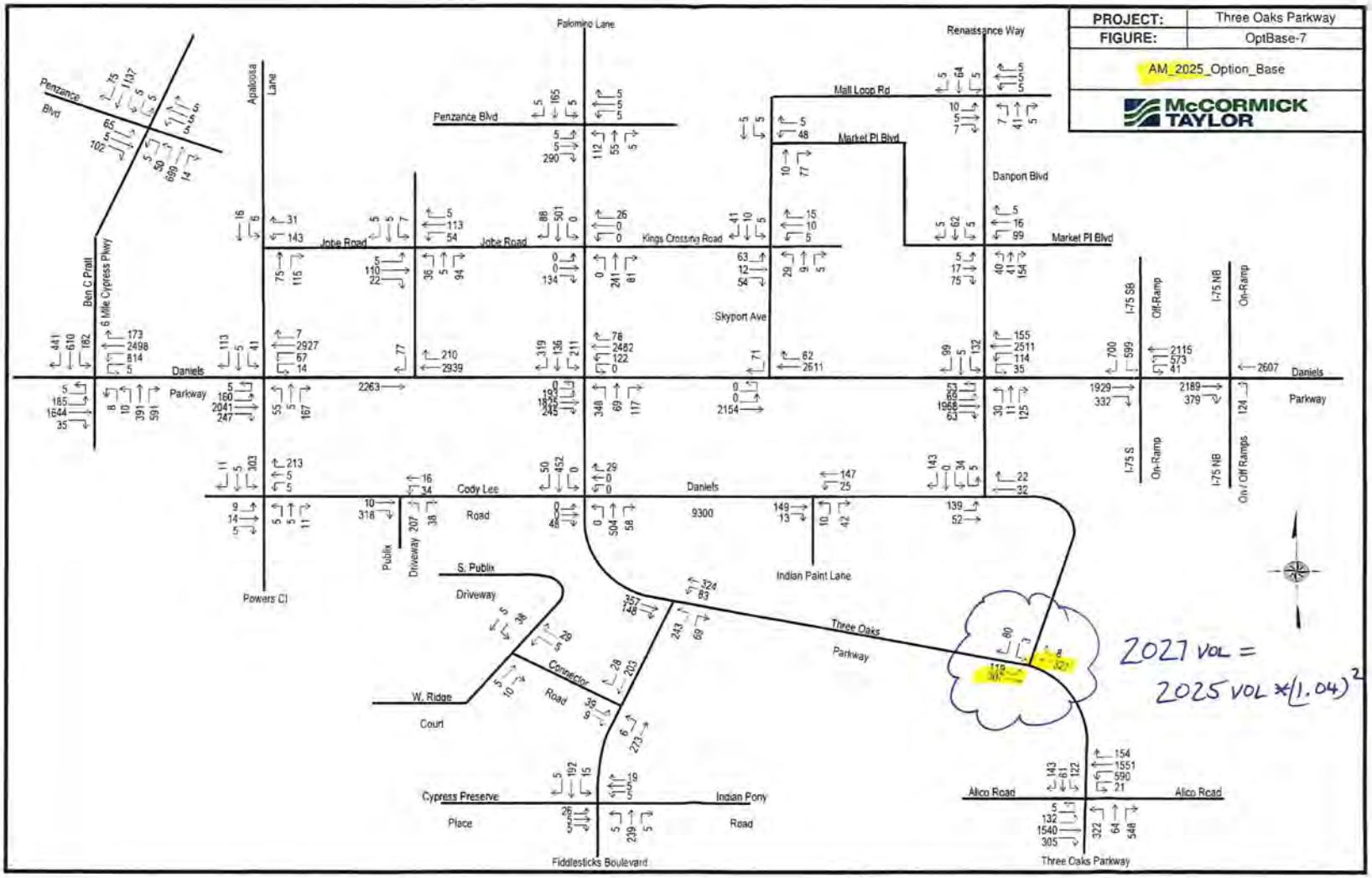


DEVELOPMENT OF FUTURE BACKGROUND THROUGH VOLUMES ON THREE OAKS PARKWAY

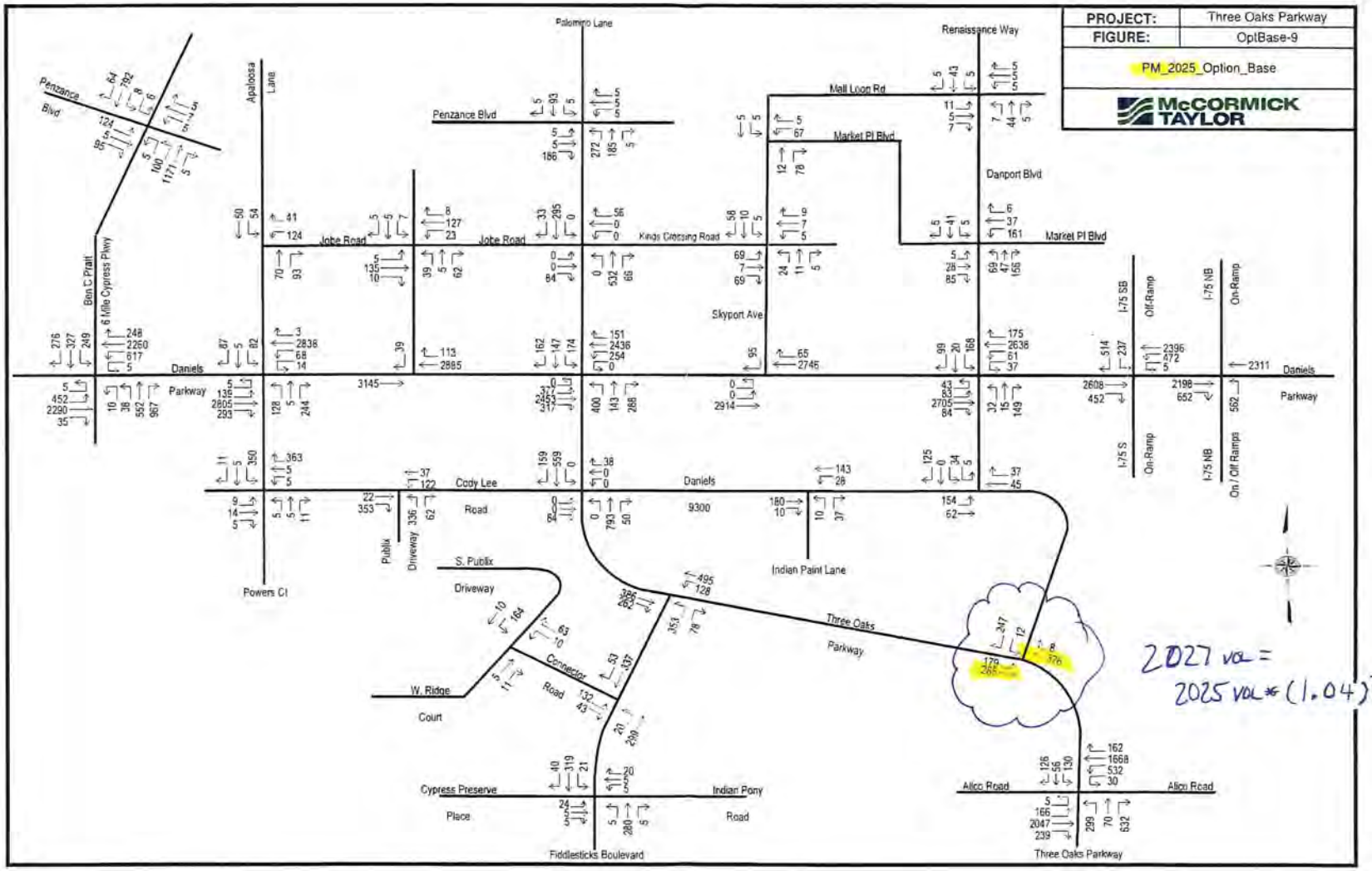
PROJECT:	Three Oaks Parkway
FIGURE:	OptBase-7

AM_2025_Option_Base

McCORMICK TAYLOR



2027 VOL =
2025 VOL *(1.04)^2



2027 vol = 2025 vol * $(1.04)^2$

TRIP GENERATION EQUATIONS

Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

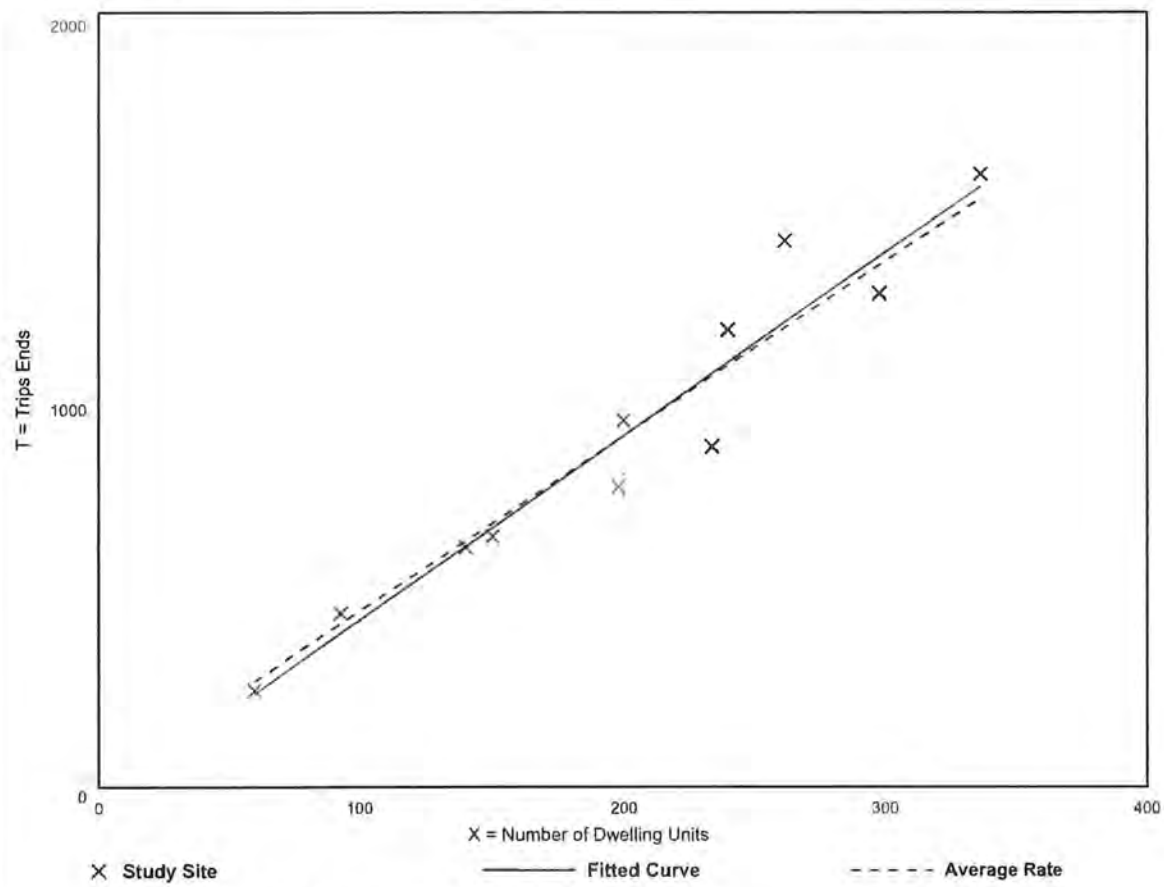
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Fitted Curve Equation: T = 4.77(X) - 46.46

R^2= 0.93

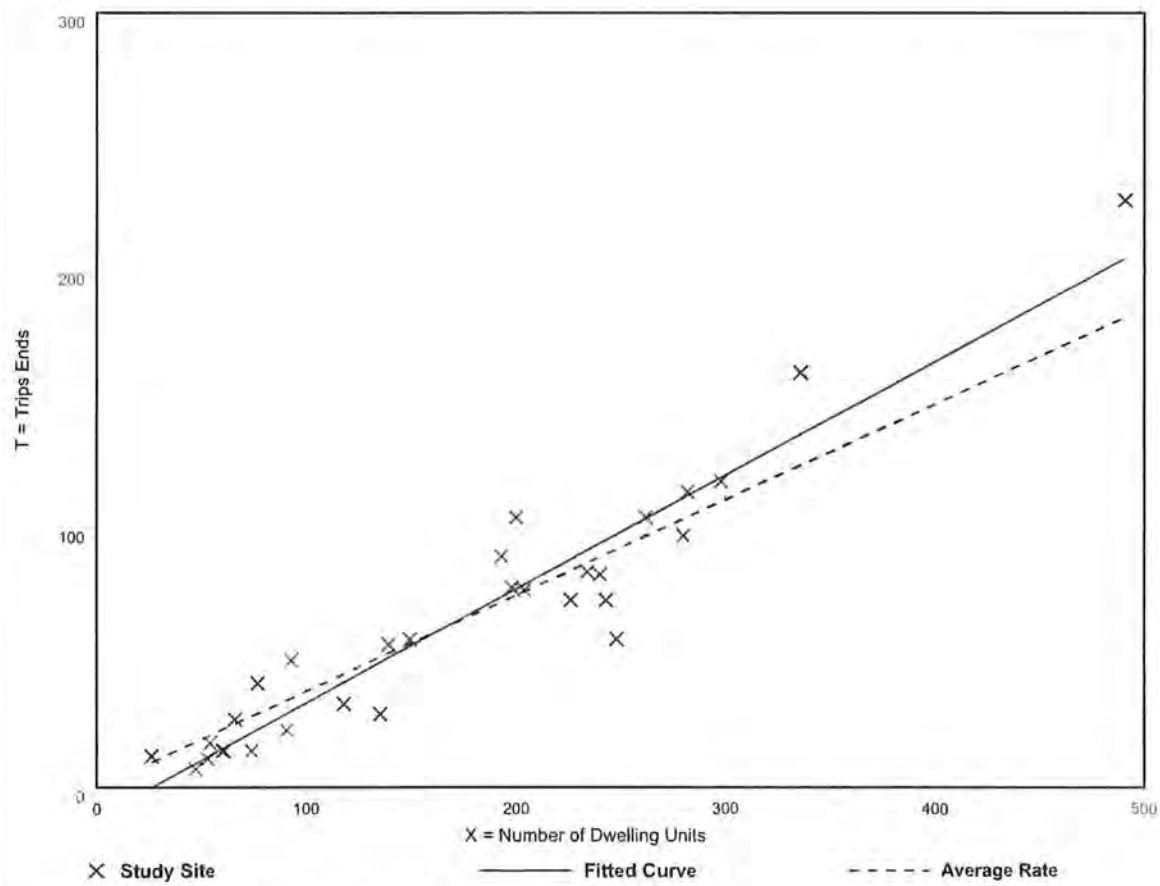
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 30
Avg. Num. of Dwelling Units: 173
Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Fitted Curve Equation: T = 0.44(X) - 11.61

R^2= 0.91

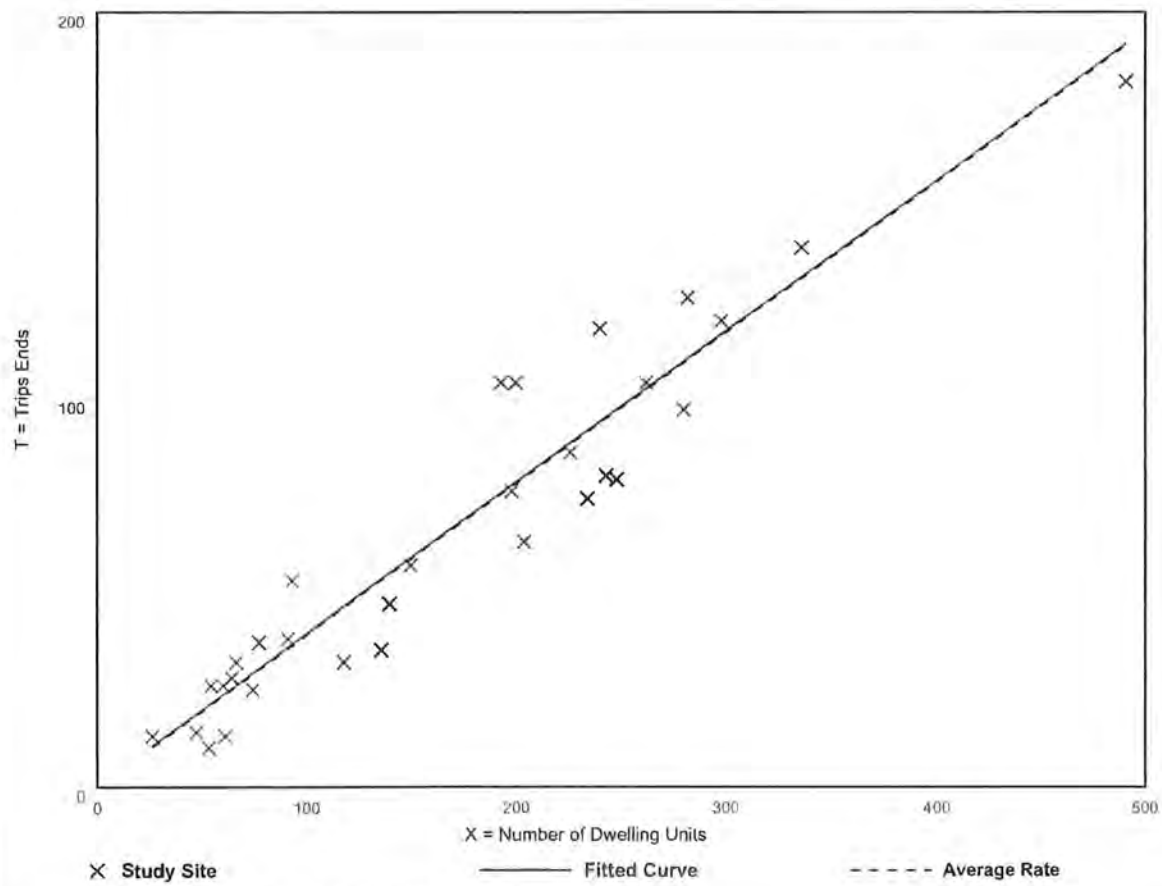
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Dwelling Units: 169
Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Fitted Curve Equation: T = 0.39(X) + 0.34

R^2= 0.91

Hotel
(310)

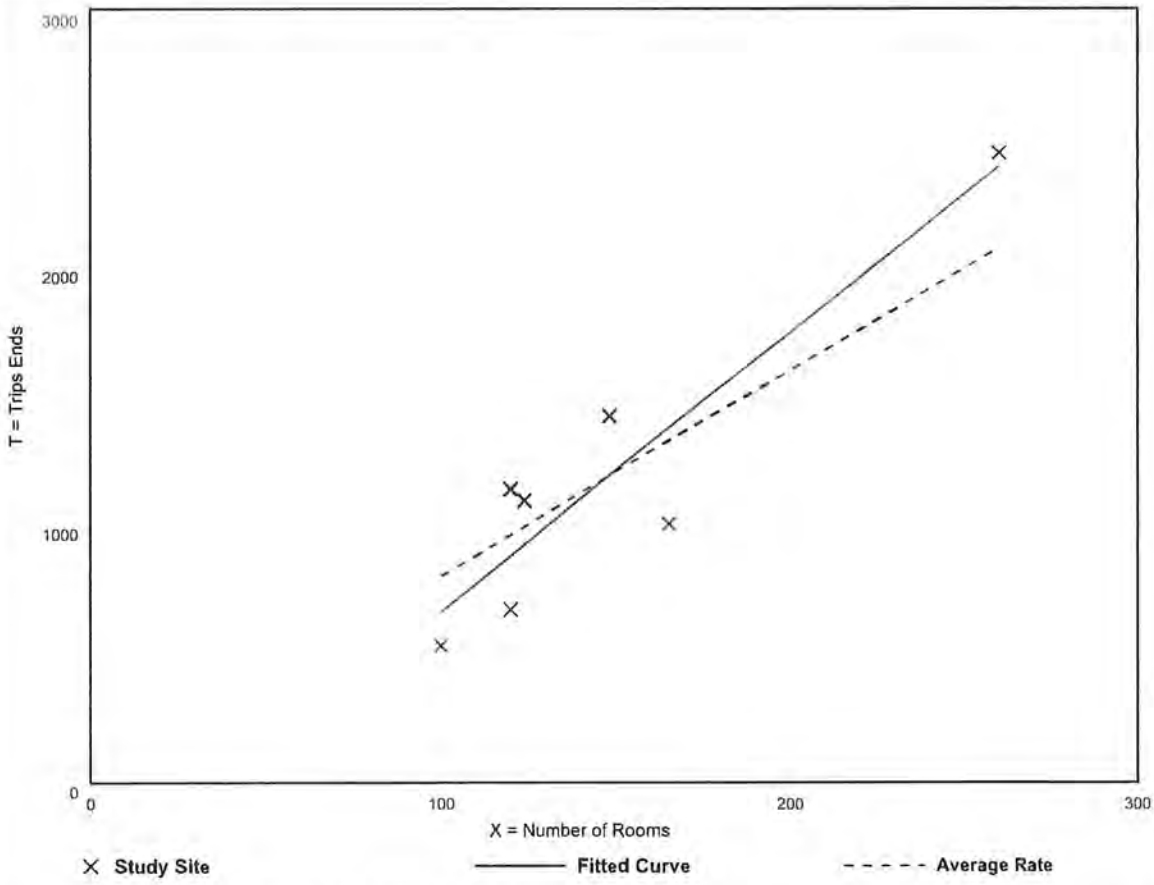
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation



Fitted Curve Equation: T = 10.84(X) - 423.51

R^2= 0.85

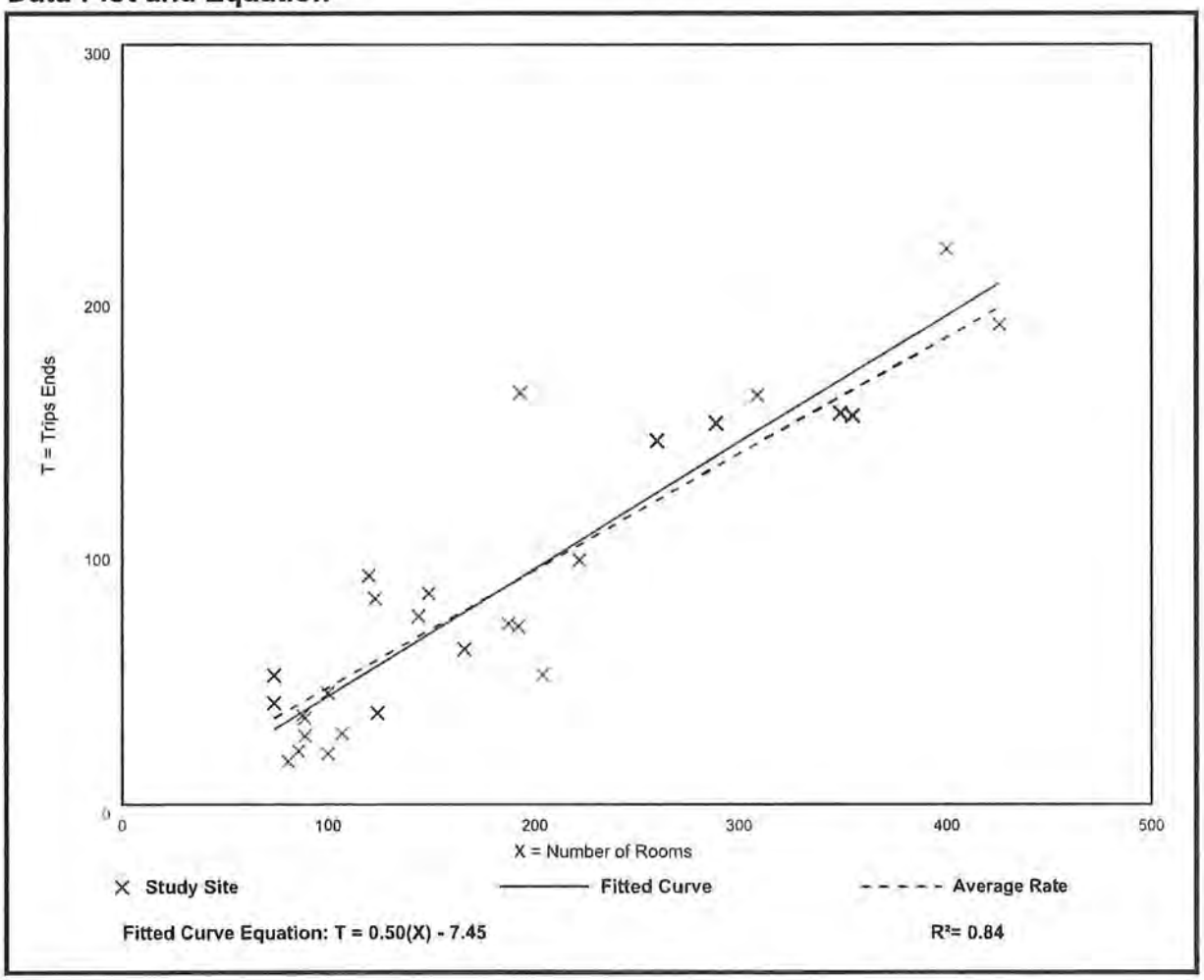
Hotel
(310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 28
Avg. Num. of Rooms: 182
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation



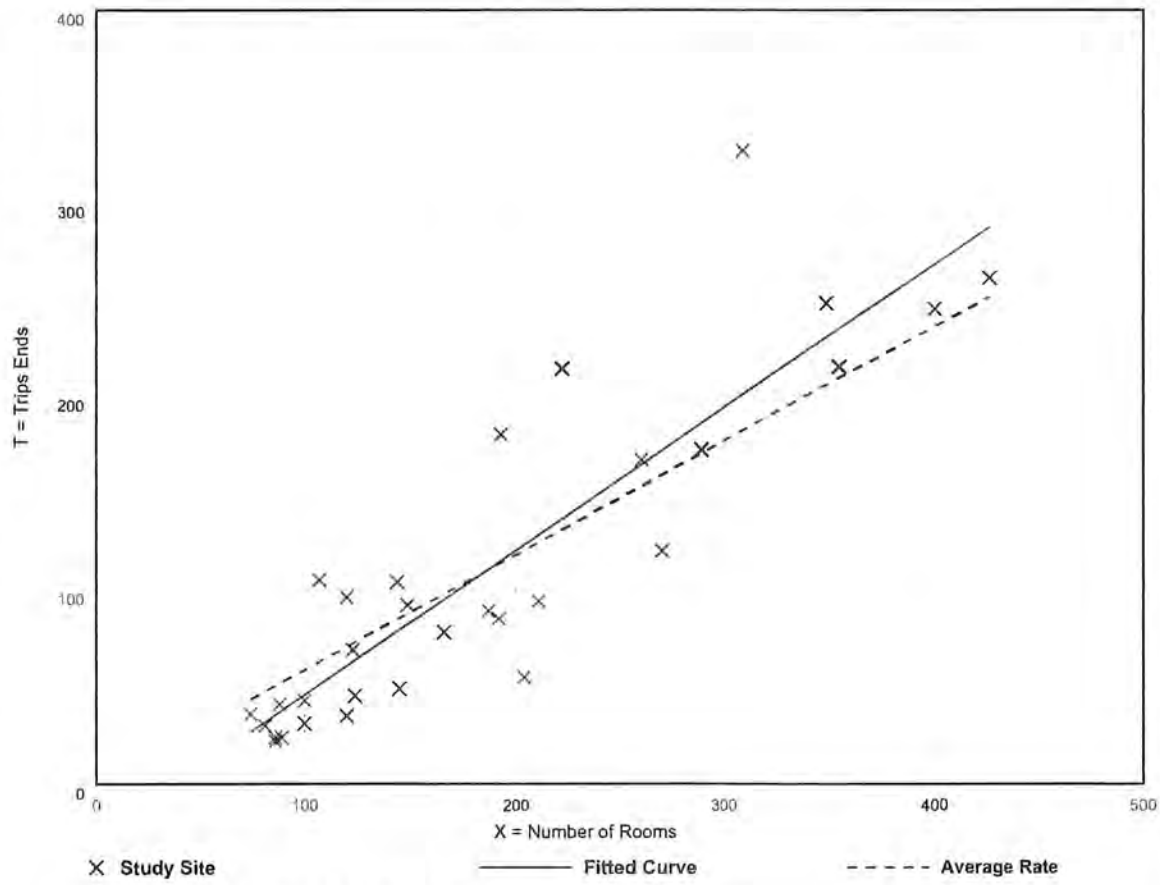
Hotel
(310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Rooms: 186
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



Fitted Curve Equation: T = 0.74(X) - 27.89

R^2= 0.78

Strip Retail Plaza (<40k)
(822)

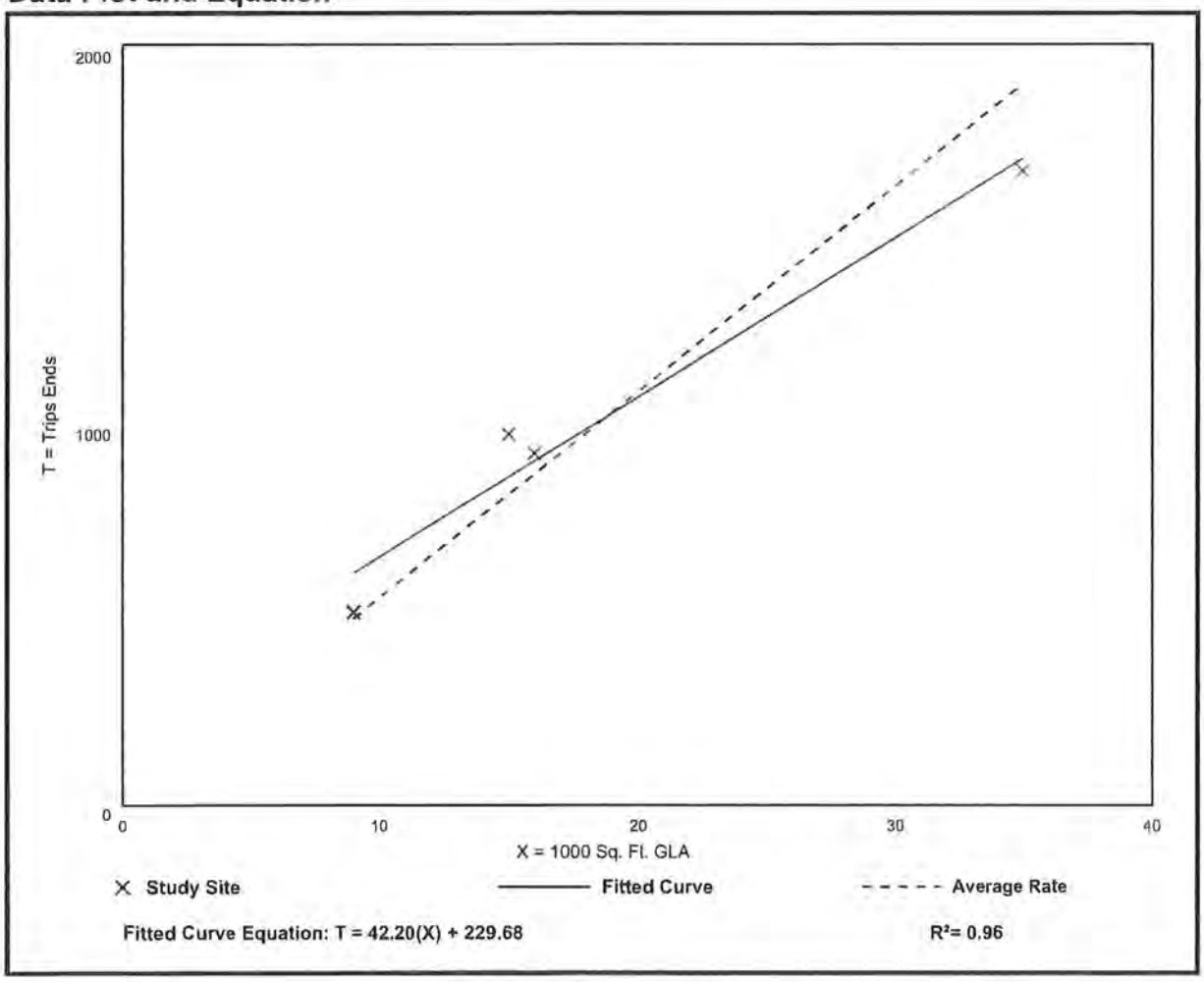
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation



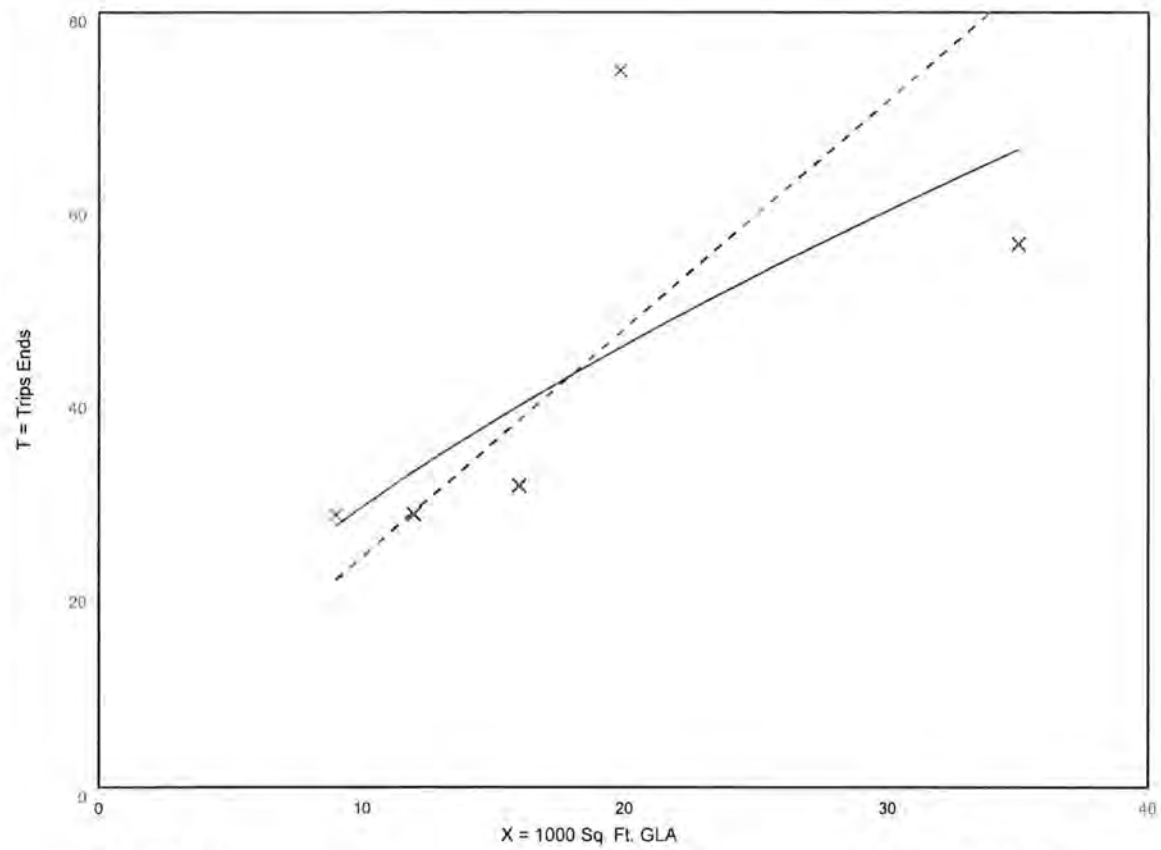
Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 5
Avg. 1000 Sq. Ft. GLA: 18
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.66 Ln(X) + 1.84

R^2= 0.57

Strip Retail Plaza (<40k)
(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 25
Avg. 1000 Sq. Ft. GLA: 21
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation

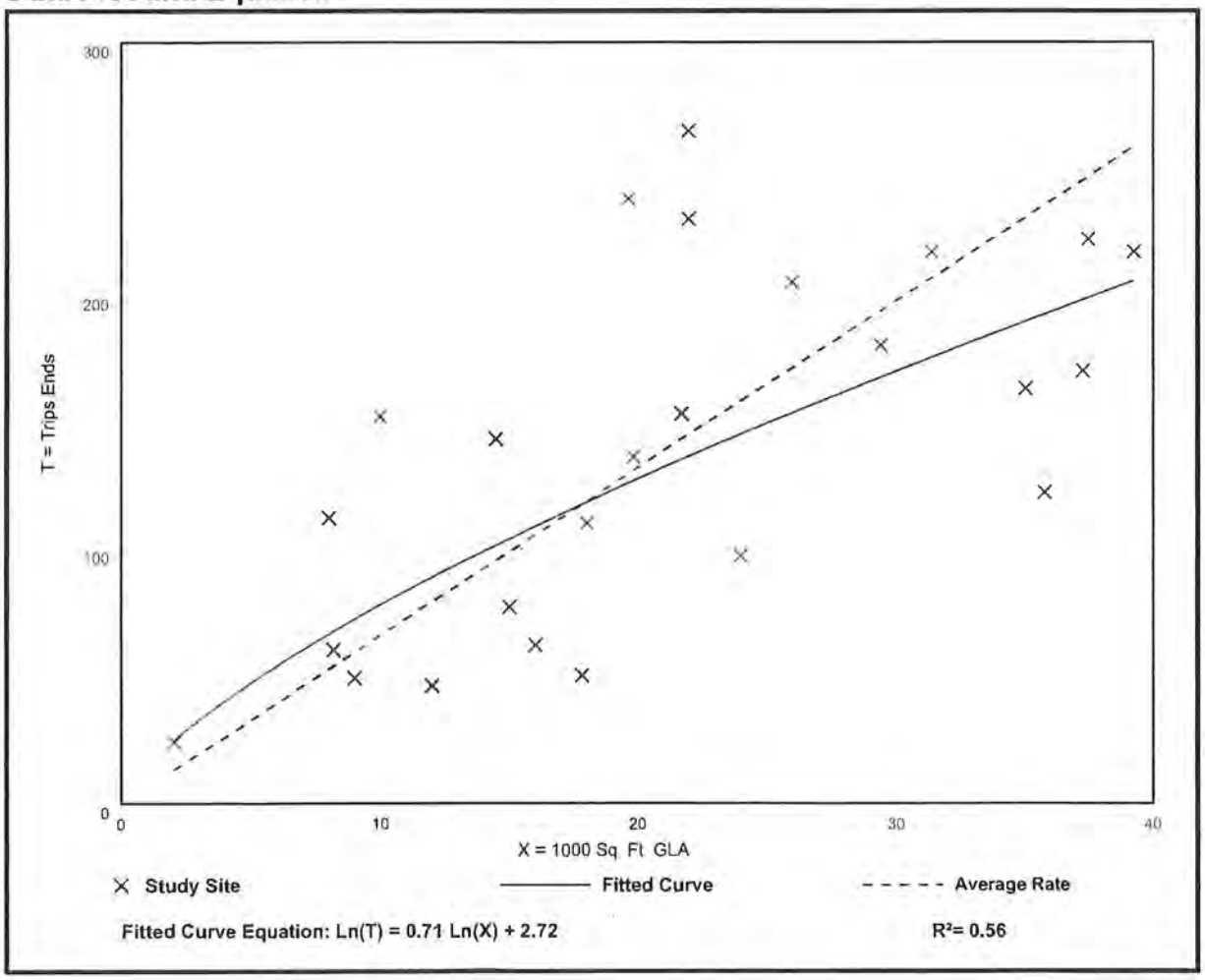


EXHIBIT T8 – HISTORIC RESOURCES IMPACT ANALYSIS

DANIELS TOWN SQUARE CPA

Historic Resources Impact Analysis

I. REQUEST

The contract purchaser for the 61.26+/- acre subject property, Bison Property Holdings, LLC ("Applicant"), is requesting a Comprehensive Plan Amendment for three changes to Lee County's Comprehensive Plan:

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

Additionally, there is a companion zoning action being submitted to rezone from CPD to Mixed-use Planned Development (MPD). The intent is to use the property as a commercial retail and employment center as well as multifamily residential housing.

II. HISTORIC RESOURCES IMPACT ANALYSIS

The property does not contain any historic resources (including structure, districts, and/or archaeologically sensitive areas). A letter has been secured from the Division of Historical Resources - Florida Department of State which is included in this document.

EXHIBIT T9 AND 10 – STATE AND REGIONAL POLICY ANALYSIS

DANIELS TOWN SQUARE CPA

State Policy Plan and Regional Policy Plan

I. STATE COMPREHENSIVE PLAN

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

187.201(6) PUBLIC SAFETY.—
(a) Goal.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

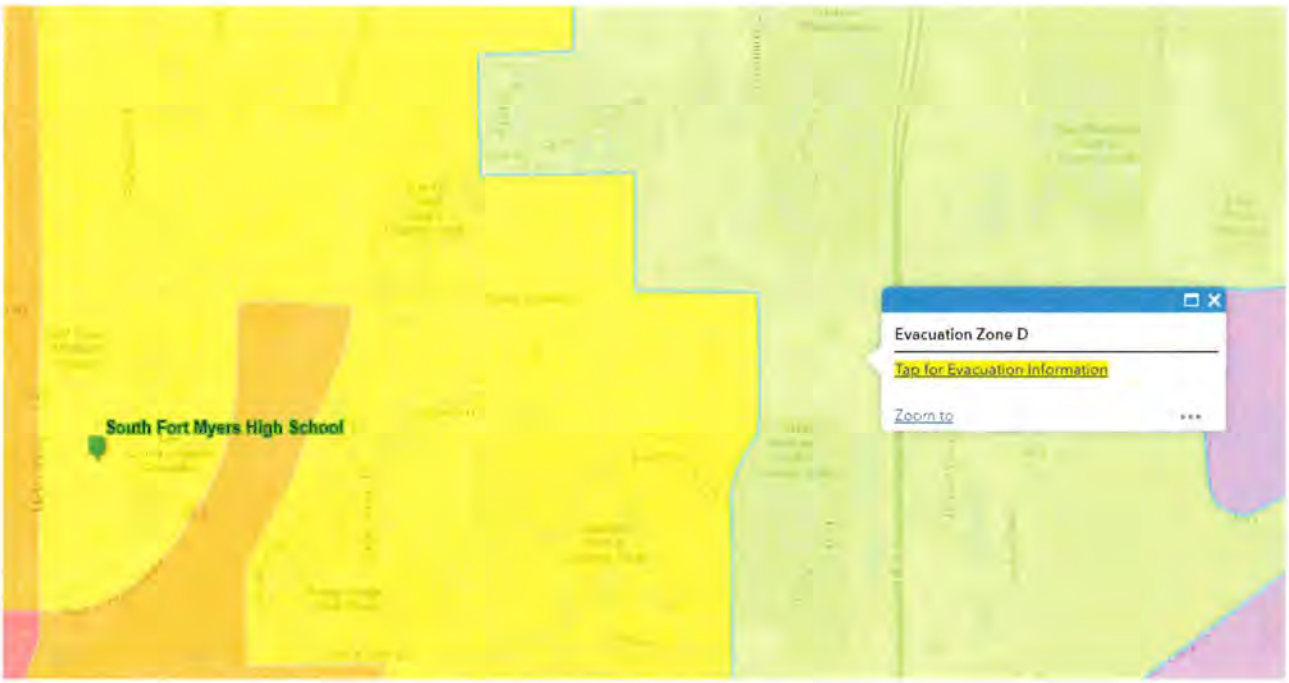
(b) Policies:
9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

CONSISTENCY: The Lee County Sheriff's Office has provided a letter of service availability for this site dated July 20, 2022.

(b) Policies:
22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

CONSISTENCY: The map amendment from General Interchange to Intensive Development does not alter the density or allowance for population to occupy the parcel and need to evacuate during a natural disaster. The Lee County Emergency Management department has accounted for the population and likeliness of a natural disaster by assigning it to Evacuation Zone D. According to the LCEM plan, Zone D is one of our least vulnerable Evacuation Zones. Well prepared and protected buildings should be safe in most events. However, if evacuations are required, the safest option may be to travel to the east coast." The site will have direct access to Daniels Parkway and Three Oaks North (once completed) which connect directly to Alico Road and I-75. This is an ideal place for quick and effective evacuation and a proper place for density as it is inland out of most major dangers such as flooding or tidal surges. The site is also within 3 miles of South Fort Myers High DSchool which is a public shelter site.



187.201(7) WATER RESOURCES.—
(a) Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies:
5. Ensure that new development is compatible with existing local and regional water supplies.

CONSISTENCY: Lee County Utilities has issued a letter of utility service availability for the site.

10. Protect surface and groundwater quality and quantity in the state.

CONSISTENCY: The site is undergoing a planned development zoning, a custom zoning district that will be required to meet the Land Development Code regulations for Lee County, and additionally may be conditioned by the County to ensure consistency with all groundwater quality and quantity requirements. Moreover, in order for development to occur an Environmental Resource Permit will have to be attained from the State of Florida which will enforce the requirements to protect surface and ground water. The property has an active ERP in process – Application No. 220526-34567.

187.201(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.—
(a) Goal.—Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies:

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
3. Prohibit the destruction of endangered species and protect their habitats.
4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.

CONSISTENCY: Lee County requires a Protected species Survey and mitigation if endangered or protected species are found. Lee County's requirements are consistent with State programs and requirements. The Southwest Florida Water Management District (SFWMD) monitors the protection of wetlands and similar environmentally sensitive site. As mentioned, the property is obtaining an ERP (Application No. 220526-34567) which will demonstrate compliance with State law.

187.201(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.—
(a) Goal.—All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies:
2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.

CONSISTENCY: Lee County Solid Waste has provided a letter of service availability to dispose of all solid waste on site and Lee County has an incineration plant to minimize landfill contributions.

187.201(14) PROPERTY RIGHTS.—
(a) Goal.—Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

(b) Policies:
1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.
2. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.
3. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

CONSISTENCY: The site is under private contracts and not negatively affected by State or local policy or land use regulations that would constitute compensation.

(15) LAND USE.—
(a) Goal.—In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) Policies:
1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

CONSISTENCY: The development area is an urban environment with current intense allowances for development that are appropriate as the site is serviced by or has commitments from all applicable urban services agencies such as EMS, Police, Fire, Transit, Utilities, Schools, Solid Waste and Parks. Additionally, the site will have access to major roadways with adequate carrying capacity when the current plans for Three Oaks North, Daniels Parkway Expansion and the I-75 interchange improvements are made – all slated and funded for construction.

(17) PUBLIC FACILITIES.—
(a) Goal.—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

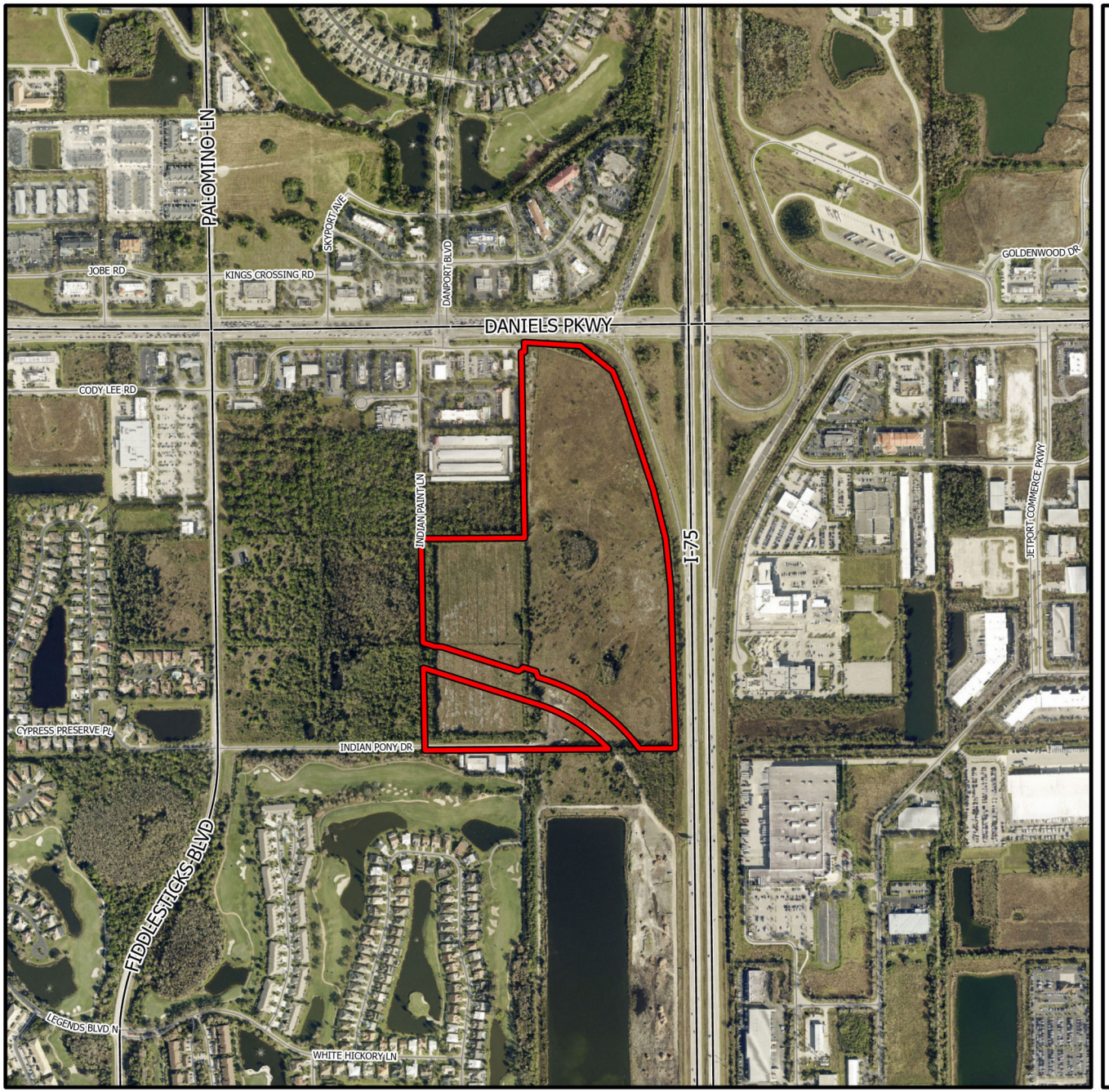
(b) Policies:
1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.
2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.
3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.

CONSISTENCY: The site is considered an urban site that has been identified as a proper place for intense development by the Lee Plan having been placed in the General Interchange future land use category. The change to Intensive Development and the Mixed-use Overlay is a reflection of the proper placement of population and commercial employment centers that are serviced by all means if urban services.

DCI2022-00059
Daniels Town Square MPD

Staff Summary

CASE NUMBER & NAME:	DCI2022-00059 / Daniels Town Square MPD
REQUEST:	Request to rezone 61.26± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 30,000 square feet of non-Residential uses, a 200 room Hotel, and Multifamily Residential up to 1,234 dwelling units including bonus density.
RESOLUTION NUMBER:	Z-24-027
LOCATION:	Southwest corner of I-75 and Daniels Pkwy., Daniels Parkway Planning Community, Lee County, FL
OWNER:	Daniels Parkway JV Development
APPLICANT:	Bison Property Holdings, LLC c/o Chris Moore
AGENT:	Fred Drovdlic RVi Planning + Landscape Architecture 1514 Broadway, Ste. 201 Bonita Springs, FL 34135
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (1)	Richard Mersman



DCI2022-00059

Aerial

Subject Property

N
W E
S

0 500 1,000 1,500
Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

DANIELS TOWN SQUARE MPD

The request rezones an existing Commercial Planned Development to the Mixed Use Planned Development district.

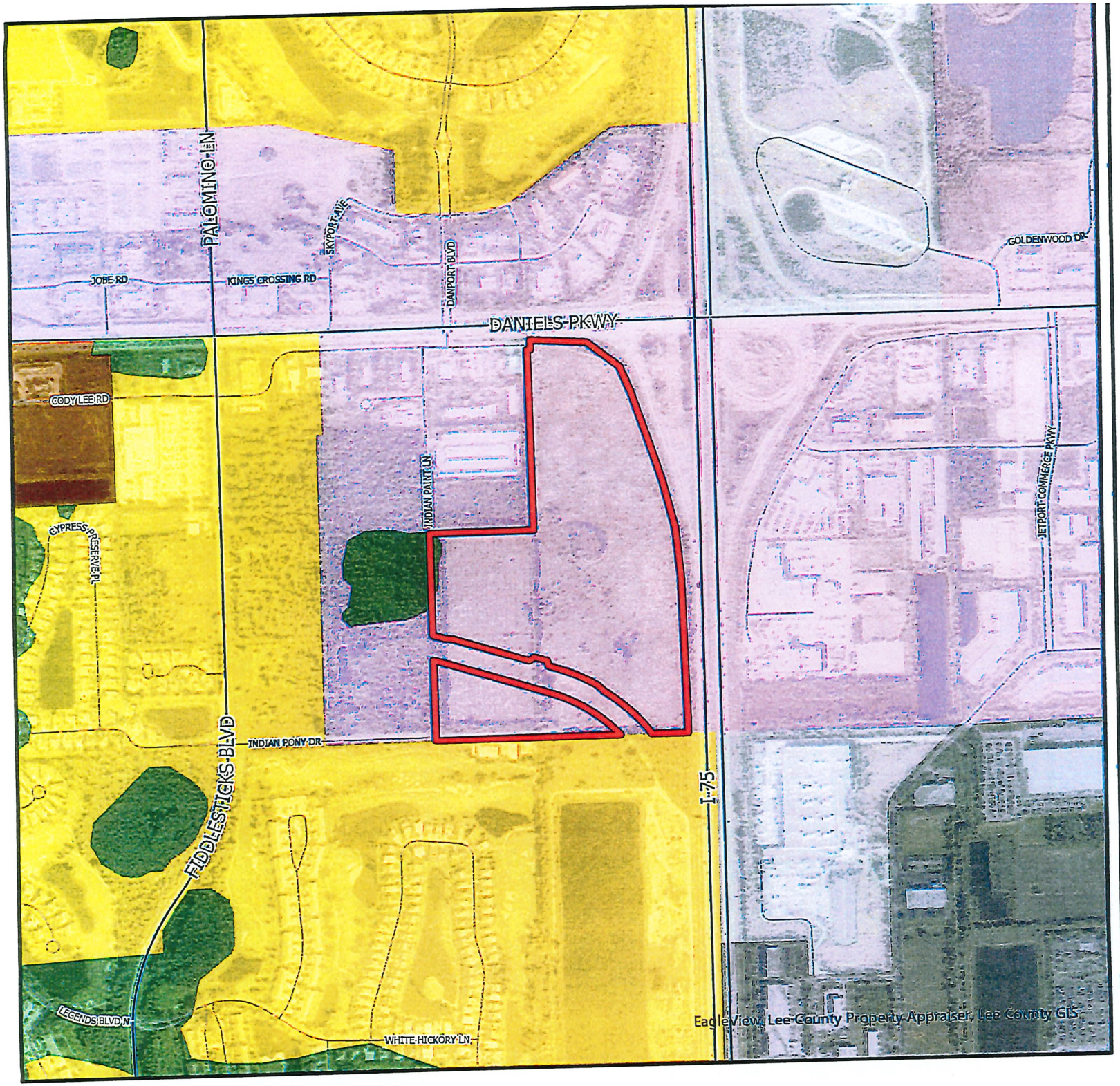
The proposed reduction in commercial intensity and introduction of residential land uses represents a reduction in anticipated traffic generation from existing development approvals. This is mainly because as a mixed use project, there will be interaction between uses called "internal capture." In addition, the Traffic Impact Analysis assumed 30% of project trip generation would be "pass-by" traffic destined for retail uses on the property.

The site design limits building heights on the southernmost tract to 35 feet. Indian Pony Drive separates this tract from Old Hickory Golf and Country Club. The MCP features a 15 foot wide vegetative buffer along Indian Pony Drive. Old Hickory's golf maintenance facility and a portion of the golf course is across Indian Pony Drive. Line of sight exhibits demonstrated 35 foot high buildings on the southernmost parcel will be sufficiently screened from the Old Hickory community. The Hearing Examiner finds these measures provide an effective transition between projects of differing intensity.

Detailed recommendation follows

DCI2022-00059

Future Land Use



Subject Property

Central Urban

Outlying Suburban

Public Facilities

General Interchange

Tradeport

Wetlands

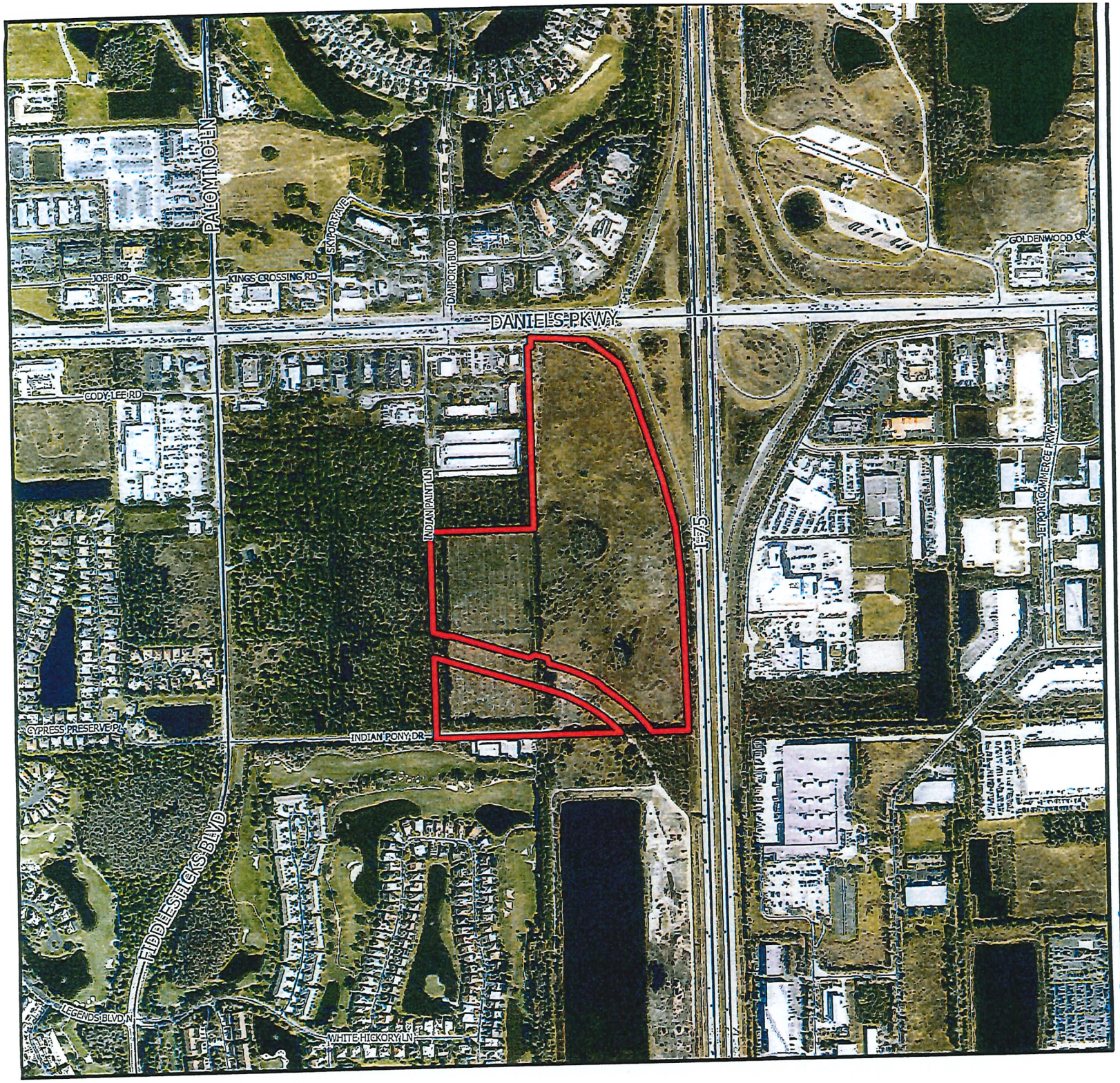
N
W E
S

0 500 1,000 1,500
Feet

Lee County
Southwest Florida

DCI2022-00059

Aerial



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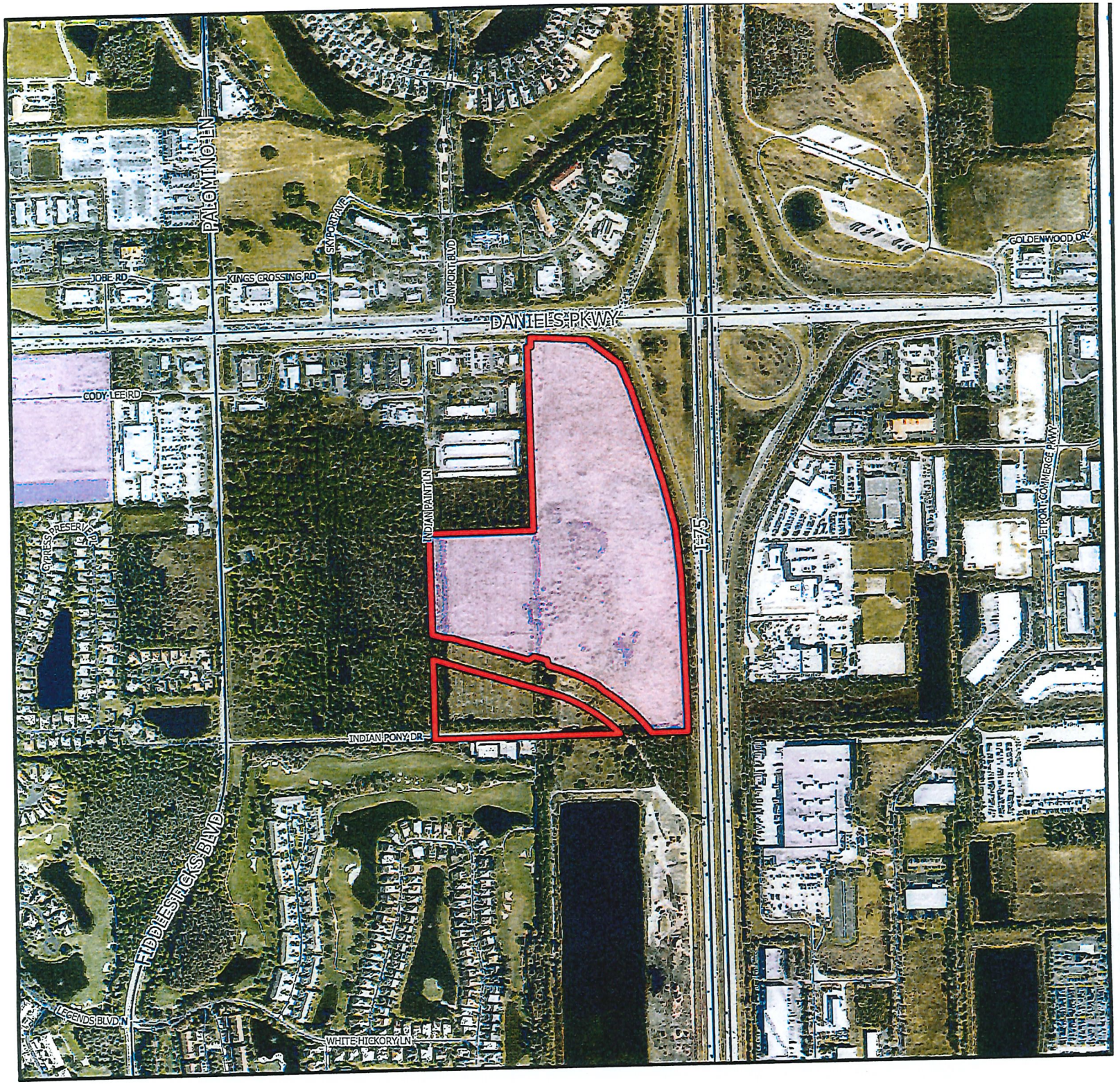
Lee County
Southwest Florida

DCI2022-00059

Mixed Use Overlay



Subject Property

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Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00059

Regarding: **DANIELS TOWN SQUARE MPD**

Location: Southwest of the Daniels Parkway and Interstate 75 Interchange (District 2)

Hearing Date: November 1, 2024

I. Request

Rezone 61.26 +/- acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), to allow 30,000 square feet of commercial development, a 200-room hotel, and 1,234 residential dwelling units.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 61.26 acres to the Mixed Use Planned Development District. Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

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[1] LDC §34-145(d)(4) a.

Request

The request seeks to rezone 61.26 acres to Mixed Use Planned Development (MPD) to allow development of up to 1,234 dwelling units, 30,000 square feet of commercial use, and 200 hotel rooms. Applicant requests five deviations from the LDC seeking relief from standards governing lake slopes, littoral shelves, littoral shelf plantings, herbaceous plantings, and access.[2]

The Master Concept Plan (MCP) depicts seven development tracts with multifamily buildings, lakes, and a single commercial tract. The southern portion of the site is bifurcated by Three Oaks Parkway. There is a small indigenous preserve in the center of the property.[3]

The project devotes 20% of Parcels 1-5 to open space. These parcels are in the Mixed Use Overlay. Parcels six and seven south of Three Oaks Parkway Extension devote 40% of their land area to open space.

Height limits vary from 35 to 90 feet. The MCP positions the tallest buildings along the north property line and the shortest buildings along the south property boundary adjacent to Old Hickory.[4] Buildings internal to the site vary from 35 to 60 feet in height.

The Department of Community Development recommended approval of the requested MPD including bonus density, finding both requests satisfied review criteria.

The request is accompanied by two companion Lee Plan amendments.[5] The amendments:

(1) Change the future land use designation from General Interchange to Intensive Development,
(2) Designates property north of the Three Oaks Extension as Mixed Use Overlay.
(3) Amends Table 1(b) Year 2045 Allocations to accommodate proposed development parameters.

The Board voted to transmit the amendments to the State Land Planning Agency on September 18, 2024. An adoption hearing on the plan amendments will coincide with the final Board hearing on the MPD zoning request.

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[2] LDC §§10-329(d)(4),10-418(2), 10-291(3). Four of the five requested deviations are necessary to accommodate airport operations.
[3] There is a.79 acre wetland preserve within Parcel 4. Lee Plan Policy 123.2.4, 123.2.8.
[4] Multifamily buildings will be up to 90 feet along the north property line adjacent to Daniels Parkway/I-75 but capped at 35 feet along the south property line adjacent to Old Hickory.
[5] CPA 2022-00010 and CPA 2022-00011.

The Hearing Examiner's recommendation of approval is predicated on adoption of pending plan amendments. If the Board does not adopt the amendments, the zoning request will be inconsistent with the Lee Plan.[6]

Character of Area

The property lies within the southwest quadrant of the Daniels Parkway/I/75 interchange, one of the busiest intersections in Lee County. The Daniels Parkway corridor is developing with commercial, single family residential and hotel land uses.

The southern portion of the site is bisected by the future Extension of Three Oaks Parkway. Old Hickory Golf and Country Club lies to the south.[7] The west boundary abuts agriculturally zoned property east of Fiddlesticks Boulevard.

History

The 61.26 acre property consists of two parcels zoned Commercial Planned Development (CPD). The 2009 CPD zoning approvals authorize development of 50,000 square feet of medical office, 90,000 square feet general office, 250,000 square feet retail commercial, and a 120 room hotel.[8] Maximum approved building height was 75 feet. At the time of the CPD zoning, there was an active bald eagle nest on the property. The nest has since been abandoned.[9]

The site is vacant with an agricultural exemption for cattle grazing.

Lee Plan

The Lee Plan regulates land development activity in the County.[10] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.[11]

Intensive Development areas lie along major arterial roads suited to accommodate high density and intensities. The Lee Plan encourages mixed use developments

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[6] Florida Statutes s. 163.3194(1)(a); LDC §2-3 (*Development permits must be consistent with the Lee Plan in effect at the time of permit approval.*)

[7] Old Hickory Club RPD is approved for 858 dwelling units.

[8] Daniels Marketplace CPD Resolution Z-08-043 approved April 6, 2009.

[9] Bald eagle nest LE-058 was last occupied by an eagle pair during the 2018-2019 nesting season. The nest was in poor condition during the 2019-2020 nesting season and came down due to natural causes prior to the 2020-2021 nesting season. The eagles did not rebuild the nest. This history led the Lee County Eagle Technical Advisory Council to declare the nest "Lost" on May 9, 2023.

[10] LDC §34-491.

[11] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

in this category. The MPD includes residential and commercial land uses consistent with Lee Plan policies.

Property in the Intensive Development Category may develop up to 14 units per acre by right.[12] Higher densities are permitted using transferred development rights.[13] The site is located within a Mixed Use Overlay.[14] The Mixed Use Overlay is ideal for intense development patterns due to proximity of shopping, employment, medical services, and transit.[15]

Applicant proposes additional units via bonus density. Bonus units may be obtained using Transfer of Development Units (TDUs). A transferable development unit is one dwelling unit severed from a sending parcel and transferred to a receiving parcel.[16] There are three types of TDUs: Wetland, Southeast Lee County, or Greater Pine Island Transfer of Development Units (TDUs).[17] Additional units are also achievable by developing Affordable Housing.[18]

Greater Pine Island TDUs offer the greatest bonus density, incentivizing growth on inland property served by public services and infrastructure.[19] Properties located outside the Coastal High Hazard Area are expressly preferred receiving areas for TDU credits.

Requests for bonus density must meet the following criteria:

(1) Additional traffic will not travel through areas with significantly lower densities before reaching the nearest collector or arterial road. The record confirms the project traffic will directly access the Three Oaks Parkway Extension, a County maintained arterial roadway.
(2) Existing committed public facilities are not so overwhelmed that a density increase would be contrary to the public interest. The record confirms there are adequate public services and infrastructure. See discussion under the heading "Public Services and Infrastructure."
(3) Storm shelters or other mitigation is provided if the development is in a Coastal High Hazard Area. The property is not in the Coastal High Hazard Area.[20]

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[12] Lee Plan Policy 1.1.2.
[13] *Id.* Maximum total density is 22 dwellings per acre but may go as high as 30 utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.2.
[14] Lee Plan Map 1-C: Mixed Use Overlay.
[15] Lee Plan Map 1-C, Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC §34-413.
[16] LDC 2-143(a).
[17] Lee County Administrative Code 13-5.
[18] *Id.*
[19] Heightened density encouraged in intense urban categories outside coastal high hazard areas and with access to services and infrastructure.
[20] The property is not in the Coastal High Hazard Area but will be subject to LDC hurricane shelter mitigation requirements. LDC Chapter 2, Article XI – Hurricane Preparedness.

(4) The resulting development will be compatible with existing/planned surrounding land uses.[21]

Record evidence demonstrates the MPD including bonus density meets the stated criteria. Requested density is consistent with the Intensive Development future land use designation.[22]

The Board has discretion to approve the rezoning without bonus density.[23] And has discretion to limit the number of units using bonus density to an intensity lower than maximum total density allowed. The Board may also impose conditions if they conclude increased density would be contrary to public health, safety, and welfare.[24]

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.[25] Proposed multifamily residential uses expand housing options on Daniels Parkway corridor.[26]

Lee Tran Route 50 travels along Daniels Parkway.[27] Sidewalks and shared use paths on Daniels Parkway connect to similar facilities on connecting road corridors.[28]

The Economic Element of the Lee Plan encourages expansion of the County's economic base.[29] The proposed mix of land uses will contribute to a positive business climate creating additional housing options and employment opportunities for a diverse workforce.[30] Hotel uses support business and leisure tourism, strengthening the county economy.[31]

A small area of the property is designated Wetlands. Wetlands may develop with low-density residential, and recreation uses that do not adversely affect the ecological functions of wetlands.[32] The area will remain designated as wetland until applicant obtains a jurisdictional wetland determination clarifying its precise boundaries.[33]

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[21] See discussion on compatibility *infra*.
[22] LDC §34-413.
[23] LDC 2-147(b)(4).
[24] LDC 2-147(c).
[25] The zoning request is consistent with emerging development patterns in the area. *See* Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3 and Glossary definition - infill.
[26] Lee Plan Goals 5, 11, 135, 158, Objective 135.1, Policies 5.1.3, 6.1.7, 11.2.1, 160.1.3.
[27] Lee Plan Policy 39.1.3.
[28] Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways
[29] Lee Plan Goals 158, 161, Objective 158.2.
[30] Lee Plan Goal 158 Objective 158.3 Policies 135.1.9, 160.1.1, 160.1.2, 161.1.3.
[31] Lee Plan Goal 161, Objectives 161.1, 161.3, Policies 135.1.9, 161.2.2, 161.3.1.
[32] Lee Plan Policy 1.5.1.
[33] Applicant has not provided a formal wetland jurisdictional determination to staff. Accordingly, upland and wetland acreages are subject to further review and approval consistent with Lee Plan Policies 124.1.2, 124.1.3.

Compatibility

One purpose of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.[34]

The site is bordered by Daniels Parkway on the north vacant land and the Olde Hickory Golf Course maintenance facility to the south. The site borders I-75 to the east and vacant lands and commercial land uses to the west. Surrounding lands feature residential, and commercial land uses. The plan of development includes land uses already approved in the area.[35] While the proposed building heights exceed those typically found along Daniels Parkway, they are appropriate at this location given its proximity to the interstate.[36]

The Lee Plan classifies nearby properties as General Interchange and Outlying Suburban. Mixed use development is ideal at this location given the proximity of major transportation corridors, employment, and shopping centers.[37]

The Lee Plan encourages compact and contiguous development patterns in areas with the services and infrastructure necessary to support new development.[38] The site has access to public services and infrastructure including public water and sanitary sewer, paved roads, police, fire, and emergency medical services.[39]

The Board found commercial and hotel uses to be consistent with the Lee Plan in prior zoning approvals.[40] The introduction of residential land uses is consistent with the Lee Plan, which encourages mixed use development and a variety of housing options.[41]

The site design limits building heights on the southernmost tract to 35 feet. Indian Pony Drive separates this tract from Old Hickory Golf and Country Club. The MCP features a 15 foot wide buffer along Indian Pony Drive. The buffer will be comprised of five trees per 100 linear feet and a double staggered hedge row maintained to form a 36 inch high continuous visual screen. Old Hickory's golf maintenance facility and a portion of its golf course lies across Indian Pony Drive. Applicant demonstrated the multifamily building on the southernmost parcel will be

[34] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[35] Lee Plan Policies 6.1.4, 135.9.5, 135.9.6. Surrounding land uses feature intense commercial development, hotels, and single family dwellings.
[36] Maximum heights range from 35 to 90 feet for residential uses, 35 feet for commercial uses, and 60 feet for hotel(s).
[37] Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC §34-413
[38] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.
[39] Lee Plan Policies 1.1.2, 2.2.1, 2.2.2, 6.1.1, 6.1.4,
[40] Z-08-043 Daniels Marketplace CPD.
[41] Lee Plan Goal 11, Objectives 11.1, 11.2, Policies 1.1.2, 11.2.1, 39.2.1. See also Lee Plan objectives and policies favoring diverse housing options: Lee Plan Objective 135.1, Policies 135.1.9, 135.9.6, 160.1.3.

sufficiently screened from the Old Hickory community.[42] The Hearing Examiner concludes the site design provides an effective transition between projects of differing intensity.[43]

The Hearing Examiner notes that the School Board anticipates the residential component will generate 40 school aged children.[44] Designing the project to accommodate safe school bus access is prudent, since the project will generate a significant number of students.[45] The Hearing Examiner recommends a condition to ensure project design accommodates safe pedestrian and bicycle access to school buses. Conditioning project design *at the outset* will reduce the likelihood of future design conflicts.

Airport Compatibility

A portion of the property lies within the Airport 10,000 foot Hazardous Wildlife Zone.[46] Airport proximity prompts deviations to reduce wildlife attractants that can be hazardous to air navigation.[47]

LDC

Development must comply with County land development regulations or seek deviations.

A planned development zoning district is appropriate because the request meets the definition of Development of County Impact.[48] Planned development zoning is a means to integrate new development with surrounding land uses.[49] Planned developments further the goals of the Lee Plan while providing flexibility in planning and design.[50]

A large portion of the site lies within a Mixed Use Overlay. This designation affords reductions in open space, buffers, indigenous vegetation, and setbacks.[51]

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[42] Applicant demonstrated effective screening with line of sight exhibits.
[43] Lee Plan Policy 5.1.5, LDC §34-411.
[44] Staff Report.
[45] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. *See* Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.
[46] LDC 34-1110((9).
[47] Lee Plan Objective 47.2, Policy 47.2.5. LDC §34-1110(a)(8) and (9). *See* requested deviations from excavation bank slopes, littoral plantings, and wetland plantings.
[48] LDC §34-2: Development of County Impact means development that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or upon its natural resources. *See also* §34-341(a). Lee Plan Policies 2.1.1, 5.1.1, 5.1.5, 135.1.9; LDC §34-612(2).
[49] LDC §34-612(2).
[50] LDC §§34-411(a), 34-612(2), Lee Plan Policy 2.1.2.
[51] Lee Plan Policies 11.2.5, 11.2.7, LDC §10-425.

The request seeks five deviations from the LDC. A "deviation" is a departure from a land development regulation.[52] Applicants must demonstrate deviations enhance the planned development and will not cause a detriment to the public.[53] Four of the five deviations are necessary to reduce hazard to airport operations. The remaining deviation pertains to access to Parcel 6 south of Three Oaks Parkway Extension.[54] Applicant offered testimony and evidence in support of the deviations.[55]

Staff recommended approval of all five deviations. The Hearing Examiner agrees with staff's recommendation, finding the deviations meet LDC approval criteria. [56]

Transportation

Applications to rezone property must demonstrate access sufficient to support proposed development intensity. Expected impacts to transportation facilities must be addressed by existing County regulations and conditions of approval.[57]

Primary project access will be to Three Oaks Parkway Extension, shifting development focus from serving the traveling public. [58] There is indirect access from Daniels Parkway via a frontage road that is limited to ingress only.[59] There is an optional access to Indian Paint Lane.[60]

Existing CPD development approvals allow 250,000 square feet of commercial retail, 90,000 square feet general office, 50,000 square feet medical office, and up to 120 hotel rooms. Traffic generated from existing CPD approvals exceed the trip generation anticipated from the proposed MPD.[61] As a mixed use project, there

[52] LDC §34-2.
[53] LDC §34-373(a)(9).
[54] The deviation allows a single access driveway serving Parcel 6.
[55] LDC §34-377(a)(4).
[56] The Hearing Examiner may recommend approval, approval with modifications or denial of requested deviations based upon findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).
[57] LDC §34-145(d)(4)a.
[58] Three Oaks Parkway Extension is designed as a four lane divided arterial under the jurisdiction of the County.
[59] Access to Daniels Parkway is via an existing frontage Road. Staff Report Attachment E: Traffic Impact Statement for Daniels Town Center prepared by TR Transportation Consultants, Inc. revised April 16, 2024. Daniels Parkway is a County maintained arterial classified as a Constrained Road between Metro Parkway and the interstate. Daniels Parkway is projected to operate at a poor LOS at buildout in 2027 both with and without the proposed development. Therefore, Daniels Parkway is considered a future preexisting transportation deficiency. As such, the proposed project will not be responsible for mitigating impacts to the roadway. Lee Plan Table 2(a), Objective 37.2. The Lee County Capital Improvement Plan includes improvements to Daniels Parkway as part of the Three Oaks Parkway Extension project. The improvements include widening Daniels Parkway from Appaloosa Lane to I-75. These future improvements will ameliorate projected level of service deficiencies on Daniels Parkway. The Alico Road Extension project will provide relief to the Daniels Parkway corridor.
[60] Testimony of Stacy Hewitt, AICP
[61] Testimony of Ted Treesh.

will be interaction between uses reducing overall trip generation called "internal capture."[62] In addition, the Traffic Impact Analysis assumed 30% of project trip generation would be "pass-by" traffic destined for retail uses.[63]

Further analysis of transportation impacts, including signalization of the project entrance and other site related turn lane improvements will occur during development order permitting.

Transit

The Lee Plan requires development design to reduce dependence on the automobile.[64] If a project lies within the Lee Tran public transit service area, the LDC requires site design to facilitate transit use.[65] In addition, Lee Plan directives include ensuring (1) safe and convenient travel via roads and transit to support businesses,[66] and (2) adequate public facilities are planned to service the County's employment base.[67] Consistent with these directives, project design must accommodate opportunities to interface with transit service on Daniels Parkway and the Three Oaks Extension.[68]

Designing the project to accommodate the likelihood of transit connections in the future is practical for the following reasons:

- The project abuts the Three Oaks Parkway Extension and Daniels Parkway, two arterial roads offering access to shopping, employment, recreation, libraries, schools, and the airport.

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[62] Staff Report Attachment E: Traffic Impact Statement for Daniels Town Center.
[63] Id.
[64] Lee Plan Policies 6.1.3, 7.1.2; *See also*, Lee Plan Policy 39.2.1 (*Future urban areas will have a balanced emphasis on automobile … transit, pedestrian, and bicycle modes of transportation.*)
[65] Internal sidewalks connecting to future bus stops achieve Lee Plan goals for a bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (*Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.*), 43.1.2.(*maintain efforts to provide construction of bus stop amenities*) The site is in the heart of an activity center evidenced by its proximity to the airport, shopping, employment, recreation, and transit routes serving those destinations. LDC §§10-442; 34-373(a)(6)j (The MCP must reflect proposed access to and facilities for public transit) *See also* LDC §§34-411(e), 10-442. LDC §34-411(e) (if within Lee Tran public transit service area, development must be designed to facilitate use of transit system). LDC 10-442(b) (commercial/industrial development with 30,000 sq. ft. of total floor area must provide (1) a paved walkway to nearest bus stop if bus stop is *within a ¼ mile of the project entrance* and bicycle storage rack, signs, and landing pad within the road right-of-way or dedicated easement. (2) If no bus stop within a ¼-mile and property abuts a bus route development must provide a bus stop, shelter, signs, walkway, bicycle rack, landing pad lighting and a bus pull off area within the road right-of-way or dedicated easement so passengers can access the bus outside the line of traffic.
[66] Lee Plan Objective 158.3, Policy 158.3.1.
[67] Lee Plan Policy 160.1.1. *see also* Policy 160.1.2, which directs the county to provide services need to maintain the County's position as an attractive and viable location for a diversified workforce.
[68] *See* Lee Plan Policies 6.1.3, 39.2.1, 43.1.1; LDC §§10-441, 10-442, 34-373(6)j, 34-411(e); *See also*, LDC §§10-154(6)l and (7)h, which requires local development order plans to include the location of proposed transit stops and passenger amenities.

- The proposed density/intensity of residential land uses warrants access to transit to provide residents alternative modes of travel.
- Requested land uses indicate the project will serve as a shopping and employment destination.[69]

The Hearing Examiner recommends project design reduce dependence on the automobile consistent with Lee Plan directives.[70]

Lee Tran Route 50 currently skirts the property's north perimeter on Daniels Parkway.[71] Therefore, the developer may be required to construct improvements facilitating access to transit during development order permitting.[72] The scope of those improvements will be dependent upon the distance to the nearest bus stop and consultation with Lee Tran.[73]

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

The property lies within a critical area for surface water management.[74] Wet and dry detention areas will treat/filter storm water flows leaving the site improving the quality of surface and groundwater.[75] Discontinuation of livestock grazing,

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[69] Developing the site to be transit ready is consistent with the transportation and economic elements of the Lee Plan. *See* Lee Plan Objective 158.3 and Policies 39.1.1, 158.3.1, 160.1.1, 160.1.2, . Workers serving retail and hotel uses in housekeeping, food service, maintenance, salesclerks, will likely benefit most from the opportunity to pursue the project's employment opportunities using alternative modes of transportation.
[70] Lee Plan Policy 6.1.3. *See also*, Lee Plan Policy 39.2.1 (*Future urban areas will have a balanced. emphasis on automobile … transit, pedestrian, and bicycle modes of transportation.*)
[71] LDC §34-373(6)j. (The MCP must reflect proposed access to and facilities for public transit) *See also* LDC §§34-411(e), 10-442. LDC 34-411(e) (if within Lee Tran public transit service area, development must be designed to facilitate use of transit system). LDC §10-442(b) (commercial/industrial development with 30,000 sq. ft. of total floor area must provide (1) a paved walkway to nearest bus stop if bus stop is *within a ¼ mile of the project entrance* and bicycle storage rack, signs, and landing pad within the road right-of-way or dedicated easement. (2) If no bus stop within a ¼-mile and property abuts a bus route development must provide a bus stop, shelter, signs, walkway, bicycle rack, landing pad lighting and a bus pull off area within the road right-of-way or dedicated easement so passengers can access the bus outside the line of traffic.
[72] Applicant Exhibit 5: PowerPoint presentation.
[73] The MCP reflects the potential location of a bus stop, pull out area, and shelter. Unless contrary to public safety, LDC 10-442 requires commercial/industrial developments 30,000 square feet or more to provide a paved walkway to the nearest bus stop. If a stop is within ¼ mile of the project entrance. In addition, the code requires the installation of a bicycle storage rack, signage and landing pad. If there is no bus stop within a ¼ mile, the LDC requires the developer to provide a bus stop, including shelter, signage, walkways, bicycle rack, landing pad, lighting and a bus pull off area. *See* Lee Plan Policies 39.1.1, 39.2.1.
[74] Development in the Six Mile Cypress Watershed Basin must be consistent with the findings/conclusions set forth in the Six Mile Cypress Watershed Plan. Lee Plan Objective 60.3., Policy 60.3.1, LDC §10-321(f).
[75] *See* Lee Plan Goals 60, 61, 125, Policies 61.3.6, 61.3.11, 125.1.2. The project stormwater outfall will route project stormwater through the Old Hickory Golf and Country Club stormwater management system before discharging into the Six Mile Cypress Slough.

engineered stormwater management, and other improvements to site hydrology will improve/protect water quality.[76]

Project design includes an outfall at the southwest edge of the property to the Old Hickory Golf and Country Club. Ultimately stormwater outfalls to the Six Mile Cypress Slough. Future development requires a development order approval, an Environmental Resource Permit from SFWMD, and compliance with SFWMD surface water quality standards.[77]

The project must provide 13.87 acres open space.[78] Applicant's' Protected Species Survey notes scattered wetlands along the northeast corner and a centrally located wetland.[79] The MCP preserves 0.79 acres of wetlands and impacts 5.79 acres of wetlands, which will be mitigated consistent with SFWMD permit approvals.[80]

The plan of development incorporates hazardous wildlife minimization measures through four deviations to reduce bird attractants near the airport. This will be achieved by adjusting bank slopes and eliminating littoral shelves and vegetation in stormwater management lakes. The planting plan also substitutes code required herbaceous plants with native wetlands trees. Littoral plantings and herbaceous plants contribute to surface and groundwater quality. Elimination of those plantings led to a condition requiring submission of a Surface Water Quality Monitoring Plan with development order permitting.[81]

Buffers and landscaped areas must follow Xeriscape principles and consist of native landscape to conserve water.[82]

The Hearing Examiner finds the proposed MPD will not harm environmentally critical/sensitive areas or natural resources.[83] The proposed plan of development enhances the site's environmental features by removing exotic vegetation, restoring impacted upland and wetland vegetation, and eliminating agricultural uses that introduce nitrogen into the environment.

Public Services and Infrastructure

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[76] *See* Lee Plan Goal 125, Policies 125.1.1, 125.1.2, 123.1.3.
[77] Lee Plan Policies 125.1.2, 126.1.4.
[78] The MCP provides 20% open space on parcels within the Mixed Use Overlay (north of Three Oaks Parkway Extension), amounting to 10.62 acres of open space. Parcels south of Three Oaks Parkway comprise 8.13 acres and are not in the Mixed-Use Overlay. The MCP allocates 40% of those parcels to open space, amounting to 3.25 acres. *See* LDC §10-425(a) 10-415, 10-416(d).
[79] Staff Report Attachment E: Applicant narrative, Indigenous Monitoring & Protected Species Plan.
[80] Lee Plan Policies 123.2.4, 123.2.8
[81] Lee Plan Policy 125.1.4.
[82] Lee Plan Objective 126.2, Policy 126.2.1.
[83] Lee Plan 125.1.2.

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[84] The Lee Plan requires an evaluation of public services during the rezoning process.[85]

There is a wide array of public services and infrastructure to serve the site.[86] The property fronts on Daniels Parkway and the Three Oaks Extension. Daniels Parkway features a shared use path and is part of the Captiva-Hendry-Collier Trail.[87]

Three driveways will serve the project: An "entrance only" access from Daniels Parkway and two driveways on the Three Oaks Extension allowing all turning movements.

Development will connect to Lee County Utilities potable water supply.[88] Lee County Utilities will also supply sanitary sewer service.[89] South Trail Fire & Rescue District and Lee County Medic 35 will provide fire and emergency medical services.[90] Lee County Sheriff provides law enforcement services from the central station on Six Mile Cypress Parkway.

The property is within a quarter mile of Lee Tran Route 50 on Parkway.[91] The residential portion of the project must construct a paved walkway to the nearest bus stop, including signage, a landing pad, and bicycle storage racks within the road right of way if the stop does not already include those improvements.[92] The Hearing Examiner recommends the site design accommodate a transit interface along the Three Oaks Parkway Extension.[93]

Future residents will have access to schools, parks, hospital/medical facilities, shopping, and employment centers within reasonable distances.[94]

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[95]

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[84] Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[85] Lee Plan Goal 95 and Policy 2.2.1.
[86] Lee Plan Goal 95, Policies 2.2.1, 5.1.3, 6.1.1, 6.1.4.
[87] Lee Plan Map 3-D. In addition, Daniels Parkway is identified on the Greenways Master Plan as part of the Captiva-Hendry-Collier Trail. Lee Plan Map 4-E. *See also* Lee Plan Policy 77.3.7.
[88] Lee Plan Standard 4.1.1, Lee Plan Map 4-A.
[89] Lee Plan Standard 4.1.2, Lee Plan Map 4-B.
[90] Lee Plan Goal 66, Objective 66.1.
[91] Lee Plan Map 3-C.
[92] LDC §10-442.
[93] Lee Plan Policy 43.1.1.
[94] Lee Plan Goals 66, 95, Objective 95.1.
[95] LDC Chapter 2, Article VI.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.[96] Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.[97]

The MPD will be subject to several conditions of approval designed to address impacts reasonably anticipated from development.[98] Notable conditions require completion of the Three Oaks Parkway Extension project prior to first development order, an indigenous management plan for the .79 acre wetland, a surface water quality monitoring plan, and submission of a detailed signal warrant for the project entrance(s) on Three Oaks Parkway.[99]

Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[100] In furtherance of this authority, the Hearing Examiner recommends conditions to ensure project design accommodates (1) safe pedestrian and bicycle access to a school bus stop within the development and (2) ensuring project design accommodates opportunities to interface with transit along the Three Oaks Parkway Extension.

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

Public

Three members of the public attended the hearing.

Conclusion

The Hearing Examiner recommends approval subject to conditions in Exhibit B. The Hearing Examiner finds the requested MPD zoning meets LDC criteria and, as conditioned, is compatible with surrounding development.[101]

The Hearing Examiner revised conditions of approval for clarity, compliance with state law and to remove references to the LDC applicable to development by Condition 1.

---

[96] Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).
[97] LDC §34-932(b).
[98] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.5.
[99] Conditions 7, 8, 11, 12.
[100] LDC 34-145(d)(1)c. and (d)(6)a.
[101] Lee Plan Policy 6.1.4.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. 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).

B. As conditioned, the MPD zoning district:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.

2. 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.

3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3.

4. 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.

5. 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.

6. 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.

C. 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).

D. 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).

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

Revised recommendation date: November 14, 2024.

Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

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

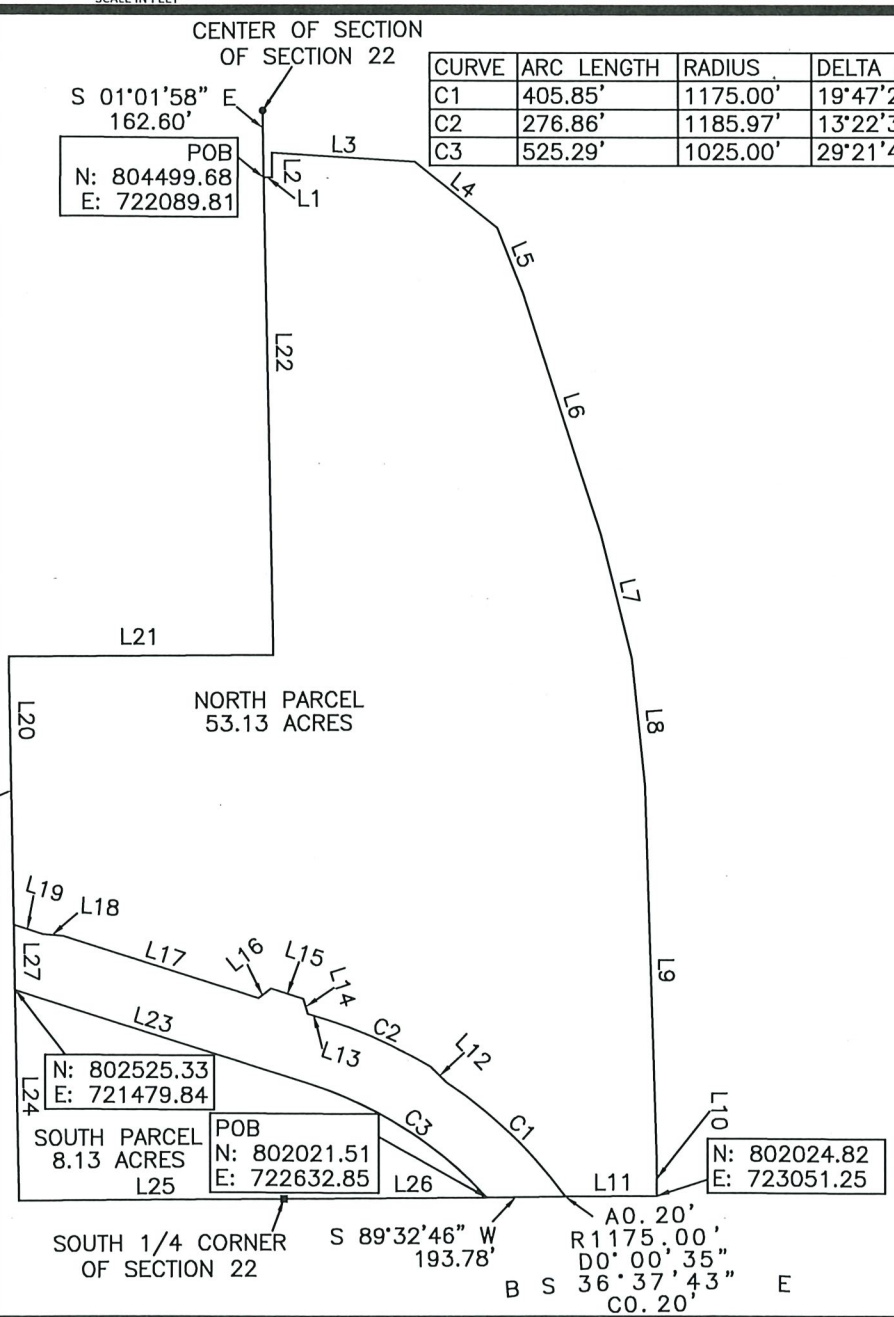
SKETCH

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'

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:

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:

DCI2022-00059 Lee County ePlan

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.

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

REVISIONS:

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

DCI2022-00059 Lee County ePlan

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

AND

SOUTH PARCEL

COMMENCE AT THE CENTER OF SAID SECTION 22 AND RUN S 01°01'58" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE OF 162.60 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND RECORDED IN INSTRUMENT NUMBER 2006000424258 PUBLIC RECORDS LEE COUNTY, FLORIDA AND THE SOUTH RIGHT-OF-WAY LINE OF AN INTERSTATE 75 SERVICE ROAD; THENCE N 89°21'01" E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.58 FEET; THENCE N 01°01'58" W A DISTANCE OF 60.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS PARKWAY; THENCE ALONG THE SOUTHERLY AND WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 THE FOLLOWING EIGHT COURSES:
THENCE S 86°27'08" E A DISTANCE OF 349.38';
THENCE S 51°43'05" E A DISTANCE OF 258.16';
THENCE S 22°07'24" E A DISTANCE OF 168.65';
THENCE S 18°01'44" E A DISTANCE OF 617.97';
THENCE S 13°58'40" E A DISTANCE OF 311.29';
THENCE S 05°51'00" E A DISTANCE OF 311.31';
THENCE S 01°46'50" E A DISTANCE OF 898.82';
THENCE S 00°33'32" E A DISTANCE OF 99.54' TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE S 89°32'46" W, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22, A DISTANCE 224.64' TO THE NORTHERN LEE COUNTY RIGHT WAY AS RECORDED IN INSTRUMENT NUMBERS 2021000306954 AND 2021000128594;
THENCE S 89°32'46" W A DISTANCE OF 193.78' TO THE POINT OF BEGINNING;
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 525.29', WITH A RADIUS OF 1025.00', WITH A DELTA ANGLE OF 29°21'45", WITH A CHORD BEARING OF N 57°43'20" W, WITH A CHORD LENGTH OF 519.56';
THENCE N 72°24'12" W A DISTANCE OF 748.78';
THENCE S 01°00'43" E A DISTANCE OF 512.76';
THENCE N 89°33'48" E A DISTANCE OF 645.69' TO THE SOUTH ONE QUARTER CORNER OF SAID SECTION; THENCE N 89°32'46" E A DISTANCE OF 498.31'; WHICH IS THE POINT OF BEGINNING, 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

PROJECT NO: N/A
SCALE: N/A
DRAWN BY: JJM
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Fort Myers, Florida 33912
Telephone (239) 936-9777

DCI2022-00059

Zoning

Subject Property

N
W E
S

0 500 1,000 1,500
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

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 Land Development Code (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
Fam 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%
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
Minimum Lot Width	100 feet
Minimum Lot Depth	100 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

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 B2 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:

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

a) Date agricultural uses ceased.

b) Legal description of the property subject to development order approval for vertical development.

c) 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.

d) 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. 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.~~

Hearing Examiner Note: *This condition rewritten and relocated to end of conditions consistent with prior zoning resolutions.*

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.

DEVIATIONS

1. Excavation Bank Slopes. Deviation 1 seeks relief from 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.

   Hearing Examiner Recommendation: Deviation approved.

2. Surface Water Management Systems. Deviation 2 seeks relief from 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.

   Hearing Examiner Recommendation: Deviation approved. subject to Condition 9.

3. Surface Water Management Systems. Deviation 3 seeks relief from 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.

   Hearing Examiner Recommendation: Deviation approved. subject to Condition 9.

4. Surface Water Management Systems. Deviation 4 seeks relief from 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.

   Hearing Examiner Recommendation: Deviation approved. subject to Condition 9.

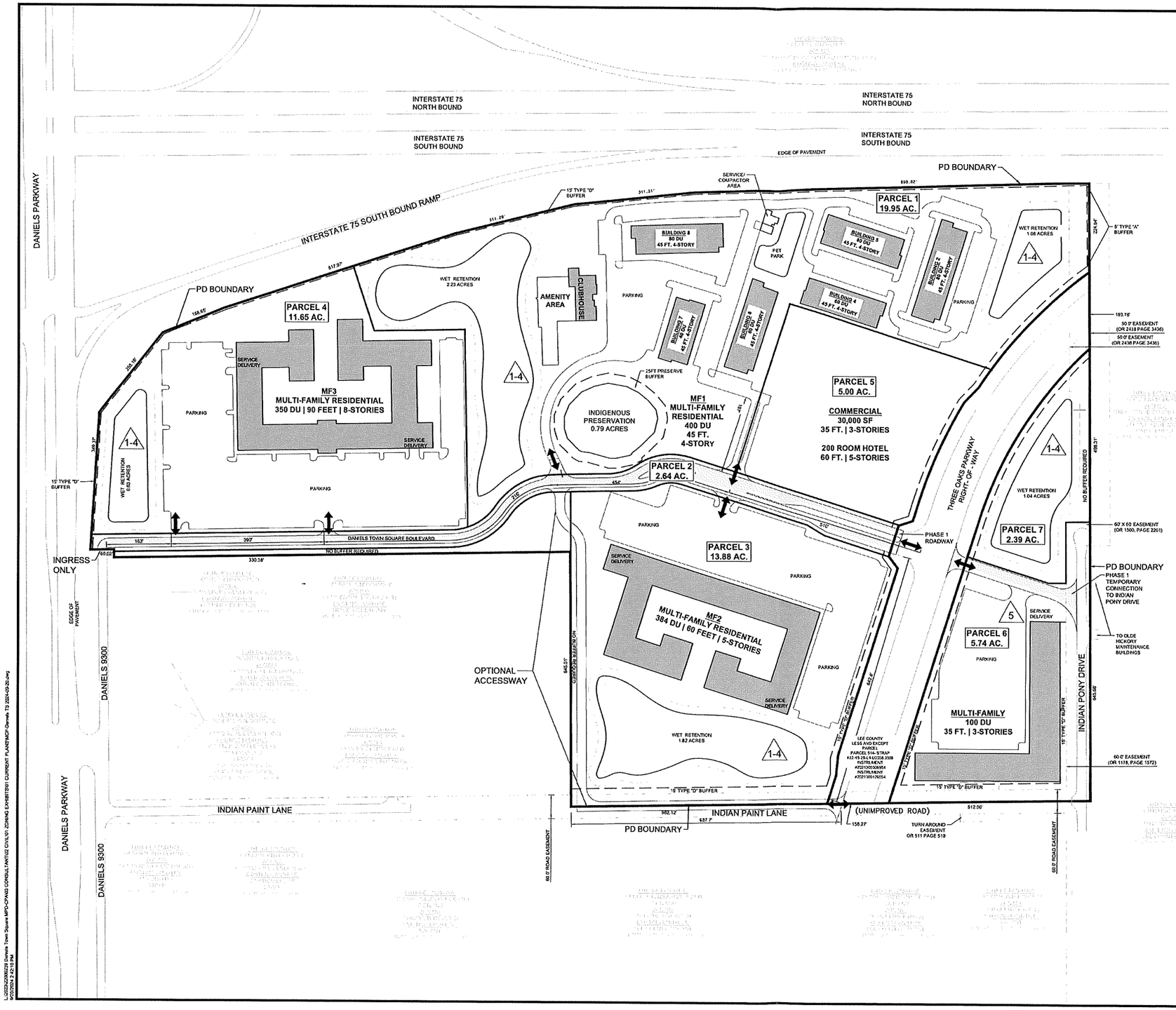
5. Required Street Access. Deviation 5 seeks relief from §10-291(3) which requires residential development of more than five acres to provide more than one means of ingress and egress, to allow one means of ingress/egress for Parcel 6.

   Hearing Examiner Recommendation: Deviation approved.

Exhibits to Conditions

B1: Master Concept Plan entitled "Daniels Town Square", prepared by Atwell, last revised September 23, 2024.

B2: Agricultural Affidavit dated September 10, 2024



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)
	10.62 AC (20% parcels 1-5)
COMMERCIAL	30,000 SF
HOTEL	200 ROOMS
MULTI-FAMILY	1,234 DWELLING UNITS
LAKE / WET RETENTION	6.80 AC
TOTAL	61.26 AC

ATWELL
866.850.4200 www.atwell-group.com

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

PLAN REVISIONS

1	2023-02-22	Insufficiency Response
2	2023-04-20	Insufficiency Response
3	2023-07-05	Insufficiency Response
4	2023-09-22	48-hour Letter

0 60 120 240
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #6636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO 84221

SET NUMBER: 22000239E0101
SHEET: 1

EXHIBIT B-1

L:\2022\22000239 Daniels Town Square MPD-CPA\02 CONSULTANTS\02 CIVIL\01 ZONING EXHIBITS\01 CURRENT PLANS\MCP-Daniels T3 2023-09-20.dwg
9/20/2023 2:42:10 PM

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"

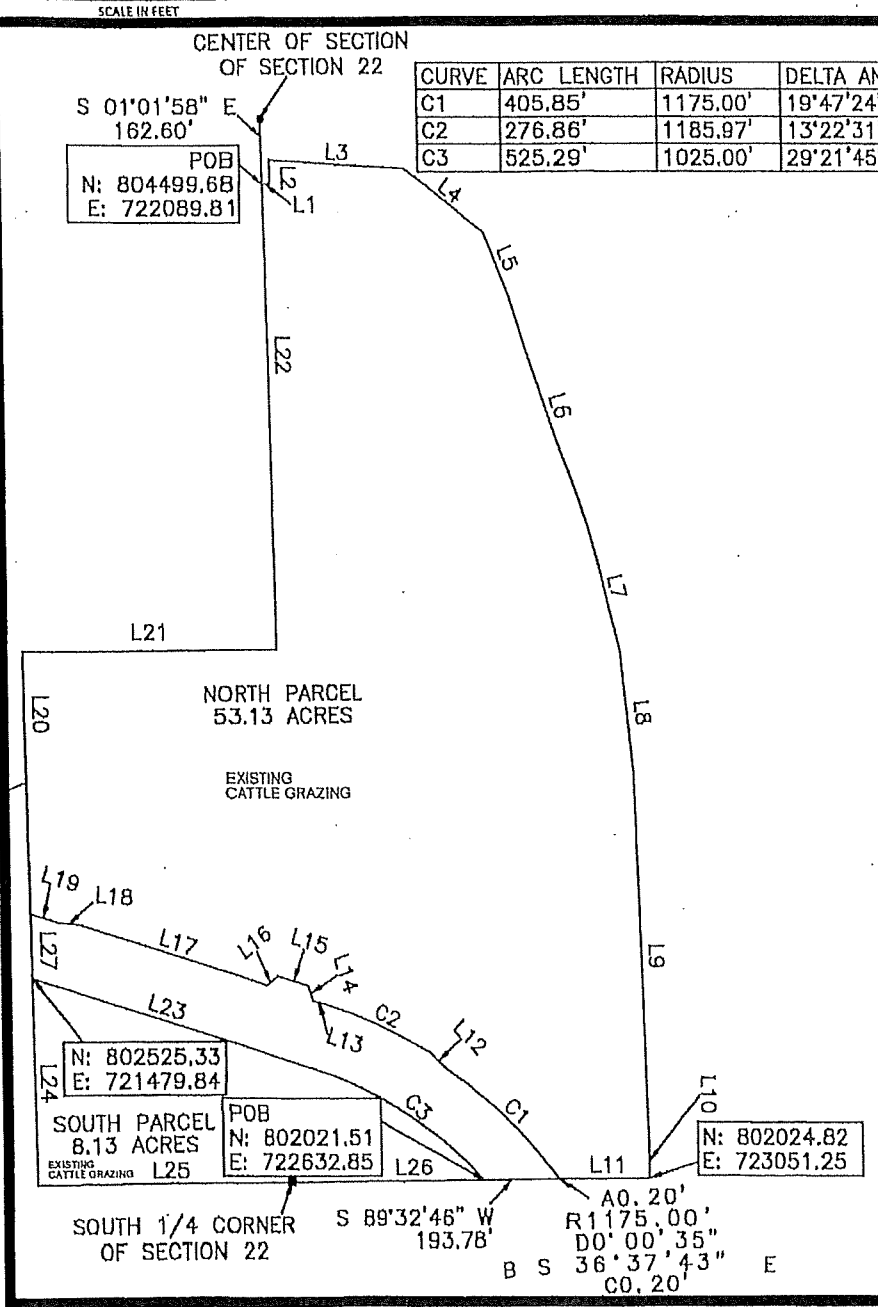
DANIELS TOWN SQUARE
SECTION 22, TOWNSHIP 45 SOUTH,
RANGE 25 EAST
LEE COUNTY, FLORIDA

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: MOH
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';
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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:

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

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 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';
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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.

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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Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Elizabeth Workman, Principal Planner, date received September 11, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* For Zoning Case DCI2022-00059, Daniels Town Square MPD (2 pages – 8.5"x11")

3. *Revised Maps:* (multiple pages – 8.5"x11")[color]

4. *PowerPoint Presentation:* Prepared by DCD Staff for DCI2022-00059, The Daniels Town Square, dated November 1, 2024 (multiple pages – 8.5"x11") [color]

5. *Résumé:* For Joseph P. Sarracino

APPLICANT EXHIBITS

1. *48-Hour Notice:* Email from Stacy Hewitt to Hearing Examiner, with copies to Elizabeth Workman, Maria Perez, Lauren Schaefer, Sandra Kokotilo, Jillian Scholler, Joseph Adams, Esq., Amanda Swindle, Esq., Michael Jacob, Esq., Richard Akin, Esq., Chris Moore, and Fred Drovdlic, dated Tuesday, September 24, 2024, 8:13 AM (multiple copies – 8.5"x11")

2. *PowerPoint Presentation:* Prepared by RVI Planning and Landscaping for DCI2022-00059, The Daniels Town Square, dated November 1, 2024 (multiple pages – 8.5"x11") [color]

3. *Master Concept Plan:* Prepared by Atwell for Daniels Town Square, last revised September 23, 2024 (1 page – 8.5"x11" and 11"x17")

4. *Written Submissions:* Email from Richard Akin, Esq., to Hearing Examiner, with copies to Elizabeth Workman, Stacy Hewitt, and Fred Drovdlic, dated Friday November 1, 2024, 3:49 PM (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Joseph Sarracino
2. Elizabeth Workman

Applicant Representatives:

1. Richard Akin, Esq.
2. Brown Collins
3. Jacquelyn Laroque
4. Stacy Ellis Hewitt
5. Ted Treesh

Public Participants:

1. Richard Mersman

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

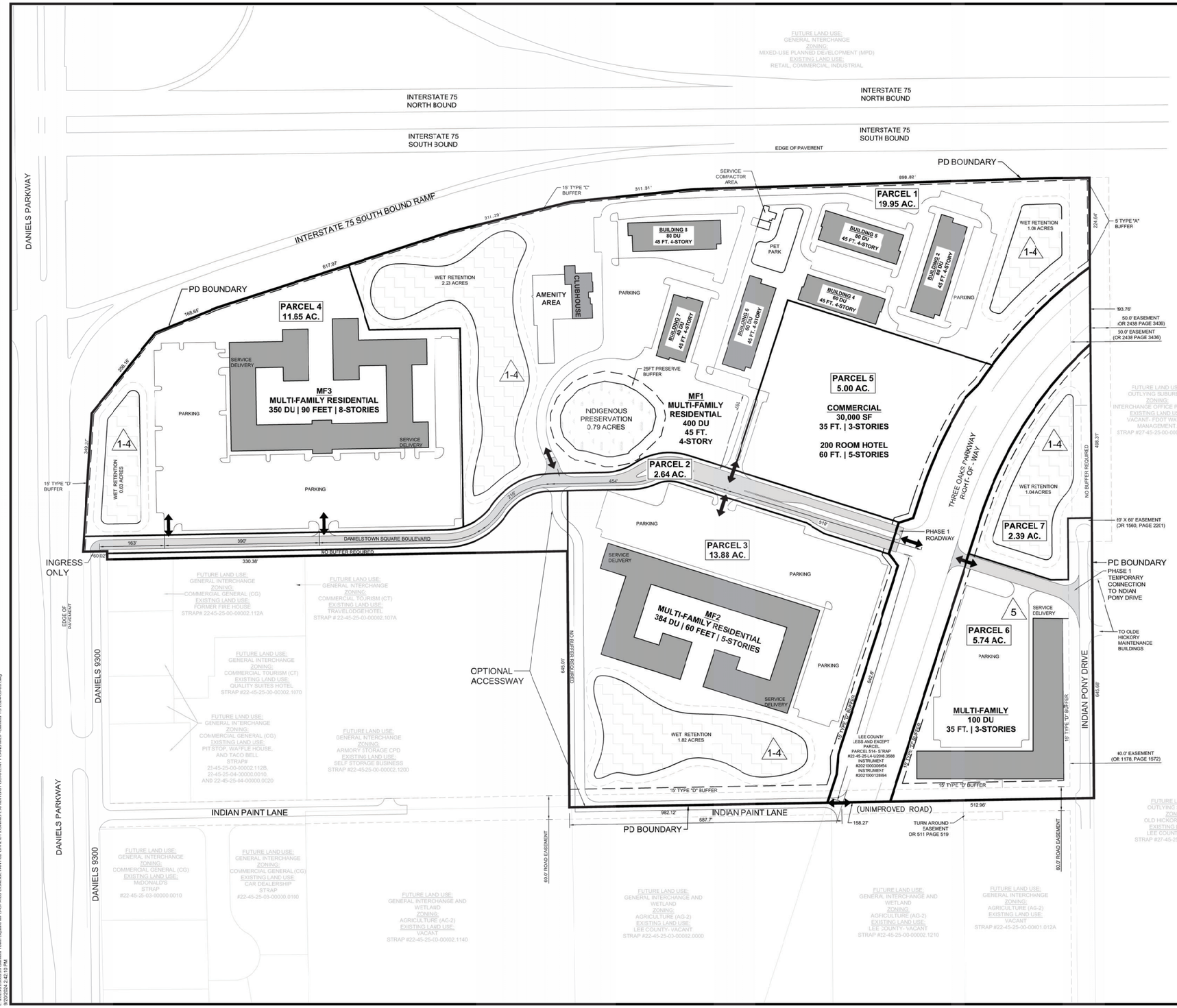
B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.



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- INDIGENOUS PRESERVATION (0.79 AC)
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BONITA SPRINGS, FL 34135
239.405.7777

MASTER CONCEPT PLAN FOR

DANIELS TOWN SQUARE

CLIENT:

BISON PROPERTY HOLDINGS, LLC

PLAN REVISIONS

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2	2023-04-29	Insufficiency Response
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0 60 120 240
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

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

SET NUMBER: 22000239E0101

SHEET : 1

L:\2022\22000239 Daniels Town Square MPD\CPA\03 CONSULT TANTIQ\ 03\L01 ZONING EXHIBIT\501 CURRENT PLANS\MCP-Daniels TS 2024-09-20.dwg
9/20/2024 2:42:10 PM

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.

   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. <u>Schedule of Uses</u>

   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 Cocktail Lounge
   Bed and Breakfast
   Boarding House
   Boats; Parts Store, Rental, Sales, and Storage
   Broadcast Studio, Commercial Radio & Television
   Building Materials
   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
Cultural Facilities
Day Care Center, Child, Adult
Department Store
Dormitory
Drive-Through Facility for any permitted use
Drug Store, Pharmacy
Dwelling unit: Multi-family
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
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. <u>Site Development Regulations</u>

<u>General Parameters</u>

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	
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.

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.

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.

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**.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2022-00059
TYPE OF CASE: Major Planned Development
CASE NAME: Daniels Town Square MPD
TOTAL ACREAGE: 61.26 +/- acres
SUFFICIENCY DATE: July 12, 2024
HEARING EXAMINER DATE: September 26, 2024

Request:
RVi Planning + Landscape Architecture, on behalf of the applicant, has requested to rezone 61.26 +/- acres of land from Commercial Planned Development (CPD) and Agricultural (AG-2) to Mixed Use Planned Development (MPD). The applicant is proposing up to 30,000 square feet of commercial development, a 200-room hotel, and up to 1,234 residential dwelling units.

The subject property is located southwest of the Daniels Parkway and Interstate 75 interchange. The property is currently in the General Interchange Future Land Use Category. The subject property consists of two parcels bisected by the Three Oaks Parkway Extension, which is currently under construction. The legal description for this property may be found in Attachment D.

Summary:
Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C. The applicant seeks five deviations from Land Development Code (LDC) requirements regarding lake design in proximity to the airport operations to the southeast and a single access to the southern parcel as shown on the MCP. Staff recommends approval of the deviations with conditions.

Outstanding Issues:
There are three outstanding issues associated with this request, which are summarized as follows:

1. The applicant submitted Letters of Availability for potable water and sanitary sewer that provide analysis for 1,590 single-family dwelling units. The applicant must provide a revised letter from Lee County Utilities analyzing the correct development parameters for the request.

2. The South Trail Fire District provided a Letter of Availability stating that they would be challenged to provide adequate fire protection and non-transport Advanced Life Support Services to the proposed development without making enhancements to their current service-delivery model, specifically an additional fire/EMS substation. South Trail has express interest in having the applicant donate land within the development to construct a future fire station. The Schedule of Uses proposed by the applicant does not include EMS, fire or sheriff's station. The applicant must provide a revised letter or additional documentation to demonstrate compliance with the Lee Plan.

3. The applicant is requesting to include agricultural uses in the Schedule of Uses. To include these uses, an Agricultural Use Affidavit must be submitted. Staff has included Condition 3 to ensure that the existing agricultural use is terminated once a development order has been issued.

HISTORY OF THE PARCEL:
The 61.26-acre subject property consists of two parcels that have a current agricultural exemption for cattle grazing. The subject property was rezoned to Commercial Planned Development (Resolution Z-08-043) in 2008 to allow 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. One of the major features preserved in the site design was an active bald eagle nest (Attachment F). The approved master concept plan depicted the future Three Oaks Parkway extension with access to the north and south parcels of the subject property. In 2021, Lee County completed a right-of-way acquisition for the Three Oaks Parkway Extension/Fiddlesticks connector road. The Three Oaks Parkway Extension construction is currently underway.

The applicant is requesting to rezone the property to Mixed Use Planned Development to develop up to 30,000 square feet of commercial development, a 200-room hotel and up to 1,234 residential dwelling units. A concurrent Comprehensive Plan Amendment is for a transmittal hearing before the Board of County Commissioners on September 18, 2024, to change the future land use to Intensive Development and add the north parcel to the Mixed Use Overlay Lee Plan Map 1-A (Attachment G).

CHARACTER OF THE AREA:
The subject property abuts several existing and future rights-of-way. The existing access is located at the northwest corner to Daniels 9300, which is a frontage road that connects to Daniels Parkway. The frontage road provides access to a variety of commercial uses and is constrained with respect to its ability to accommodate additional traffic. Lee County Department of Transportation (DOT) is currently constructing Phase I of the Three Oaks Parkway Extension, which bisects the subject property Phase I will end at the east side of the subject property and connects to Alico Road to the south, providing an opportunity for future road connections to Indian Paint Lane and Indian Pony Drive, which abut the subject property to the west. Phase II of Three Oaks Parkway Extension will connect Phase I to Fiddlesticks Boulevard to the west.

The following are the zoning districts and existing land uses that surround the subject property:

<u>North:</u>
The subject property abuts but does not have direct access to Daniels Parkway, a County-maintained arterial road. Further north are a mix of commercial outparcels that include medical offices, restaurants, gas stations, and hotels. The Club at Renaissance, which is zoned Residential Planned Development (RPD) is located north of the commercial outparcels. The outparcels are in the General Interchange future land use category and are zoned Commercial Planned Development (CPD) and General Commercial (CG). The Club at Renaissance is in the Outlying Suburban and Wetlands future land use categories.

<u>South:</u>
Most of the property abuts Three Oaks Parkway Extension which is currently under construction by Lee County and is classified as an arterial road. The portion of the subject property south of Three Oaks Parkway Extension abuts land zoned Commercial Planned Development (CPD), Old Hickory Golf and Country Club, zoned Residential Planned Development (RPD), and Indian Pony Drive, which is a non-County-maintained local road. Properties to the south are in the Outlying Suburban and Wetlands future land use categories.

East:
The subject property abuts Interstate 75 (I-75) along the east property line. East of I-75 are a mix of industrial, commercial, and public facilities uses that are zoned Mixed Use Planned Development (MPD), Industrial Planned Development (IPD), and Industrial (IL). The future land uses east of I-75 consist of General Interchange, Tradeport, and Wetlands.

West:
Property to the west is primarily Agricultural (AG-2) and is undeveloped except for the properties along the northwest corner, abutting Daniels 9300. This area consists of commercial uses zoned Tourist Commercial (CT), General Commercial (CG), and Commercial Planned Development (CPD). The uses consist of auto repair, fast food restaurants, retail, auto sales, grocery store, and a fire station which is no longer in operation. The future land use categories consist of Public Facilities, Wetlands, General Interchange, Outlying Suburban, and Wetlands.

ANALYSIS:
The applicant has submitted a request statement that provides a description of the application (Attachment E). In the request statement, the applicant states that the intent is to rezone approximately 61.26 acres from Commercial Planned Development (CPD) and Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow up to 30,000 square feet of commercial development, a 200-room hotel and up to 1,234 residential dwelling units. The maximum building height will range from 35 feet to 90 feet for multi-family units depending on the location and 60 feet for commercial uses.

Comprehensive Plan Amendment:
The applicant pursued a concurrent Comprehensive Plan Amendments (CPA2022-00010 & CPA2022-00011) which, if approved, will:

- Amend the Future Land Use Map (Map "1-A") to designate 61.25 acres from General Interchange and Wetlands to Intensive Development and Wetlands future land use categories.
- Amend Map 1-C to add 53.13 acres to the Mixed Use Overlay.
- Amend Table 1(b): 2045 Population Allocation, to accommodate residential development on the subject property.

Planning staff provided a staff report in support of the map and text amendments (Attachment G). The CPA was recommended for transmittal by the Local Planning Agency on August 26, 2024. The CPA will be transmitted to the Board of County Commissioners on September 18, 2024.

Master Concept Plan:
The applicant has provided a Master Concept Plan (MCP) which depicts the conceptual plan for development proposed by the applicant. The area north of Three Oaks Parkway Extension will be in the Mixed-Use Overlay the CPAs are adopted. The MCP shows the development parcels, buffers, open space, detention areas, and deviation locations (Attachment H).

Planned Development Rezoning:
Section 34-612 of the Lee County Land Development Code (LDC) describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments. Section 34-145 of the Land Development Code (LDC)

establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;
b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
c) Is compatible with existing and planned uses in the surrounding area;
d) Will provide access sufficient to support the proposed development intensity;
e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;
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; and
c) 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.

Development Pattern Considerations:
The subject property is proposed to be in the Intensive Development and Wetlands Future Land Use Categories per **CPA2022-00010** and **CPA2022-00011** (Attachment G). As described in the **Lee Plan Policy 1.1.2**, the Intensive Development future land use category is located along major arterial roads and are suited to accommodate high densities and intensities due to the location of land in proximity to public services. The types of uses in the Intensive Development future land use category consist of a mix use of high density residential, commercial, light industrial and office uses. Applicants are encouraged to develop mixed use developments in accordance with **Objective 11.1**. As described, the subject property has access to a plethora of commercial uses and is near existing and planned transportation infrastructure to support the proposed uses. With the future expansion of Three Oaks Parkway Extension connecting Alico Road to Daniels Parkway, the focus of the subject property is to not have a main access to Daniels Parkway via Daniels 9300, but to focus the project's main access points along Three Oaks Parkway Extension. By orienting the project to the south, the project no longer is capturing traffic from the travelling public along Daniels Parkway and I-75 as mentioned in General Interchange future land use per **Lee Plan Policy 1.3.2**. Instead, the subject property will capture neighborhood traffic that serves the immediate existing and planned residential uses. Staff finds the request, as conditioned, to be consistent with **Lee Plan Policy 1.1.2**, **5.1.5, 5.1.6 and 5.1.7** because of the mix of uses, and orientation of proposed building heights, density and access points.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. **Policy 2.2.1** states that rezonings will be evaluated as to the availability of the road network, central water and sewer lines,

and public facilities and services. **Standards 4.1.1 and 4.1.2** provide the urban services requirements for potable water and sanitary sewer. The applicant states that urban services exist near the subject property and will be extended to the property and has provided Letters of Availability from Lee County Utilities (Attachment E). As noted in the outstanding issues section of this report, staff finds that the applicant has not demonstrated that sufficient urban services pertaining to potable water and sanitary sewer availability and fire protection.

Utilities: A Letter of Availability from Lee County Utilities was provided stating the potable water and sanitary sewer service for 1,590 single-family residential units and ten commercial units with an estimated demand of 470,000 gallons per day is available to serve the project. The applicant must provide a revised letter of availability aligning with the density and intensity of the subject request.

EMS: Emergency Medical Services (EMS) will be able to meet the service standards from Medic 35, which is located 1.2 miles west of the subject property.

Fire: The South Trail Fire District has provided a letter dated March 7, 2023, that states that they would be challenged to provide adequate fire protection, and non-transport Advanced Life Support Services to the proposed development without making enhancements to their current service-delivery model, specifically an additional fire/EMS substation. South Trail is interested in having the applicant donate land within the development to construct a future fire station. The Schedule of Uses proposed by the applicant does not include EMS, fire or sheriff's station. The applicant must provide a revised letter or additional documentation to demonstrate compliance to include South Trail Fire District's ability to provide service to the subject property with the building heights being proposed to demonstrate compliance with **Lee Plan Objectives 2.1 and 2.2**.

Mass Transit: The LeeTran availability letter dated July 15, 2022, states that the subject property is within one-quarter mile of a fixed-route corridor with the closest bus stop within one-quarter mile providing service to Route 50. Enhanced or additional transit services have been identified in this area according to the 2020 Transit Development Plan.

Police: The Lee County Sheriff will provide law enforcement services from the Central District offices in Fort Myers. The letter from the sheriff dated July 14, 2022, states that the development will not affect the sheriff's ability to provide law enforcement services to the project and surrounding area.

Access to the site is dependent upon offsite improvements currently underway with the Three Oaks Parkway Extension which connects to Alico Road and will eventually connect to Fiddlesticks Boulevard. The applicant is proposing an ingress only access from Daniels 9300 to the proposed development. The applicant has designed the project to focus the uses along Three Oaks Parkway Extension by using a mix of building heights and proposed uses taking into consideration the intensity levels of existing development abutting the subject property. For instance, a multi-family building is proposed along the north property line with a building height of 90 feet adjacent to Daniels Parkway and I-75. In comparison, the applicant is proposing a less dense and intense multi-family building with a building height of 35 feet on the south parcel adjacent to the Old Hickory residential community. Between the 90-foot-tall building along the north and the 35-foot-tall building along the south are a mix of multi-family buildings proposed to be 45 feet to 60 feet in height. North of Three Oaks Parkway Extension, the applicant is proposing to limit height hotel to 60 feet and commercial building height to 35 feet. The applicant is meeting or enhancing the screening and buffering along the property lines. Adequate public services are available as

stated previously, except for potable water and sanitary sewer. Once the Letters of Availability from Lee County Utilities and South Trail Fire are revised, staff may find the request as conditioned to be consistent with **Lee Plan Policy 6.1.1, 6.1.2, 6.1.3, 6.1.4 and 6.1.5**.

Approximately 53.13 acres of the subject property located to the north of Three Oaks Parkway Extension is proposed to be added to the Mixed-Use Overlay Map 1-C. The applicant has designed the Master Concept Plan to depict elements of the Mixed-Use Overlay north of Three Oaks Parkway Extension. These elements include transportation connections, landscaping and open space to allow for urban forms of development, a variety of uses, and bonus density that would encourage a compact development pattern with varying intensities and densities. The applicant has provided enhanced buffers along Three Oaks Parkway Extension and Indian Paint Lane with shrubs in addition to the required trees per LDC Section 10-425(f). This will create a consistent right-of-way buffer between the 53.13 acres of the subject property within the Mixed-Use Overlay and the remainder of the subject property to the south of Three Oaks Parkway Extension. Staff is recommending a condition to require a consistent right-of-way buffer along the north and east property lines, which will provide a common landscape theme. The transportation connections depend on the timing of the Three Oaks Parkway Extension and road improvements to Indian Paint Lane and Indian Pony Drive. The improvements will provide availability for adjacent properties to access the local roads to utilize Three Oaks Parkway Extension, providing transportation connections.

Density

The applicant is proposing a maximum density of 1,234 dwelling units. The density based on the Intensive Development acreage (14 units per acre), impacted wetlands (one unit per 20 acres), and bonus density (eight units per acre) allows 1,221 dwelling units. Any dwelling units exceeding 1,221 must be built utilizing Greater Pine Island Transfer of Development Units (GPITDU), which provides the opportunity for an additional eight dwelling units per acre (Attachment I). The table details the calculation of total allowable dwelling units based on 5.79 acres of wetland impacts:

Table 1. Density Calculations

Standard Density	55.47 acres Intensive Development	55.47 x 14	776.58 dwelling units
Standard Density	5.79 acres impacted wetlands	5.79 x 0.05	0.29 dwelling units
Bonus Density	55.47 acres Intensive Development	55.47 x 8	443.76 dwelling units
GPITDU	55.47 acres Intensive Development	55.47 x 8	443.76 dwelling units
Maximum Total Dwelling Units			1,664 dwelling units

Staff finds the request as conditioned to be consistent with **Lee Plan Policies 11.2.2, 11.2.5, 11.2.6, and 11.2.7.**

Property Development Regulations

The applicant has provided Property Development Regulations proposing setbacks, lot coverage, and open space requirements governing the development (Attachment E). The Master Concept Plan notes the varying heights within each parcel ranging from 35 feet to 90 feet. The Master Concept Plan depicts taller buildings along the north property line abutting the I-75/Daniels Parkway interchange. The maximum building height tapers for land further away from the intersection, with proposed buildings limited to heights of 35 feet south of Three Oaks Parkway Extension, abutting Old Hickory Golf and Country Club. Staff has conditioned the required heights in each parcel to ensure the transition.

Schedule of Uses

The applicant has requested to rezone the property to a Mixed Use Planned Development (MPD). The proposed uses are consistent with the use regulations table per LDC Section 34-934 for an MPD and the MPD thresholds in LDC Section 34-940.

Environmental Considerations:

The applicant provided a Protected Species Survey and an Indigenous Preserve Monitoring and Management Plan (Attachment E). The Protected Species Survey includes the Florida Land Use Cover and Classification Code map depicting the various habitat types existing on the subject property. Most of the property has been used for cattle grazing in accordance with an existing agricultural exemption. The project site contains a total of 6.58 acres of wetlands and 5.19 acres of other surface waters consisting of Freshwater Marshes (FLUCCS 641), Cypress (FLUCCS 621E3), and Streams and Waterways (FLUCCS 510) located in the center and along the north property line. The Master Concept Plan depicts 0.79 acres of the 6.58 acres of wetlands being preserved, which results in 5.79 acres of wetland impacts. The applicant has an issued Environmental Resource Permit No. 36-108833-P from South Florida Water Management District (SFMWD), which indicates that 6.58 acres of wetlands will be impacted and mitigated through the Panther Island Mitigation Bank Expansion (Attachment L). The site plans associated with the SFWMD permit depict no indigenous preservation, with a total of 6.58 acres of wetland impacts. The parcel south of Three Oaks Parkway Extension is designed as a surface water management lake with no residential or commercial uses. The applicant has indicated in the density calculations that 5.79 acres of wetland will be impacted (one dwelling unit per 20 acres of impacted wetlands). The applicant will be required to demonstrate consistency with the density and master concept plan during development order review. The applicant will need to submit a SFWMD permit modification to be consistent with the proposed Master Concept Plan. Staff has recommended condition 5 to ensure the density meets the Lee Plan (Attachment C).

The applicant provided an Indigenous Preserve Monitoring and Management Plan that describes the method of exotic removal and preserve restoration for the 0.79 acres of wetland preserve. The preserve consists of Bald Cypress and Pond Cypress, which provide a seed source, for continued enhancement once the exotics have been removed.

The applicant utilized the Southern Biomes meandering transect surveying method consistent with Lee Plan Ordinance 89-34. The applicant indicates in the Protected Species Survey that no protected species or evidence of the presence of protected species were found on the site. It should be noted that there was an active Bald Eagle nest, identified as LE-58. The eagle nest was active from 2000 to 2017/2018 nesting season. The nest was declared lost on May 9, 2023, by the Eagle Technical Advisory Committee (ETAC) in accordance with Land Development Code Chapter 14 (Attachment J). The applicant's Protected Species Survey provides additional documentation from the United States Fish and Wildlife Service indicating that there is no need for a take permit for impacting the nest tree (Attachment E). Once the development order is issued, the applicant must obtain a Vegetation Removal Permit to clear the land. The Vegetation Removal Permit includes a site inspection by County staff to ensure no protected species are on the site to ensure state and federal laws are met.

Natural Resources Considerations:

The applicant has provided a Stormwater Management Plan to meet LDC Section 34-373(b) (Attachment E). The applicant is proposing wet retention (lakes) and dry detention to filter and store the onsite surface water management before discharging into the Old Hickory Golf and Country Club stormwater

management system. Old Hickory Golf and Country Club, which is located to the south of the subject property, was permitted through the SFWMD to accept approximately 4.50 cubic feet per second of offsite flows from the Daniels Town Square project via a capped pipe located in the northeast corner of the Old Hickory Golf Course site (Attachment K). The applicant has indicated that the pipe size and Old Hickory Golf and Country Club SFWMD district permit may need to be modified to accept offsite flows of surface water from the subject property. The surface water will discharge to the Six Mile Cypress Slough. The proposed development is located within the Six Mile Cypress watershed, which has been identified by Lee Plan Objective 60.3 as a critical area for surface water management and is impaired for Dissolved Oxygen.

The applicant has requested deviations from the required lake bank slope requirement of 6:1 per LDC Section 10-329(d)(4)(a) to allow 4:1 lake bank slopes and to replace herbaceous littorals required per LDC Section 10-418(2) with wetland trees. These deviations are required because the subject property is located within 10,000 feet of Southwest Florida International Airport. The requested deviations reduce the migratory bird habitat, thereby decreasing the potential for hazardous air navigation situations. Since the applicant is eliminating the planted littoral shelves on the lake, staff has concerns regarding water quality within the watershed. **Lee Plan Policy 125.1.2** states new development and additions to existing development must not degrade surface and ground water quality. If the development has the potential of lowering existing water quality below state and federal water quality standards, Lee Plan Policy 125.1.4 states that standardized appropriate monitoring data must be provided. Natural Resources has provided a staff memorandum explaining the need for a staff recommended water quality monitoring condition (Attachment C & K).

Open Space

The subject property is split by Three Oaks Parkway Extension. The north portion is proposed for inclusion within the Mixed-Use Overlay, which allows 20 percent open space per LDC Section 10-415(a). The south portion is not proposed to be in the Mixed-Use Overlay and requires the applicant to provide 40 percent open space. The applicant is required to provide 10.52 acres of open space on the north portion and 3.25 acres on the south portion, with half the required open space provides as indigenous open space. The site has scattered wetlands along the northeast corner and a centrally located wetland as described in the applicant's Protected Species Survey (Attachment E). The applicant is preserving 0.79 acres of wetlands and impacting 5.79 acres of wetlands, which will be mitigated per the SFWMD permit.

Buffers

The north portion of the subject property is in the Mixed-Use Overlay, which allows for a reduction in buffers, open space, and indigenous per LDC Section 10-425. The southern portion of the development is not within the Mixed-Use Overlay and must meet the required open space and buffering per LDC Sections 10-415 and 10-416(d). The applicant is proposing to provide 15-foot-wide Type D buffers abutting all rights-of-way, except for Interstate 75 and Daniels Parkway. This includes Indian Pony Lane along the southwest property line, Indian Paint Lane along the west property line, and both sides of Three Oaks Parkway Extension. All rights-of-way buffers associated on the north portion are required to provide five-foot-wide buffer with five trees per 100 linear feet per LDC Section 10-425(f). The applicant is providing enhanced buffers to provide a consistent theme between the north and south portions of the development via a 15-foot-wide Type D buffer that contains five trees per 100 linear feet and a double hedge row. The east property line abuts I-75, and the north buffer abuts Daniels Parkway, and the applicant proposes a five-foot-wide Type A buffer with five trees per 100 linear feet along this property line. Staff recommends that the MCP be revised to depict a 15-foot-wide Type D buffer along I-75 and Daniels Parkway to continue the consistent buffer theme. In addition to the enhanced Type-D buffer, staff is recommending a

condition for all external rights-of-way buffers to be designed with a consistent species landscape theme. Portions of the south and northwest property lines abut commercial or public facility uses that do not require a buffer per LDC Section 10-425(f). Buffers located internal to the site will be required to meet the LDC as each parcel is developed.

Transportation Considerations:

The applicant submitted a Traffic Impact Statement (TIS) (Attachment E). The proposed development abuts 9300 Daniels, a County-maintained local road and the future Three Oaks Parkway Extension, a County-maintained arterial road. Staff is requiring an ingress only access point from Daniels 9300 located at the northwest corner of the site. The main access to the proposed development will be provided from the future Three Oaks Parkway Extension located along the south property line. Staff has recommended Condition 4, stating that the first development order cannot be issued until Three Oaks Parkway Extension providing access to the site is completed and adequate access to the site is provided (Attachment C).

Lee County Department of Transportation (DOT) has provided a staff memorandum that provides a comparison of the traffic with and without new trips from the development (Attachment M). The trip generation was determined by referencing the Transportation Engineer's (ITE) Trip Generation 11th Edition Report and reflected in Table 1 of the DOT staff memorandum. The total daily AM and PM trips based on the ITE manual's use classification is 9,161 trips without reducing the internal capture and pass-by trips. With the reductions, the net new trips are estimated to be 7,706 new trips.

The estimated trips related to the project were evaluated across the surrounding road network to assess the Level of Service (LOS) for the arterial/collector road sections most affected by the development. Table 2 of the DOT staff memorandum provides the current level of service for arterial and collector roads located adjacent to the site. Daniels Parkway and Three Oaks Parkway will be impacted by future traffic volumes with or without the proposed development. At time of development order, the applicant will be required to provide an updated TIS to provide the updated Level of Service of the surrounding roads to determine the required site-related traffic improvements for the surrounding roadways.

A similar analysis is provided for the Level of Service for roadway intersection traffic operation. The new trips determined in Table 1 of the DOT staff memorandum are assigned to the site entrances, intersections within the vicinity of the site entrances, and intersections anticipated to be most affected by the proposed development. Table 3 of the DOT staff memorandum depicts these intersections and entrances and provides an operating value with or without the development in the AM or PM hours of the day. Each intersection evaluated with or without the project had a Level of Service "F", which projects that at the time of development order, staff will be reviewing the proposed project to determine site-related traffic improvements to the nearby roadway network. Given the impacts of the proposed development, DOT staff recommends a condition requiring a detailed signal warrant projection. If it is determined that a traffic signal is required, the applicant or successor must incorporate the design of a new traffic signal as part of the development order approval.

Deviation Requests:

The applicant requested five deviations and provided an analysis for each deviation (Attachment E). Staff provides the following analysis of the proposed deviations:

Deviation (1) seeks relief from Lee County Land Development Code (LDC) Section 10-329(d)(4), which requires the 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 for airport operations and in accordance with the Federal Aviation Administration Advisory Circular 150/5200-33C.

Deviation (2) seeks relief from LDC Section 10-418(2)a which requires planted littoral shelves (PLS) shoreline length to be calculated at 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.

Deviation (3) seeks relief from LDC Section 10-418(2)c to eliminate the required 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 minimize the potential for bird attractants.

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.

Deviations 1 through 4 are being requested due to the project's location within 10,000 feet of airport operations at Southwest Florida International Airport. The Federal Aviation Administration has required airports to reduce the amount of bird attractants within 10,000 feet for health and safety issues. Stormwater management systems within 10,000 feet of airport operations must not have herbaceous plants to deter wading birds from feeding, nesting, and roosting and must be designed with steep-sided slopes. The LDC requires 6:1 lake bank slopes and 20-foot-wide planted littoral shelves to provide water quality and habitat for wildlife. The LDC allows 25 percent of the required littorals based on a 20-foot littoral shelf to be wetland trees, which diversifies the lake shorelines. The applicant is requesting to allow 4:1 lake bank slopes, no littoral shelf, and 100 percent wetland trees to meet the FAA requirements and to protect the public. The applicant will be required to provide a littoral plant calculation based on a 20-foot-wide planted littoral shelf to then convert this plant requirement, at a ratio of 100 littorals to one native wetland tree. Staff is recommending approval of Deviations 2 through 4 with condition 7 regarding the littoral to wetland tree percentage.

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.

Parcel 6 is located south of Three Oaks Parkway Extension and is 5.74 acres in size. The applicant is proposing a residential multi-family building with a maximum of 100 dwelling units. The intent of the code is to provide more than one ingress/egress for parcels five acres or more in size to provide for adequate access alternatives if there is an emergency. The applicant indicates that by allowing one access point, the number of accesses to Three Oaks Parkway Extension are reduced, which improves the safety and traffic flow on the arterial road. In addition, the applicant indicates that the intersection of Three Oaks Parkway Extension and the subject property to the north and south of the arterial road will have a controlled access. Lee County DOT has recommended a condition stating that at time of development order, the applicant will be required to provide a signal warrant analysis and if a signal is required, the development order plans must include the details of the signalization at Three Oaks Parkway Extension and the subject property. Staff, therefore, recommends approval of this deviation.

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- LDC Section 2-146(b) Bonus Density Review Criteria.
- Use and corresponding supplemental regulations, such as parking.
- LDC Chapter 10 Development Standards.
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compliance with LDC Section 2-146(b) (Bonus Density)

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the following Bonus Density criteria:

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

   The proposed development currently has access to Daniels 9300 which will be limited to ingress only. Daniels 9300 is a frontage road that is parallel to Daniels Parkway and provides access to intensive commercial uses. The main access to the development will be from Three Oaks Parkway Extension, which bisects the subject property and provides providing access to Alico Road to the south and Fiddlesticks Boulevard to the northwest once the road is completed. Phase I of the extension ends at to the southwest of the subject property at the intersection of Indian Paint Lane, which is an unimproved road. The traffic generated by the subject property will not travel through lower density developments before reaching the nearest collector or arterial road. Three Oaks Parkway Extension is classified as an arterial road by Lee Plan Map 3-B (Future Functional Classification).

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

   The applicant has provided a Traffic Impact Statement and Letters of Availability from Lee County Utilities. The Traffic Impact Statement states that the surrounding network of roads range from a level of service "C" to "F" with or without the proposed development. The applicant must provide an updated Letter of Availability from the South Trail Fire District and Lee County Utilities demonstrating that services can be met with the level of intensity proposed. The subject property is located where fire, EMS, police, parks, schools, and LeeTran public transportation are located within proximity of the subject property. Between the County and FDOT road improvements for the surrounding area, the site is currently or will be served by the requested public facilities.

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

   The subject property is not within the Coastal High Hazard Area in accordance with **Lee Plan Map 5-A**.

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

   Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another (LDC Section 34-2).

   The parcel is in an area of Lee County that has access to existing uses, LeeTran bus routes, utilities (pending LCU letter), and a roadway network to support the mixed-use development. The applicant has provided a Master Concept Plan the depicts the design of the site with varying heights and densities by parcel too exhibit a transition to lower density and building height abutting Old Hickory Golf and Country Club (Attachment H).

   Compliance with LDC Section 34-145(d)(4)
   Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the following rezoning criteria:

   a) **Complies with the Lee Plan;**

      Based on the analysis above, staff finds that the request is consistent with the Lee Plan, as conditioned. The request is compatible with surrounding existing and proposed uses and meets or exceeds the objectives and policies above.

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

      The applicant is seeking five deviations from lake bank slope and planted littoral shelf requirements for compliance with the Federal Aviation Administration Hazardous Wildlife requirements and to allow one means of ingress/egress on Parcel 6. Staff recommends approval of these deviations as conditioned (Attachment C).

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

      The subject property abuts existing and future rights-of-way for accessing the subject property. The surrounding properties are compatible with the proposed uses and the subject property conceptual design of the development, as conditioned by staff. The applicant has proposed the location of the uses and building heights recognizing the adjacent uses for compatibility by reducing the height to the south abutting Old Hickory Golf and Country Club. The proposed uses, as designated on the Master Concept Plan, are consistent with surrounding existing and planned uses since the property is located at the Daniels Parkway/I-75 interchange and near to Daniels Parkway commercial corridor. The applicant is providing an ingress only access to Daniels 9300, which is a frontage road for the commercial corridor along Daniels Parkway. The main access to

the development will be from Three Oaks Parkway Extension, which bisects the subject property separating Parcels 6 and 7 from the intensive commercial and residential uses on Parcels 1 through 5.

d) Will provide access sufficient to support the proposed development intensity;

The main access to the development will be from Three Oaks Parkway Extension which bisects the subject property, separating Parcels 6 and 7 from the main commercial and residential uses on Parcels 1 through 5. Access to Daniels 9300 will be limited to ingress only. Staff finds that there is sufficient access to support the proposed development, subject to the recommended conditions of approval to ensure internal access to abutting properties to the north and south.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Staff has reviewed the transportation impacts of the development and has concluded that the level of service with or without the project is a level "F". Lee County DOT has provided a condition to ensure a signalization warrant analysis is completed at time of development order to determine if a signal is needed at the project's access to the Three Oaks Parkway Extension to service the proposed development. Phase II of the Three Oaks Parkway Extension is proposed to continue west of the subject property, connecting to Fiddlesticks Boulevard.

No adverse impacts to environmentally critical or sensitive areas and natural resources;

The applicant provided a Protected Species Survey and an Indigenous Preserve Monitoring and Management Plan (Attachment E). The Protected Species Survey includes the Florida Land Use Cover and Classification Code map depicting the various habitat types existing on the subject property. Most of the property has been used for cattle grazing with an agricultural exemption. The project site contains a total of 6.58 acres of wetlands and 5.19 acres of other surface waters consisting of Freshwater Marshes (FLUCCS 641), Cypress (FLUCCS 621E3), and Streams and Waterways (FLUCCS 510) located in the center and along the north property line. The Master Concept Plan depicts 0.79 acres of the 6.58 acres of wetlands being preserved, which results in 5.79 acres of wetland impacts. The applicant has an issued Environmental Resource Permit No. 36-108833-P from South Florida Water Management District (SFMWD) which indicates that 6.58 acres of wetland will be impacted and mitigated through the Panther Island Mitigation Bank Expansion (Attachment L). The request, as conditioned, will not adversely impact environmentally critical or sensitive areas or natural resources.

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

The applicant pursued a concurrent Comprehensive Plan Amendments (CPA2022-00010 & CPA2022-00011) to amend the following:

- Amend Future Land Use Map (Map "1-A") to designate 61.25 acres from General Interchange and Wetlands to Intensive Development and Wetlands future land use categories.

- Amend Map 1-C to add 53.13 acres to the Mixed-Use Overlay.
- Amend Table 1(b): 2045 Population Allocation to accommodate residential development on the subject property.

As mentioned previously, once the applicant has provided Letters of Availability from Lee County Utilities and South Trail Fire Station stating that services may be provided to the proposed development's intensity and density, staff will be able to make this finding.

LeeTran, EMS, and Police have indicated that they will be able to serve the proposed project. LeeTran has indicated that improvements in this area are proposed to meet the needs for Three Oaks Parkway Extension.

Additionally,

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

   The proposed commercial and residential uses are appropriate for the subject property given the consistency with the Lee Plan Policy for the Intensive Development Future Land Use Category and the existing and proposed surrounding land uses.

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; and Staff finds the proposed conditions appropriate for approval and as conditioned the public's interests are sufficiently addressed.

c) That each requested deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare:

   There are five requested deviations and staff is recommending approval, with conditions.

   Staff, therefore, recommends approval of this planned development rezoning request, as conditioned in Attachment C.

CONCLUSION:
Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The Mixed Use Planned Development rezone is consistent with the Intensive Development future land use designation and the applicable goals, objectives and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the property from Commercial Planned Development (CPD) and Agricultural (AG-2) to Mixed Use Planned Development (MPD).

Attachments:
A - Expert Witness List
B - Aerial, Future Land Use, and Zoning Maps
C - Conditions

D - Legal Description
E - Applicant Request Narrative
Applicant Schedule of Uses and Property Development Regulations
Applicant Deviation Request
Applicant Letters of Availability
Applicant Surface Water Management Plan
Applicant Indigenous Monitoring and Management Plan (includes Protected Species Survey)
Applicant Traffic Impact Statement
F - Resolution Z-08-043
G - CPA2022-00010 & CPA2022-00011 Planning Staff Report
H - Master Concept Plan dated July 3, 2024
I - Planning Staff Memorandum
J - Eagle Technical Advisory letter dated May 15, 2023, declaring LE-058 Lost
K - Natural Resources Memorandum
L - South Florida Water Management District Permit 36-108833-P
M – DOT Memorandum

DCI2023-00032 The Gasparilla Marine Sales Business Expansion CPD

Staff Summary

CASE NUMBER & NAME:	DCI2023-00032 / The Gasparilla Marine Sales Business Expansion CPD
REQUEST:	Request to rezone 4.56± acres from Residential (RS-1) to Commercial Planned Development (CPD) to allow 35,000 square feet of commercial uses.
RESOLUTION NUMBER:	Z-24-032
LOCATION:	North Fort Myers between Judd Rd., Evergreen Rd. and Brown Rd., North Fort Myers Planning Community, Lee County FL
OWNER:	Gasparilla Marine Sales Inc.
APPLICANT:	Gasparilla Marine Sales Inc.
AGENT:	Greg Stuart, MAURP Stuart and Associates_Planning and Design Services, Inc. 1860 Island Ave. Matlacha, FL 33993
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (0)	NONE

DCI2023-00032

Aerial

Subject Property

City Limits

N
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0 300 600 900
Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

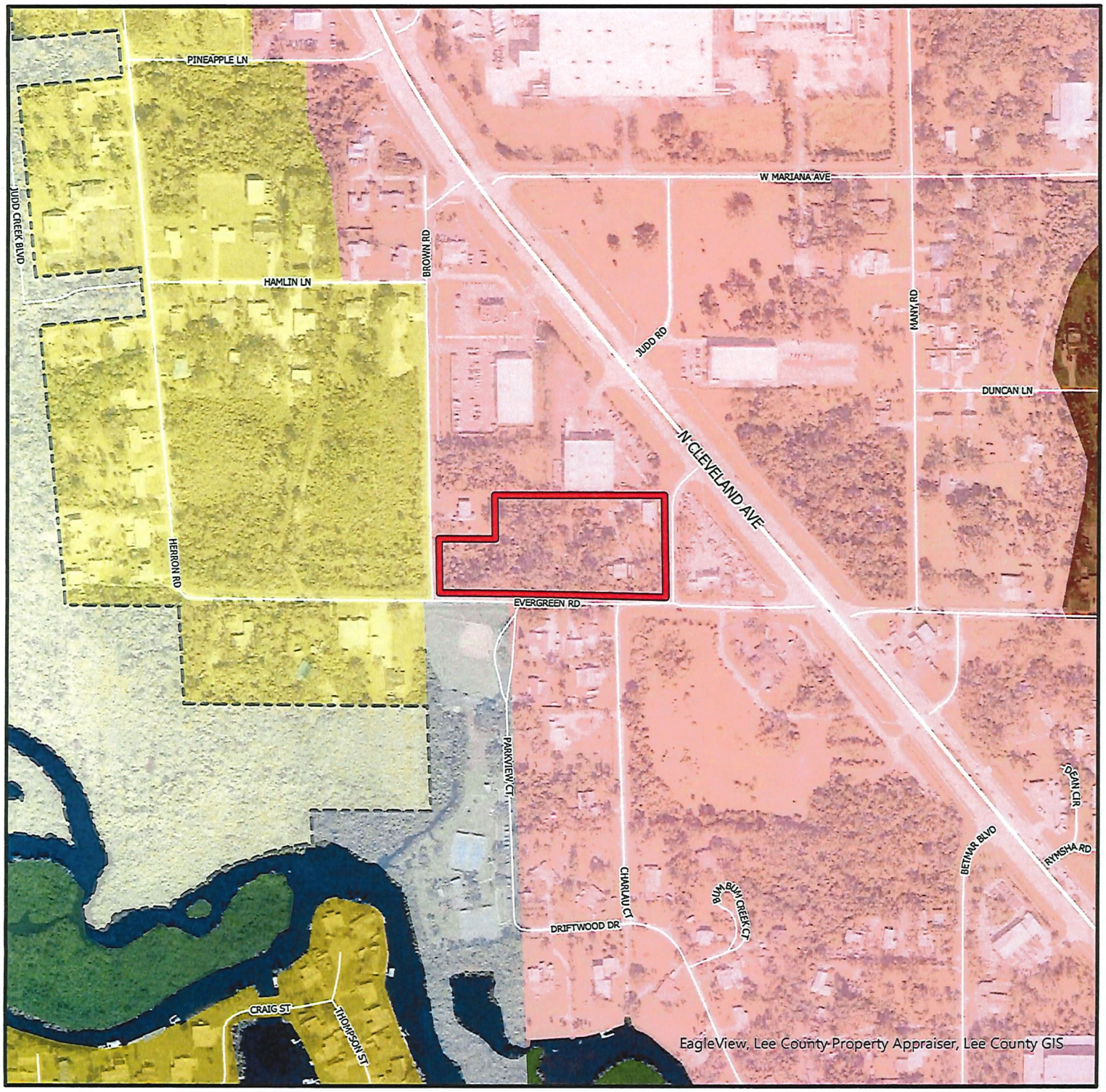
THE GASPARILLA MARINE SALES BUSINESS EXPANSION CPD

The Master Concept Plan and conditions of approval ensure protection of nearby residents. This is accomplished through site design that concentrates intense uses toward Judd Road, enhances right of way buffers along Evergreen and Brown Roads, and imposes limitations on hours of operation for a public warehouse use.

Detailed recommendation follows

DCI2023-00032

Future Land Use



- Subject Property
- Intensive Development
- Central Urban
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- Wetlands
- Conservation Lands - Wetland
- City Limits

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Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00032

Regarding: **THE GASPARILLA MARINE SALES BUSINESS EXPANSION CPD**

Location: 1541 Judd Road,
496 and 520 Evergreen Road, and
1402 Brown Road

North Fort Myers Planning Community
(District 4)

Hearing Date: October 30, 2024
Record Closed: **November 8, 2024**

I. Request

Rezone 4.56 acres from Residential (RS-1) to Commercial Planned Development (CPD) to allow 35,000 square feet of commercial uses, including boat sales, service, and storage on +/- 2.58 acres on the eastern portion of the property and public warehouse, contractors and builders, medical clinic, and open and enclosed storage on the remaining portion of the property.

Property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 4.56 acres to Commercial Planned Development (CPD).

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee Plan, the Land Development Code (LDC) and other County regulations to

[1] LDC 34-145(d)(1)b. 1 and 6; LDC 34-145(d)(4)a.

the facts adduced at the hearing. There must be substantial competent evidence in the record to support the recommendation.

Discussion supporting the recommendation of approval follows below.

Synopsis of Request

The request seeks 35,000 sq feet of commercial use on a 4.56 acre parcel in North Fort Myers. The site has frontage on Judd, Evergreen, and Brown Roads. The purpose of the zoning request is to expand Gasparilla Marine Sales, which operates on a parcel across Judd Road.

The request includes seven deviations from the LDC.

Department of Community Development staff recommended approval with conditions.

No members of the public participated in the hearing.

History

The Board approved Gasparilla Marine Sales CPD in 2015. The 1.05 acre parcel with frontage on US 41 was formerly a Sunoco Gas Station. The CPD authorized boat sales and outdoor display. After acquiring a .25 acre remnant parcel at the corner of US 41 and Evergreen Road, the owners amended the CPD in 2017 to include the parcel.

Applicant seeks to expand the business by rezoning 4.56 acres directly across Judd Road to the CPD district. The request does not incorporate the property into the Gasparilla Marine Sales CPD, it creates a separate CPD.

The proposed CPD would authorize development of a host of commercial uses.

Character of the Area

The 4.56 acre property is located west of Judd Road in North Fort Myers, one parcel west of the US 41 corridor. Across Judd Road is the Gasparilla Marine Sales boat dealership. The US 41 corridor is developing with a variety of intense commercial uses. Property west and southwest of the site is comprised of residential land uses, a church, and a 14 acre community park.[2] These properties are zoned for agriculture and classified as Sub-Outlying Suburban and Public Facilities.

[2] Judd Park is a small neighborhood park. Amenities include playground equipment, softball field, tennis courts, dog park, restrooms, pavilions, and a paddle craft launch/landing facility.

Sub-Outlying Suburban lands feature low density residential land uses. These areas generally do not have the infrastructure needed to support intense development. This category is found in areas where intense development is not anticipated or where there is a desire to retain a low-density community character.[3] The Sub-Outlying Suburban classification in this area is a vestige of development patterns predating urbanization of the US 41 corridor and expansion of the City of Cape Coral.

The property is in the North Fort Myers Planning Community.

Lee Plan Consistency

The Lee Plan regulates land development activity in the County.[4] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.[5]

The property is in the Intensive Development Future Land Use category, permitting the most intense development possible under the Lee Plan. [6] The site is also located within a Mixed Use Overlay.

Development in North Fort Myers is subject to a Community Plan adopted as part of the Lee Plan and specific use/site design criteria.[7] The Community Plan emphasizes protecting the character, economic vitality, and quality of life in North Fort Myers.[8] US 41 in North Fort Myers is a commercial corridor characterized by intense commercial development patterns. The subject property is one parcel west of property with frontage on the corridor. The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.[9]

The Lee Plan encourages expansion of the County's economic base.[10] The proposed CPD expands an existing marine sales business potentially providing additional employment opportunities.[11] Expanding existing businesses is consistent with directives in the Lee Plan Economic Development.[12]

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[3] Lee Plan Policy 1.1.11.
[4] LDC §34-491.
[5] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[6] Lee Plan Policy 1.1.2.
[7] Lee Plan Goal 30 adopted by Lee County Ordinance No. 09-11 on February 25, 2009. Community specific LDC regulations adopted by Lee County Ordinance No. 12-01 on January 10, 2012.
[8] *See* Lee Plan Goal 30.
[9] The site constitutes infill development consistent with existing development patterns. Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 6.1.7, 11.2.1, 39.2.1.
[10] Lee Plan Goal 158 Objective 158.2.
[11] Lee Plan Goal 158, Objective 158.3.
[12] *Id. See also,* Goals 30, 158, 159, 160, Objectives 158.1, 159.2, Policies 158.1.1, 159.1.4, 159.2.4.

Compatibility

Compatibility between land uses exists when land uses do not unduly impact one another. Planned development zoning is a useful tool when integrating new development with surrounding land uses.[13] An important purpose of "planned development" zoning is to integrate new development with neighboring land uses, providing consistency and visual harmony.[14]

Rezoning the property to a planned development zoning district affords the flexibility necessary to address potential incompatibility with land uses on Evergreen and Brown Roads.[15]

The property is classified for Intensive Development by the Lee Plan. The Intensive Development category is considered suited for intense land use patterns. The 4.56 acre site lies within a Mixed Use Overlay, a classification that also encourages urban forms of development. However, the proximity of lands classified Sub Outlying Suburban requires special attention to setbacks and buffering to ensure compatibility with nearby residential land uses.[16]

While development in the Mixed Use Overlay generally benefits from scaled back open space and landscape requirements, the LDC imposes enhanced site design standards for some uses regardless of location.[17] Enhanced standards apply to display, sale, rental, and storage of boats/vehicles.[18] The MCP employs code required enhancements to vegetative buffers. Proposed 35 foot building heights are appropriate.[19]

Lighting is regulated by LDC outdoor lighting standards.[20] In addition, if Applicant constructs a public warehouse on the site, it will be subject to LDC design

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[13] LDC §34-612(2).
[14] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[15] Evergreen and Brown Roads feature residences, a community park, and church.
[16] The juxtaposition of the two diametrically different land use categories requires careful attention to site design and buffering. Sub-Outlying Suburban lands feature low density residential land uses. These areas generally do not have the infrastructure needed to support intense development. Sub-Outlying Suburban lands are typically found in areas where intense development is not anticipated or where there is a desire to retain a low-density community character. Lee Plan Policy 1.1.11. Properties along Evergreen and Brown Roads are sandwiched between the City of Cape Coral and more intense development on US 41.
[17] LDC §§10-424(a)(3), 10-425, *see also* §34-1352. LDC §34-1352 governs setbacks, display and parking, storage, lighting and landscaping.
[18] LDC §34-1352. The purpose of these enhanced standards is to ensure establishments engaged in outdoor display, sale, rental, or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment, or similar items do not adversely impact adjacent land uses, especially residential land uses. Traffic, glare, and intensity associated with such uses have the potential to be incompatible with residential land uses. For this reason, the LDC imposes additional regulations on location, layout, drainage, operation, landscaping, and permitted sales and service activities:
[19] Maximum building height is 35 feet.
[20] LDC §34-625. Developer must comply with illumination restrictions, shielding and orientation of lighting fixtures.

standards for commercial buildings.[21] There was no testimony on the record as to whether the warehouse facility will be monitored by security cameras, or if there are plans to provide onsite security personnel. Notwithstanding proximity to residences, no restrictions were proposed on hours of operation The Hearing Examiner recommends hours of operation for warehouse uses from 6 am to 10 pm daily. If applicant intends to operate 24 hours a day, the Hearing Examiner recommends a condition requiring onsite security personnel between the hours of 10 pm and 6 am.

The proposed site design and recommended conditions protect residents from development impacts. Conditions of note include enhanced buffering and limitations on warehouse hours of operation.

LDC

Rezoning requests must comply with County regulations or seek deviations.

Once rezoned, future buildings must comply with North Fort Myers Urban Design Guidelines for commercial land uses.[22] Site development must comply with these regulations or seek variances.

A "deviation" is a departure from a land development regulation.[23] Applicants must demonstrate deviations enhance the planned development and will not cause a detriment to the public.[24] The application seeks seven deviations relating to setbacks, buffers, interconnection with adjacent property, and right of way design.

Staff recommended approval of all deviations. The Hearing Examiner agrees with this recommendation. [25]

The North Fort Myers Community Planning & Design Review Panel reviewed the request prior to hearing.[26] The property will be subject to further community review at the development order stage.[27]

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[21] The purpose of the commercial building design standards is to maintain and complement the street scape by requiring buildings to be designed with architectural features and patterns that provide visual interest consistent with the community's identity and local character. LDC §10-620 *et seq.*
[22] LDC §33-1575 *et seq.*
[23] LDC §34-2.
[24] LDC §34-373(a)(9).
[25] The Hearing Examiner may recommend approval, approval with modifications, or denial of deviations based on findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).
[26] Advertised meeting held on July 6, 2024, before the North Fort Myers Community Planning Panel. LDC §33-1532(a). *See* Staff Report Attachment F.
[27] LDC §33-1532.

Development will be subject to road, fire, and emergency medical services impact fees.[28]

Traffic

Applications to rezone property must demonstrate access sufficient to support proposed development intensity. Expected impacts to transportation facilities must be addressed by existing County regulations and conditions of approval.[29]

The property has frontage along three roadways. The MCP depicts driveway access to Judd and Evergreen Roads. Evergreen provides direct access to US 41 at a median opening allowing full turning movements.

The traffic analysis concluded the CPD will generate less than 100 trips during the peak hour.[30] Applicant's Traffic Impact Statement concluded the CPD will not have significant impacts on surrounding roadways.[31]

Site related impacts will be evaluated during development order review.[32]

Environmental

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

Open space meets requirements for commercial development in the Mixed Use Overlay.[33] The MCP provides enhanced buffers including Heritage trees along the site perimeter.[34] Staff recommended conditions to ensure development order plans include protective barricades around trees.[35]

Applicant's protected species survey confirms no species listed by the Fish and Wildlife Service or the Florida Fish and Wildlife Conservation Commission.[36]

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[28] Lee Plan Policies 38.1.1, 38.1.5; LDC Chapter 2.
[29] LDC §34-145(d)(4)a.
[30] Staff Report Attachment H: Memorandum prepared by Pakorn Sutitarnnontr, DOT Project Manager dated September 24, 2024.
[31] The TIS assumes project build out in 2028. Staff Report Attachment F: Traffic Impact Statement for Gasparilla Marine dated January 2024.
[32] LDC §§10-7, 10-286.
[33] Lee Plan Objective 77.2, LDC §10-425(a).
[34] Site design preserves several native trees. The MCP depicts an intent to preserve Heritage trees in the buffers along Brown Road and within the buffers between the commercial uses along the northwest property line. LDC §§10-416, 33-1582.
[35] *See* Condition 5. The vegetation removal permits must require use of tree preservation barricades.
[36] Staff Report Attachment F: Protected Species Assessment prepared by DexBender, an Atwell Company revised July 2023.

Public Services

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[37] The Lee Plan requires an evaluation of public services during the rezoning process.[38]

An array of urban services and infrastructure serve the property, including paved roads, transit, sidewalks, public water, police, fire and emergency services, and urban surface water management.[39] The property is within the Lee County Utilities and Florida Governmental Utilities Authority franchise areas for public water and sanitary sewer service. It is unlikely the boat sales and outdoor display use will meet the LDC thresholds for mandatory connection to central sewer service.[40]

Public Participation

No members of the public attended the hearing.

Conditions

The proposed CPD will be subject to conditions of approval. The conditions are reasonably related to the impacts anticipated from the proposed intensity of development.[41]

The Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[42] In furtherance of this authority, the Hearing Examiner recommends a condition to ensure the public warehouse use does not unduly impact nearby residents. The Hearing Examiner recommends imposing restrictions on hours of operation for warehouse uses from 6 am to 10 pm daily. If Applicant intends to operate the warehouse 24 hours a day, the Hearing Examiner recommends a condition requiring onsite security personnel between the hours of 10 pm and 6 am.

The Hearing Examiner also recommends:

1. Minor revisions to proposed conditions to improve clarity. No substantive changes were made.

---

[37] Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[38] Lee Plan Goal 95 and Policy 2.2.1.
[39] Lee Plan Objectives 2.1, 2.2, 158.3, Policies 2.2.1, 2.2.2.
[40] *See* LDC §10-353.
[41] LDC 34-83(b)(4)a.3.
[42] LDC §§34-145(d)(1)c. and (d)(6)a.

2. Deletion of references to LDC standards and criteria already applicable to the project pursuant to Condition 1.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 11, 30, 60, 61, 77, 95, 125, 158, 159; Objectives 2.1, 4.1, 6.1, 11.1, 11.2, 77.2, 77.3, 126.2, and Policies 1.1.2, 1.6.5, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 30.2.5, 135.9.6, Lee Plan Maps 1-A, 1-B, 1-C, 2-A, 4-A, 4-B, Table 1(b).

B. As conditioned, the CPD:

1. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goals 2, 6, 30, Objectives 2.1, 2.2, 11.2, and Policies 1.1.2, 5.1.5, 6.1.4, 135.9.5, 135.9.6; LDC §§34-411, 34-413.

3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.1, Policies 6.1.4, 6.1.5, 38.1.1, 39.1.1, 39.2.1.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 6.1.5, 38.1.1, 38.1.5, 39.2.1; LDC §§2-261 *et seq.*, 34-411.

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 77, 125, Objectives 77.2, 77.3, 126.2, Policies 6.1.6, 60.1.1, 61.3.6, 77.3.1, 77.3.3, 125.1.2, 125.1.3, 126.2.1, and Standard 4.1.4; and

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 11, 95, Objectives 2.1, 2.2, 4.1, 6.1,158.3, Policies 2.2.1, 6.1.4, 11.2.1, 39.2.1, 65.2.1, 158.3.1, 160.1.1, Standards 4.1.1, 4.1.2.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 6, 11, 30; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 6.1.7, 6.1.8, 11.2.5, 39.1.3, 135.9.6, Lee Plan Table 1(b).

D. 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 30, 125, Objectives 77.2, 77.3, 126.2, Policies 5.1.5, 6.1.4, 30.3.1, 53.1.5, 56.1.4, 77.3.1, 126.2.1, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).

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

F. Will be served by urban services and infrastructure. Lee Plan Goals 2, 95, Objectives 2.1, 2.2, Policy 2.2.1, 4.1.1, 4.1.2.

Date of Recommendation: November 8, 2024.

Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

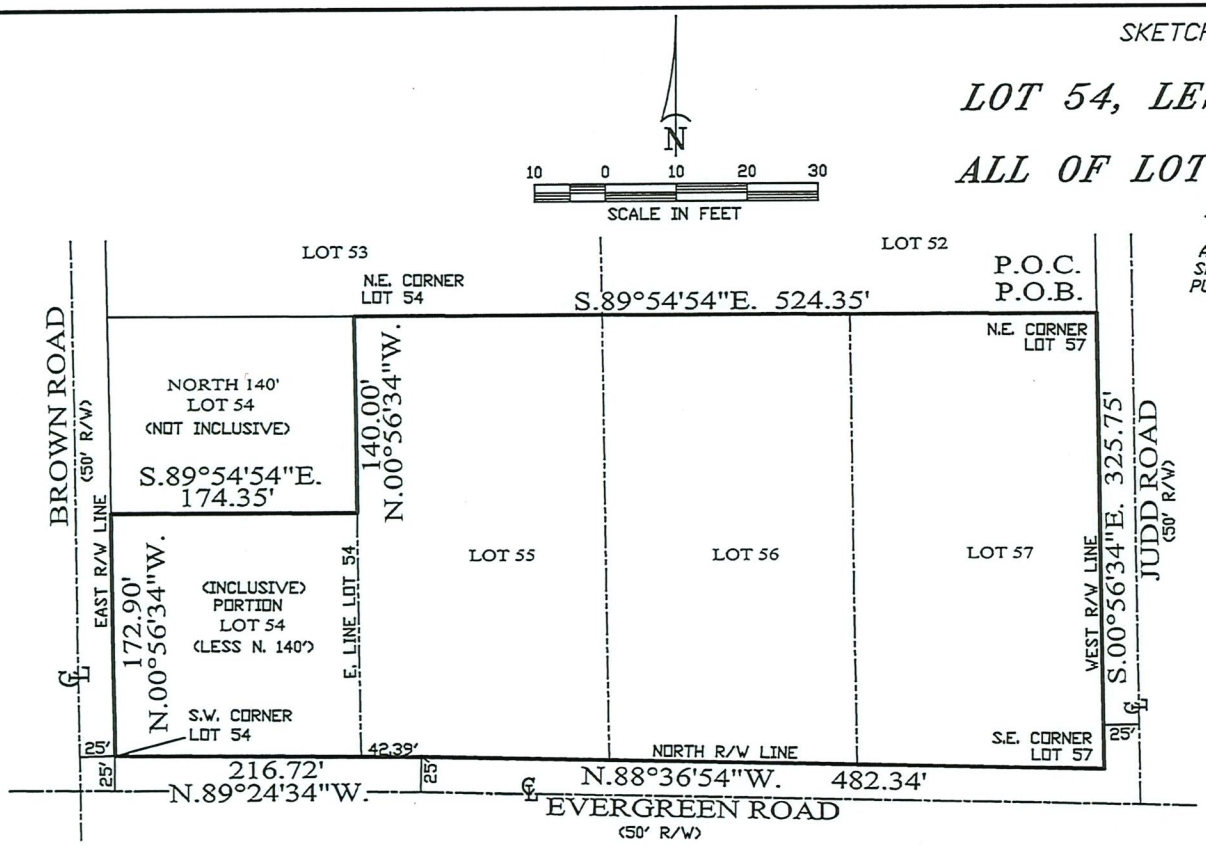
LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A

SKETCH TO ACCOMPANY DESCRIPTION:

LOT 54, LESS THE NORTH 140 FEET, AND ALL OF LOT 55, LOT 56, AND LOT 57, MARIANA PARK,

AS RECORDED IN PLAT BOOK 9, PAGE 111, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA



'NOT A BOUNDARY SURVEY'

SEE EXHIBIT 'A' FOR DESCRIPTION TO ACCOMPANY THIS SKETCH

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTH RIGHT-OF-WAY LINE OF EVERGREEN ROAD, AS BEING N.88°36'54"W.
2. FIELD NOTES IN MARIANA PARK.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8½ x 14", 100 SCALE DRAWING.

LEGEND:

O.R. OFFICIAL RECORDS BOOK
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
R/W RIGHT-OF-WAY
℄ CENTERLINE
P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT

REVIEWED
DCI2023-00032
Rick Burris, Principal Planner
Lee County DCD/Planning
2/1/2024

DRAWN:	CHECK:	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1'=100'	MP-54	
SKETCH DATE		FILE NO.	SHT.- 1	
7/10/2023		44-24-03	OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921				

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

LOT 54, LESS THE NORTH 140 FEET, AND ALL OF LOT 55, LOT 56, AND LOT 57, MARIANA PARK,

AS RECORDED IN PLAT BOOK 9, PAGE 111, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT A POINT ALONG THE WEST RIGHT OF WAY LINE OF JUDD ROAD (50 FEET WIDE), AT THE NORTHEAST CORNER OF LOT 57, MARIANA PARK, AS RECORDED IN PLAT BOOK 9, PAGE 111, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN S.00°56'34"E. ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTHEAST CORNER SAID LOT 57, FOR 325.75 FEET; THENCE RUN N.88°36'54"W. ALONG THE NORTH RIGHT OF WAY LINE OF EVERGREEN ROAD (50 FEET WIDE), FOR 482.34 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE, N.89°24'34"W. TO THE SOUTHWEST CORNER OF LOT 54, OF SAID MARIANA PARK, FOR 216.72 FEET; THENCE RUN N.00°56'34"W. ALONG THE EAST RIGHT OF WAY LINE OF BROWN ROAD (50 FEET WIDE) FOR 172.90 FEET; THENCE RUN N.89°54'54"E. TO POINT ALONG THE EAST LINE OF THE AFORESAID LOT 54, FOR 174.35 FEET; THENCE RUN N.00°56'34"W. ALONG THE EAST LINE OF SAID LOT 54 TO THE NORTHEAST CORNER THEREOF, FOR 140.00 FEET; THENCE RUN S89°54'54"E., TO A POINT ALONG THE WEST RIGHT OF WAY LINE OF JUDD ROAD (50 FEET WIDE), AT THE INTERSECTION WITH THE NORTHEAST CORNER OF LOT 57 SAID MARIANA PARK, FOR 524.35 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 198,673.97 SQ FT, OR 4.56 ACRES, MORE OR LESS.

Phillip M Mould, LS6515, State of Florida

Digitally signed by Phillip M Mould, LS6515, State of Florida
Date: 2023.07.10 11:10:44 -04'00'

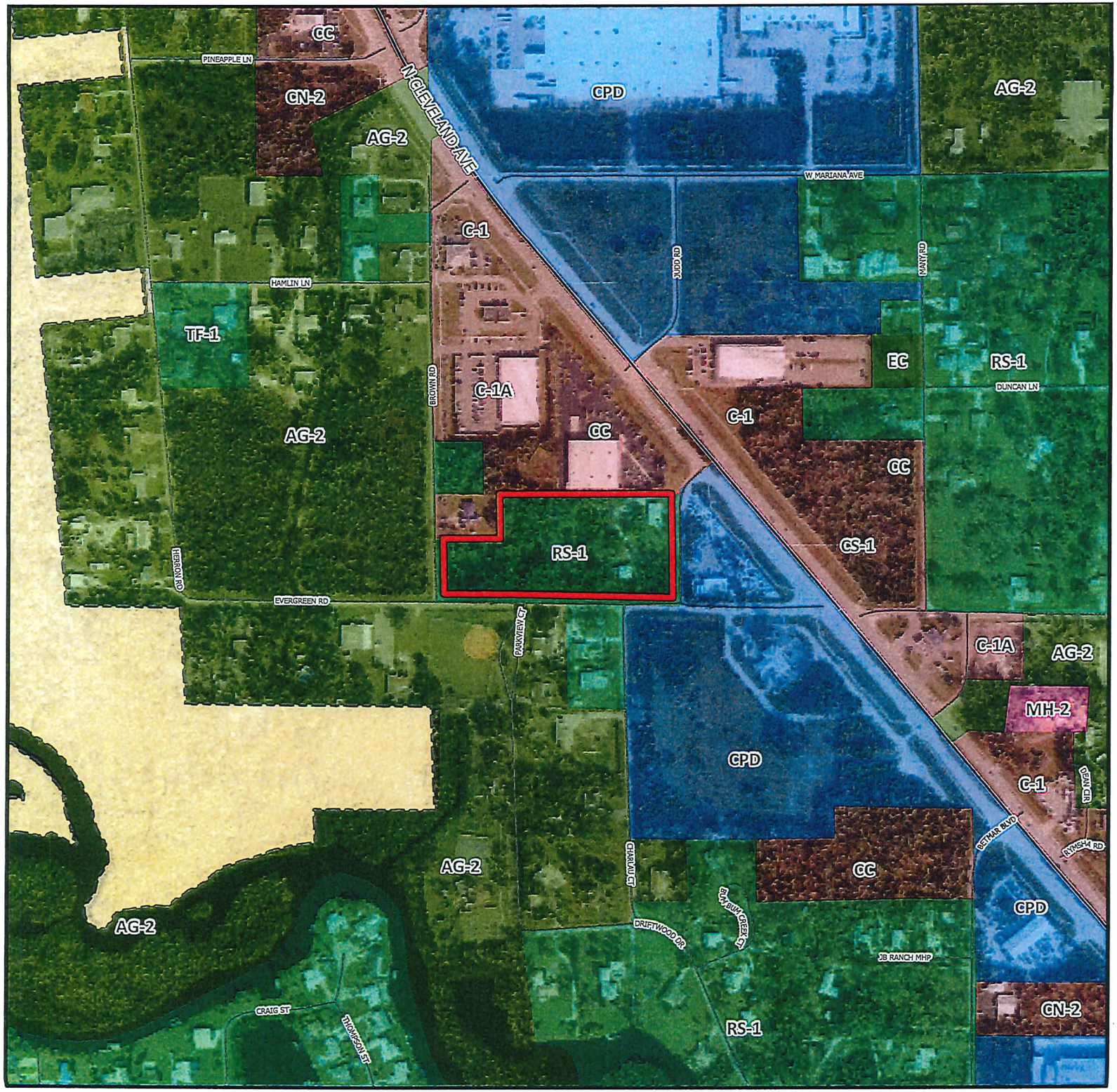
REVIEWED
DCI2023-00032
Rick Burris, Principal Planner
Lee County DCD/Planning
2/1/2024

MP-54

PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
07/10/2023

SHEET 2 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921



DCI2023-000032

Zoning

Subject Property

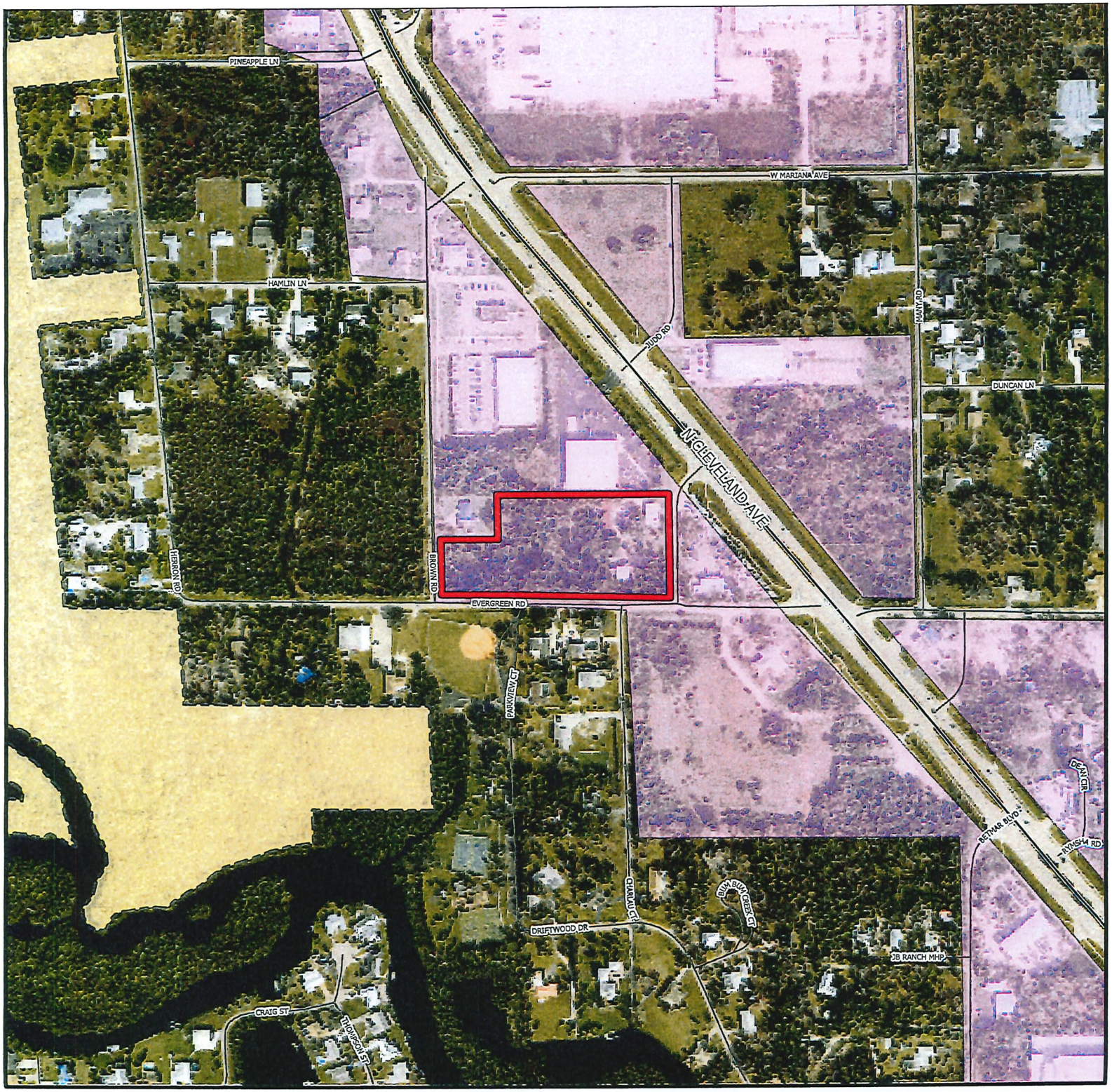
City Limits

N
W E
S

0 500
Feet

Lee County
Southwest Florida

STAFF'S EXHIBIT #3



DCI2023-000032

Mixed Use Overlay

Subject Property

Mixed Use Overlay

City Limits

N
W E
S

0 500
Feet

Lee County
Southwest Florida

STAFF'S EXHIBIT #) 4

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with two-page MCP entitled "Gasparilla Marine Sale Business Expansion CPD", prepared by Quattrone and Associates, Inc., date stamped received November 5, 2024, except as modified by conditions below.

   Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are granted as part of the planned development. Changes to the MCP, conditions, or deviations require further development approval.

   Approved Development Parameters. This project may develop up to 35,000 square feet of commercial land uses, subject to the conditions herein.

2. Schedule of Permitted Uses and Property Development Regulations

   a. Schedule of Uses

      Accessory Uses, Buildings, and Structures
      Administrative Offices
      Assisted Living Facility
      ATM
      Bed and Breakfast
      Boats:
         Boat parts store
         Boat rental
         Boat repair and service
         Boat sales
         Boat storage, dry
      Business Services, Groups I, II
      Cleaning & Maintenance Services
      Communication Facility, Wireless
      Contractors & Builders, All Groups
      Day Care Center Limited to 6,000 square feet child, adult
      Dwelling Unit: Limited to 29-unit Townhouse, multi-family building
      Entrance Gates and Gatehouse
      Essential Services
      Essential Service Facilities: Groups: I, II

Excavation: Water retention
Fences, Walls
Health Care Facilities:
Limited to 20,000 square feet for Group I and limited to 26,500 square feet for Group II
Home Care Facility
Insurance Companies
Medical Office: Limited to 19,000 square feet
Non-Store Retailers: All Groups
Parcel and Express Services
Parking Lot, Accessory & Temporary
Repair Shop: Group I
Rental or Leasing Establishment: Group III display, sale & rental for boats
Residential Accessory Uses
Signs
Social Services: Groups I, II, III, IV
Specialty Retail Shops: Group II
Storage, Indoor
Storage, Open
Studios
Vehicle and Equipment Dealers: Group III limited to display, sale & rental for boats
Warehouse: Public, Private

b. Site Development Regulations

General Parameters

Minimum Lot Coverage	40 percent
Maximum Building Height	35 feet
Minimum Open Space	20 percent

Building Setbacks

Street (Public):	
Judd Road	50 feet (28 feet for existing structures)
Evergreen Road	50 feet (Lots 55, 56, & 57)
	15 feet (Lot 54)
Brown Road	15 feet
Rear	0 feet
Side	10 feet
Minimum Building Separation	0 feet
Waterbody	20 feet

3. Development Infrastructure

The first development order must include the surface water management area and the 0.47 acres of indigenous preserve.

4. Open Space

The development order plans must depict 1.55 acres of open space and 0.47 acres of indigenous open space.

5. Tree Protection

Development order plans must reflect tree preservation protection measures depicted on the MCP. Vegetation removal permits must include a map depicting tree preservation barricades in the field.

6. Existing Structure Setbacks and Buffers

a. Northeast Building - The development order for Lot 57 must depict a 28-foot street setback, ten-foot north side yard setback and a ten-foot-wide Judd Road right-of-way buffer from the existing building. The remainder of the Judd Road right-of-way buffer must meet LDC §34-1352(g).

b. Southeast Building – The development order for Lot 57 must depict a 61.5-foot setback from Evergreen Road.

c. If existing buildings are removed from Lot 57, new structures must meet LDC setbacks.

7. Buffers

Development order plans must depict the following buffers:

a. Lots 54 & 55 - 15-foot-wide right-of-way buffer abutting Brown Road and Evergreen Road.
b. Lot 55 – 30-foot-wide Type-F buffer along with the west property line of the indigenous preserve to meet buffer vegetation.
c. North property line – Enhanced five-foot-wide Type-A buffer with four trees per 100 linear feet and a single hedge row.
d. Lot 54 (less 140 FN) - North boundary adjacent to lot recently rezoned to C-1 must provide a Five foot wide Type A buffer.

8. Judd Road Drainage Easement

Development order submittals must comply with LDC required street access. Other than required right-of-way width, Developer must improve Judd Road and surrounding streets to meet LDC street design and construction standards. Developer/owner must grant sidewalk/drainage easement(s) consistent with County standards over the property to support open drainage on local streets as necessary.

9. Warehouse Hours of Operation.

Warehouse operations are limited to the hours of _7:00 am to 10:00 pm daily. If the property owner intends to operate warehouse uses 24 hours a day, there must be security personnel onsite between the hours of 10:00 pm and 7:00 am.

10. State and Federal Permits.

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.

DEVIATIONS

1. Street Setbacks. Deviation one seeks relief from LDC §34-1352(c)(1)a., which requires a 50-foot street setback for buildings and structures; to allow a minimum 28-foot street setback between the existing building at the northeast corner of the property and Judd Road.

Hearing Examiner Recommendation: Deviation approved subject to Conditions 6a and 6c.

2. Side Yard Setbacks. Deviation two seeks relief from LDC §34-1352(c)(1)b. which requires a 40-foot side yard setback for display, sale, rental, or storage for boats; to allow a ten-foot side yard setback from the north property line for the storage and display area.

Hearing Examiner Recommendation: Deviation approved subject to Conditions 6a, 6c, and 7c.

3. Setbacks from Residential Land Uses. Deviation three seeks relief from LDC §34-1352(c)(3), which requires buildings and items covered by the section to be set back a minimum of 100 feet from existing residences or residentially zoned

property; to allow a 61.5-foot setback from Evergreen Road between the existing building and residentially zoned property to the south.

Hearing Examiner Recommendation: Deviation approved subject to Conditions 6b and 6c.

4. Landscaping. Deviation four seeks relief from LDC §34-1352(g)(2)b., which requires rear property boundaries of boat sales/display areas to be buffered by a single hedge row; to allow no buffer along the rear property lines of Lots 56 and 57.

Hearing Examiner Recommendation: Deviation approved.

5. Landscaping. Deviation five seeks relief from LDC §34-1352(g), which requires a minimum two-foot undulating berm with a 3:1 slope with a 25-foot-wide buffer that has five trees per 100 linear feet and a double hedge row; to allow no berm, a ten-foot-wide buffer along Judd Road with five trees per 100 linear feet, and a single hedge row located where there is an existing building at the northeast property line. Shrubs and trees must comply with LDC installation specifications.

Hearing Examiner Recommendation: Deviation approved subject to Condition 6a.

6. Street Design and Construction Standards. Deviation six seeks relief from LDC §10-296(b), which requires a 60-foot right-of-way for an open drainage section; to allow the existing 50-foot right-of-way to have an open drainage section in substantial compliance with the MCP.

Hearing Examiner Recommendation: Deviation approved subject to Conditions 6 and 8.

7. Interconnection with Adjacent Commercial Site. Deviation seven seeks relief from LDC §33-1548, which requires new development to provide interconnection with adjacent commercial development to allow for no connection with the commercial business to the north.

Hearing Examiner Recommendation: Deviation approved.

Exhibits to Conditions:
B1 Master Concept Plan date stamped received November 5, 2024

GASPARILLA MARINE SALE BUSINESS EXPANSION CPD

LOCATED IN SECTION 03, TOWNSHIP 44-S, RANGE 24-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER

2024 NOV -5 PM 3:42

MASTER CONCEPT PLAN

StuartandAssociates, Inc. 11860 Island Ave. Matlacha, FL, FL 33993
Greg@Stuarturbandesign.com www.stuarturbandesign.com (239) 677-6126

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

LIVE OAK (QUERCUS VIRGINIANA)

CABBAGE PALM (SABAL PALMETTO)

TREES SYMBOLS

N.T.S.

LEGEND

INDIGENOUS PRESERVE AREA - 427E2

10-415(b.1.b.) NATIVE TREE PRESERVATION

GRAVEL

GENERAL NOTES:

STORMWATER MANAGEMENT AREA TO BE FINALIZED AT TIME OF DEVELOPMENT ORDER.

EVERGREEN RD SIDEWALK AND ROAD IMPROVEMENTS FOR FUTURE DEVELOPMENT ORDER.

PROJECT SUMMARY:

LAND USE TABLE

STRAP #:
LOT 57 03442402000000570: 1541 Judd Rd.
LOT 56 03442402000000560: 496 Evergreen Rd.
LOT 55 03442402000000550: 520 Evergreen Rd.
LOT 54 LESS 140N 03442402000000540: 1402 Brown Rd.

SITE AREA: 4.56 Acres +/-

FUTURE LAND USE: Intensive Development W/ Mixed Use Overlay

EXISTING ZONING : RS-1

ZONING REQUEST: CPD for Boat Sales, Storage and Service

UTILITIES: LCU and FGUA

ALL PRESERVED TREES WITHIN ROW BUFFERS, INDIGENOUS PRESERVE AREAS, AND INTERNAL PARKING LOTS TO BE FIELD STAKED BASED ON SEC. B-B SETBACKS WITH MESH SCREENING.

WATER MANAGEMENT BERM. HAND TOOLS ONLY FOR EXCAVATION & CONSTRUCTION. BERM HEIGHT AND LOCATION TO BE DETERMINED AT TIME OF DEVELOPMENT ORDER.

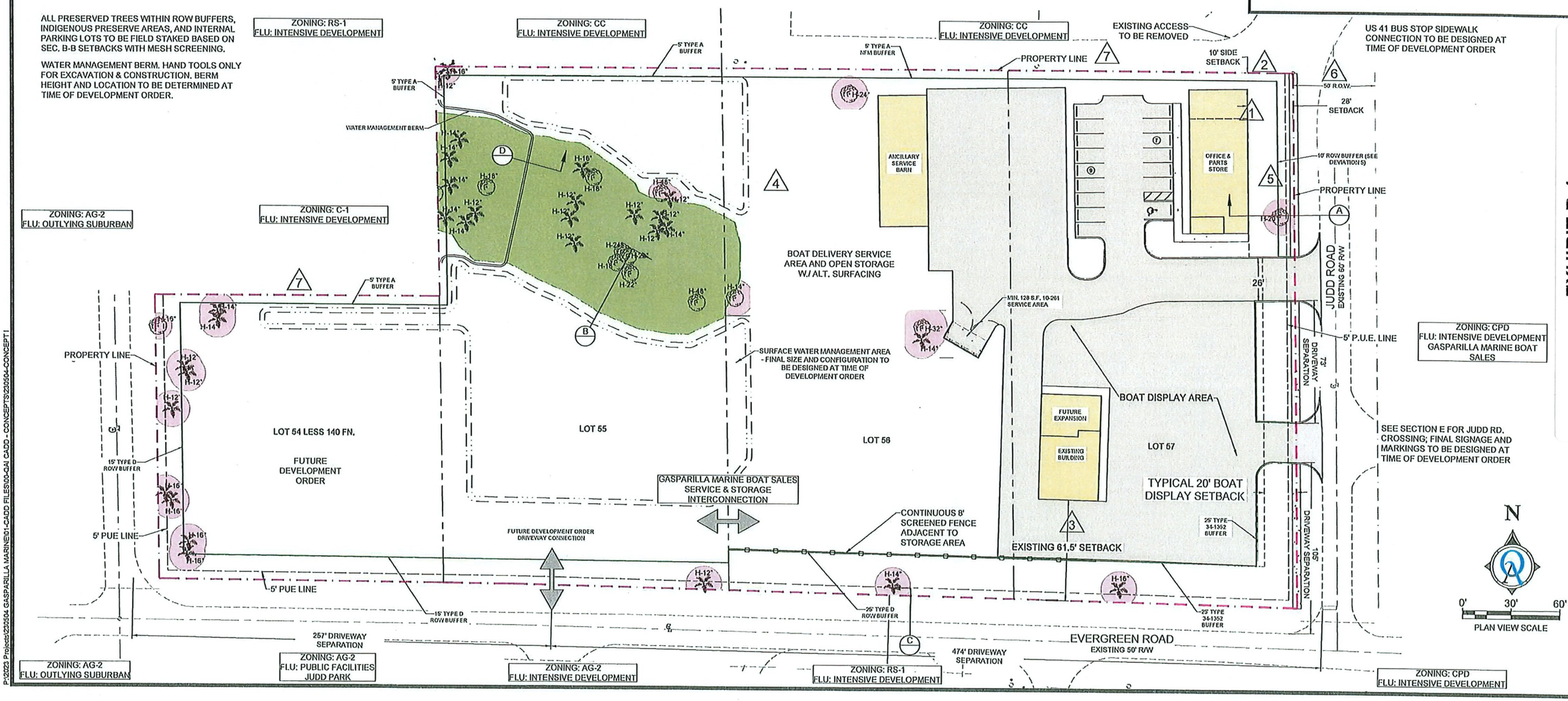


EXHIBIT B-1

P:\2023 Projects\230504 GASPARILLA MARINE\01-CADD FILES\00-GM CADD - CONCEPTS\230504-CONCEPT1

GASPARILLA MARINE SALE BUSINESS EXPANSION CPD

LOCATED IN SECTION 03, TOWNSHIP 44-S, RANGE 24-E, LEE COUNTY, FLORIDA

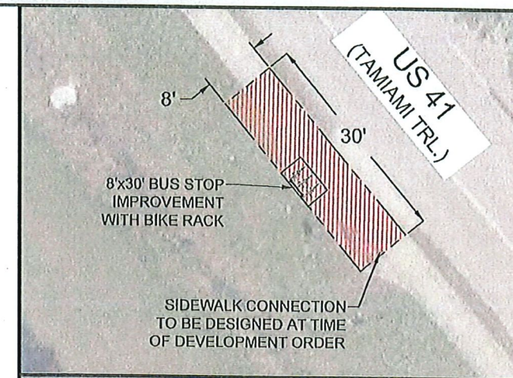
MASTER CONCEPT PLAN SHEET TWO

Perimeter Buffer Schedule:

A. Sales Center Judd Rd _	Dev 5 10-ft Type ROW Buffer w./Heritage Oak, 5 Trees Per 100 lf & Single Hedge
C. Boat Display Evergreen Rd LOT 57 _	25-ft 34-1352(g)(1.a, 1.b, 1.c & 1.d) ROW Buffering w./Native Palm
D. Open Storage Evergreen Rd Lots 56/57 _ Screening	25-ft Type D ROW Buffering w./Native Palm & 34-3005(b.1)
E. Evergreen Rd Lots 54/55 _	15-ft Type D ROW Buffer w./2 Native Palms
F. Brown Rd Lot 54 (Less 140) _	Type D ROW Buffer w./6 Native Trees
G. 1430 Brown Rd. _	5-ft Type A Buffer
H. SF 1430 Brown Rd. _	30-ft Type Fw./Varied Depth Indigenous Preserve as per MCP
I. North Boundary Lot 55 _	5-ft Type A Com. To Com. Buffer w./2 Native Trees
J. Boundary Lots 56 & 57 _ Oak	5-ft NFM Type A w./single hedge & 4 Trees per 100 LF & Heritage

Open Space Table:

Site Area	4.56 ac. +/-
Open Space Standard	20% Mixed Use Overlay w./10% Native OS
Required MCP Open Space	0.91 ac
Provided MCP Open Space_	
* Perimeter Buffers	0.45 ac
* Indigenous Preserve and Native Tree Preservation	0.47 ac
* H2O Management Area/Other OS	0.62 ac
Total Provided Open Space	1.55 ac/34%
Total Provide Native Open Space	0.47 ac/10%



BUS STOP IMPROVEMENT

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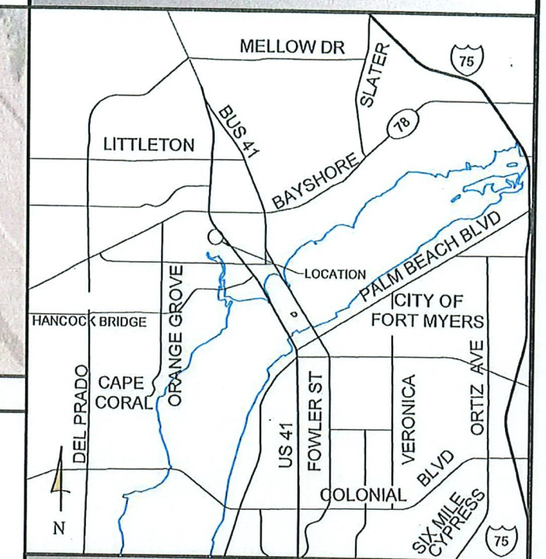
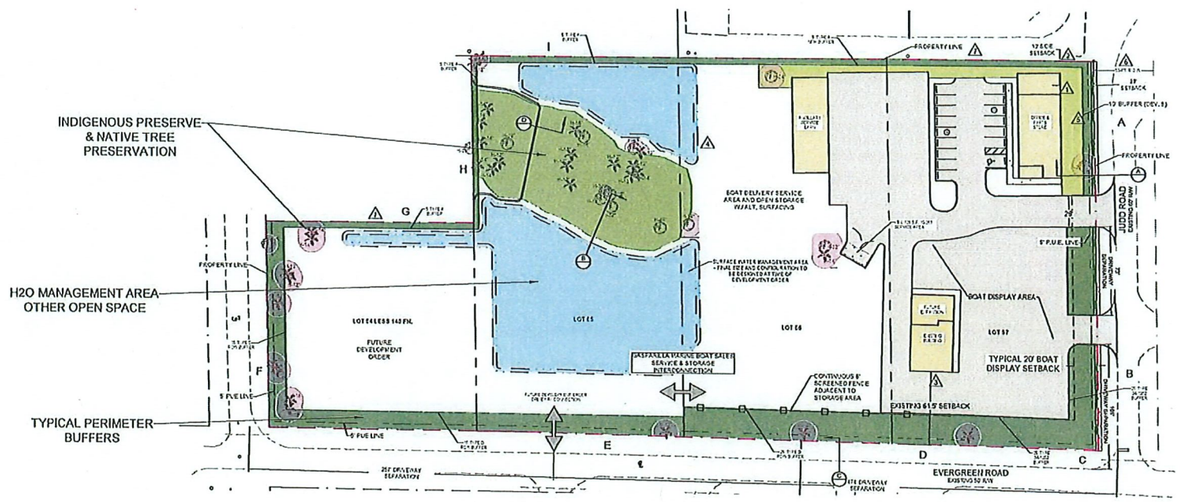
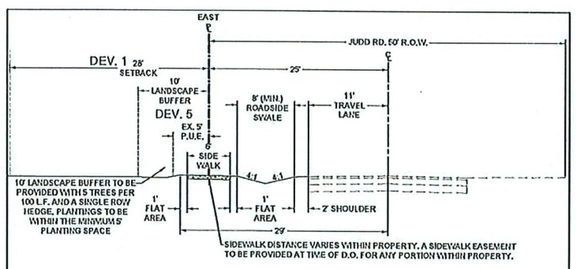


LOCATION MAP

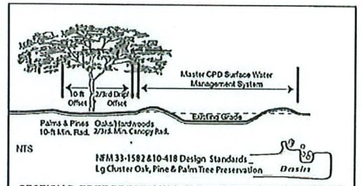
(NOT TO SCALE)





SECTION A
JUDD RD. IMPROVEMENT PLAN DEV. 6

N.T.S.



SECTION B: TREE PRESERVATION & DRY DETENTION SURFACE WATER MANAGEMENT PLAN

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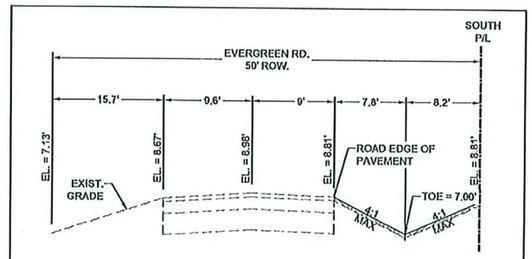
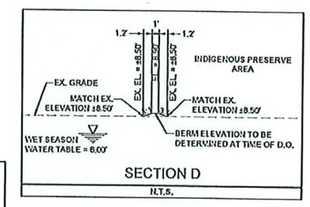


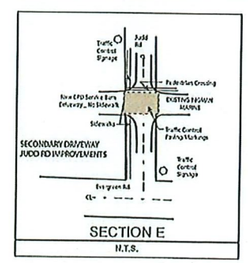
SECTION C

N.T.S.



SECTION D

N.T.S.



SECTION E

N.T.S.

PROJECT SUMMARY:

OPEN SPACE TABLE

OPEN SPACE:
SITE AREA: 4.56 AC+/-

OPEN SPACE STANDARD:
20% MIXED USE OVERLAY W./ 10% NATIVE OPEN SPACE

REQUIRED MCP OPEN SPACE: 0.91 AC

PROVIDED MCP OPEN SPACE
PERIMETER BUFFERS: 0.45 AC
INDIGENOUS PRESERVE AND NATIVE TREE PRESERVATION: 0.47 AC
H20 MANAGEMENT AREA/OTHER OPEN SPACE: 0.62 AC

TOTAL PROVIDED OPEN SPACE: 1.55 AC (34%)
TOTAL PROVIDED NATIVE OPEN SPACE: 0.47 AC (10%)

LEE COUNTY HEARING EXAMINER
2024 NOV -5 PM 3:42

StuartandAssociates, Inc. 11860 Island Ave. Matlacha, FL, FL 33993
Greg@Stuartandesign.com www.stuartandesign.com (239) 677-6126

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

P:\2022 Projects\220504 GASPARILLA MARINE\01-CADD FILES\00-GAI CADD - CONCEPTS\220504-CONCEPT1

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Elizabeth Workman, Principal Planner, date received October 15, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by DCD Staff for DCI2023-00032, The Gasparilla Marine Sales Expansion CPD, dated October 30, 2024 (multiple pages – 8.5"x11") [color]

3. *Revised Zoning Map:* (1 page – 8.5"x11")[color]

4. *Revised Mixed Use Map:* (1 page – 8.5"x11")[color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Greg Stuart to maria Perez, with copies to Josh Eisenoff, Al Quattrone, Michael Brimer, and Jared Brimer, dated Thursday, October 24, 2024, 7:55 AM (multiple pages – 8.5"x11")

b. *Second 48-Hour Notice:* Email from Greg Stuart to maria Perez, with copies to Elizabeth Workman, Josh Eisenoff, Al Quattrone, Michael Brimer, and Jared Brimer, dated Thursday, October 24, 2024, 12:12 PM (multiple pages – 8.5"x11")

1. *Résumé:* For Joshua Eisenoff, MSE, P.E., Project Manager (1 page – 8.5"x11")

2. *PowerPoint Presentation:* Prepared by Greg Stuart and Associates Planning and Design Services, Inc., for DCI2023-00032, The Gasparilla Marine Sales Expansion CPD, dated October 30, 2024 (multiple pages – 8.5"x11") [color]

3. *Response Letter:* From Joshua Eisenoff, P.E., with Quattrone and Associates, Inc., To Whom It May Concern, dated October 23, 2024 (2 pages – 8.5"x11")

4. *Written Submissions:* Email from Greg Stuart, to Maria Pere, with copies to M. Brimer, J. Brimer, Al Quattrone, Joseh Eisenoff, Elizabeth Workman, Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Audra Ennis, Nicholas DeFilippo, Ohdet H. Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikkie

Rozdolski, Anthony Rodriguez, Dirk Danley, Jr., Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Tuesday, November 5, 2024, 1:53 PM (multiple pages – 8.5"x11" and 2 pages – 11"x17")[color]{post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman

Applicant Representatives:

1. Al Quattrone
2. Greg Stuart

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

Written submission for DCI2023-00032 dated 11-05-2024

GASPARILLA MARINE SALE BUSINESS EXPANSION CPD

LOCATED IN SECTION 03, TOWNSHIP 44-S, RANGE 24-E, LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

StuartandAssociates, Inc. 11860 Island Ave. Matlacha, FL, 33993
Greg@Stuarturbandesign.com www.stuarturbandesign.com (239) 677-6126

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

H-XX" LIVE OAK (QUERCUS VIRGINIANA)

H-XX" CABBAGE PALM (SABAL PALMETTO)

TREES SYMBOLS

N.T.S.

LEGEND

INDIGENOUS PRESERVE AREA - 427E2

10-415(b.1.b.) NATIVE TREE PRESERVATION

GRAVEL

GENERAL NOTES:

STORMWATER MANAGEMENT AREA TO BE FINALIZED AT TIME OF DEVELOPMENT ORDER.

EVERGREEN RD SIDEWALK AND ROAD IMPROVEMENTS FOR FUTURE DEVELOPMENT ORDER.

PROJECT SUMMARY:

LAND USE TABLE

STRAP #:
LOT 57 03442402000000570: 1541 Judd Rd.
LOT 56 03442402000000560: 496 Evergreen Rd.
LOT 55 03442402000000550: 520 Evergreen Rd.
LOT 54 LESS 140N 03442402000000540: 1402 Brown Rd.

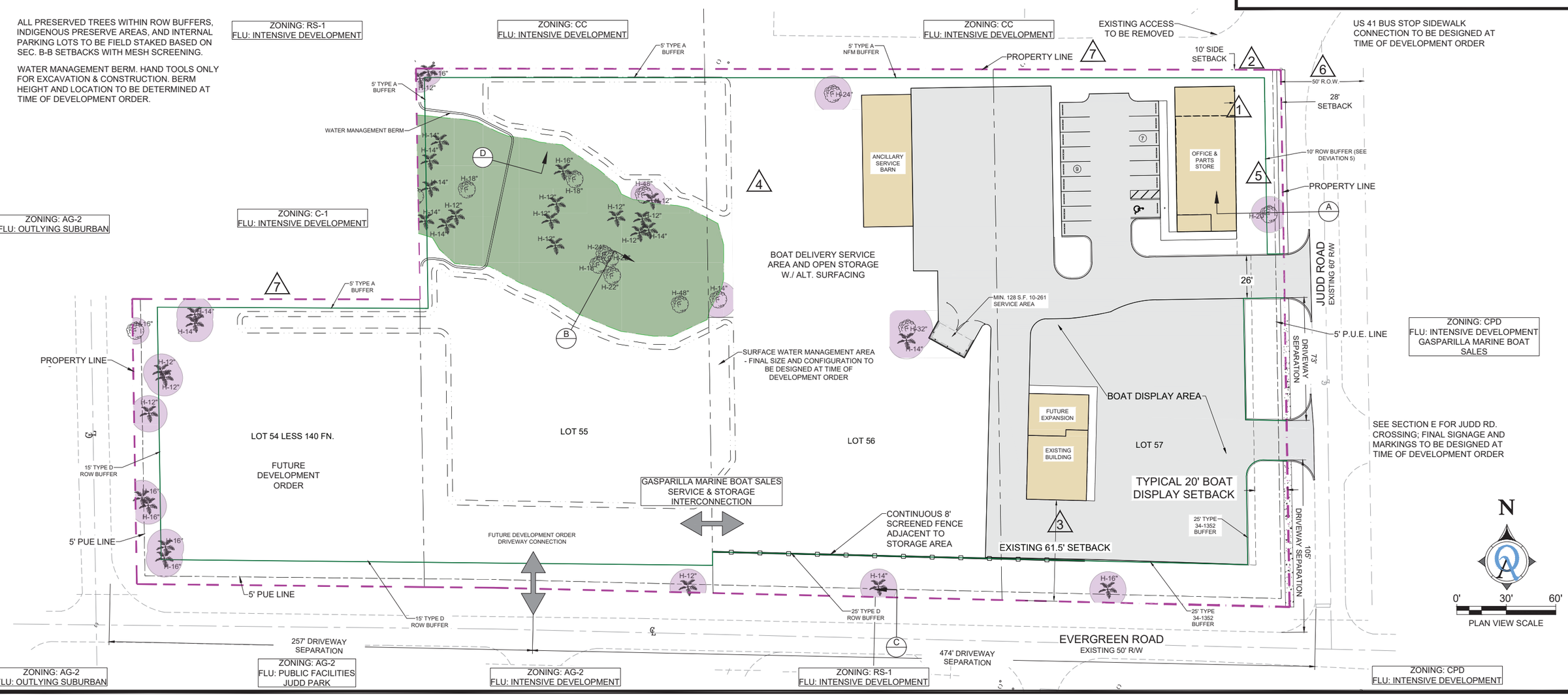
SITE AREA: 4.56 Acres +/-

FUTURE LAND USE: Intensive Development W/ Mixed Use Overlay

EXISTING ZONING : RS-1

ZONING REQUEST: CPD for Boat Sales, Storage and Service

UTILITIES: LCU and FGUA



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Written submission for DCI2023-00032 dated 11-05-2024

GASPARILLA MARINE SALE BUSINESS EXPANSION CPD

LOCATED IN SECTION 03, TOWNSHIP 44-S, RANGE 24-E, LEE COUNTY, FLORIDA

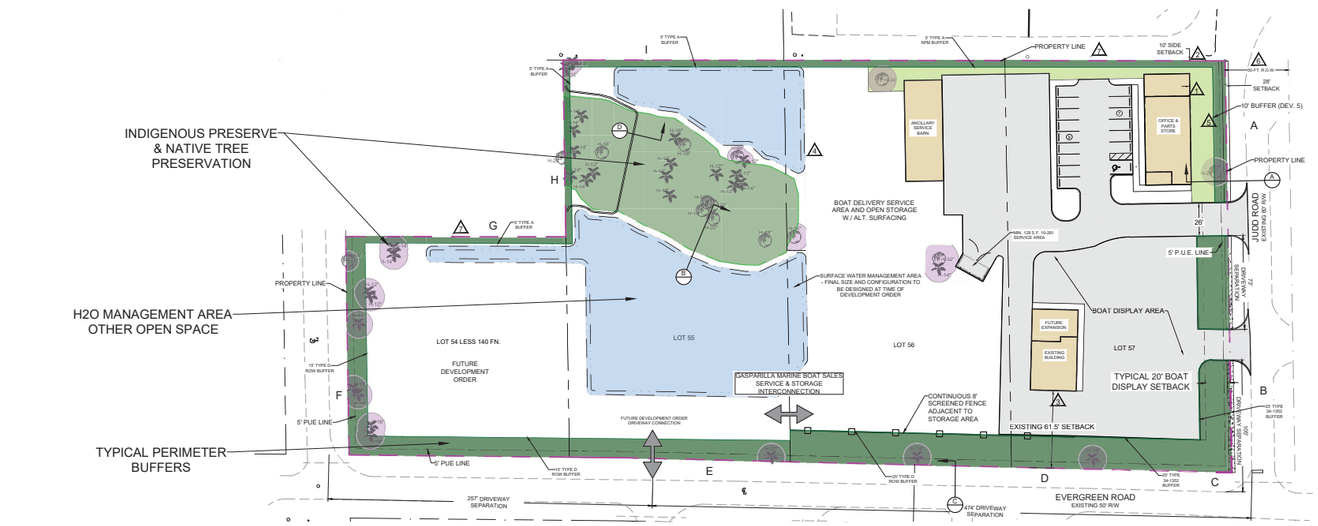
MASTER CONCEPT PLAN SHEET TWO

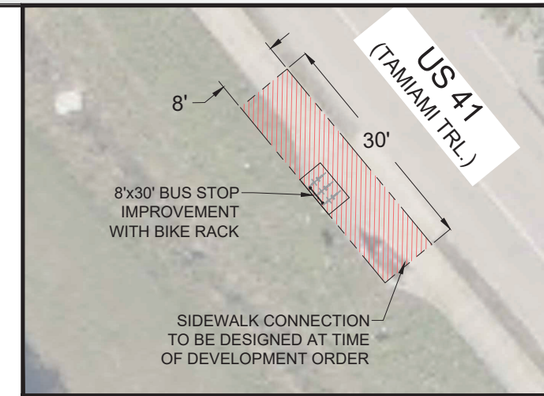
Perimeter Buffer Schedule:

A. Sales Center Judd Rd _	Dev 5 10-ft Type ROW Buffer w./Heritage Oak, 5 Trees Per 100 lf & Single Hedge
C. Boat Display Evergreen Rd LOT 57 _	25-ft 34-1352(g)(1.a, 1.b, 1.c & 1.d) ROW Buffering w./Native Palm
D. Open Storage Evergreen Rd Lots 56/57 _ Screening	25-ft Type D ROW Buffering w./Native Palm & 34-3005(b.1)
E. Evergreen Rd Lots 54/55 _	15-ft Type D ROW Buffer w./2 Native Palms
F. Brown Rd Lot 54 (Less 140) _	Type D ROW Buffer w./6 Native Trees
G.1430 Brown Rd. _	5-ft Type A Buffer
H. SF 1430 Brown Rd. _	30-ft Type Fw./Varied Depth Indigenous Preserve as per MCP
I. North Boundary Lot 55 _	5-ft Type A Com. To Com. Buffer w./2 Native Trees
J. Boundary Lots 56 & 57 _ Oak	5-ft NFM Type A w./single hedge & 4 Trees per 100 LF & Heritage

Open Space Table:

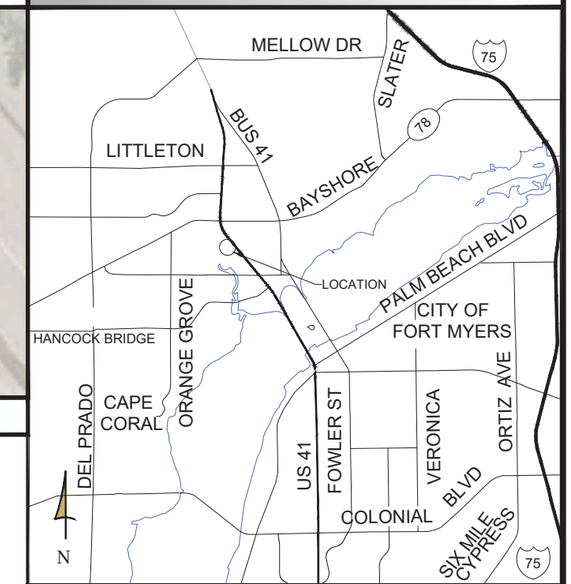
Site Area	4.56 ac. +/-
Open Space Standard	20% Mixed Use Overlay w./10% Native OS
Required MCP Open Space	0.91 ac
Provided MCP Open Space_	
* Perimeter Buffers	0.45 ac
* Indigenous Preserve and Native Tree Preservation	0.47 ac
* H2O Management Area/Other OS	0.62 ac
Total Provided Open Space	1.55 ac/34%
Total Provide Native Open Space	0.47 ac/10%





BUS STOP IMPROVEMENT

(NOT TO SCALE)



LOCATION MAP

(NOT TO SCALE)

PROJECT SUMMARY:

OPEN SPACE TABLE

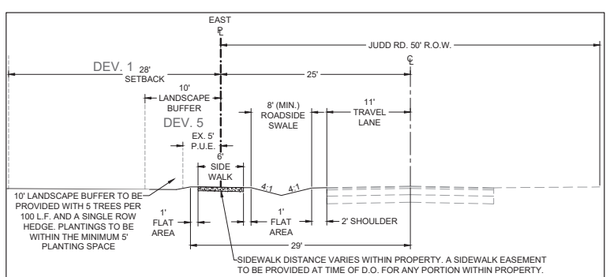
OPEN SPACE:
SITE AREA: 4.56 AC+/-

OPEN SPACE STANDARD:
20% MIXED USE OVERLAY W./ 10% NATIVE OPEN SPACE

REQUIRED MCP OPEN SPACE: 0.91 AC

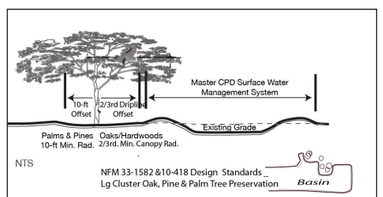
PROVIDED MCP OPEN SPACE
PERIMETER BUFFERS: 0.45 AC
INDIGENOUS PRESERVE AND NATIVE TREE PRESERVATION: 0.47 AC
H20 MANAGEMENT AREA/OTHER OPEN SPACE: 0.62 AC

TOTAL PROVIDED OPEN SPACE: 1.55 AC (34%)
TOTAL PROVIDED NATIVE OPEN SPACE: 0.47 AC (10%)



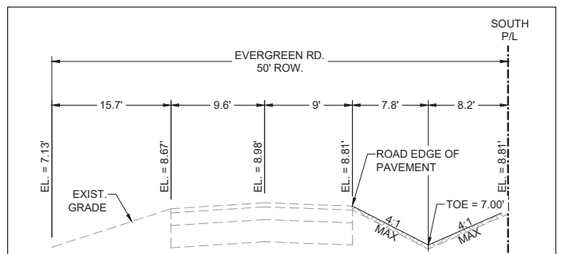
SECTION A
JUDD RD. IMPROVEMENT PLAN DEV. 6

N.T.S.



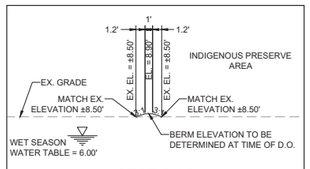
SECTION B: TREE PRESERVATION & DRY DETENTION SURFACE WATER MANAGEMENT PLAN

N.T.S.



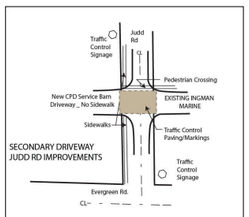
SECTION C

N.T.S.



SECTION D

N.T.S.



SECTION E

N.T.S.

StuartandAssociates, Inc. 11860 Island Ave. Matlacha, FL, FL 33993
Greg@Stuarturbandesign.com www.stuarturbandesign.com (239) 677-6126

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

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The Gasparilla Marine Sales Business Expansion CPD (DCI2023-00032)

Attachment E – Conditions and Deviations

Section A. - Conditions

1. The development of this project must be consistent with two-page Master Concept Plan (MCP) entitled "Gasparilla Marine Sale Business Expansion CPD", prepared by Quattrone and Associates, Inc., date stamped August 5, 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 131,400 square feet of commercial development, subject to the conditions enumerated herein.

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

   a. <u>Schedule of Uses</u>

   Accessory uses, buildings, and structures
   Administrative Offices
   Assisted Living Facility
   ATM
   Bed and Breakfast
   Boats: Parts Store, Rental, Sales, Repair and Service, and Storage
   Broadcast Studio, Commercial Radio & Television
   Building Materials
   Business Services, Groups I & II
   Cleaning & Maintenance Services
   Communication facility, wireless
   Computer and Data Processing Services
   Contractors & Builders, all groups
   Day Care Center (child, adult):
   Limited to 6,000 square feet
   Entrance gates and gatehouse
   Essential services
   Essential service facilities: Groups: I & II
   Excavation: Water retention
   Fences, Walls
   Gasoline Dispensing system, special
   Health Care Facilities:
   Limited to 20,000 square feet for Group I & 26,500 square feet for Group II
   Home care facility
   Home occupation
   Insurance Companies
   Lawn and Garden Supply Stores

Medical Office:
Limited to 19,000 square feet
Non-Store Retailers: All Groups
Parcel and Express Services
Parking Lot, Accessory & Temporary
Rental or Leasing Establishment: Group III
Signs
Social Services: All Groups
Specialty Retail Shops: Group II
Storage: Indoor, Open
Studios
Temporary Uses
Vehicle and Equipment Dealers: Group III
Warehouse: Public

b. <u>Site Development Regulations</u>

<u>General Parameters</u>

Minimum Lot Coverage	40 percent
Maximum Building Height	35 feet
Minimum Open Space	20 percent

<u>Building Setbacks</u>

Street (Public):	
Judd Road	50 feet (28 feet for existing structures)
Evergreen Road	50 feet (Lots 55, 56, & 57)
	15 feet (Lot 54)
Brown Road	15 feet
Rear	0 feet
Side	10 feet
Minimum Building Separation	0 feet
Waterbody	20 feet

3. <u>Development Infrastructure</u>
The first development order must include the surface water management area and the 0.47 acres of indigenous preserve in substantial compliance with the Master Concept Plan received August 5, 2024.

4. <u>Open Space</u>
The development order plans must depict 1.55 acres of open space and 0.45 acres of indigenous open space.

5. <u>Tree Protection</u>
The development order plans must depict tree preservation protection measures in compliance with the Master Concept Plan received August 5, 2024.

6. Existing Structure Setbacks and Buffers
    a. Northeast Building - The development order for Lot 57 must depict a 28-foot street setback, ten-foot north side yard setback and a ten-foot-wide Judd Road right-of-way buffer from the existing building. The remainder of the Judd Road right-of-way buffer must meet LDC Section 34-1352(g).

    b. Southeast Building – The development order for Lot 57 must depict a 61.5-foot setback from Evergreen Road.

    c. If any of the existing buildings are removed from Lot 57, new structures must meet the setbacks per the Land Development Code.

7. Buffers
   The development order plans must depict the following buffers:
    a. Lots 54 & 55 - 15-foot-wide right-of-way buffer abutting Brown Road and Evergreen Road.
    b. Lot 55 – 30-foot-wide Type-F buffer along with the west property line of the indigenous preserve to meet the buffer vegetation.
    c. North property line – Enhanced five-foot-wide Type-A buffer with four trees per 100 linear feet and a single hedge row.

8. Judd Road Drainage Easement
   Prior to the issuance of a development order, the applicant/developer must demonstrate compliance with the required street access in LDC Section 10-291(2). Other than the required right-of-way width specified in the LDC Section 10-296(b), Judd Road and surrounding streets must be improved to meet the street design and construction standards in LDC Section 10-296. The applicant/developer must grant a sidewalk/drainage easement(s) meeting County standards over the property to support open drainage on local streets as necessary.

Section B. – Deviations

1. **Deviation (1)** seeks relief from Lee County Land Development Code (LDC) **LDC Section 34-1352(c)(1)a.,** which requires a 50-foot street setback for buildings and structures; to allow a minimum 28-foot street setback between the existing building at the northeast corner of the property and Judd Road.

   This deviation is **APPROVED** subject to Condition 6a and 6c.

2. Deviation (2) seeks relief from **LDC Section 34-1352(c)(1)b.** which requires a 40-foot side yard setback for display, sale, rental, or storage for boats; to allow a ten-foot side yard setback from the north property line for the storage and display area.

   This deviation is **APPROVED** subject to Conditions 6a, 6c, and 7c.

3. **Deviation (3)** seeks relief from **LDC Section 34-1352(c)(3)**, which requires all buildings and items covered by this section to be set back a minimum of 100 feet from any existing residence or any residentially zoned property; to allow a 61.5-foot setback from Evergreen Road between the existing building and the residentially zoned property to the south.

This deviation is **APPROVED** subject to Condition 6b and 6c.

4. **Deviation (4)** seeks relief from **LDC Section 34-1352(g)(2)b.**, which requires rear property boundaries of boat sales and display areas to be buffered by a single hedge row; to allow no buffer along the rear property lines for Lots 56 and 57.

   This deviation is **APPROVED**.

5. **Deviation (5)** seeks relief from **LDC Section 34-1352(g),** which requires a minimum two-foot undulating berm with a 3:1 slope with a 25-foot-wide buffer that has five trees per 100 linear feet and a double hedge row; to allow no berm, a ten-foot-wide buffer along Judd Road with five trees per 100 linear feet, and a single hedge row located where the existing building is located at the northeast property line. The shrubs and trees will comply with the installation specifications per LDC Section 34-1352(g).

   This deviation is **APPROVED** subject to Condition 6a.

6. **Deviation (6)** seeks relief from **LDC Section 10-296(b)**, which requires a 60-foot right-of-way for an open drainage section; to allow the existing 50-foot right-of-way to have an open drainage section in substantial compliance with the Master Concept Plan received August 5, 2024.

   This deviation is **APPROVED** subject to Condition 6 & 8.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

Case Number: DCI2023-00032
Case Name: The Gasparilla Marine Sales Business Expansion Commercial Planned Development
Area Subject to Request: +/- 4.56 Acres
Case Type: Minor Planned Development Rezone
Sufficiency Date: September 3, 2024
Hearing Date: October 30, 2024

REQUEST:

Stuart and Associates Planning and Design Services, Inc. has filed an application to rezone approximately 4.56 acres from Residential (RS-1) to Commercial Planned Development (CPD). The applicant is requesting boat sales, service, and storage on +/- 2.58 acres of the eastern portion of the property and public warehouse, contractors and builders, medical clinic, and open and enclosed storage on the remaining portion of the property. The request would allow 131,400 square feet of commercial uses, according to the Traffic Impact Statement (see Attachment F).

The subject property is located south of North Cleveland Avenue and Pine Island Road in the North Fort Myers Community Plan area. The 4.56-acre property is located within the Intensive Development future land use category according to the **Lee Plan Map 1-A**. The subject property is in the Mixed-Use Overlay per **Lee Plan Map 1-C**. The applicant held a public information meeting in compliance with **Land Development Code Section 33-1532** (see Attachment F). A legal description and boundary survey of the subject property are included as Attachment B of the staff report.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, as conditioned, to rezone approximately 4.56-acres to Commercial Planned Development to allow a maximum of 131,400 square feet of commercial uses. The maximum height is 35 feet (Attachments E & F). The applicant has requested six deviations from LDC Sections 34-1352 (buffers and setbacks) and 10-296(b) (roadway and drainage design). Staff is recommending approval of the deviations, as conditioned.

OUTSTANDING ISSUE:

The applicant provided Letters of Availability from each agency (see Attachment G). The Florida Governmental Utility Authority (FGUA) letter states that the proposed project consists of a 35,000 square-foot expansion of an administration office with boat sales and service and does not mention the total commercial intensity of 131,400 square feet per the Traffic Impact Statement. The Lee County Utilities (LCU) letter states that the proposed project consists of one commercial unit and does not state the total commercial intensity of 131,400 square feet per the Traffic Impact Statement. The applicant must request revised Letters of Availability to state the total scope of work for the proposed project.

The MCP will need to be revised to note the enhanced buffers, as conditioned.

HISTORY OF PARCEL:

The subject property consists of four parcels zoned Residential (RS-1) and all abut Evergreen Road, a County-maintained local road, along the south property line. The east parcel abuts Judd Road, a County-

maintained local road, that separates the subject parcels from a property to the east, which is zoned Commercial Planned Development (CPD) and owned by the applicant of the subject property. The CPD was approved for boat sales with outdoor display (Resolution Z-15-032, see Attachment J). The request to rezone the subject property is intended in part to allow boat storage, sales, and service to support the existing business. The applicant has indicated that the boat storage, sales, and service is proposed on the two eastern parcels. The proposed uses for the remainder of the site are provided in the Schedule of Uses (see Attachment F). The two eastern parcels have existing residential structures. The applicant is proposing to retain the two existing buildings located on the east parcel, which abuts Judd Road and Evergreen Road. The Master Concept Plan depicts the two existing building with a future expansion proposed to the southern building. Due to retaining the existing buildings, the applicant is requesting deviations from setbacks and buffer requirements in accordance with LDC Section 34-1352. The applicant received approval to permit boat storage on the east parcel that abuts Judd Road and Evergreen Road pending this zoning action in accordance with LDC Section 34-173 (see Attachment I).

CHARACTER OF THE AREA:

The subject parcel is located in an area that has existing and planned uses. The parcels abutting the subject property along the northwest corner is developed with an existing residential use, which is zoned Commercial (C-1), and a vacant parcel, which is zoned Residential (RS-1). The subject property abuts Brown Road to the southwest, Evergreen Road to the south, and Judd Road to the east. All the rights-of-way are County-maintained local roads. The northeast property line abuts a commercial use zoned Community Commercial (CC). The properties abutting North Cleveland Avenue to the north and south of the subject property are all within the **Mixed Use Overlay per Lee Plan Map 1-C**. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

North

The subject property abuts a Residential zoned (RS-1) property and a Community Commercial zoned (CC) property to the north. The RS-1 property is vacant, and the CC zoned property is developed with Northern Tool and Equipment, which includes a display and rental area abutting the subject property. Further north are existing commercial uses within C-1A and C-1 commercial zoning districts. Properties north of the subject property are in the Intensive Development Future Land Use Category per the **Lee Plan Map 1-A**.

East

The subject property abuts Judd Road, a County-maintained local road. East of Judd Road is a property owned by the applicant that is zoned Commercial Planned Development. The applicant rezoned the property in 2015 (Resolution Z-15-032) for boat sales and display. The applicant is rezoning the subject property to use a portion of the property for boat storage, sales, and service. This area is within the Intensive Development Future Land Use Category and the Mixed Use Overlay. Further east is North Cleveland Avenue, a State-maintained arterial road. East of North Cleveland Avenue is a mix of vacant conventionally-zoned commercial land ranging from Community Commercial (CC), Special Commercial Office District (CS-1), and Community Commercial (CC). The area east of North Cleveland Avenue is within the Intensive Development Future Land Use Category per **Lee Plan Map 1-A** and Mixed Use Overlay per **Lee Plan Map 1-C**.

South

The subject property abuts Evergreen Road, a County-maintained local road. South of Evergreen Road are properties zoned Commercial Planned Development (CPD), Agricultural (AG-2), and Residential Single-Family (RS-1). The CPD property located at the corner of North Cleveland Avenue and Evergreen Road was rezoned in 2003 (Resolution Z-03-072, see Attachment K) to permit a Veterinary Animal Clinic. The property

west of the Veterinary Animal Clinic was rezoned in 1985 (Resolution ZAB-85-196, see Attachment L) to CPD to allow a "Home Center", which includes lumber sales. This property is vacant. Further west are existing residential homes zoned RS-1 and AG-2 that abut Judd Park, which is a Lee County Recreational Park. The properties south of the subject property are in the Intensive Development and Public Facilities Future Land Use Categories per **Lee Plan Map 1-A**. The CPD zoned properties are in the Mixed Use Overlay per **Lee Plan Map 1-C**.

West

The subject property abuts Brown Road, a County-maintained local road. The northwest portion of the property abuts a parcel that was recently rezoned from RS-1 to C-1 (Resolution REZ2023-00036, see Attachment M) and has an existing residential dwelling unit. Further west of Brown Road is a vacant AG-2 zoned property. The properties west of the subject property are in the Intensive Development and Sub-Outlying Suburban Future Land Use Categories per **Lee Plan Map 1-A**. The C-1 zoned property is within the Mixed Use Overlay per **Lee Plan Map 1-C** and a small portion of the AG-2 zoned property is within the Coastal High Hazard Area per **Lee Plan Map 5-A**.

AVAILABILTY OF URBAN SERVICES:

Public Services are defined by the Lee Plan as "*the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity*." The level of urban services currently serving the subject property are as follows:

Public water and sewer: The subject property is within the Future Water and Sanitary Sewer Service Areas per **Lee Plan Map 4-A and 4-B**. The applicant has provided a letter of availability for potable water from Lee County Utilities (LCU) and sanitary sewer from Florida Governmental Utility Authority (FGUA) (see Attachment G). The FGUA letter states that the proposed project consists of a 35,000 square-foot expansion consisting of an administration office with boat sales and service and does not mention the total commercial intensity of 131,400 square feet per the Traffic Impact Statement. The LCU letter states that the proposed project consists of one commercial unit and does not state the total commercial intensity of 131,400 square feet per the Traffic Impact Statement. The applicant must request revised Letters of Availability to state the total scope of work for the proposed project.

Public transit and pedestrian facilities: An existing shared-use path and sidewalk are located along North Cleveland Avenue according to **Lee Plan Map 3-D**. LeeTran has two bus lines that serve North Cleveland Avenue. Route 140 primarily serves North Cleveland Avenue and Route 595 serves North Cleveland Avenue and NE Pine Island Road. The closest bus stop to the subject property is located at the northwest corner of Judd Road and North Cleveland Avenue.

Police, fire, and emergency services: EMS – Medic 7 and a Sherriff's office are located less than two miles to the southeast at 121 Pondella Road. North Fort Myers Fire Department Station 2 is located less than one mile to the southwest at 1280 Barrett Road.

PROPERTY DEVELOPMENT REGULATIONS & OFF-STREET PARKING:

The applicant proposes property development regulations that include maximum heights, minimum setbacks, and maximum lot coverage (Attachment F). Staff finds the proposed property development regulations appropriate to facilitate development in accordance with the MCP.

DEVIATIONS:

The applicant has requested six deviations. Deviation #1 is being requested from **LDC Section 34-1352(c)(1)a.**, which requires a 50-foot street setback for buildings and structures. The applicant is requesting to allow a minimum 28-foot street setback between the existing building at the northeast corner of the property and Judd Road. Staff is recommending **APPROVAL** of Deviation #1 with a condition requiring the 50-foot street setback to be required if the existing building is removed.

Deviation #2 is being requested from **LDC Section 34-1352(c)(1)b.**, which requires a 40-foot side yard setback for display, sale, rental, or storage for boats. The applicant is requesting a ten-foot side yard setback from the north property line for the storage and display area. The abutting property to the north is zoned Community Commercial (CC). LDC Section 34-1352(g)(2) requires side property lines to provide a single hedge row in compliance with LDC Section 10-416. The applicant is depicting a Type-A buffer which is five-feet wide and includes four trees per 100 linear feet. Staff is recommending **APPROVAL** of Deviation #2 with a condition to provide an enhanced Type-A buffer that consists of four trees per 100 linear feet and a single hedge row installed at 24 inches and maintained at 36 inches.

Deviation #3 is being requested from **LDC Section 34-1352(c)(3)**, which requires all buildings and items covered by this section to be set back a minimum of 100 feet from any existing residence or any residentially- zoned property. Lots 56 and 57 (Phase I) of the proposed development will be boat sales, storage and service and is within 100 feet of a residentially-zoned property to the south. The applicant is requesting to allow a 61.5-foot setback between the existing building and the residentially-zoned property to the south. Staff is recommending **APPROVAL** of Deviation #3, as conditioned, requiring the applicant to meet the setback requirement if the existing building is removed.

Deviation #4 is being request from **LDC Section 34-1352(g)(2)b.**, which requires rear property boundaries of boat sales and display areas to be buffered by a single hedge row. The applicant is requesting to allow no buffer along the rear property lines for Lots 56 and 57. The MCP depicts Lots 54 through 57 with Lots 56 and 57 proposed to be boat sales, display, and service. The applicant is requesting to not provide a rear buffer between Lots 56 and 57 since the lots are being used for the same purpose. The applicant is requesting no buffer abutting Lot 55, which is proposed to be the surface water management lake to support the overall planned development. The subject property is in the Mixed Use Overlay which requires no buffers between commercial uses[1]. Because the applicant is proposing storage and display area along the rear property line, a single hedge row is required, which does not allow for a cohesive design within the Mixed Use Overlay. Staff is recommending **APPROVAL** of Deviation #4.

Deviation #5 is being requested from **LDC Section 34-1352(g),** which requires a minimum two-foot undulating berm with a 3:1 slope with a 25-foot-wide buffer that has five trees per 100 linear feet and a double hedge row. The applicant is requesting to allow no berm and provide a ten-foot-wide buffer along Judd Road that consists of five trees per 100 linear feet and a single hedge row located where the existing building is located at the northeast property line. The shrubs and trees will comply with the installation specifications per LDC Section 34-1352(g). Sheet 2 of the MCP includes a cross section (Section A) that depicts the location of the ten-foot-wide buffer with half of the buffer width consisting of a five-foot-wide public utility easement. The applicant is proposing 14-foot-tall buffer trees and single hedge row within the five-foot-wide portion of the buffer abutting the proposed sidewalk. Deviation #5 only applies to the

[1] LDC Section 10-425(f)(3) buffers are not required along property lines unless specified in Sections 10-425(f)(1) and 10-425(f)(2).

northeast corner adjacent to the existing building. The remaining right-of-way buffer will comply with LDC Section 34-1352(g). Staff is recommending **APPROVAL** of Deviation #5, as conditioned.

Deviation #6 is being requested from **LDC Section 10-296(b)**, which requires a 60-foot right-of-way for an open drainage section. The applicant is requesting the existing 50-foot right-of-way to have an open drainage section consistent with cross section A on sheet 2 of the MCP. The Lee County Department of Transportation has recommended approval of Deviation #6, as conditioned.

REVIEW CRITERIA:

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;

b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

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

d) Will provide access sufficient to support the proposed development intensity;

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

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

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

For Planned Development rezoning requests, the Hearing Examiner must also find:

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

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; and

c) 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.

The applicant has provided a narrative that addresses the planned development rezoning request with analysis against the applicable criteria (see Attachment F). The following provides staff's analysis of the request, as measured against the established criteria.

REVIEW CRITERIA ANALYSIS:

The subject property is in the Intensive Development future land use category. **Lee Plan Policy 1.1.2** describes this future land use category as land along major arterial roads with access to public services to support high intensities. Mixed use developments are encouraged in this category due to the accessibility of public services. The applicant is proposing boat sales, display, and service to support the adjacent boat

sales center to the east of Judd Road. The remainder of the subject property will be a maximum 19,000 square feet of commercial uses. The proposed project has access to two local roads that connect to a State-maintained arterial road. There are public services available to support the intensity of development. As mentioned, the applicant must provide updated Letters of Availability from FGUA and LCU to reflect the maximum square feet of commercial uses proposed. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policy 1.1.2**.

The proposed development complies with **Objectives 2.1 and 2.2** for development location and timing due to the development being an infill project. The property to the northwest was recently rezoned to Commercial (C-1) (REZ2023-00036, see Attachment M). The site is in an area that has access to potable water and sewer and access to existing sidewalks along North Cleveland Avenue. The applicant will be required to provide sidewalks along Judd Road and Evergreen Road. LeeTran has two bus routes along North Cleveland Avenue and the proposed project is near fire and EMS stations, and other services to demonstrate compliance with **Lee Plan Objectives 2.1 and 2.2, and 2.2.1, and Standards 4.1.1 and 4.1.2**.

GOAL 6 of the Lee Plan and subsequent Policies 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, and 6.1.11 permit orderly and well-planned commercial development at appropriate locations within the County. The applicant is proposing to redevelop the subject property to a commercial multi-use development to serve the residents of North Fort Myers Community Plan area. The property currently has existing residential structures on Lot 57 that will remain and be re-purposed for the proposed use. The applicant is providing the required buffers with deviations per **LDC Section 34-1352(g)(2)** and **LDC Section 10-425(f)**. **LDC Section 34-1352(g)(2)** requires 25-foot-wide right-of-way buffers along Judd Road and Evergreen Road abutting Lots 56 and 57 except for the buffer adjacent to the existing building (see Deviation #5). The applicant is providing enhanced buffers along Evergreen Road, Brown Road and abutting the C-1 property to the northwest. The property is within the Mixed Use Overlay and per LDC Section 10-425(f), right-of-way buffers must be five feet wide with five trees per 100 linear feet. The applicant is providing a 15-foot-wide Type-D buffer which consists of five trees per 100 linear feet and a double staggered hedge. Staff is conditioning the enhanced rights-of-way buffers along Evergreen Road abutting Lots 54 and 55 and Brown Road abutting Lot 54. The northwest corner of Lots 54 and 55 abut a property that was recently rezoned from Residential (RS-1) to Commercial (C-1) (REZ2023-00036, see Attachment M) and a Community Commercial (CC) zoned property. Per LDC Section 10-425(f), no buffer is required between the subject property and the Commercial properties along the northwest property line. The applicant is providing enhanced buffering with Type-A buffers abutting the C-1 and CC zoned properties. The proposed tree preservation area provides an enhanced Type-F buffer abutting the east side of the C-1 property. Staff has provided a condition to ensure that the buffers are provided and consistent throughout the planned development.

LDC Section 10-425(a) requires projects within the Mixed Use Overlay to provide 20 percent of the total acreage as open space. Half of the required open space must be provided as an indigenous preservation area or tree preservation area. The applicant is required to provide 0.91 acres of open space and is providing 1.55 acres (see Attachment D). The applicant is required to provide 0.45 acres of indigenous preserve/tree preservation area and is providing 0.47 acres. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Goal 6 and Policies 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, and 6.1.11**.

The proposed project is located in the Mixed Use Overlay according to **Lee Plan Map 1-C**. **Policies 11.2.1 and 11.2.2** focus on the location and design of projects within the Mixed Use Overlay as it pertains to pedestrian, transit, and automobile connectivity. The applicant will be required at time of development order to provide pedestrian connections to the LeeTran bus stops and sidewalks to demonstrate walkability within the development to the offsite connections. Staff finds the request, as conditioned, to be **CONSISTENT with Lee Plan Policies 11.2.1 and 11.2.2**.

As mentioned above, the proposed project is in the North Fort Myers Community Plan area, which requires a public information meeting per **Lee Plan Policy 17.3.5**. The applicant advertised and held a public information meeting at the North Fort Myers Recreation Center on July 6, 2023. The applicant has provided the meeting summary per **LDC Section 33-1532** (Attachment F).

As mentioned, there are existing single-family structures on the subject property. The applicant is proposing to redevelop the site to meet the current Lee Plan and Land Development Code requirements or seek deviations meeting **Lee Plan Policy 30.2.7**. Staff finds the request, as conditioned, to be consistent with the **Lee Policies 30.2.4, 30.2.6, and 30.2.7.**

Lee Plan Objectives 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4 all speak to the design of the stormwater management system, utilization of green infrastructure to filter pollutants, and preservation of existing natural flow-ways. The applicant submitted a Surface Water Management Plan (Attachment F). The applicant has indicated in the Surface Water Management Plan that the stormwater runoff will be routed through a series of stormwater inlets, pipes and swales which will outfall into a drainage ditch along Evergreen Road and flow to Judd Road and then to Yellow Fever Creek. There are two lakes proposed on both sides of the preservation area, which will be required to meet lake bank slopes per LDC Section 10-329(d)(4) and planted littoral shelves per LDC Section 10-418. The applicant will be required to complete offsite stormwater drainage ditch improvements as part of Phase I for the project, which will support the offsite flows from the development. Staff finds the request, as conditioned, to be consistent with **Lee Plan Objective 60.4 and Policies 60.4.1, 60.4.2, 60.4.3, and 61.4.4.**

Land Development Code Compliance

Staff finds the proposed planned development rezoning request, as conditioned, to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking.
- LDC Chapter 10 Development Standards.
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically deviated from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

Compliance with LDC Section 34-145(d)(4)

Staff makes the following findings with respect to this request:

a) Complies with Lee Plan.

The proposed rezoning, with outstanding issues completed and as conditioned, is consistent with the Lee Plan as demonstrated in the analysis in this staff report.

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

The applicant will be required to obtain a development order for the proposed project that must comply with the Land Development Code and Lee Plan. The deviations that are requested are needed to maintain and re-purpose the existing building with respect to buffering, setbacks, and drainage. The deviations, if the request is approved, will allow reduced setbacks and buffers so that the existing structures may be maintained, and offsite drainage may be improved to support the development.

c) Compatibility with existing and planned uses in the surrounding area.

The proposed development is in an area intended for intense commercial development nearby to the arterial roadway network to serve surrounding uses. The applicant has designed the Master Concept Plan to depict the boat sales, display and service uses within the eastern two parcels, which will support the parcel located to the east of Judd Road that is owned by the applicant. The boat sales and services will be located primarily within the subject property. The remainder of the subject property will be developed in the future. The buffers meet or exceed the Land Development Code to provide screening and visual relief from the proposed maximum building height of 35 feet.

d) Sufficiency of Access and Transportation Impacts.

The eastern ±2.58-acre portion of the site will be utilized for administrative purposes, boat part sales, boat outfitting, storage, and services with a maximum of ±112,400 square feet of floor area. The western ±1.98-acre portion may be used for commercial public warehousing, open and enclosed storage, repair shops, and contractor and builder services with a maximum of ±19,000 square feet of floor area. Access to the subject site is proposed via two connections along Judd Road and one connection along Evergreen Road.

The trip generation for the proposed development was reviewed by using similar developments and by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. The applicant used a Medical Clinic use (Land Use Code 630 per ITE) to study the worse-case scenario for the proposed subject property. The peak AM and PM weekday trips were then tabulated per the following Table 1:

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour		
	In	Out	Total	In	Out	Total
Gasparilla Marine (±112,400 sq. ft)	6	9	15	15	12	27
Clinic (±19,000 sq. ft)	41	10	51	21	49	70
Total Net New Trips	**47**	**19**	**66**	**36**	**61**	**97**

As the proposed development is anticipated to generate less than 100 trip ends, the Traffic Impact Statement submitted with the zoning application is not required to include any Level of Service analysis for roadway sections and intersections as per AC-13-17. Per the Traffic Impact Statement and the Department of Transportation, the access is sufficient to support the proposed development (see Attachments F & H).

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.

The applicant has provided a Traffic Impact Statement that analyzes the proposed trips within the surrounding roadway network with trips assigned based upon the routes drivers are anticipated to utilize to access the proposed development. Since the development is proposed to generate less than 100 trips, the Level of Service study is not required for roadway sections and intersections per AC-13-17. Any required improvements will be evaluated at time of development order (see Attachment F & H).

f) No adverse impacts to environmentally critical or sensitive areas and natural resources.

The request will have no impacts to environmentally sensitive or critical areas. The applicant has provided a Florida Land Use Cover and Classification System (FLUCCS) map depicting the habitat types on the site (see Attachment F). The applicant indicates that the site is disturbed where the existing homesteads are previously located. The FLUCCS map depicts the remaining land as upland live oak hammock (FLUCCS 427E2). The applicant is preserving 0.4 acres of upland live oak hammock, which has most of the native trees. The Surface Water Management Plan indicates that the preserve will not be utilized for surface water management. The water management lakes will be designed around the indigenous preservation area. The applicant has depicted on the MCP preservation of heritage trees within the buffers along Brown Road and within the buffers between the commercial uses along the northwest property line. Staff has provided conditions to ensure that the development order plans depict tree protection barricades, and the vegetation removal permit includes a map depicting the tree preservation barricades in the field. Per the Protected Species Survey, there were no protected species on the site (see Attachment F).

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

As noted and defined above, the subject property is located within a future urban area. **The applicant must provide updated Letters of Availability to ensure the development will have adequate access to urban services to accommodate the development proposed by the request.** Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

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

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; and

c) That each requested deviation, as conditioned:
   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.

CONCLUSION:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The Commercial Planned Development rezone is consistent with the Intensive Development future land use designation and the applicable goals, objectives, and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings. Staff recommends **APPROVAL** of the request to rezone the property from Residential (RS-1) to Commercial Planned Development (CPD) to allow a total of 132,000 square feet of commercial uses at a maximum proposed height of 35 feet (see Attachment E).

ATTACHMENTS:

A. Expert Witness Information
B. Legal Description, Sketch and Description
C. Location Aerial, Future Land Use, and Current Zoning Maps
D. Master Concept Plan
E. Development Regulations and Conditions
F. Applicant's Project Narrative
   Schedule of Uses & Property Development Regulations
   North Fort Myers Community Meeting Summary
   Surface Water Management Narrative
   Deviation Request and Justification
   Applicant's Protected Species Survey
   Applicant's Traffic Impact Statement
G. Utility Availability Letters
H. Department of Transportation Staff Memorandum
I. Gasparilla Early Use dated February 14, 2024
J. Resolution Z-15-032
K. Resolution Z-03-072
L. Resolution ZAB-85-196
M. REZ2023-00036

DCI2024-00003
Lehigh Acres WTP
No 2

Staff Summary

CASE NUMBER & NAME:	DCI2024-00003 / Lehigh Acres WTP No 2
REQUEST:	Request to rezone 9.97± acres from Residential Multiple-Family-2 (RM-2) to Community Facilities Planned Development (CFPD) to allow for the recommission and expansion of a public water treatment facility, known as the Lehigh Acres WTP No. 2.
RESOLUTION NUMBER:	Z-24-029
LOCATION:	913 Bolivia Dr., Lehigh Acres Planning Community, Lee County, FL
OWNER:	Florida Govt Utility Authority
APPLICANT:	Scott Towler – FGUA
AGENT:	Christine Fisher, AICP Johnson Engineering, Inc. 2122 Johnson St. Ft. Myers, FL 33901
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (0)	NONE

DCI2024-00003

Aerial

Subject Property

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida

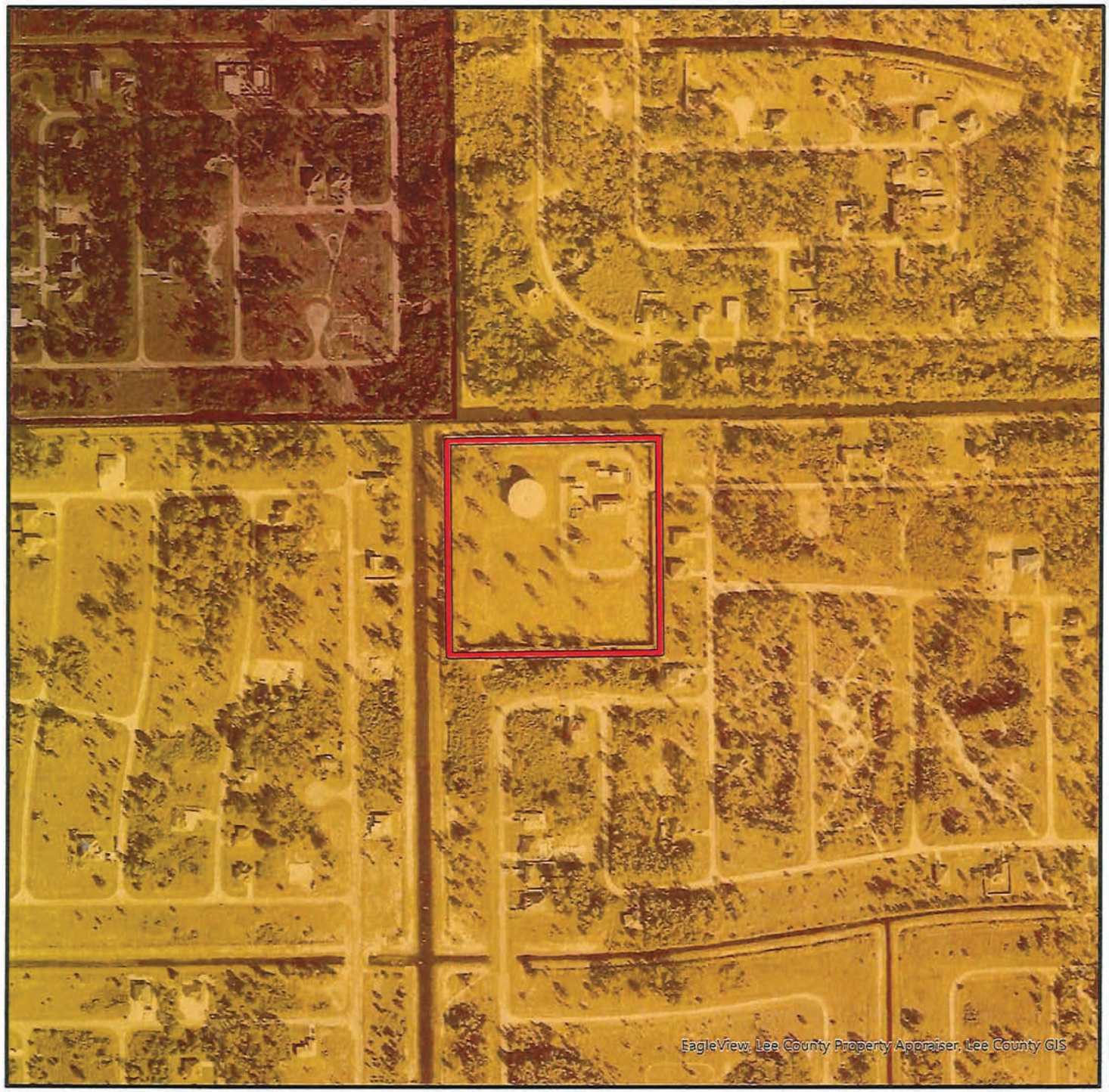
Summary of Hearing Examiner Recommendation

LEHIGH ACRES WTP NO2

Applicant seeks to rezone property from RM-2 to CFPD to authorize development of a water treatment facility capable of producing up to 10 million gallons of water per day, including storage tanks, administrative offices, and buildings for storage of mechanical equipment.

The property location is in Lehigh Acres. No members of the public attended the hearing. The Hearing Examiner recommends approval with conditions.

Detailed recommendation follows



DCI2024-00003

Future Land Use

Subject Property
Central Urban
Urban Community

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida

DCI2024-00003

Aerial

Subject Property

N
W E
S

0 300 600 900
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00003

Regarding: **LEHIGH ACRES WTP NO2**

Location: 913 Bolivia Drive
Lehigh Acres Planning Community
(District 5)

Hearing Date: October 3, 2024

I. Request

Rezone a 9.97-acre from Residential Multiple-Family District to Community Facilities Planned Development to permit Essential Service Facility, Group II to facilitate development of water treatment plant infrastructure necessary to produce up to 10 million gallons of water per day. Improvements will also include storage tanks, administrative offices, and buildings for mechanical equipment.

Property legal description in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 9.97 acres from Residential Multiple Family (RM-2) to the Community Facilities Planned Development District (CFPD). Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

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[1] LDC §34-145(d)(4) a.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

Request

Applicant seeks to rezone property from RM-2 to CFPD to authorize development of a water treatment facility capable of producing up to 10 million gallons of water per day, including storage tanks, administrative offices, and buildings for storage of mechanical equipment.

The property location is 913 Bolivia Drive, Lehigh Acres.

History

In 2002, the County authorized the original water treatment facility by special exception allowing development of 10,000 square feet of office space and two, two million gallon above ground storage tanks.[2] A few years later, the County approved another special exception and variance authorizing a deep injection well and reduction in the required 100 foot setback to 50 feet for the injection well.[3]

The Florida Gulf Utility Authority (FGUA) never constructed the deep injection well.

In 2013, FGUA converted the water treatment plant into a booster pump station. The utility currently uses the site for water storage and as a booster pump station. The zoning request would permit conversion of the site to a reverse osmosis water treatment facility with a deep injection well to improve water quality in Lehigh Acres and meet current/future water demands of the community.

Character of Area

The property is located at the terminus of Bolivia Drive in east Lehigh Acres. The site is bounded by canals on the north and west.[4] The east and south property lines abut platted lands zoned for single family residential land uses. Three single family residences lie along the property's east boundary. Surrounding development consists of platted lots and scattered single family development.

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[2] SEZ 2002-00033 Special Exception for Essential Service Facilities, Group II in the RM-2 zoning district to authorize a water treatment plant.

[3] SEZ 2008-00015 and VAR 2008-00044 Special Exception for Essential Service Facilities, Group II authorizing a water treatment plant with deep injection well and a setback variance for the deep injection well.

[4] Ibis and Sandhill Canals.

Lee Plan

Planned developments must be consistent with the Lee Plan.[5]

The Lee Plan regulates land development activity in the County.[6] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas.

The property lies within the Urban Community future land use category. The Urban Community is characterized by intense commercial and residential with a mix of, public, quasi-public, and limited light industrial uses. The property is developed with a decommissioned water treatment plant that is now used as a water booster station.

The proposed CFPD zoning district will facilitate redevelopment of the site as a water treatment plant operated by FGUA. This use is consistent with public/quasi-public uses contemplated in the Urban Community.

The Lee Plan encourages compact and contiguous development patterns in areas with services/infrastructure to support new development.[7] In furtherance of this objective, the Plan permits public utilities in all land use categories.[8] The recommissioning and expansion of a former water treatment facility to provide potable water service to the Lehigh community is consistent with Lee Plan directives.[9]

The request envisions a phased plan of development:

- Phase One - existing booster pump station/vacated water treatment plant.
- Phase Two - recommission water treatment plant, convert to reverse osmosis, constructing two UFA raw wells, deep water injection well, monitoring well, and 10,000 square foot reverse osmosis building and administrative offices.
- Phase Three – construct two water storage tanks and 3,000 square foot reverse osmosis building.

[5] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[6] LDC §34-491.
[7] Lee Plan Objectives 2.1, 2.2, Policy 2.2.1.
[8] Lee Plan Policy 2.1.3.
[9] Lee Plan Goals 2, 53, Objectives 2.1, 2.2, 25.9, 53.1, 55.1, Policies 2.1.1, 2.2.1, 25.9.2, 25.9.3, 53.1.4, 55.1.1, *See* Lee Plan Glossary definition - infill.

Compatibility

One purpose of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.[10]

Surrounding lands feature residential, and commercial land uses and are classified as Urban Community. Surrounding properties feature a mix of residential, commercial, a school, and a fire station. The north corner of the site abuts lands classified Central Urban. The site has been improved with water treatment infrastructure for over 20 years. Even in its decommissioned state, utility structures exist in proximity to residential land uses without incident.

Creative site design ensures compatibility with surrounding land uses. The site plan features enhanced setbacks of 50 feet for underground disposal facilities and 100 feet for above ground equipment, 30 foot Type F buffers along the north and west property boundary, and a 25 foot Type E buffer along the south and east boundaries.[11] Maximum building height will not exceed 35 feet.

Existing native trees will be retained and incorporated into the perimeter buffer. An existing eight foot fence and eight foot masonry wall secures the site, preventing unauthorized access.

The facility operator will shield project lighting directing illumination inward and downward to limit off site impacts.

LDC

Development must comply with County land development regulations or seek deviations.

Planned development zoning is a means to integrate new development with surrounding land uses.[12] Planned developments further the goals of the Lee Plan while providing flexibility in planning and design.[13]

The LDC imposes perimeter landscape requirements for water treatment facilities.[14] The Master Concept Plan (MCP) complies with these requirements, effectively shielding the site from surrounding land uses.

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[10] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[11] Type E buffer consists of a 25 foot wide strip planted with five trees and 30 shrubs per 100 linear feet and includes a solid wall, berm or wall and berm combo. Shrubs must provide visual screening and may not be pruned to reduce height. The 30 foot wide Type F buffer consists of ten trees and a double hedge row per 100 linear feet.
[12] LDC §§34-341(a), 612(2).
[13] LDC §§34-411(a), 34-612(2), Lee Plan Policy 2.1.2.
[14] LDC §10-416(d).

The request seeks only one deviation from the LDC. A "deviation" is a departure from a land development regulation.[15] Applicants must demonstrate deviations enhance the planned development and will not cause a detriment to the public.[16] The requested deviation pertains to reducing the minimum distance between the entrance gate and intersecting street right of way and eliminating auxiliary turn lanes and turnaround requirements.

Applicant offered testimony and evidence in support of the deviation.[17] Staff recommended approval of the deviation. The Hearing Examiner agrees with staff's recommendation, finding the deviation meets LDC approval criteria.[18]

Transportation

Applications to rezone property must demonstrate access sufficient to support proposed development intensity. Expected impacts to transportation facilities must be addressed by existing County regulations and conditions of approval.[19]

The MCP maintains the existing project access to Bolivia Drive, a County maintained local road.[20] The Traffic Impact Statement projects a low daily trip generation associated with the proposed 13,000 square feet of administrative offices. [21]

Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

The site has been developed for over 20 years with an existing storm water management system. Redevelopment of the site to accommodate the facilities and structures must comply with LDC open space and water management requirements.

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[15] LDC §34-2.
[16] LDC §34-373(a)(9).
[17] LDC §34-377(a)(4).
[18] The Hearing Examiner may recommend approval, approval with modifications or denial of requested deviations based upon findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).
[19] LDC §34-145(d)(4)a.
[20] Lee County Administrative Code AC 11-1.
[21] Staff Report Attachments L, M: Zoning Traffic Study for Florida Governmental Utility Authority Lehigh Acres Water Treatment Plant No 2 dated November 2023 prepared by Johnson Engineering and Memo from Tim Brooks, DOT Project Manager dated June 5, 2024.

Buffers and landscaped areas must follow Xeriscape principles and consist of native landscape to conserve water.[22]

The Hearing Examiner finds the proposed CFPD will not harm environmentally critical/sensitive areas or natural resources. The proposed plan of development enhances the site's environmental features by removing exotic vegetation.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[23] The Lee Plan requires an evaluation of public services during the rezoning process.[24] The site has access to public services and infrastructure including public water, paved roads, police, fire, and emergency medical services.[25]

The site is currently served by an onsite septic system. The septic system will be updated to accommodate the planned 13,000 square foot administrative offices.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.[26] Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.[27] The CFPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.[28]

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

Public

No members of the public attended the hearing.

---

[22] Lee Plan Objective 126.2, Policies 54.1.3, 126.2.1.
[23] Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[24] Lee Plan Goal 95 and Policy 2.2.1.
[25] Lee Plan Goals 4, 65, 70, 95, Objective 4.1, Policies 1.1.4, 2.2.1, 2.2.2.
[26] Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).
[27] LDC §34-932(b).
[28] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3.

Conclusion

The Hearing Examiner recommends approval subject to conditions in Exhibit B. The Hearing Examiner finds the requested CFPD zoning meets LDC criteria and, as conditioned, is compatible with surrounding development.[29]

The Hearing Examiner revised conditions of approval for clarity, compliance with state law and to remove references to the LDC applicable to development by Condition 1.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested CPPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 25, 53, 95, 125; Objectives 2.1, 2.2, 2.9, 4.1, 25.9, 39.1, 53.1, 55.1, 125.1, 126.2, 158.3, and Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 25.9.2, 25.9.3, 54.1.3, 55.1.1, 125.1.2, 125.1.3, Lee Plan Maps 1-A, 1-B, 2-A.

B. As conditioned, the CFPD zoning district:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 5.1.5, 135.9.6; LDC §§34-411, 34-413.

3. Provides sufficient road access to support proposed development intensity.

4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC § 34-411.

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goal 77, Objectives 77.3, 125.1, 126.2, Policies 54.1.3, 77.3.2, 126.2.1.

6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1.

C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 25, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2.

[29] Lee Plan Policy 6.1.4.

D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development.

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

Recommendation Date: October 14, 2024.

Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

Legal Description & Plat

REVIEWED
DCI2024-00003
Rick Burris, Principal Planner
Lee County DCD/Planning
3/13/2024

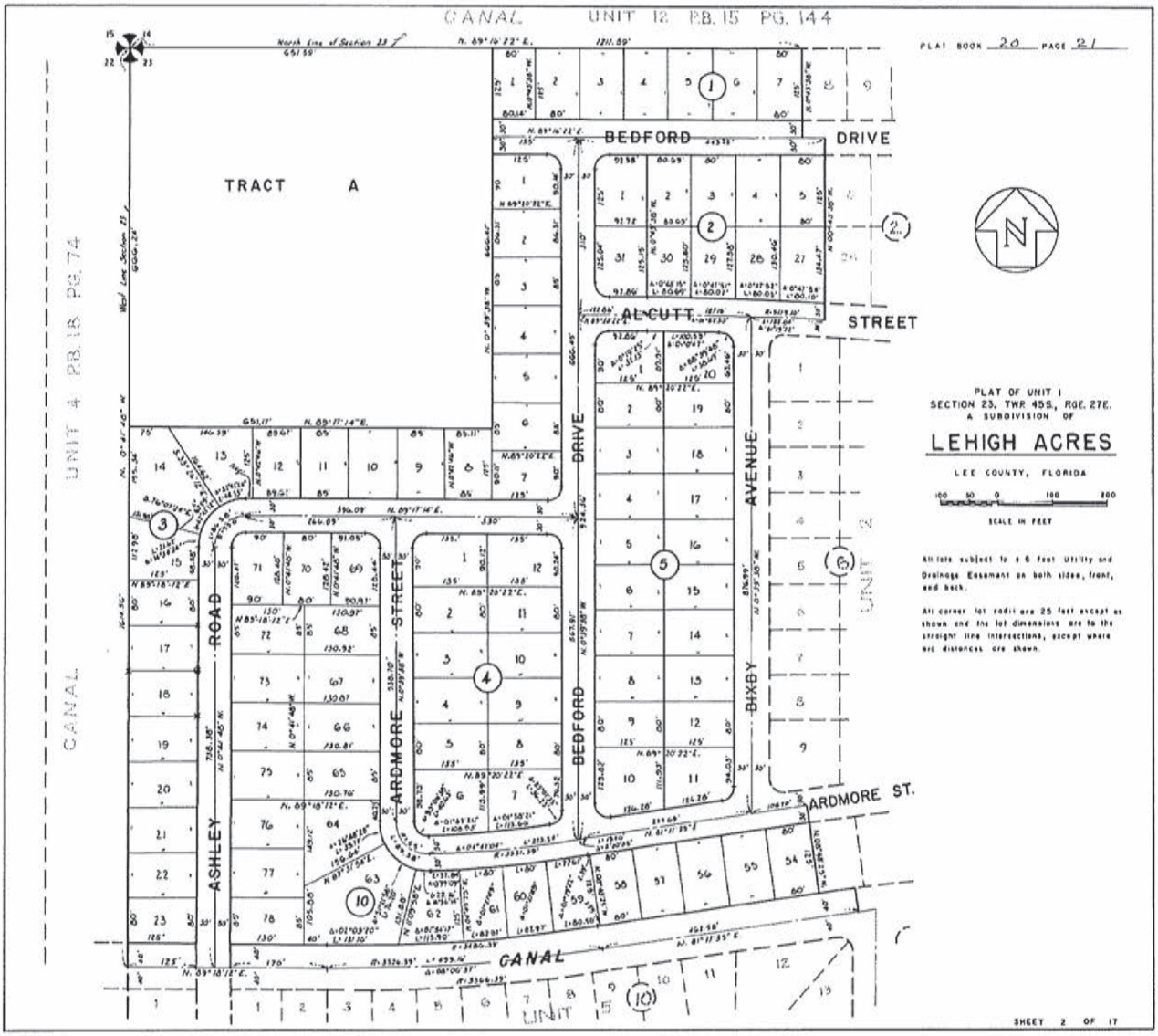
DCI2024-00003 Lee County ePlan

Legal Description

Tract "A", Plat of Unit 1, Section 23, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, Recorded in Plat Book 20, Page 21 of the Public Records of Lee County, Florida.

Strap #23-45-27-01-00000.30A0

REVIEWED
DCI2024-00003
Rick Burris, Principal Planner
Lee County DCD/Planning
3/13/2024


CANAL
UNIT 12 P.B. 15 PG. 144
PLAT BOOK 20 PAGE 21
BEDFORD DRIVE
TRACT A
AL-CUTT STREET
UNIT 4 P.B. 18 PG. 74
CANAL
ASHLEY ROAD
ARDMORE STREET
BEDFORD DRIVE
DIXBY AVENUE
ARDMORE ST.
CANAL
UNIT 5
UNIT 2
PLAT OF UNIT I
SECTION 23, TWP. 45S, RGE. 27E.
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA
SCALE IN FEET
All lots subject to a 6 foot Utility and Drainage Easement on both sides, front, and back.
All corner lot radii are 25 feet except as shown and the lot dimensions are to the straight line intersections, except where arc distances are shown.
SHEET 2 OF 17

DCI2024-00003

Zoning

Subject Property

N
W
E
S

0 300 600 900
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan/ Approved Development Parameters

Master Concept Plan. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Lehigh Acres Water Treatment Plant No. 2" date stamped May 31, 2024, except as modified by the conditions below. (Exhibit B1).

Lee Plan and Land Development Code. Development must comply with the Lee Plan and Land Development Code (LDC), except where deviations are approved herein. Changes to approved development parameters, conditions, or MCP may require further development approvals.

Approved Development Parameters. The infrastructure necessary to produce up to 10 million gallons of water per day including storage tanks, 13,000 square feet of administrative offices, and buildings to store mechanical equipment.

2. Permitted Uses and Property Development Regulations

The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Groups I, II (Group II – Limited to Above Ground Water Storage Facilities, Water Treatment Plants, and Communications only)
Excavation: Water Retention Only
Fences, Walls
Government Agencies, Offices Only
Maintenance Facility (Government)
Parking Lot, accessory
Signs
Storage, Indoor
Temporary Uses

b. Site Development Regulations

Minimum lot area and dimensions:
Lot area: 43,560 Square Feet

Lot width: 100 feet
Lot Depth: 100 feet

Setbacks:

Water Treatment Facilities: In accordance with LDC §10-351

Minimum Below Ground Disposal Perimeter Setbacks: 50 feet

All other buildings and structures:
Street: 25 feet

Waterbody: 25 feet

Maximum building height: 35 feet except structures ref. in LDC §34-2173

Minimum Open Space: 20 percent

Maximum lot coverage: 35 percent

3. Open Space

Development order plans must depict 7.9 acres of open space.

DEVIATIONS

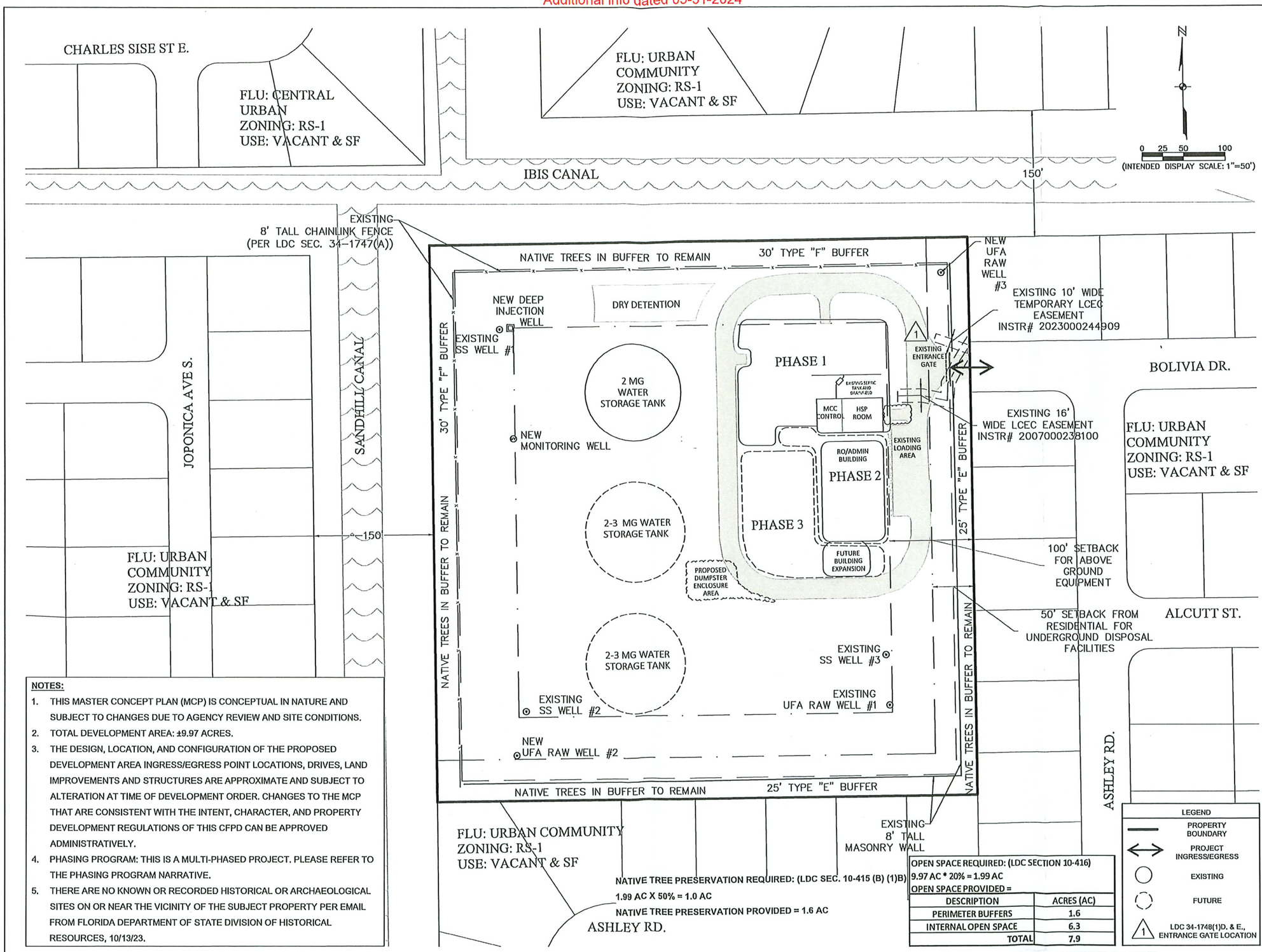
1. Entrance Gates and Gatehouses. Deviation (1) requests relief LDC §§34-1748(1)d. & e. and (5), which require entrance gates/gatehouses that control access to property 24 hours a day to be set back 100 feet from existing rights-of-way or easements and designed to provide adequate turn lanes and turnarounds to safely enter/exit the development, to reduce the 100-foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 feet, and to eliminate the right and left auxiliary turn lane and turnaround requirements.

   Hearing Examiner Recommendation: This deviation is approved.

Exhibits to Conditions:
B1 Master Concept Plan "Lehigh Acres Water Treatment Plant No. 2" date stamped May 31, 2024.

Additional info dated 05-31-2024

EXHIBIT B-1



NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
2. TOTAL DEVELOPMENT AREA: ±9.97 ACRES.
3. THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA INGRESS/EGRESS POINT LOCATIONS, DRIVES, LAND IMPROVEMENTS AND STRUCTURES ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS CFPD CAN BE APPROVED ADMINISTRATIVELY.
4. PHASING PROGRAM: THIS IS A MULTI-PHASED PROJECT. PLEASE REFER TO THE PHASING PROGRAM NARRATIVE.
5. THERE ARE NO KNOWN OR RECORDED HISTORICAL OR ARCHAEOLOGICAL SITES ON OR NEAR THE VICINITY OF THE SUBJECT PROPERTY PER EMAIL FROM FLORIDA DEPARTMENT OF STATE DIVISION OF HISTORICAL RESOURCES, 10/13/23.

NATIVE TREE PRESERVATION REQUIRED: (LDC SEC. 10-415 (B) (1)B)
1.99 AC X 50% = 1.0 AC
NATIVE TREE PRESERVATION PROVIDED = 1.6 AC

OPEN SPACE REQUIRED: (LDC SECTION 10-416)
9.97 AC * 20% = 1.99 AC
OPEN SPACE PROVIDED =

DESCRIPTION	ACRES (AC)
PERIMETER BUFFERS	1.6
INTERNAL OPEN SPACE	6.3
TOTAL	7.9

LEGEND
- PROPERTY BOUNDARY
- PROJECT INGRESS/EGRESS
- EXISTING
- FUTURE
- LDC 34-1748(1)D. & E., ENTRANCE GATE LOCATION

JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

fgua FLORIDA GOVERNMENTAL UTILITY AUTHORITY

LEHIGH ACRES WATER TREATMENT PLANT NO. 2
LEE COUNTY, FLORIDA

REVISIONS

NO.	DESCRIPTION	DATE

DATE:	SEPT 2023
PROJECT NO.	20236066-002
FILE NO.	23-45-27
SCALE:	1" = 200'

MASTER CONCEPT PLAN

SHEET NUMBER
1 OF 1

\\fms01\Drawings\2023\20236066-002\Planning\MCP\MCP.dwg (Right-Landscape) Wed May 15, 2024 - 4:36pm

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received September 18, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2024-00003, Lehigh Acres Water Treatment Plant No. 2, dated October 3, 2024 (multiple pages – 8.5"x11)

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Christine M. Fisher with Johnson Engineering, LLC., to Maria Perez, Scott Towler, M Wardeh, John Carlson, Dirk Danley, Jr., Laura S. DeJohn, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Tuesday, October 1, 2024, 10:22 AM (3 pages – 8.5"x11")

1. *Composite Exhibit:* (multiple pages - 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. John Carlson
2. Mike Currier
3. Christine Fisher

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

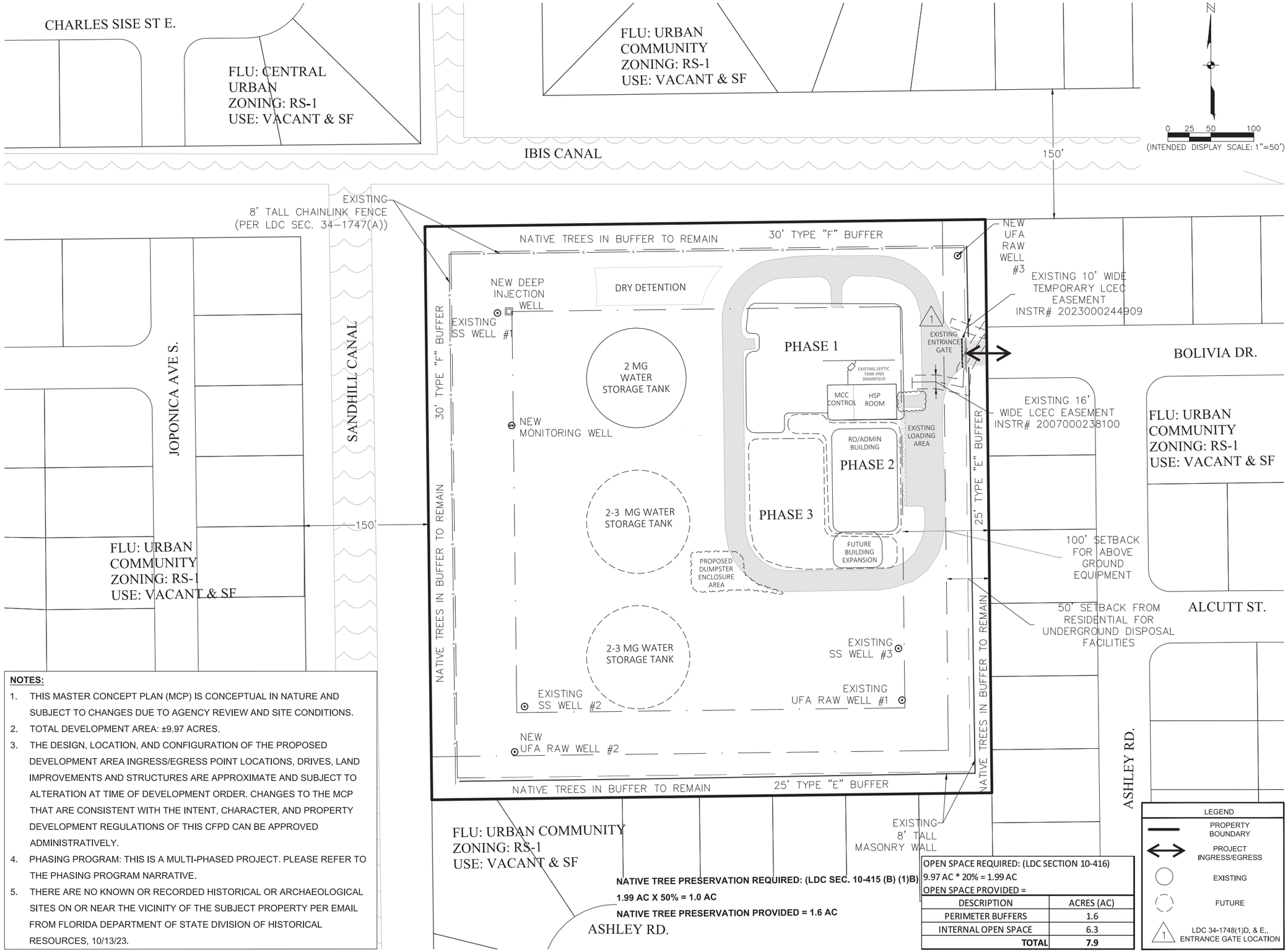
C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

Additional info dated 05-31-2024



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5. THERE ARE NO KNOWN OR RECORDED HISTORICAL OR ARCHAEOLOGICAL SITES ON OR NEAR THE VICINITY OF THE SUBJECT PROPERTY PER EMAIL FROM FLORIDA DEPARTMENT OF STATE DIVISION OF HISTORICAL RESOURCES, 10/13/23.

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1.99 AC X 50% = 1.0 AC

NATIVE TREE PRESERVATION PROVIDED = 1.6 AC

OPEN SPACE REQUIRED: (LDC SECTION 10-416)
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OPEN SPACE PROVIDED =

DESCRIPTION	ACRES (AC)
PERIMETER BUFFERS	1.6
INTERNAL OPEN SPACE	6.3
TOTAL	**7.9**

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fgua FLORIDA GOVERNMENTAL UTILITY AUTHORITY

LEHIGH ACRES WATER TREATMENT PLANT NO. 2
LEE COUNTY, FLORIDA

REVISIONS

NO.	DESCRIPTION	DATE

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PROJECT NO.	20236066-002
FILE NO.	23-45-27
SCALE:	1" = 200'

MASTER CONCEPT PLAN

SHEET NUMBER
1 OF 1

\\ftms01\Drawings\2023\20236066-002\Planning\MCP\MCP.dwg (Right-Landscape) ktz May 15, 2024 - 4:38pm

ATTACHMENT C

A. Conditions:

1. Master Concept Plan/Development Parameters
The development of this project must be consistent with the one-page Master Concept Plan entitled "Lehigh Acres Water Treatment Plant No. 2" date stamped August 31, 2024, except as modified by the conditions below. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or the conditions or deviations attached thereto are subject to the planned development amendment process established by the Land Development Code.
The maximum development considered for this development is the infrastructure necessary for production of up to 10 million gallons of water per day (MGD) including storage tanks, administrative offices, and buildings to store mechanical equipment.

2. Use and Site Development Regulations

The following limits apply to the project and uses:

a. Schedule of Uses
Accessory Uses and Structures
Administrative Offices
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Groups I and II (Group II – Limited to Above Ground Water Storage Facilities, Water Treatment Plants, and Communications only)
Excavation: Water Retention Only
Fences, Walls
Government Agencies, Offices Only
Maintenance Facility (Government)
Parking Lot, accessory
Signs
Storage, Indoor
Temporary Uses

b. Site Development Regulations

Minimum lot area and dimensions:

Lot area:	43,560 Square Feet
Lot width:	100 feet
Lot Depth:	100 feet

Setbacks:

Water Treatment Facilities: In accordance with LDC Sec. 10-351

Minimum Below Ground Disposal Perimeter Setbacks – 50 feet

All other buildings and structures
Street: 25 feet

Waterbody: 25 feet

Maximum building height: 35 feet except for structures referenced in LDC Section 34-2173

Minimum Open Space: 20 percent

Maximum lot coverage: 35 percent

3. Open Space

Prior to the issuance of the first development order, the development order plans must depict 7.9 acres of open space.

B. Deviations

1. Deviation (1) requests relief from the requirements in LDC Section 34-1748(1)d. & e. and (5), which requires entrance gates or gatehouses that control access to a property 24 hours a day to be set back 100 feet from an existing right-of-way or easement and to be designed to provide adequate turn lanes and turnarounds to safely enter and exit the development, to allow a reduction in the 100-foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 feet, and to eliminate the right and left turn auxiliary lane and turnaround requirements.

This deviation is **approved**.

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER:	DCI2024-00003
CASE NAME:	LEHIGH ACRES WTP NUMBER 2 COMMUNITY FACILITIES PLANNED DEVELOPMENT (CFPD)
TYPE OF CASE:	MAJOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE:	OCTOBER 3, 2024
SUFFICIENCY DATE:	JULY 26, 2023

REQUEST:

An application has been submitted by Christine M. Fischer AICP of Johnson Engineering, Inc, on behalf of Florida Governmental Utility Authority, to rezone a 9.97-acre parcel from Residential Multiple-Family District (RM-2) to Community Facilities Planned Development (CFPD) to allow an Essential Service Facility, Group II (Water Treatment Plant). The maximum development intensity considered for this development is the infrastructure necessary to allow for production of up to 10 million gallons of water per day (MGD) including storage tanks, administrative offices, and buildings to store mechanical equipment.

The subject property is located at 913 Bolivia Drive, Lehigh Acres Planning Community, Lee County, FL. (District #5), STRAP Number 23-45-27-L1-01000.30A0. The legal description for this property can be found in Attachment N.

SUMMARY:

Staff recommends APPROVAL of the applicant's request subject to the conditions found in Attachment C.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is currently developed with a decommissioned Water Treatment Plant that was most recently used as a water booster station for Lehigh. The original treatment plant was developed in accordance with a special exception (SEZ2002-00033) which approved 10,000 square feet of office area and two two-million gallon above ground storage tanks (Attachment J). A subsequent Special Exception and Variance approval (SEZ2008-00015\VAR2008-00044, Attachment K) approved a deep injection well for the property and a variance from the required 100-foot setback line to allow a 50-foot setback for the installation of the deep injection well. In 2013, the property was converted from a water treatment plant to a water booster station. The subject property is located at the western terminus Bolivia Drive, a County-maintained local roadway, and is bounded by the Sandhill Canal to the west and the Ibis Canal to the north. The subject property is designated as Urban Community within the Lee County Future Land Use Map and is within the Lehigh Acres Community Plan Area.

Lands surrounding the subject property are all zoned Residential Single-Family District (RS-1) and are in the Urban Community future land use category. They are divided into single-family residential lots and are intermittently developed with single-family homes.

ANALYSIS:

This request is to rezone a 9.97-acre parcel from Residential Multiple-Family District (RM-2) to Community Facilities Planned Development (CFPD) to allow an Essential Service Facility, Group II (Water Treatment Plant). The maximum development considered for this development is the infrastructure necessary to facilitate the production of up to 10 million gallons of water per day (MGD); requisite site improvements include storage tanks, administrative offices, and buildings to store mechanical equipment. The subject request is intended to allow the applicant to recommission and expand the capacity of the decommissioned water treatment plant.

Rezoning Criteria:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned development zoning is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

LDC Section 34-145(d) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;
b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
c) Is compatible with existing and planned uses in the surrounding area;
d) Will provide access sufficient to support the proposed development intensity;
e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;
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; and
c) 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.

The applicant's request statement addresses the decision-making criteria for a Planned Development Rezoning and the consistency of the subject request with the Lee Plan (Attachment G).

Master Concept Plan:

The applicant has provided a one-page master concept plan entitled "Lehigh Acres Water Treatment Plan No. 2" dated stamped August 31, 2024 (Attachment D). The Master Concept Plan shows the location of existing and proposed wells, a series of water storage tanks, and proposed mechanical and administrative buildings. The Master Concept Plan also depicts proposed phasing for the

development. The entire facility will be bordered by an existing 8-foot chain link fence that will remain on the interior of the required landscape buffers. The deviation location of the one proposed deviation associated with this request is also referenced on the Master Concept Plan.

Policy 1.1.4 describes the Urban Community future land use category as characterized by relatively intense commercial and residential uses with a mix of commercial, public and quasi-public, and limited light industrial development. The proposed rezoning will facilitate the re-establishment and expansion of a water treatment plant operated by a quasi-public entity. This request is consistent with Policy 1.1.4.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 encourages development within Lee County where sufficient infrastructure exists. The applicant has provided sufficient documentation to demonstrate that available infrastructure will support the development intensity proposed by the request (see Attachments H and L). Staff notes that this project is also intended to address the utility needs for approved projects within the Lehigh Acres Community Plan Area. Staff finds this request consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 2.1.3 states that certain uses including places of worship, schools, public uses, public utilities and resource recovery facilities are permitted in all future land use categories when consistent with the goals, objectives, policies, and standards in the Lee Plan. The requested use is considered by this policy, and staff finds the request consistent with this category.

Policy 5.1.5 of the Lee Plan aims to protect uses that are potentially destructive to the character and integrity of residential environment. The site has been previously developed with a water treatment plant and although it has been decommissioned, structures within the development exist, and future additions to the property will be generally consistent with the historic use of the subject property. Staff finds the request, as conditioned, consistent with Policy 5.1.5.

The subject property is in the Lehigh Acres Community Plan as described in Goal 25 of the Lee Plan. Policy 25.9.3 states that Lee County will work with Florida Governmental Utility Authority (FGUA) to prioritize areas for the expansion of utilities. Staff notes that this project will allow for the expansion of utilities within the Lehigh Acres community; therefore, staff finds the request consistent with Policy 25.9.3.

Policies 60.1.1 and 60.1.2 seeks to incorporate, utilize, and where possible, to restore natural surface water flowways and associated habitats. This is expanded by Policy 123.2.3, which prohibits water management and development projects from disrupting the natural functions of natural systems. Policy 126.1.1 states that natural water system features which are essential to detention, purification, runoff, recharge, and maintenance of stream flows must be identified, protected, and managed. The project contains an existing stormwater management system that will be improved and expanded to accommodate the proposed expansion consistent with current Lee Plan and Land Development Code requirements. The project design will also comply with State requirements for water quality and quantity. Staff finds the request consistent with Policies 60.1.1, 60.1.2, 123.2.3, and 126.1.1.

Goal 125 of the Lee Plan establishes objectives and policies to ensure that water quality is maintained or improved for the environment and people of Lee County. Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards. Policies 125.1.2 and 125.1.3 require new development to not degrade surface and ground water

quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges. The subject property will utilize existing stormwater systems, which are proposed to be improved to meet current local and state permitting requirements. Staff finds the request, as conditioned, consistent with Goal 115, Objective 125.1, and Policies 125.1.2 and 125.1.3.

Transportation Considerations:

The applicant has provided a Traffic Impact Statement for the Community Facilities Planned Development (CFPD) (Attachment L). Lee County Department of Transportation staff has provided analysis regarding the TIS provided in support of the proposed Community Facilities Planned Development (CFPD) (Attachment M). The proposed use is not anticipated to have a detrimental impact on the roadway system.

Urban Services:

The nearest Fire and EMS Substation is two miles west of the property, while a Sheriff's substation is approximately 9.3 miles northwest of the development. There are other available urban services available for this development, but the nature of the request does not merit further review. Water and Wastewater will be provided to this site per the Utility Availability Letter provided by the applicant (Attachment H).

Deviation Requests:

The applicant has requested one deviation in conjunction with this rezoning. An analysis and justification for the requested deviations is attached (Attachment F). Staff's analysis of this deviation is as follows:

1. Deviation (1) requests relief from the requirements in LDC Section 34-1748(1)d. & e. and (5), which requires entrance gates or gatehouses that control access to a property 24 hours a day to be set back 100 feet from an existing right-of-way or easement and to be designed to provide adequate turn lanes and turnarounds to safely enter and exit the development, to allow a reduction in the 100-foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 feet, and to eliminate the right and left turn auxiliary lane and turnaround requirements.

   Staff notes that the infrastructure intended to accommodate utilities are typically low trip generators; therefore, it is anticipated that the entrance gate to the facility will be minimally used. Staff also notes that the existing gate location and design was approved in DOS2003-00185. The applicant intends to continue to use the existing gate to regulate access to the recommissioned potable water facility. Staff recommends **approval** of this deviation.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request:

a) Complies with the Lee Plan;

   Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed uses are compatible with existing and proposed uses and meet or exceed the objectives and policies above.

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

The applicant seeks one deviation to facilitate the subject request, and staff recommends approval of the deviation. Staff finds that the request meets or exceeds County regulations.

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

The area surrounding the subject property is characterized by platted single-family residential lots. The request, as conditioned, is compatible with surrounding existing and planned uses.

d) Will provide access sufficient to support the proposed development intensity;

Access to the subject property is proposed from Bolivia Drive. Staff finds that there is sufficient access to support the development.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Staff has reviewed the anticipated transportation impacts and finds that, as conditioned, impacts to the roadway system are adequately addressed.

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

Staff has reviewed the potential environmental impacts associated with this request and has determined that the request, as conditioned, meets the requirements of the Land Development Code and Lee Plan and sufficiently protects existing environmentally critical areas and natural resources.

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

As indicated in the Lee Plan analysis above, the property is served by requisite urban services. It should also be noted that the request, if approved, will enhance the availability of urban services to the surrounding community, which is undergoing rapid development.

Additionally, staff has concluded:

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

The proposed use is appropriate for the location based on site configuration and proposed enhancements to ensure compatibly with the nearby residential uses.

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; and

Staff finds the recommended conditions of approval appropriate to sufficiently address the public's interest with respect to the proposed development.

c) That each requested deviation enhances the achievement of the objectives of the planned development and reserves and promotes the general intent of the Land Development Code to protect the public health, safety, and welfare:

Staff recommends approval of one deviation and finds that the deviation enhances the achievement of the objectives of the planned development and protects public health, safety, and welfare.

Staff, therefore, recommends approval of this planned development rezoning request, as conditioned in Attachment C.

ATTACHMENTS:

A. Expert Witness List
B. Aerial, Current Zoning, and Future Land Use Maps
C. Conditions and Deviations
D. Master Concept Plan
E. Applicant's Proposed Schedule of Uses
F. Applicant's Schedule of Deviations and Justifications
G. Applicant's Request Narrative and Lee Plan Consistency
H. Utility and Public Service Availability Correspondence
I. Public Information Session Summary Documents: Lehigh Acres
J. SEZ2002-00033
K. SEZ2008-00015 and VAR2008-00044
L. Traffic Impact Statement
M. Lee County Infrastructure Planning Staff Memorandum
N. Legal Description, Sketch and Boundary Survey

DCI2024-00002 Cowart Industrial Planned Development

Staff Summary

CASE NUMBER & NAME:	DCI2024-00002 / Cowart Industrial Planned Development
REQUEST:	Request to amend the Industrial Planned Development (IPD) approved by Resolution Z-90-043 to allow a maximum of 152,460 square feet of development intensity, modify the Schedule of Uses, Master Concept Plan, and Schedule of Deviations.
RESOLUTION NUMBER:	Z-24-034
LOCATION:	16351 Old US 41, San Carlos Planning Community, Lee County, FL
OWNER:	SWUSI LLC
APPLICANT:	SWUSI, LLC
AGENT:	Alexis Crespo RVi Planning + Landscape Architecture 28100 Bonita Grande Dr., # 305 Bonita Springs, FL 34135
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (0)	None

DCI2024-00002

Aerial

Subject Property

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

COWART INDUSTRIAL PLANNED DEVELOPMENT

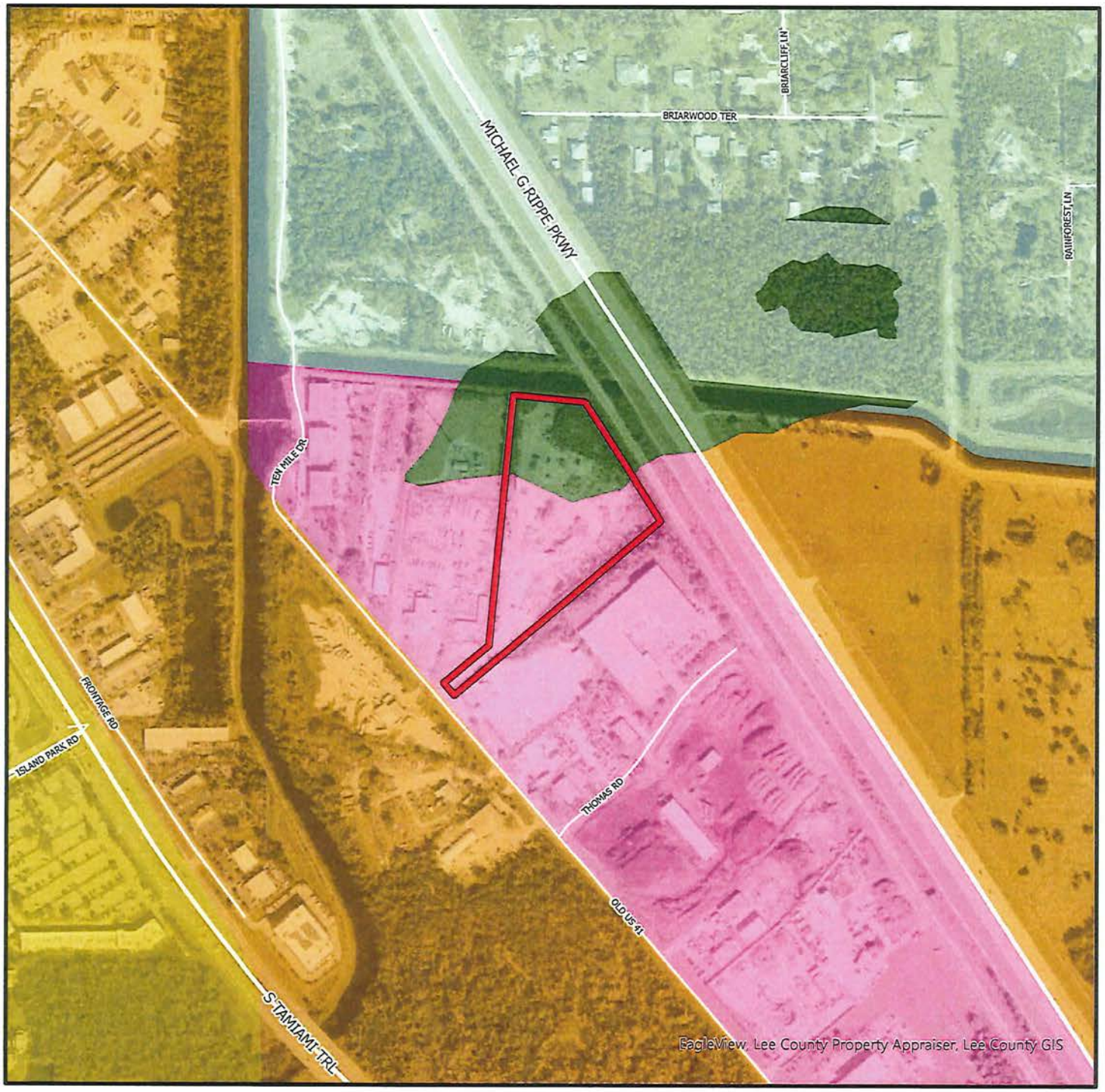
Applicant seeks to amend an IPD approved for a horticultural incineration facility to expand permitted uses and provide development flexibility. The site is surrounded by industrial uses near major transportation corridors.

Amending the IPD bolsters economic opportunities by revitalizing dormant land into productive use. Site design shields parking/open storage areas and nearly doubles open space requirements.

One new deviation for connection separation is requested to acknowledge existing site conditions.

Staff recommended approval of the request and deviation, with conditions.

Detailed recommendation follows



DCI2024-00002

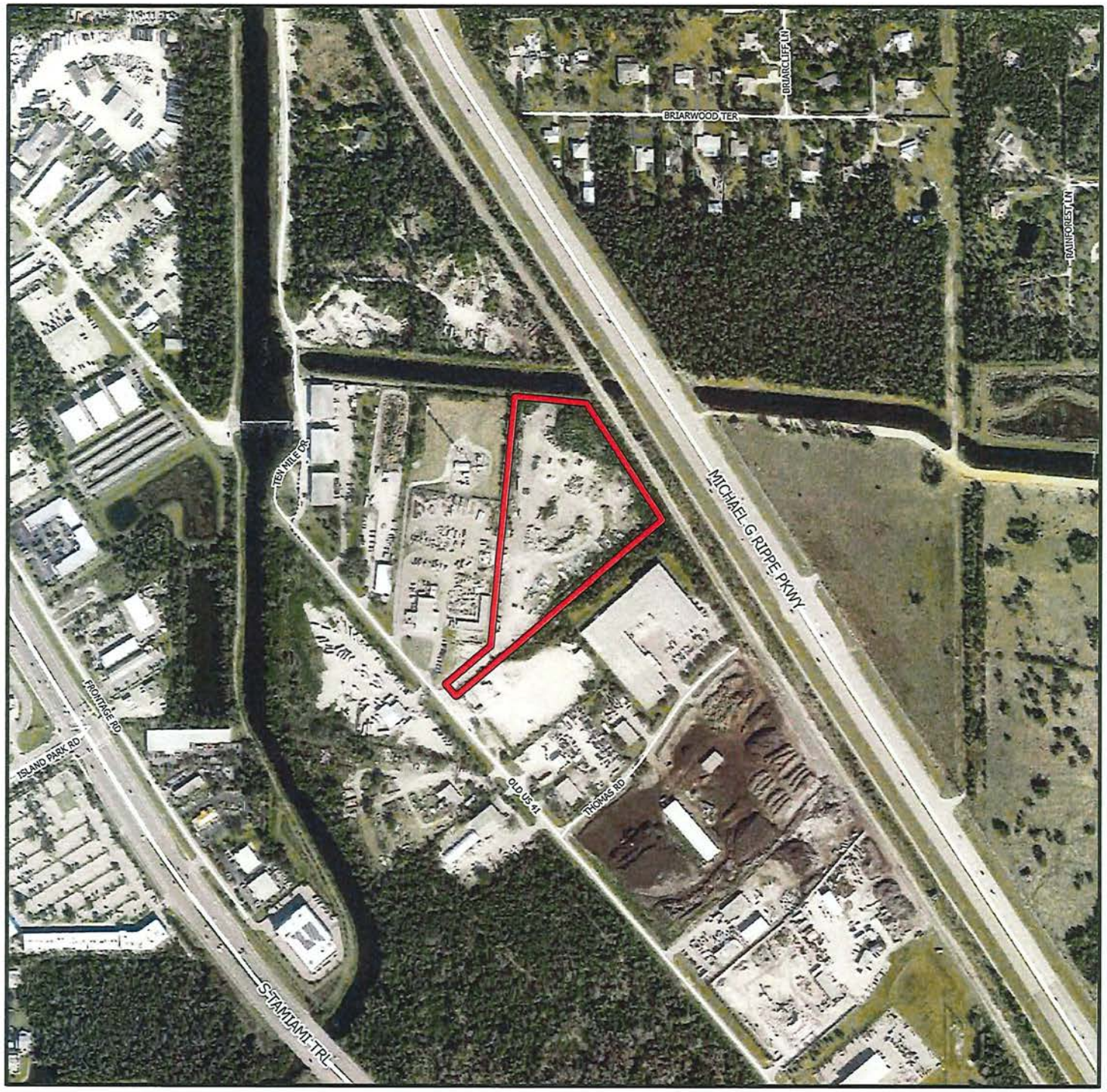
Future Land Use

- Subject Property
- Urban Community
- Suburban
- Industrial
- Rural
- Wetlands

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida



DCI2024-00002

Aerial

Subject Property

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

DCI2024-00002

Mixed Use Overlay

Subject Property

Mixed Use Overlay

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00002

Regarding: **COWART INDUSTRIAL PLANNED DEVELOPMENT**

Location: 16351 Old US 41
San Carlos Planning Community
(District 2)

Hearing Date: October 17, 2024
Record Closed: **October 24, 2024**

I. Request

Amend the Industrial Planned Development (IPD) approved by Resolution Z-90-043 to modify the Schedule of Uses, Schedule of Deviations, and Site Development Regulations. Proposed maximum development intensity is 152,460 square feet.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviation set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to amend planned developments that increase development intensity.[1] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend an IPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.[2] Specifically, the Hearing Examiner must find the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.[3]

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[1] LDC §34-145(d)(1)(a) & (2)(a). The Z-90-043 resolution does not identify original development intensity.
[2] LDC §34-145(d)(3).
[3] LDC §34-145(d)(4).

The Hearing Examiner may take judicial notice of previous Board decisions.[4] The Hearing Examiner's recommendation must be based on competent and substantial evidence.[5]

Discussion supporting the recommendation of approval of the IPD amendment follows below.

Request Synopsis/Zoning History

The 8.46± acre property sits between Old US 41 and the Michael G. Rippe Parkway, north of Alico Road.[6] The Ten Mile Canal, Old US 41, and railroad right-of-way frame the site.

The Board approved IPD zoning on the parcel in 1990 to permit incineration of horticultural waste, ancillary office space, and open storage.[7] The site is cleared and used for open storage of various materials and heavy machinery.[8]

Applicant seeks to amend the IPD to develop 152,460 square feet of industrial uses. Site design locates four buildings around a parking/open storage area with a water management feature along the property's northwestern boundary. Maximum height is 75 feet.

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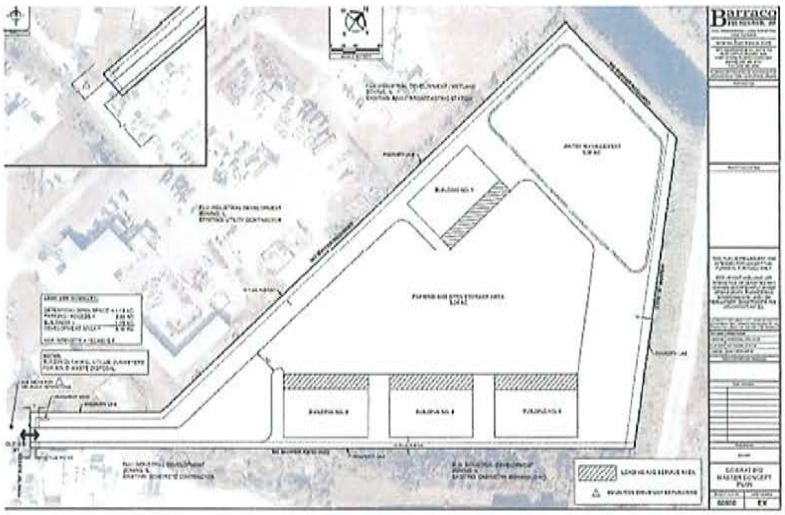
[4] Lee Co. Admin. Code 2-6 §2.3.D(4)(b).
[5] Lee Co. Admin. Code 2-6 §3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).
[6] Various acreages are referenced in the record, but the legal description depicts 8.458± acres. *See* Staff Report (Attachment B).
[7] Z-90-043, Condition 2; *See* Staff Report (pg. 1, Attachment D).
[8] The Hearing Examiner conducted site visits pursuant to County regulations. Lee Co. Admin. Code 2-6 §3.1.

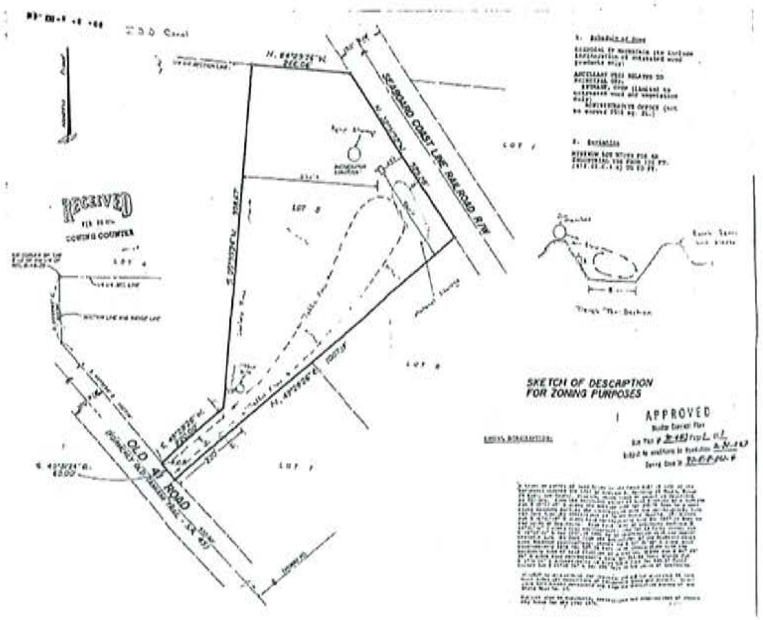
The project retains a single access point on Old US 41. There is no direct access to Micheal G. Rippe Parkway.

Staff recommended approval, finding the proposed IPD amendment satisfies LDC review criteria.

Proposed MCP



Existing MCP



Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

A. Complies with the Lee Plan;

B. Meets the LDC and other applicable County regulations or qualifies for deviations;

C. Is compatible with existing and planned uses in the surrounding area;

D. Will provide access sufficient to support the proposed development intensity;

E. Addresses impacts on transportation facilities by County regulations or conditions of approval;

F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and

G. Will be served by urban services if located in a Future Urban area.[9]

When the requested zoning action is a planned development, the Hearing Examiner must also find:

H. The proposed use/mix of uses is appropriate at the proposed location;

I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and

J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) protect public health, safety, and welfare.[10]

Character of the Area

The property is located north of Alico Road, west of Michael G. Rippe Parkway, and east of Old US 41. Heavy commercial and industrial developments line Old US 41.

The Ten Mile Canal and Michael G. Rippe Parkway border the site to the north.

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[9] LDC §34-145(d)(4)(a)(1).
[10] LDC §34-145(d)(4)(a)(2).

Lee Plan Consistency and Compatibility

Planned developments must be consistent with the Lee Plan and minimize negative effects of proposed uses on neighboring properties.[11]

Lee Plan Maps designate the property as Industrial Development and Wetlands in the San Carlos Planning District.[12] Property designated as Wetlands may develop with low-density residential and recreational uses that do not adversely affect wetland ecological functions.[13] Applicant's ecologist testified a jurisdictional determination revealed no wetlands on site.[14]

The Industrial Development category contemplates industrial activities and mixed uses.[15] Appropriate uses include industrial, manufacturing, processing/ warehousing, and research.[16] Residential uses are prohibited. The request includes an expansive list of industrial uses consistent with this category. Proposed uses are suitable at the site due to its location amid an established industrial node near major transportation corridors.

The property lies within the Coastal High Hazard Area ("CHHA").[17] The Lee Plan restricts development in the CHHA to uplands.[18] The South Florida Water Management District found no wetlands on site when issuing its jurisdictional wetlands determination.[19] Conditions of approval ensure no development commences prior to State permit issuance if wetland impacts are proposed.[20]

Compatibility

The LDC defines *compatible* to mean the state wherein two land uses/buildings/ structures/zoning districts exhibit either: (1) a positive relationship based on fit, similarity or reciprocity of characteristics; or (2) a neutral relationship based on a relative lack of conflict or on a failure to communicate negative/harmful influences on one another.[21]

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[11] LDC §34-411(a), (c) and (i).
[12] Lee Plan Map 1-A, 1-B; Policy 1.1.7, 1.5.1, Spatial Districts Query Report. Some documents in the record erroneously reference the Gateway/Airport Planning District.
[13] Lee Plan Policy 1.5.1.
[14] Theriault Testimony. Development may not impact wetlands without State permits. *See* Condition 3, Lee Plan Policy 1.5.1, 124.1.2.
[15] Lee Plan Policy 1.1.7.
[16] *Id.*
[17] Lee Plan Map 5-A, Goal 101. Applicant supplemented the record to demonstrate consistency with Lee Plan CHHA provisions. *See* Applicant Ex. 4: Post-Hearing Written Submittals dated Oct. 24, 2024. Analysis erroneously referenced Policy 5.2.6 but correctly evaluated the request relative to Policies 101.1.1 and 101.3.2. *See Id.*
[18] Lee Plan Policy 101.3.2. There is a limited exception for public facilities inapplicable to the request.
[19] *See* Applicant Ex. 4; Theriault Testimony.
[20] *See* Condition 3.
[21] LDC §34-2.

The Board previously found the IPD compatible with the surrounding area.[22] Neighboring lands are zoned industrial, commercial, or agricultural.[23] Adjacent properties host intense commercial and industrial uses including a recycling center, vehicle repair shop, construction company, and outdoor storage.[24] There are no adjacent residential uses. The site plan ensures consistency with abutting lands by maintaining LDC required buffers.[25]

The IPD zoning district remains appropriate in the Industrial Development category near a high-volume arterial roadway. Amending the IPD to expand permitted uses allows for a broader range of employment opportunities in a designated industrial area.[26] Staff expressed an intent to remove uses that are very intense or infeasible on the property.[27] The Hearing Examiner recommends removal of additional uses that meet these criteria.[28]

The requested IPD amendment is consistent with the Lee Plan and compatible with the surrounding area.[29]

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.[30] Existing regulations or conditions of approval must address expected impacts on transportation facilities.[31]

The site plan retains access to Old US 41 at an established driveway. The property has an irregular flag shape offering just 70 feet of road frontage.[32] A deviation from connection separation requirements is warranted to preserve the access point and memorialize existing site conditions.[33] Applicant demonstrated the request provides sufficient access to support proposed development.[34]

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[22] Z-90-043.
[23] *See* Staff Report (Attachment C); Aerial zoning map *infra*.
[24] *See* Staff Report (pg. 1-2, Attachment G); Applicant Ex. 2 (slide 5).
[25] *See* MCP; Sacharski and Groth Testimony.
[26] Existing IPD uses are extremely limited. *See* Z-90-043. *See generally* Lee Plan Goal 7, 158, Policy 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7, 158.2.2.
[27] *See* Staff Report (pg. 1, 4); Groth Testimony. The property is constrained in its width at entry. Further, the MCP reflects four buildings around open storage/parking. Alternative site plans are not included in the request to accommodate certain requested uses.
[28] Consistent with the parties' expressed intent to prohibit noxious uses, the Hearing Examiner recommends removing landfills/sanitary landfills, and large-scale storage of noxious/hazardous materials.
[29] Lee Plan Goals 6, 7, 158, Objective 2.1, 2.2, 11.1, Policy 1.1.7, 1.5.1, 2.1.1, 6.1.6, 6.1.7, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.6, 7.1.7, 7.1.8.
[30] LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).
[31] LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).
[32] *See* Staff Report (Attachment I).
[33] *See Id.*; Deviation 1.
[34] LDC §34-145(d)(4)(a)(1)(d); Staff Report (Attachment G); Sacharski Testimony.

The Traffic Impact Statement (TIS) evaluated transportation impacts and concluded the request will not degrade levels of service on affected roadways/intersections.[35] The transportation expert testified projected trip generation was based on a conservative development plan.[36] The record reflects the request will not have a detrimental impact on the surrounding roadway system.

Site related impacts will be evaluated during development order review.[37]

Environmental/Natural Resources

Planned development design should reflect creative use of open space.[38] Developers must protect and preserve natural site features.[39]

The site's historic use for industrial purposes renders it devoid of environmentally sensitive areas. There are no wetlands on site.[40] Applicant's ecologist identified no protected species during site review.[41]

The MCP complies with LDC buffer standards and exceeds open space requirements.[42] Applicant must comply with supplemental standards imposing increased setbacks, fencing/screening, lighting and similar protections for certain uses.[43]

The proposed stormwater runoff will be directed to onsite retention/detention areas prior to discharging into the Briarcliff Canal.[44] Discharged waters then flow into the Ten Mile Canal before emptying into Estero Bay. Florida Department of Environmental Protection ("FDEP") identifies several impaired waterbodies along

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[35] *See* Staff Report (pg. 2, Attachment O: TIS prepared by TR Transportation Consultants, Inc. dated March 21, 2024), (Attachment P: Infrastructure Planning Memorandum dated Sept. 13, 2024).
[36] Bykau Testimony; *See generally Id.*
[37] Site related improvements include capital improvements and right-of-way dedications for "direct access" improvements to the project. Direct access improvements include site driveways/roads, median cuts made necessary by driveways/roads, right-turn, left-turn and deceleration/acceleration lanes serving driveways/roads, traffic control measures, and roads/intersection improvements whose primary purpose at the time of construction is to provide access to the development. *See* Lee Plan Glossary and LDC §2-264; Lee Plan Objective 39.1, Policy 39.1.1. LDC §2-66 *et. seq.*
[38] LDC §34-411(h).
[39] LDC §34-411(g).
[40] Pursuant to a SFWMD jurisdictional wetland determination. Additional review may occur prior to development order issuance.
[41] *See* Staff Report (Attachment K-L). County staff identified disturbed habitat that may support Burrowing Owls and Gopher Tortoises. *See* Staff Report (Attachment L). Additional environmental review will occur at the time of development order review.
[42] *See* MCP; Staff Report (Attachment E). Buffers are not required for abutting industrial uses. The MCP reflects 3.1§± acres of open space is provided while 1.69 acres is required.
[43] *See generally* LDC §§34-1831 *et. seq.*; §§34-3001 *et. seq.*
[44] Barraco Testimony; *See* Staff Report (Attachment M).

this conveyance system.[45] Accordingly, conditions of approval impose water quality monitoring to ensure the project complies with State/Federal standards.[46]

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.[47] The Lee Plan requires an evaluation of available urban services during the rezoning process.[48]

A host of urban services and infrastructure serve the property including roads, potable water, police, fire, and emergency medical services.[49]

Development will be subject to impact fees.[50]

Deviations

"Deviations" are departures from LDC regulations.[51] The request withdraws an existing deviation and proposes one new deviation related to connection separation to recognize existing conditions.[52] Staff supports the requested deviation.[53]

The Hearing Examiner's standard of review requires a finding the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Protects public health, safety, and welfare.[54]

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes requested deviation meets approval criteria.[55]

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[45] *Id.*
[46] *See* Condition 3, Lee Plan Policy 125.1.2, 125.1.4.
[47] Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.
[48] Lee Plan Policy 2.2.1.
[49] *See* Staff Report (pg. 8, Attachment N). The site is serviced by San Carlos Park Fire Protection & Rescue District. The nearest Lee County Sherriff's office is the South District office, approximately 5.3 miles away. *See* Staff Report (pg. 8); Lee Plan Policy 7.1, Lee Plan Objective 158.3, Policies 2.2.1, 158.3.1.
[50] LDC Chapter 2, Article VI.
[51] LDC §34-2.
[52] The property has limited frontage along Old U.S. 41 and cannot meet separation requirements. Sacharski Testimony.
[53] Emergency service providers reviewed the deviation request and issued letters of no objection. *See* Staff Report (Attachment J).
[54] LDC §34-145(d)(4).
[55] LDC §34-377(a)(4).

Conditions

The county must administer the zoning process so proposed uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to mitigating anticipated impacts on public health, safety, and welfare.[56]

The IPD is subject to many conditions of approval. Conditions relate to impacts anticipated from the project.[57] The Hearing Examiner recommends revisions to conditions to improve clarity.

Public

One member of the public attended the hearing in support of the request, but did not place comments into the record.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record.

As conditioned herein, the proposed IPD amendment:

A. Complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 7, 77, 124, 125, 127, 158, Objectives 2.1, 2.2, 7.1, and Policies 1.1.7, 1.5.1, 1.6.5, 2.1.1, 2.2.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7, 60.1.1, 61.1.6, 125.1.2, 126.1.3, 126.1.4, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1A-B, 5-A.

B. Meets the LDC and other County regulations or qualifies for deviations. *See* LDC Chapters 10 and 34.

C. Is compatible with existing and planned uses in the area. *See* Lee Plan Policies 1.1.7, 2.1.1, 2.1.2, 2.2.1, 7.1.3, 7.1.4; LDC §34-411(c), (i), and (j).

D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. *See* Lee Plan Policy 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7.

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[56] LDC 34-932(b).
[57] LDC §34-83(b)(4)a.3.

E. Will not adversely affect environmentally critical areas and natural resources. *See* Lee Plan Goals 77, 124, 125, 127, Objectives 1.5, 4.1, 77.1, Policy 1.5.1, 7.1.1, 7.1.6, 124.1.2, Standard 4.1.4, LDC §34-411(h).

F. Will be served by urban services. *See* Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 7.1, 53.1, 56.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

G. The proposed use/mix of uses is appropriate at the proposed location. *See* Lee Policies 1.1.7, 1.5.1, 2.1.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4.

H. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See* LDC Chapters 10 and 34.

I. As conditioned herein, the deviations:

1. Enhance the objectives of the planned development; and

2. Protect public health, safety, and welfare. *See* §34-145(d)(4)a.2, §34-377(b)(4).

Date of Recommendation: November 7, 2024.

Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

SKETCH AND DESCRIPTION

16351 OLD US 41
LEE COUNTY, FORT MYERS, FLORIDA 33912

A TRACT OR PARCEL OF LAND LYING IN THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY FLORIDA, AS RECORDED IN OFFICIAL RECORD BOOK 1351, PAGES 432-433, IN THE REGISTER'S OFFICE OF LEE COUNTY, FLORIDA; WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD US 41; BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN CLERK'S FILE NO. 2022000200797 IN THE REGISTER'S OFFICE OF LEE COUNTY, FLORIDA;

THENCE DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND CONTINUING ALONG THE EASTERLY LINE OF SAID LANDS THE FOLLOWING TWO (2) COURSES AND DISTANCES:

(1) NORTH 49°28'21" EAST, FOR A DISTANCE OF 220.00 FEET,

(2) NORTH 5°26'52" EAST, FOR A DISTANCE OF 938.67 FEET MARKING THE NORTHEAST CORNER OF SAID LANDS;

THENCE DEPARTING SAID EASTERLY LINE SOUTH 84°27'11" EAST, FOR A DISTANCE OF 266.04 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SEMINOLE GULF RAILWAY;

THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE SOUTH 32°38'47" EAST, FOR A DISTANCE OF 524.69 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN CLERK'S FILE NO. 2022000263594 IN THE REGISTER'S OFFICE OF LEE COUNTY, FLORIDA;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY AND CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LANDS SOUTH 49°24'20" WEST, FOR A DISTANCE OF 1007.42 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF OLD US 41;

THENCE DEPARTING SAID NORTHWESTERLY LINE AND CONTINUING ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OLD US 41 NORTH 40°39'36" WEST, FOR A DISTANCE OF 60.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 368,450 SQUARE FEET OR 8.458 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

REVIEWED
DCI2024-00002
Rick Burris, Principal Planner
Lee County DCD/Planning
8/5/2024

PETER G. JOHNSON
LICENSE NUMBER
5913
STATE OF FLORIDA
Professional Surveyor and Mapper

Peter G. Johnson

Digitally signed by Peter G. Johnson
DN: C=US, E=petter.johnson@blewinc.com, O="Blew & Associates, PA", CN=Peter G. Johnson
Reason: I approve this document
Date: 2024.02.26 14:41:25-06'00'

PETER G. JOHNSON
PROFESSIONAL SURVEYOR AND MAPPER LS5913
STATE OF FLORIDA
FLORIDA C.O.A. LB8173

THIS IS NOT A SURVEY

JOB NUMBER: 23-8394	DRAWN BY: DFR - 1/4/2024
REVIEWED BY: TS	SHEET: 1 OF 2

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLEWINC.COM

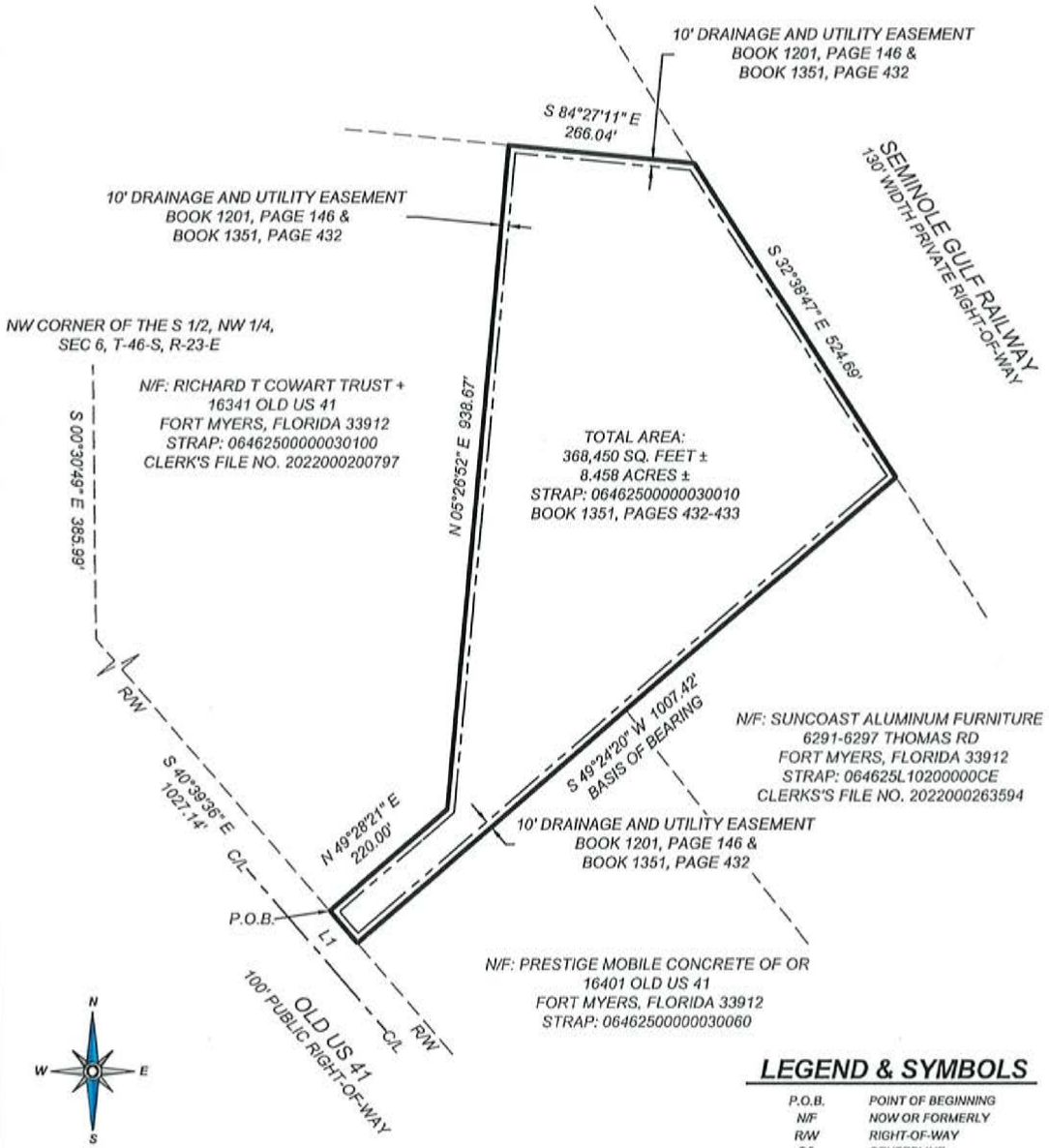
SKETCH AND DESCRIPTION

16351 OLD US 41
LEE COUNTY, FORT MYERS, FLORIDA 33912

REVIEWED
DCI2024-00002
Rick Burris, Principal Planner
Lee County DCD/Planning
8/5/2024

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 40°39'36" W	60.18'



LEGEND & SYMBOLS

P.O.B.	POINT OF BEGINNING
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
C/L	CENTERLINE
	BOUNDARY LINE
	EASEMENT LINE
	RIGHT-OF-WAY LINE
	ADJOINER LINE

Peter G. Johnson

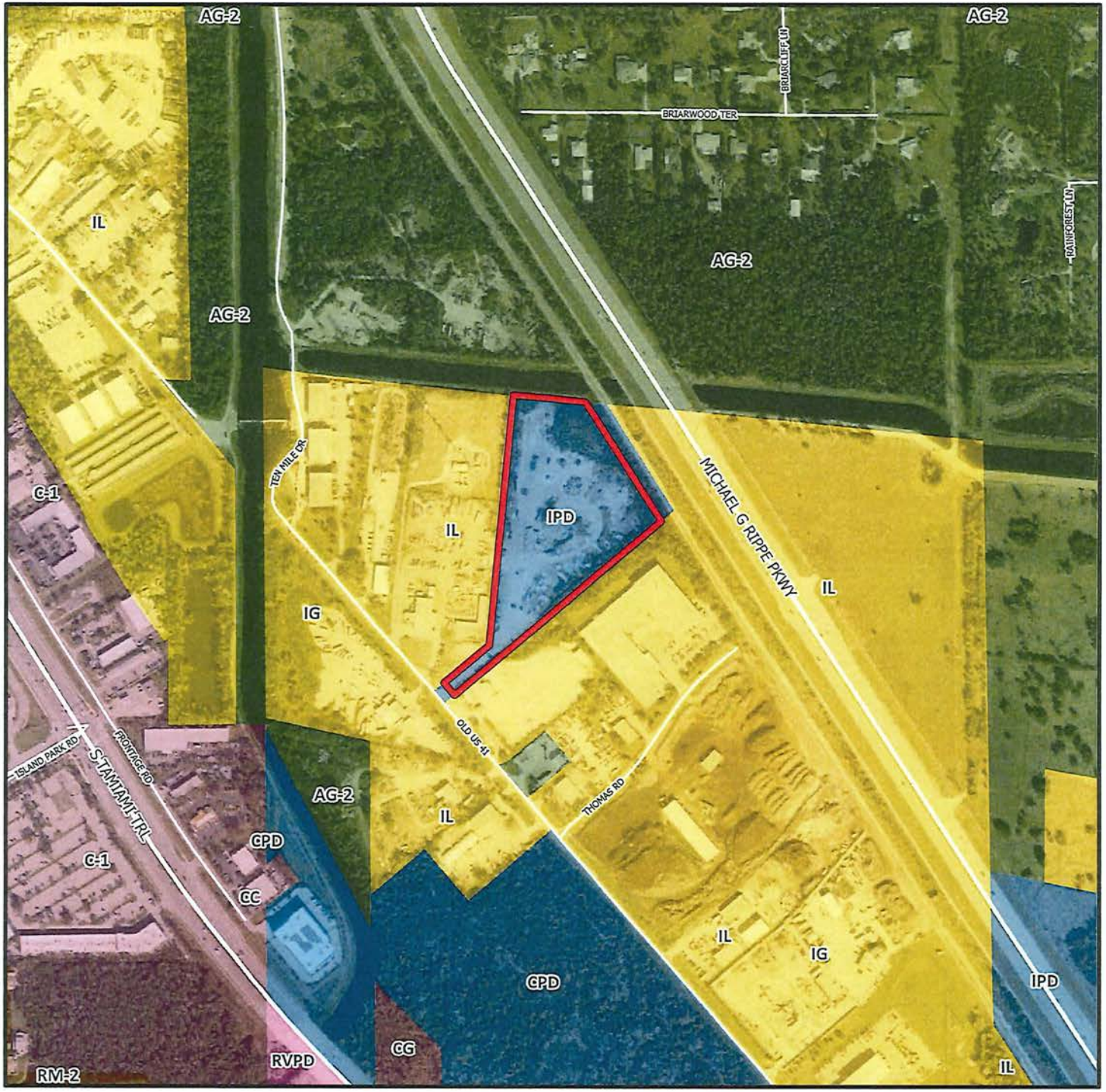
Digitally signed by Peter G. Johnson
DN: C=US, E=peter.johnson@blewinc.com, O="Blew & Associates, PA", CN=Peter G. Johnson
Reason: I approve this document
Date: 2024.02.26 14:41:44-05'00'

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE SOUTHEAST LINE OF THE SUBJECT PROPERTY. THE BEARING IS DENOTED AS N 49°24'20" E PER GPS COORDINATE OBSERVATIONS FLORIDA STATE PLANE, WEST ZONE NAD83-2011.
LATITUDE = 26°30'12.6349"
LONGITUDE = -81°51'07.5141"
CONVERGENCE ANGLE = 00°03'57.6237"

THIS IS NOT A SURVEY

JOB NUMBER: 23-8394	DRAWN BY: DFR - 1/4/2024
REVIEWED BY: TS	SHEET: 2 OF 2

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLEWINC.COM



DCI2024-00002

Zoning

Subject Property

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
(As modified by the Hearing Examiner)

CONDITIONS

References to uses are as defined in the Lee County Land Development Code (LDC).

1. Master Concept Plan (MCP)/Development Parameters

a. MCP. Development must be substantially consistent with the two-page MCP entitled "Cowart IPD Master Concept Plan" received October 24, 2024, except as modified by the conditions below. (Exhibit B1)

b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except as may be granted by deviation herein. Subsequent changes may require additional zoning approval.

c. Development Parameters. Development is limited to 8.46± acres with a maximum intensity of 152,460 square feet.

d. Prior Approvals. This resolution supersedes Z-90-043.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural services: office/base operations
Animals: Clinic or kennel
Asphalt batch plant
ATM (automatic teller machine)
Automobile repair and service: Group I, Group II
Bait and tackle shop
Boats:
    Boat parts store
    Boat repair and service
Broadcast studio, commercial radio, and television
Building material sales
Business services: Groups I, and II
Bus station, depot
Cleaning and maintenance services
Cold storage, precooling, warehouse and processing plant
Computer and data processing services

Contractors and builders, all groups
Drive-through facility for any permitted use
Entrance Gates, Gates Houses
Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities: Groups I, II, and III
Excavation:
    Water Retention
Factory outlets (point of manufacture only)
Farm equipment sales, storage, rental or service
Fences and Walls
Freight and cargo handling establishments
Gasoline dispensing system, special
Impound yard
Maintenance facility (Government)
Manufacturing of:
    Apparel products
    Boats
    Chemical and allied products: Groups I, and II
    Electrical machinery and equipment
    Fabricated metal products: Groups I, II, and III
    Food and kindred products: Groups I, II, and III
    Furniture and fixtures
    Leather Products: Groups I, and II
    Lumber and wood products: Groups I, III, IV, V, and VI, and Group II
    Machinery
    Measuring analyzing and controlling instruments
    Novelties, jewelry, toys, and signs
    Primary metal industries
    Rubber and plastic products: Groups I, and II
    Stone, clay, glass, and concrete products: Groups I, II, III, and IV
    Textile mill products
    Tobacco products
    Transportation Equipment: Groups I, II, III, and IV
Mobile home dealers
Parcel and express services
Parking lot:
    Accessory
    Garage, public
    Park-and-ride
Temporary
Photofinishing lab
Printing and publishing
Processing or packaging of agricultural or fish products
Processing and warehousing

Recycling facilities
Rental or leasing establishments: Groups II, III, and IV
Repair shops: Groups I, II, III, IV, and V
Research and development laboratories: Group IV
Resource recovery facilities:
    Recovery facilities to produce energy
    Recovery facilities, other
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Salvage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, and similar uses
Self-service fuel pumps
Shredding and composting of vegetative matter
Signs
Storage:
    Indoor
    Storage, open
Transportation services: Groups III, and IV
Truck stop, trucking terminal
Vehicle and equipment dealers: Groups IV, and V
Warehouse:
    High cube
    Hybrid
Mini-warehouse
    Private
    Public
Wholesale establishments: Groups I, II, and IV
Wrecking yard:
    Auto
    Other

b. Site Development Regulations

Maximum Building Height:	75 feet
Maximum Lot Coverage:	40 percent
Minimum Open Space:	3.10 acres (see Condition 2)
Minimum Setbacks:	
Perimeter	25 feet

3. Environmental Conditions

a. Wetland Impacts. Developer may not commence construction on development impacting wetlands until issuance of required 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 inconsistent with proposed

wetland impacts reflected in County development permits, then Developer must amend local development permit approvals to be consistent with State wetland permits or applicable Lee Plan and Land Development Code regulations regarding development within wetlands.

b. Development Order Plans. Development order plans must depict:

i) Open Space. 3.10 acres of open space.

ii) Buffer. A Type "D" buffer consisting of 15-foot-wide with five trees per 100 linear feet and a double hedge along the west and east property lines abutting Old US 41 and Michael G. Rippe Parkway. The hedge row must be specified as 72 inches.

iii) Plantings. General trees around the surface water management lake.

iv) Water Quality Monitoring. Developer must provide a Water Quality Monitoring Plan for approval by the Lee County Division of Natural Resources. At a minimum, the Water Monitoring Plan (the "Plan") must establish:

a) The overall Goals and Objectives of the Plan.

b) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May. The Division of Natural Resources will determine the monitoring constituents prior to development order approval based on the final proposed use(s).

c) Baseline water quality monitoring event must be completed and provided to the Division of Natural Resources prior to commencement of construction.

d) Water quality monitoring data must be provided to the Division of Natural Resources annually. The data 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.

e) A contingency plan in the event an exceedance of State water quality standards is discovered. This plan must include notification to impacted residents and applicable authorities.

4. **Development Permits**.

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

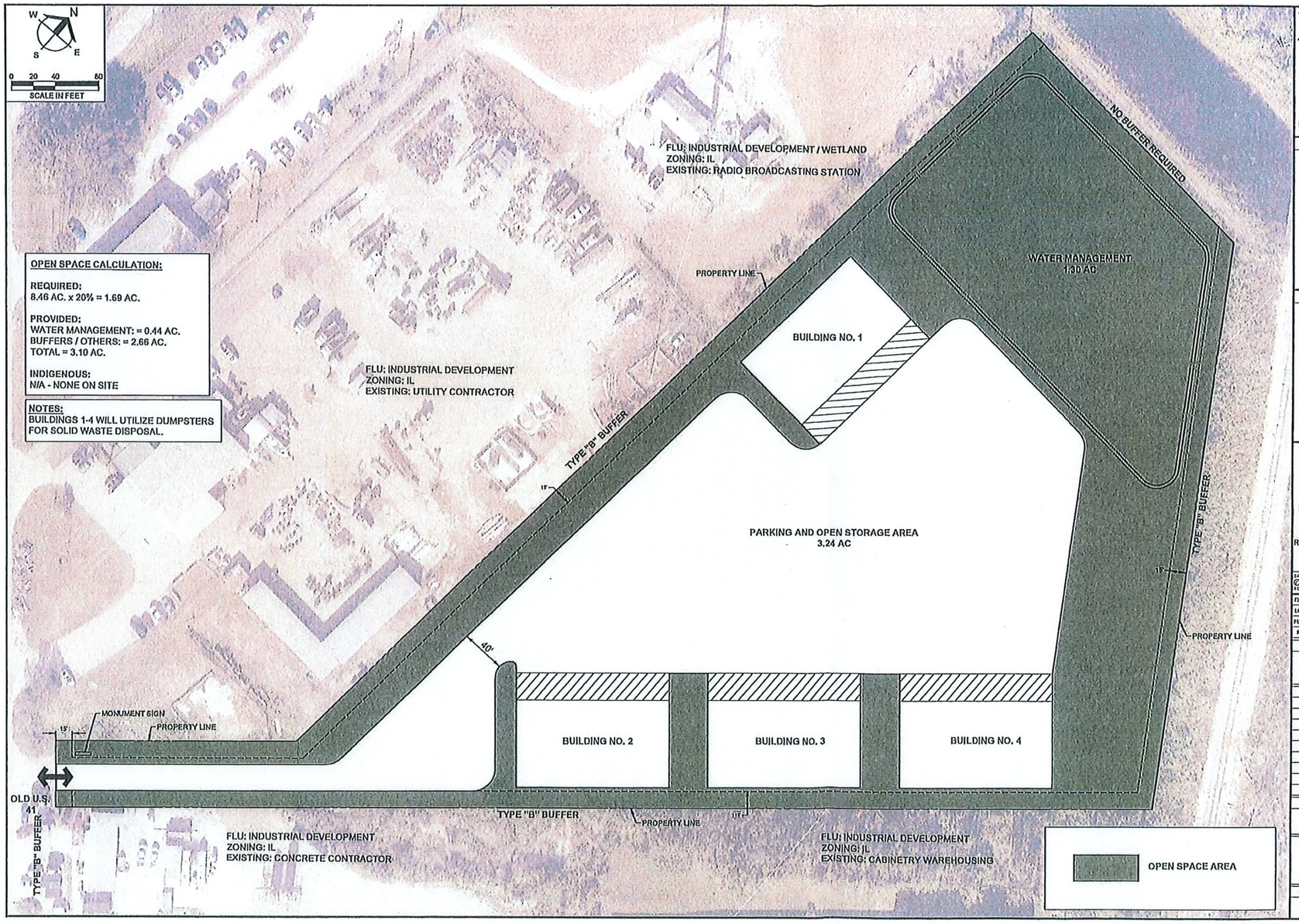
DEVIATIONS

1. WITHDRAWN

2. **Connection Separation.** Deviation 2 seeks relief from LDC §10-295(a) which requires a minimum connection separation of 60 feet between driveways on urban local roadways, to allow a minimum connection separation of 43 feet on Old U.S. 41.

   HEX Recommendation: Approve.

Exhibits to Conditions:
B1 Two-Page "Cowart IPD Master Concept Plan" received October 24, 2024



OPEN SPACE CALCULATION:

REQUIRED:
8.46 AC. x 20% = 1.69 AC.

PROVIDED:
WATER MANAGEMENT: = 0.44 AC.
BUFFERS / OTHERS: = 2.66 AC.
TOTAL = 3.10 AC.

INDIGENOUS:
N/A - NONE ON SITE

NOTES:
BUILDINGS 1-4 WILL UTILIZE DUMPSTERS FOR SOLID WASTE DISPOSAL.

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PREPARED FOR

PROJECT DESCRIPTION

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LOCATION	J:\PROPOSAL\EXCHER\
PLOT DATE	THU, 10-24-2024 - 1:48 PM
PLOT BY	SCOTT WHEELER JR

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXHIBIT

COWART IPD
OPEN SPACE
PLAN

PROJECT REFERENCE NO.	SHEET NUMBER
00000	EX

EXHIBIT B-1

LEE COUNTY
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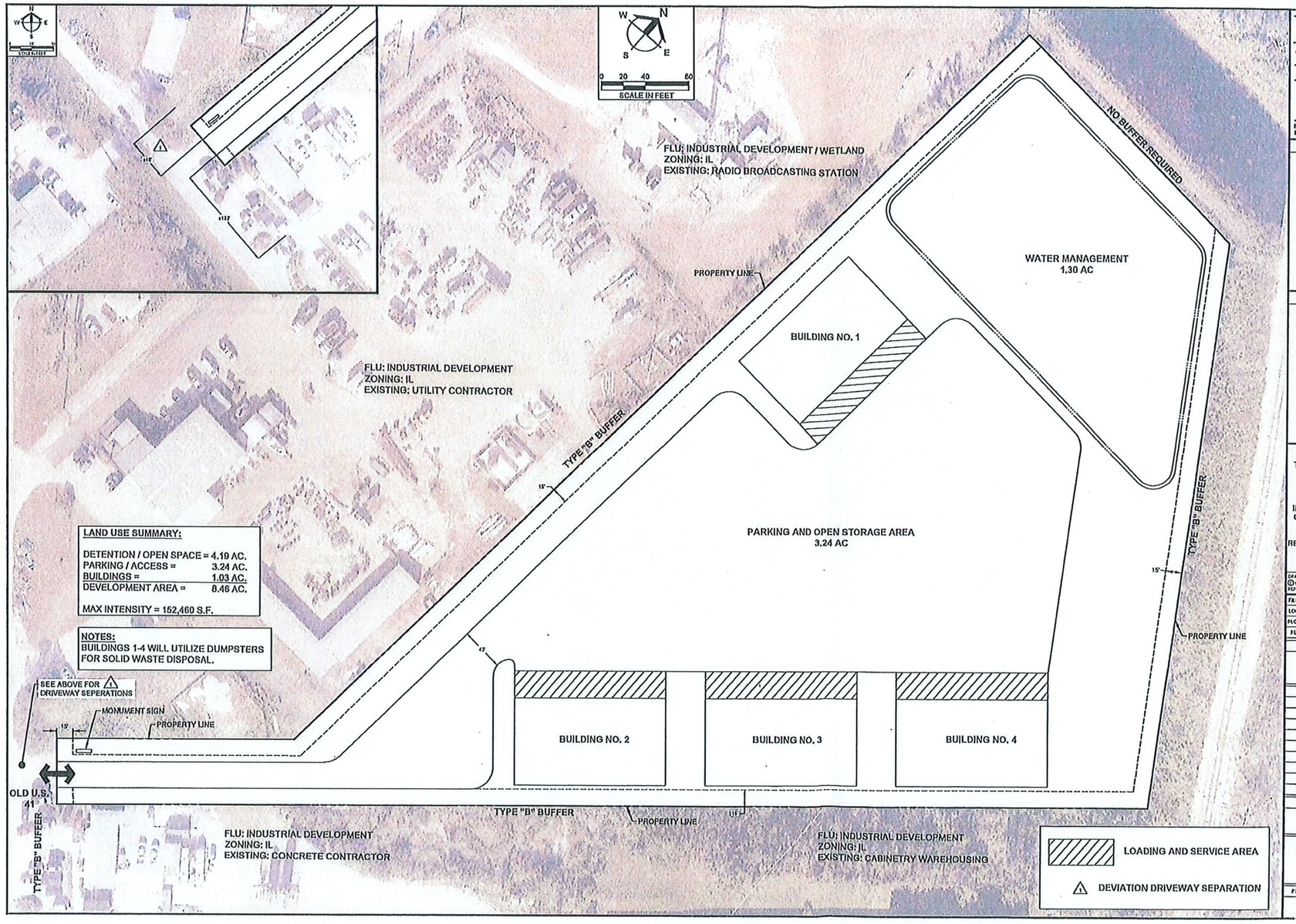
2024 OCT 24 PM 2:15



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PLOT BY SCOTTWHEELER JR

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXHIBIT

COWART IPD
MASTER CONCEPT
PLAN

PROJECT/FILE NO.	SHEET NUMBER
00000	EX

LEE COUNTY
HEARING EXAMINER
2024 OCT 24 PM 2:15

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by MarySue Groth, Planner, date received October 2, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* For Zoning Case DCI2024-00002, Cowart Industrial Planned Development (1 page – 8.5"x11")

3. *PowerPoint Presentation:* Prepared by Lee County Staff for DCI2024-00002, Cowart IPD, dated October 17, 2024 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Tom Sacharski, to Hearing Examiner, with copies to Maria Perez, MarySue Groth, Alexis Crespo, and Jennifer Fisher, Esq., dated Monday, October 14, 2024, 11:48 PM (multiple pages – 8.5"x11")

b. Revised *48-Hour Notice:* Email from Tom Sacharski, to Hearing Examiner and Maria Perez, dated Wednesday, October 16, 2024, 10:08 AM (multiple pages – 8.5"x11")

1. *Résumé:* For Bridgette Theriault, Ecologist (2 pages – 8.5"x11")

2. *PowerPoint Presentation:* Prepared for Cowart IPD, DCI2024-00002, Lee County Hearing Examiner, dated October 17, 2024 (multiple pages – 8.5"x11")[color]

3. *Master Concept Plan:* Prepared by Barraco for Cowart IPD (2 page – 11"x17")

4. *Written Submissions:* Email from Tom Sacharski with RVI Planning and Landscape Architecture to Hearing Examiner and Maria Perez, with copies to Alexis Crespo, Carl Barraco, Jr., MarySue Groth, M. Molloy, Jennifer Fisher, Esq., Yury Bykau, and Bridget Theriault, dated Thursday, October 24, 2024, 2:02 PM (2 pages – 8.5"x11" and 2 pages – 11"x17")[color]{post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. MarySue Groth

Applicant Representatives:

1. Carl Barraco, Jr.
2. Yury Bykau
3. Jennifer Fisher, Esq.
4. Tom Sacharski
5. Bridgette Theriault

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

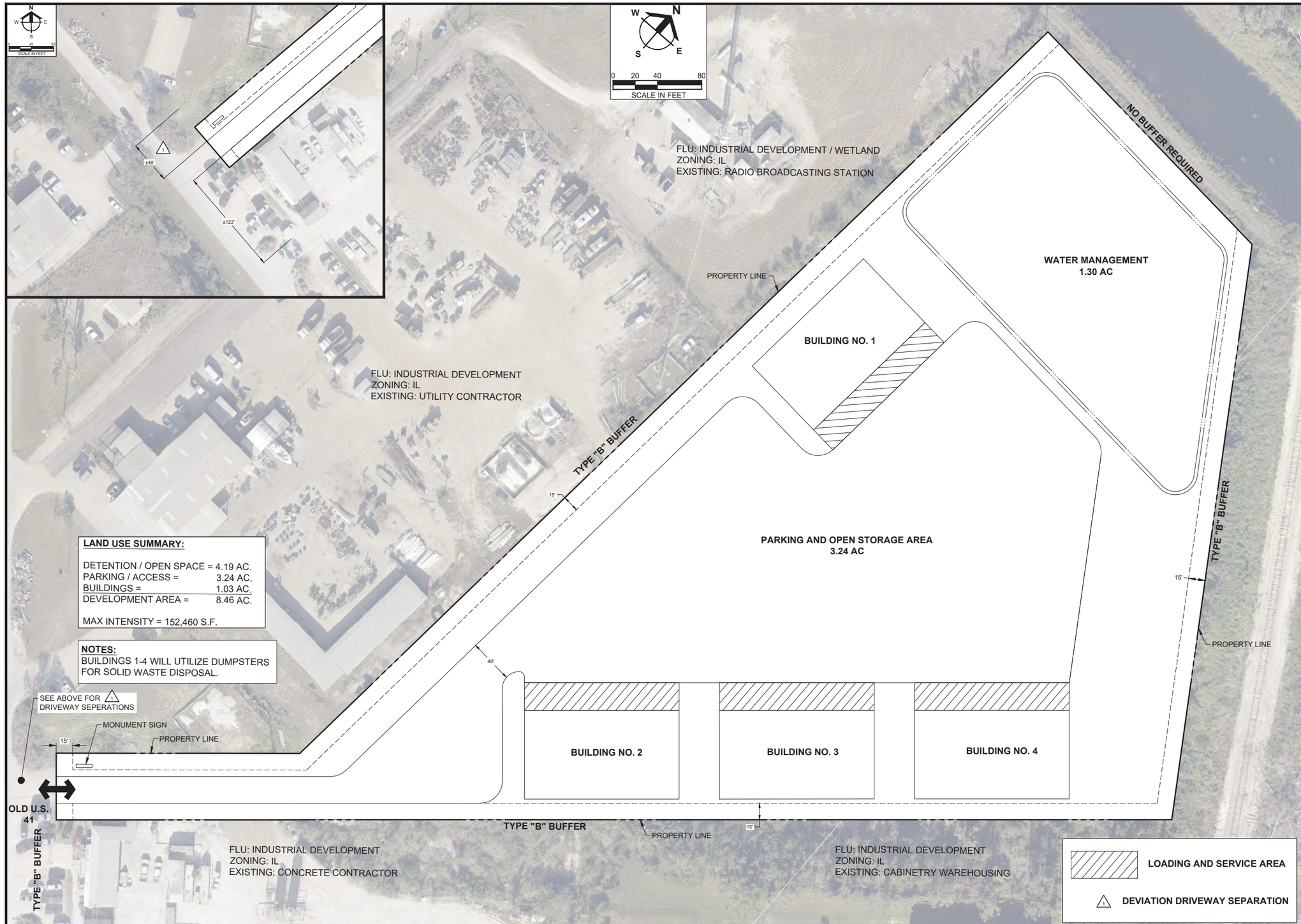
C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

Post Written Submission
Dated 10-24-2024



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CROSS REFERENCED DRAWINGS

PLAN REVISIONS

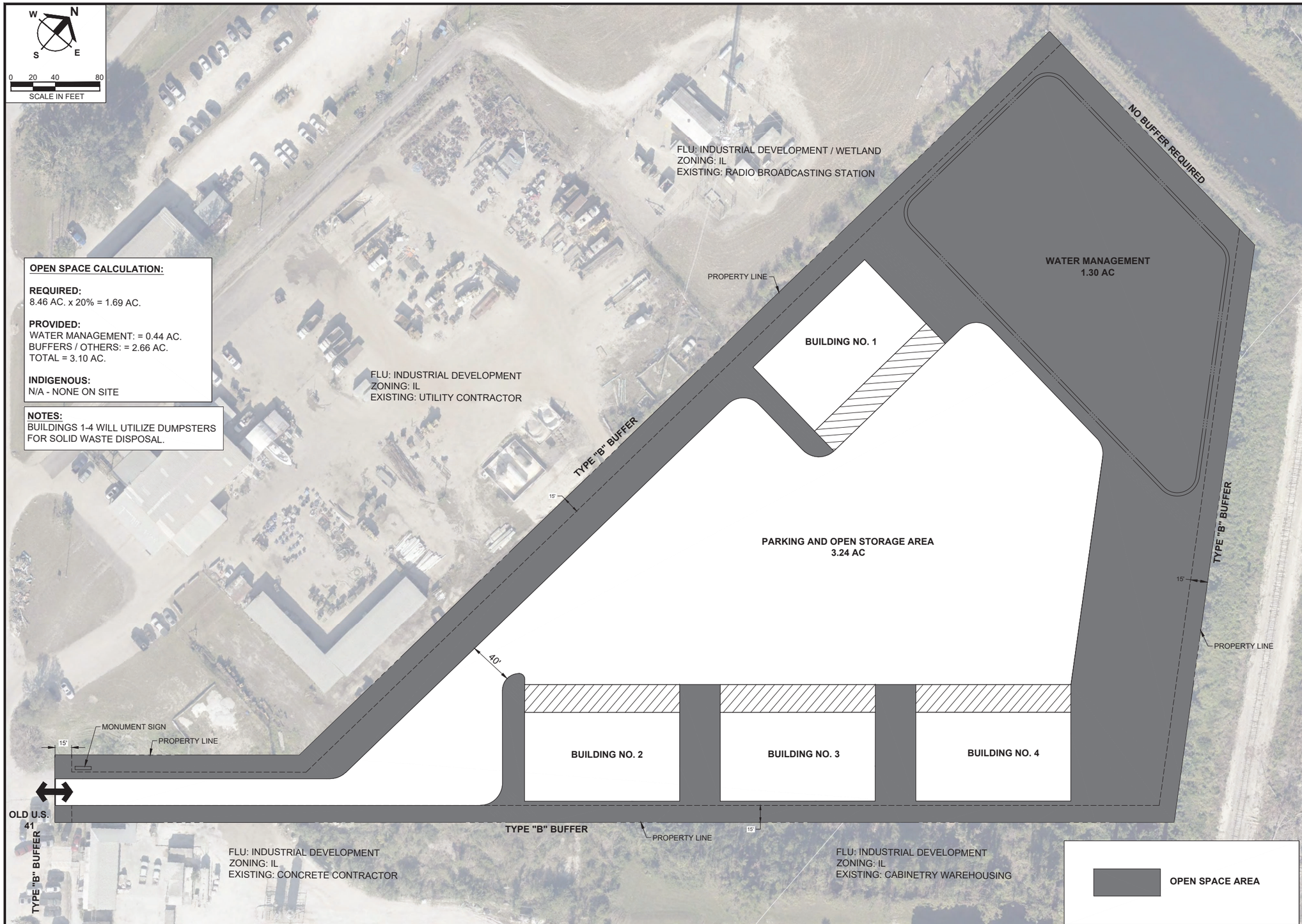
PLAN STATUS

EXHIBIT

COWART IPD
MASTER CONCEPT
PLAN

PROJECT / FILE NO.	SHEET NUMBER
00000	EX

Post Written Submission
Dated 10-24-2024



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REQUIRED:
8.46 AC. x 20% = 1.69 AC.

PROVIDED:
WATER MANAGEMENT: = 0.44 AC.
BUFFERS / OTHERS: = 2.66 AC.
TOTAL = 3.10 AC.

INDIGENOUS:
N/A - NONE ON SITE

NOTES:
BUILDINGS 1-4 WILL UTILIZE DUMPSTERS FOR SOLID WASTE DISPOSAL.

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PLAN REVISIONS

PLAN STATUS

EXHIBIT

COWART IPD
OPEN SPACE
PLAN

PROJECT / FILE NO.	SHEET NUMBER
00000	EX

Cowart Industrial Planned Development – DCI2024-00002

Attachment F – Conditions and Deviations

A. CONDITIONS-

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

1. Master Concept Plan/Development Parameters

MCP. The development of the Industrial Planned Development must be consistent with the two-page MCP entitled "Cowart IPD Master Concept Plan" dated July 9, 2024, except as modified by the conditions below. Resolution Z-90-043 is hereby amended and superseded.

Land Development Code and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except as may be granted by deviation herein. Subsequent changes may require additional zoning approval.

Development Parameters. The development is limited to 8.46-acres, with a maximum intensity of 152,460 square feet.

Prior Approvals. These conditions and deviations supersede Resolution Z-90-043.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural services: office/base operations
Animals: Clinic or kennel
Asphalt batch plant
ATM (automatic teller machine)
Automobile repair and service: Group I, Group II
Bait and tackle shop
Boats:
    Boat parts store
    Boat repair and service
Broadcast studio, commercial radio, and television
Building material sales
Business services: Groups I, and II
Bus station, depot
Cleaning and maintenance services
Cold storage, precooling, warehouse and processing plant
Computer and data processing services
Contractors and builders, all groups
Drive-through facility for any permitted use
Entrance Gates, Gates Houses

Emergency operations center
EMS, fire or sheriff's station
Essential services
Essential service facilities: Groups I, II, and III
Excavation:
    Water Retention
Factory outlets (point of manufacture only)
Farm equipment sales, storage, rental or service
Fences and Walls
Freight and cargo handling establishments
Gasoline dispensing system, special
Impound yard
Maintenance facility (Government)
Manufacturing of:
    Apparel products
    Boats
    Chemical and allied products: Groups I, and II
    Electrical machinery and equipment
    Fabricated metal products: Groups I, II, and III
    Food and kindred products: Groups I, II, and III
    Furniture and fixtures
    Leather Products: Groups I, and II
    Lumber and wood products: Groups I, III, IV, V, and VI, and Group II
    Machinery
    Measuring analyzing and controlling instruments
    Novelties, jewelry, toys, and signs
    Primary metal industries
    Rubber and plastic products: Groups I, and II
    Stone, clay, glass, and concrete products: Groups I, II, III, and IV
    Textile mill products
    Tobacco products
    Transportation Equipment: Groups I, II, III, and IV
Mobile home dealers
Parcel and express services
Parking lot:
    Accessory
    Garage, public
    Park-and-ride
    Temporary
Photofinishing lab
Printing and publishing
Processing or packaging of agricultural or fish products
Processing and warehousing
Recycling facilities
Rental or leasing establishments: Groups II, III, and IV
Repair shops: Groups I, II, III, IV, and V
Research and development laboratories: Group IV
Resource recovery facilities:

Recovery facilities to produce energy
Recovery facilities, other
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Salvage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses
Sanitary landfill
Self-service fuel pumps
Shredding and composting of vegetative matter
Signs
Storage:
Indoor
Storage, open
Large-scale storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.) including liquid petroleum, fractions and distillates thereof and fuel gases
Transportation services: Groups III, and IV
Truck stop, trucking terminal
Vehicle and equipment dealers: Groups IV, and V
Warehouse:
High cube
Hybrid
Mini-warehouse
Private
Public
Wholesale establishments: Groups I, II, and IV
Wrecking yard:
Auto
Other

b. Site Development Regulations

Maximum Building Height:	75 feet
Maximum Lot Coverage:	40 percent
Minimum Open Space:	3.10 acres (see Condition 2)
Minimum Setbacks:	
Perimeter	25 feet

c. Conditions

3. Environmental Conditions

a. 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.

b. Prior to the issuance of the first development order, the development order plans must depict 3.10 acres of open space.

c. Prior to the issuance of the development order, the development order must depict a Type "D" buffer consisting of 15-foot-wide with five trees per 100 linear feet and a double hedge along the west and east property lines abutting the Old US 41 and Michael G. Rippe Parkway. The hedge row must be specified in the development order as 72 inches.

d. Prior to the issuance of a development order, the development order plans must depict all general trees around the surface water management lake.

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

i) The overall Goals and Objectives of the Water Quality Monitoring Plan;

ii) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May. The Division of Natural Resources will determine the monitoring constituents prior to development order approval based on the final proposed use(s).

iii) Baseline water quality monitoring event must be completed and provided to the Division of Natural Resources prior to commencement of construction.

iv) Water quality monitoring data must be provided to the Division of Natural Resources annually. The data 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.

v) A contingency plan in the event an exceedance of State water quality standards is discovered. This plan must include notification to impacted residents and applicable authorities.

B. <u>DEVIATIONS</u>

1. WITHDRAWN

2. <u>Connection Separation</u>: Deviation 2 seeks relief from LDC Section 10-295(a) which requires a minimum connection separation of 60 feet between driveways on urban local roadways, to allow a minimum connection separation of 43 feet on Old U.S. 41.

   This deviation is APPROVED.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2024-00002
TYPE OF CASE: Industrial Planned Development Amendment
CASE NAME: Cowart Industrial Planned Development
TOTAL ACREAGE AFFECTED BY REQUEST: 9.11+/- acres
SUFFICIENCY DATE: August 20, 2024
HEARING EXAMINER DATE: October 17, 2024

REQUEST:
RVi Planning + Landscape Architecture, on behalf of SWUSI, LLC, has filed an application to amend the Construction Burning Industrial Planned Development (IPD) initially approved by Resolution Z-90-043, to modify the Schedule of Uses, Schedule of Deviations, and Site Development Regulations. An updated Master Concept Plan has been provided (Attachment E) and the request, if approved, will allow for updated uses and development standards while allowing greater flexibility in developing the subject property for industrial uses along the Old U.S. 41 corridor. The applicant is proposing the Schedule of Uses mirror many of the allowed uses in Industrial Planned Development zoning districts pursuant to the Land Development Code but has removed several uses that are very intense or not feasible on the subject property, such as storage of hazardous materials, and marinas. The proposed maximum development intensity is 152,460 square feet.

The subject property is located at 16351 Old U.S. 41, south of Briarcliff Road and north of Alico Road, and consists of one STRAP number (06-46-25-00-00003.0010). The property is within the Industrial Development (65%) and the Wetlands (35%) Future Land Use Categories, and the Coastal High Hazard Area as established by the Lee County Comprehensive Plan (the Lee Plan). The legal description for this property may be found as Attachment B.

The applicant has requested one (1) deviation from Land Development Code (LDC) requirements related to connection separation (Attachment I). Staff has recommended approval of the deviation.

SUMMARY:
Staff recommends **APPROVAL** of the applicant's request, with Conditions found in Attachment F.

PARCEL HISTORY:
Approximately 9.11+/-acres of land, including the subject property, were rezoned from Light Industrial (IL) to Industrial Planned Development (IPD) by Resolution Z-90-043, (Attachment D), to permit an incineration use and ancillary office not to exceed 35 feet above average grade. The approved schedule of uses also included open storage of vegetation to be incinerated. The subject property has a gravel driveway and is currently used for outdoor storage of materials.

The subject property is located south of Briarcliff Road, and north of Alico Road. To the north of the subject property, across Michael G. Rippe Parkway are conventionally zoned Agricultural (AG-2) properties, and to the east Light Industrial (IL). Properties to the south of the subject property, across Old U.S. 41, are a mix of Light Industrial (IL) and Agricultural (AG-2), and to the west Light Industrial (IL) zoned districts.

ANALYSIS:

LDC Section 34-145 establishes the review criteria for requests for amendments to a planned development. Before recommending approval, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;
b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
c) Is compatible with existing and planned uses in the surrounding area;
d) Will provide access sufficient to support the proposed development intensity;
e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g) Will be served by urban services, defined in the Lee Plan, if located in a future urban area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;
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; and
c) 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.

The applicant has provided a request statement addressing the motive of rezoning and analysis of the decision-making criteria (see Attachment G). The following sections provide staff's analysis of the request, as measured by the review criteria.

a. Lee Plan Compliance

The parcel is located in the Industrial Development and Wetlands Future Land Use Categories, established by the Lee Plan. The Industrial Development Future Land Use Category is described by **Policy 1.1.7** as "*areas charactered by the special locational requirements needed to support industrial uses such as: access to transportation (e.g., air, rail, highway) for freight movement and efficiency; industrial levels of water, sewer, fire protection, and other public services; and employees."* As part of the future urban and suburban areas pursuant to **Objective 1.1***,* the project site is in a designated area for varying intensities that provide for a full range of urban activities. Industrial uses are permitted in the Industrial Development future land use category, and the proposed amendment to the Industrial Planned Development (IPD) to allow additional industrial uses is consistent with the objective. Staff finds the proposed amendments to the Industrial Planned Development (IPD) consistent with **Policy 1.1.7** of the Lee Plan. The Future Land Use Map indicates some areas of Wetlands on the subject property. Permitted uses in the Wetlands Future Land Use Category per **Policy 1.5.1**, consist of very low density residential and recreational uses that will not adversely affect the ecological functions of wetlands. The applicant provided a Protected Species and Environmental Report indicating no on-site jurisdictional wetlands exist on the property. County Environmental Staff have included a condition that additional information at time of development order

be required to ensure any wetland impacts be mitigated per the State of Florida requirements, and that construction may not commence until the issuance of required permit (Attachment L). Staff finds the request, as conditioned, consistent with **Policy 1.1.7, Objective 1.1, and Policy 1.5.1.** of the Lee Plan.

Objective 2.1 of the Lee Plan promotes contiguous and compact growth to contain urban sprawl. The proposed amendment will allow development of an infill project in an area along the Old U.S. 41 corridor, where industrial development is encouraged. The proposed amendment will allow for clustered development patterns in an area with existing roadways and allowable industrial uses, where limited available land area exists. **Objective 2.2** and **Policy 2.2.1** discuss new growth in future urban areas where adequate public facilities exist or are assured. The property is located within an existing IPD that lies along the county-maintained local road of Old U.S. 41. Existing infrastructure of water and sewer is in place, and utilities are available to the site. Adequate public facilities including fire, police, EMS, and solid waste serve the property. Staff finds the request consistent with **Objective 2.1, Objective 2.2, and Policy 2.2.1** of the Lee Plan.

The applicant has provided a Letter of Availability from Lee County Utilities stating potable water and sanitary sewer lines are in operation adjacent to the property, and that there is sufficient capacity to provide service based on the estimated flow demand provided at time of submittal (Attachment N) fulfilling requirements of **Standard 4.1.1: Water, and Standard 4.1.2: Sewer** of the Lee Plan. Staff finds the request is consistent with **Standard 4.1.1 and 4.1.2** of the Lee Plan.

Goal 7 (**Industrial Land Uses)** of the Lee Plan promotes opportunities for well-planned industrial development at suitable locations within the county. The proposed development is adjacent to existing industrial developments and resides within the Industrial Development Future Land Use category as established by Lee Plan. The proposed amendment will align the property with uses consistent with the Industrial Development Future Land Use Category. In compliance with **Policy 7.1.1,** factors applicable to development and rezoning standards, development of the property will adhere to the Land Development Code and other applicable regulations at the time of development order approval. The proposed amendment affects property in close proximity to established major roadways of Old U.S. 41 and Michael G. Rippe Parkway. Lee County Utilities offers existing potable water and sanitary sewer services with adequate capacity to the site. **Policy 7.1.2** encourages industrial development in the Industrial Development Future Land Use Category. Pursuant to **Policy 7.1.3**, the site is strategically located in an area that incentivizes industrial development with existing roadway infrastructure, utility capacity, and compatible neighboring uses. **Policy 7.1.4** requires industrial development to be permitted only with the availability and adequacy of existing or planned services and facilities. The project is an existing Industrial Planned Development, with available fire, EMS, sheriff, and transportation services. The property is centralized within the Industrial Development Future Land Use Category with the most intensive industrial uses permitted by the Land Development Code, fulfilling **Policy 7.1.5**. The property does not abut any residential areas that would require screening or buffering as **Policy 7.1.6 and Policy 7.1.7** address. Staff finds the request is consistent with **Goal 7, Policy 7.1.1**, **Policy 7.1.2, Policy 7.1.3, Policy 7.1.4, Policy 7.1.5, Policy 7.1.6, and Policy 7.1.7** of the Lee Plan.

Pursuant to **Policy 60.1.1,** the applicant acknowledged that surface water management systems will be designed to protect or enhance the groundwater, onsite wetlands, and take into account the site's close proximity to 10-Mile Canal. Staff finds the request is consistent with **Policy 60.1.1** of the Lee Plan.

Policy 61.1.6 states that when and where available, reuse water should be the first option for meeting irrigation needs of a development. The applicant has indicated the site development will prioritize reuse

water if available at time of Development Order, but that due to the industrial nature of the property, the irrigation demands will be low. Staff finds the request consistent with **Policy 61.1.6** of the Lee Plan.

The amended Schedule of Uses eliminates many of the most hazardous material uses that would typically be allowable in Industrial Planned Development zoning districts to prevent environmental impacts on the surrounding properties. The applicant has indicated that any end development will take precautions to prevent hazardous materials from making contact with the environment, fulfilling **Objective 69.3** for Hazardous Materials. Staff finds the request is consistent with **Objective 69.3** of the Lee Plan.

The applicant indicated that the site design will ensure that pretreatment of stormwater prior to discharge will be in accordance with state regulations, and that an Environmental Resource Permit (ERP) will be obtained from SFWMD prior to construction. The applicant stated continued monitoring will be completed to ensure proper discharge from the site, and Lee County Natural Resources' staff have provided a staff report (Attachment M) implementing conditions for a water quality monitoring program. Staff find the request is consistent with **Policies 125.1.2, Policy 125.1.3, and Policy 125.1.4** of the Lee Plan.

Goal 127 for Air Quality is to ensure the best possible air quality, meeting or exceeding state and federal air quality standards will be maintained. The Schedule of Uses was revised to remove many of the most intense uses, and the proposed development will comply with all local, state, and federal environmental requirements. FDEP permits must be obtained for intensive industrial uses. Staff finds the request is consistent with **Goal 127** of the Lee Plan.

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

The applicant has acknowledged that at the time of development, compliance with Land Development Code and other applicable county regulations will be required and considered. The applicant has requested and justified one (1) deviation for the planned development request (Attachment I), pertaining to connection separation. This is in addition to one (1) previous deviation approved by Resolution Z-90-043 for minimum lot width for an Industrial use, which has been withdrawn by this request.

Deviation 2 seeks relief from LDC Section 10-285(a), which requires a minimum connection separation of 60 feet between driveways on urban local roadways, to allow a minimum connection separation of 43 feet. The applicant has justified the request, demonstrating that the property only has a 70-foot+/- frontage on Old U.S. 41, a local roadway which requires 60 feet between driveway connection/access points. There is insufficient frontage to space the ingress/egress in a manner that maintains 60 feet of separation from the nearest driveway to the northwest. The proposed access point is the same as the current access point; thus, the deviation is to memorialize existing conditions. The deviation will not negatively impact public, health safety, or welfare since this segment of the street experiences low traffic, and has a posted 30mph travel speed. Lee County Department of Transportation staff provided a traffic-related analysis (Attachment P) supporting the applicant's justification and has recommended approval of this deviation.

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

The proposed amendment will allow for development of an infill project. As previously mentioned, the subject property is part of an existing Industrial Planned Development (IPD) and lies within the Industrial

Development Future Land Use Category. The surrounding uses include a variety of industrial uses, and the proposed amendment adds a mix of industrial uses that will be consistent and compatible with these surrounding properties.

d. Will provide access sufficient to support the proposed development intensity;

The proposed amendment to the IPD requests a deviation to memorialize a connection separation of less than the required 60 feet, which will be sufficient to serve the single-use industrial site. Old U.S. 41 is a two-lane local road that serves as an access street for the surrounding industrial sites. The site has one existing means of ingress/egress, approved by the San Carlos Fire Protection and Rescue Service District and Lee County Public Safety, (Attachment J).

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

The area has been reserved for industrial and mixed-use development focused on non-residential uses, and an existing IPD is already approved for this site. The applicant has demonstrated through the Traffic Impact Statement that the surrounding roadway network can accommodate for the proposed development and will not be negatively impacted. Lee County Department of Transportation provided a Traffic-related analysis that states the Level of Service (LOS) analysis provided by the applicant indicates Alico Road operates above the minimum adopted LOS in 2028 both with and without the proposed development. LOS at the roadway intersection immediately adjacent to the subject property at the site access and Old US 41 operates at acceptable levels with the generated project trips added to the intersection at AM and PM peak hour traffic conditions. At time of development order, the proposed development will be reviewed to determine the required site-related traffic improvements to the nearby roadways (Attachment P).

f. Will not adversely affect environmentally critical or sensitive areas and natural resources:

The applicant submitted an Environmental Report that describes the onsite surveying methodology, provides Florida Land Use Cover and Classification System (FLUCCS) maps depicting the pedestrian transects methodology used to survey the project, and a detailed FLUCCS for the project area (Attachment K). Most of the site consists of non-indigenous habitat consisting of berms, spoil areas, ditches, and disturbed lands. The north portion of the site is within the Wetlands Future Land Use Category. The applicant has not been issued a formal wetland determination or a South Florida Water Management Environmental Resource Permit. According to **Lee Plan Policy 1.5.1**, permitted land uses in Wetlands consist of very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with **Goal 124**. This goal requires an applicant to demonstrate what type of mitigation measures will be required by the State to impact the State wetlands existing on the site.

Environmental Staff have recommended the following condition requiring additional information at time of development order to ensure any wetland impacts are mitigated per the State of Florida requirements.

- *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.

As part of the site inspection that leads to the habitat FLUCCS map, the site is surveyed for protected species. The site consists of disturbed habitat that may support Burrowing Owls and Gopher Tortoises. The applicant states that no protected species or evidence of protected species were found on the site.

County environmental staff provided a report (Attachment L) analyzing the request, and made the following findings:

Open Space

The project meets the large project definition (Land Development Code 10-1). **LDC Section 10-415(a)** requires the applicant to provide 20 percent open space for large industrial developments. The total open space required is 1.69 acres and the applicant is providing 3.10 acres of open space.

Staff recommends the following open space condition to ensure that 3.10 acres of open space is provided:

- *Prior to the issuance of the first development order, the development order plans must depict 3.10 acres of open space.*

Indigenous Open Space Preservation

The Land Development Code requires large projects to provide 50 percent of the required open space percentage through onsite preservation of existing native vegetation communities (**LDC Section 10-415(b)**). Indigenous vegetation is defined in **LDC Section 10-1,** with cross reference to **LDC Section 10-701**, which provides a list of major native indigenous plant communities. The site does not have any of the major native plant communities, therefore no indigenous open space is required.

Buffers

The applicant is proposing an industrial use that includes open storage. Buffers are based on the subject property use and the type of use or zoning district that the subject property abuts in accordance with **LDC Section 10-416(d)**. Specific types of uses, including open storage, are required to provide enhanced buffers in accordance with **LDC Chapter 34. LDC Section 34-3005(b)(1)** requires six-foot screening when visible from street right-of-way and eight-foot screening when visible from a residential use or zoning district. The property does not abut residential uses or residential zoning districts. The property abuts Old US 41 along the west property line and Michael G. Rippe Parkway along the east property line with the storage visible from the rights-of-way. The applicant must screen the open storage area and provide a Type "D" right-of-way buffer that is 15 feet wide with five trees per 100 linear feet and a double hedge row. The double hedge row must be six feet in height at time of development, or the applicant must provide a six feet high fence. The applicant is depicting a Type "B" buffer located in a ten-foot-wide drainage and utility easement. **LDC Section 10-421(a)(5)** states that no required landscaping may be in any drainage or utility easements. In addition, **LDC Section 10-421(a)(2)** requires a minimum width of five feet for buffers. **The applicant will need to revise the Master Concept Plan to depict the code required buffer.**

Staff recommends the following condition to ensure that the Type "D" buffer is provided outside of the ten-foot-wide drainage and utility easement:

- *Prior to the issuance of the development order, the development order must depict a Type "D" buffer consisting of 15-foot-wide with five trees per 100 linear feet and a double hedge along the west and east property lines abutting the Old US 41 and Michael G. Rippe Parkway. The hedge row must be specified in the development order as 72 inches.*

The remaining property lines abut industrial uses and per **LDC Section 10-416(d)** does not require any buffering.

General Trees

The applicant will be required to provide general trees per **LDC Section 10-416(a),** which requires one tree per 3,500 square feet of development area. The applicant will be required to demonstrate on the development order the location of the 109 general trees (381,150 square feet / 3500) on the subject property. The applicant is proposing open storage, which occupies over half of the site. **LDC Section 10-414** requires landscaping to be proposed in areas where they can grow to their natural habit. To ensure the general trees have enough area to grow without being impacted by the use of the property, staff has proposed a condition to require the general trees to be installed around the surface water management lake. The applicant could choose to increase the heights of the general trees to 14 feet high to reduce the number of general trees by 50 percent per **LDC Section 10-420(c)(2)**. The applicant could also choose to decrease the number of general trees by planting the dry detention areas with native herbaceous vegetation. With every 400 square feet of dry detention planted with one-gallon native herbaceous vegetation, the applicant may reduce the number of general trees by one ten-foot-tall tree in accordance with **LDC Section 10-416(a)(5).** However the applicant decides to design the landscape plan to meet the general tree requirement, staff proposed a condition that the general trees must be located around the surface water management lake.

- *Prior to the issuance of a development order, the development order plans must depict all general trees around the surface water management lake.*

As previously mentioned, Lee County Natural Resources analyzed the request (Attachment M), and made the following findings and recommendations:

Discharge

The proposed development's stormwater runoff will be directed to onsite retention and/or detention areas prior to discharging offsite into the Briarcliff Canal, which flows into the Ten Mile Canal and ultimately Estero Bay. The subject property is adjacent to the Briarcliff Canal and located within the Florida Department of Environmental Protection (FDEP) Waterbody ID Ten Mile Canal South, which is impaired for Iron and Dissolved Oxygen. Further downstream waterbodies, including Mullock Creek and Estero Bay, are also impaired. Mullock Creek is impaired for Selenium, Enterococci, Copper, and Iron while Estero Bay is impaired for Total Nitrogen. Staff's opinion is that many of the new proposed uses have the potential to degrade existing water quality below state and federal water quality standards given the proximity to Briarcliff Canal.

Natural Resource staff recommends additional conditions for required water quality monitoring as follows:

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

  i) The overall Goals and Objectives of the Water Quality Monitoring Plan;

  ii) An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May. The Division of Natural Resources will determine the monitoring constituents prior to development order approval based on the final proposed use(s).

  iii) Baseline water quality monitoring event must be completed and provided to the Division of Natural Resources prior to commencement of construction.

  iv) Water quality monitoring data must be provided to the Division of Natural Resources annually. The data 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.

  v) A contingency plan in the event an exceedance of State water quality standards is discovered. This plan must include notification to impacted residents and applicable authorities.

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

A large portion of the parcel is located in the Industrial Development Future Land Use Category established by the Lee Plan. The Industrial Development Future Land Use Category is described by **Policy 1.1.7** as "*areas charactered by the special locational requirements needed to support industrial uses such as: access to transportation (e.g., air, rail, highway) for freight movement and efficiency; industrial levels of water, sewer, fire protection, and other public services; and employees."* As part of the future urban and suburban areas pursuant to **Objective 1.1***,* the project site is in a designated area for varying intensities that provide for a full range of urban activities. The following services are available to accommodate the request:

Utilities
The applicant has provided a Letter of Availability from Lee County Utilities stating potable water and sanitary sewer lines are in operation adjacent to the property, and that sufficient capacity exists to provide service based on the estimated flow demand provided at time of submittal (see Attachment N).

Fire and Medic
San Carlos Park Fire District, Station 52, located at 16901 Island Park Road, is approximately 0.51 miles away.

Sheriff
Lee County Sheriff's Office – South District, located at 9924 Gulf Coast Main Street, is approximately 5.3 miles away.

Transit

Lee Tran Route 140 services the segment along South Tamiami Trail, with the closest connection to the subject property at Alico Road. There is an existing bus stop on the corner of Alico Road and South Tamiami Trail (Stop #3133) approximately 0.7 miles from the subject property.

For Planned Developments:
Staff has reviewed the request and finds:

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

The IPD has already been established and proposed mix of uses is appropriate at this location. The proposed amendment allowing an additional use to the permitted IPD will enhance the use of the property.

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; and*

The IPD has established conditions that provide sufficient safeguards to the public interest, and the recommended conditions associated with the applicant's request are reasonably related to the impacts on the public's interest.

c) *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.*

The applicant has requested one (1) additional deviation from Land Development Code (LDC) requirements (Attachment I) pertaining to connection separation relief. Staff recommends approval finding that the deviations meet the criteria for approval.

CONCLUSION

The request to amend the Schedule of Uses, Schedule of Deviations, and Site Development Regulations are consistent with the Lee Plan and Land Development Code. The proposed amendment remains consistent with the existing Industrial Planned Development and surrounding industrial uses within the Industrial Development future land use as established by Lee Plan. Staff has concluded that the amendment will not result in negative impacts to urban services, infrastructure, or surrounding property. The subject property is sufficiently served by urban services. The request will not impact any wetland preserves, or flood hazard areas; or adversely affect environmentally critical or sensitive areas or natural resources. The amendment allows for support of mixed industrial uses and is appropriate for the location, and the established IPD and proposed request contains sufficient safeguards to the public interest. One additional deviation is being requested from the Land Development Code, and one existing deviation will be withdrawn. Therefore, staff recommends **APPROVAL** of the applicant's request, as conditioned in Attachment F.

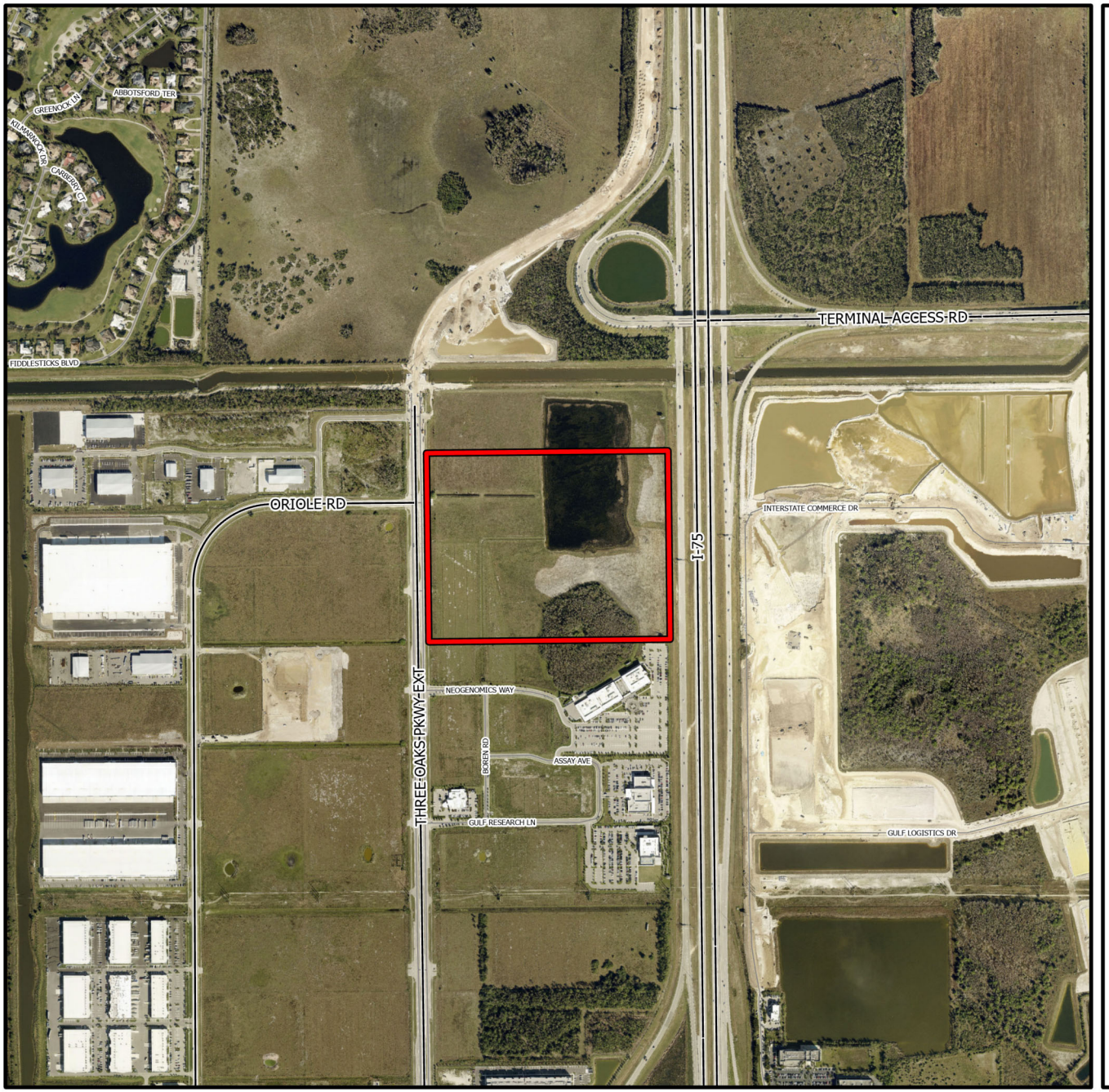
ATTACHMENTS

Attachment A – Lee County Expert Witness Information
Attachment B – Sketch & Legal Description
Attachment C – Case Maps
Attachment D – Resolution Z-90-043
Attachment E – Master Concept Plan
Attachment F – Proposed Conditions, Deviations, and Property Development Regulations
Attachment G – Applicant's Narrative
Attachment H – Schedule of Uses
Attachment I – Schedule of Deviations and Justifications
Attachment J – Letters of No Objection
Attachment K – Environmental Assessment & Protected Species Survey
Attachment L – Environmental Staff Report
Attachment M – Natural Resources Staff Report
Attachment N - Lee County Utilities Letter of Availability
Attachment O – Traffic Impact Statement
Attachment P – DOT Traffic-Related Analysis

DCI2024-00013 Pinnacle at Three Oaks Commerce Center

Staff Summary

CASE NUMBER & NAME:	DCI2024-00013 / Pinnacle at Three Oaks Commerce Center
REQUEST:	Request to rezone 58.77± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow for up to 705,000 square feet of commercial, retail, office and industrial uses and 200 hotel rooms.
RESOLUTION NUMBER:	Z-24-031
LOCATION:	East side of Three Oaks Pkwy., approximately one mile north of Alico Rd., Gateway/Airport Planning Community, Lee County, FL.
OWNER:	Weiss Bradley S TR
APPLICANT:	Bradley S. Weiss
AGENT:	Al Quattrone Quattrone & Associates, Inc. 4301 Veronica Shoemaker Blvd. Ft. Myers, FL 33916
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (0)	NONE



DCI2024-00013

Aerial

Subject Property

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Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

PINNACLE AT THREE OAKS COMMERCE CENTER

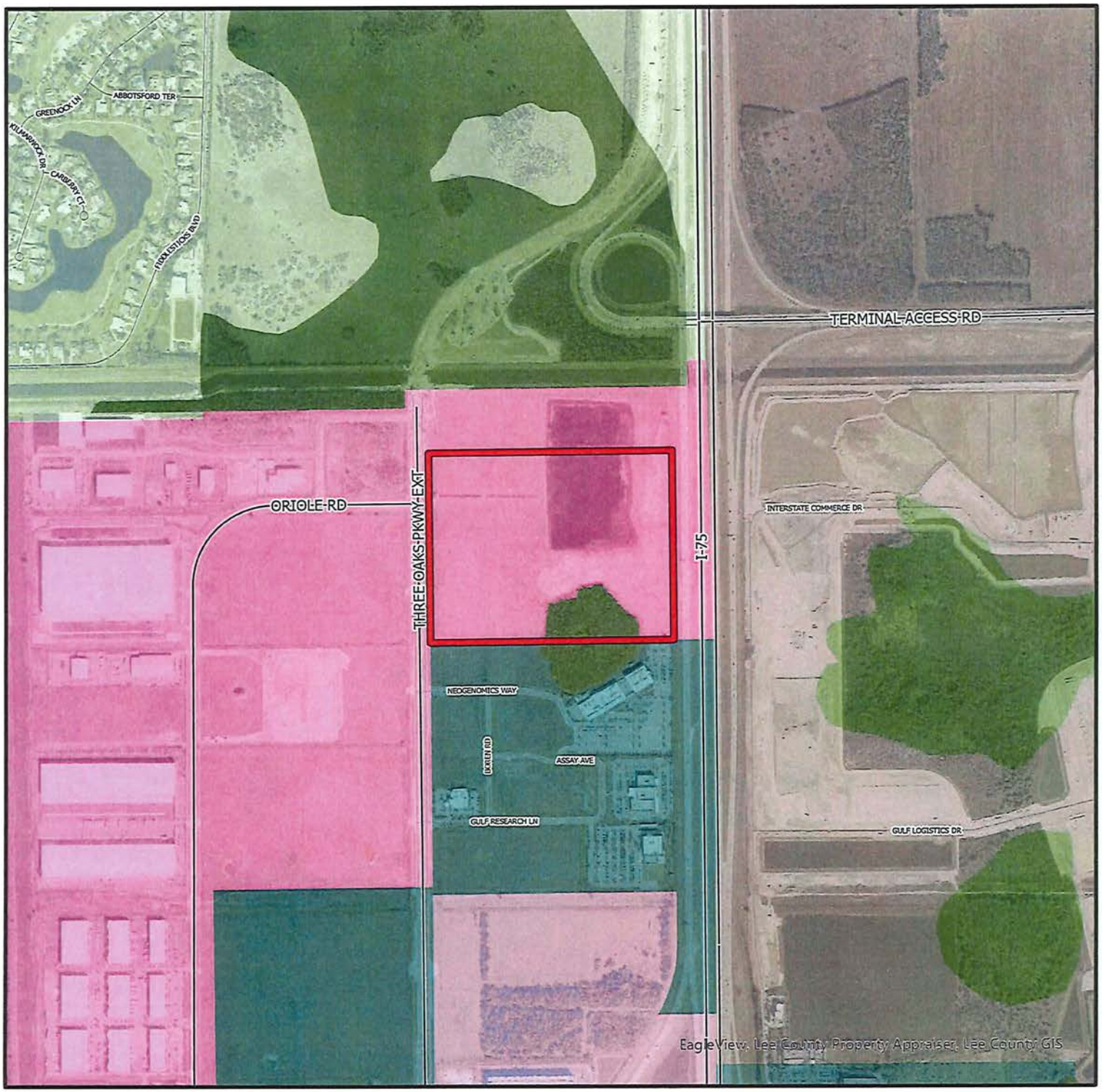
Applicant seeks Mixed Use Planned Development zoning on property along Three Oaks Parkway and I-75. Surrounding developments host MPD and IPD zoning with intense commercial/industrial uses.

The proposed MPD harmonizes adjacent projects and continues an established development pattern.

Detailed recommendation follows

DCI2024-00013

Future Land Use



- Subject Property
- Industrial
- General Interchange
- Industrial Commercial Interchange
- Tradeport
- Airport
- Rural
- Wetlands

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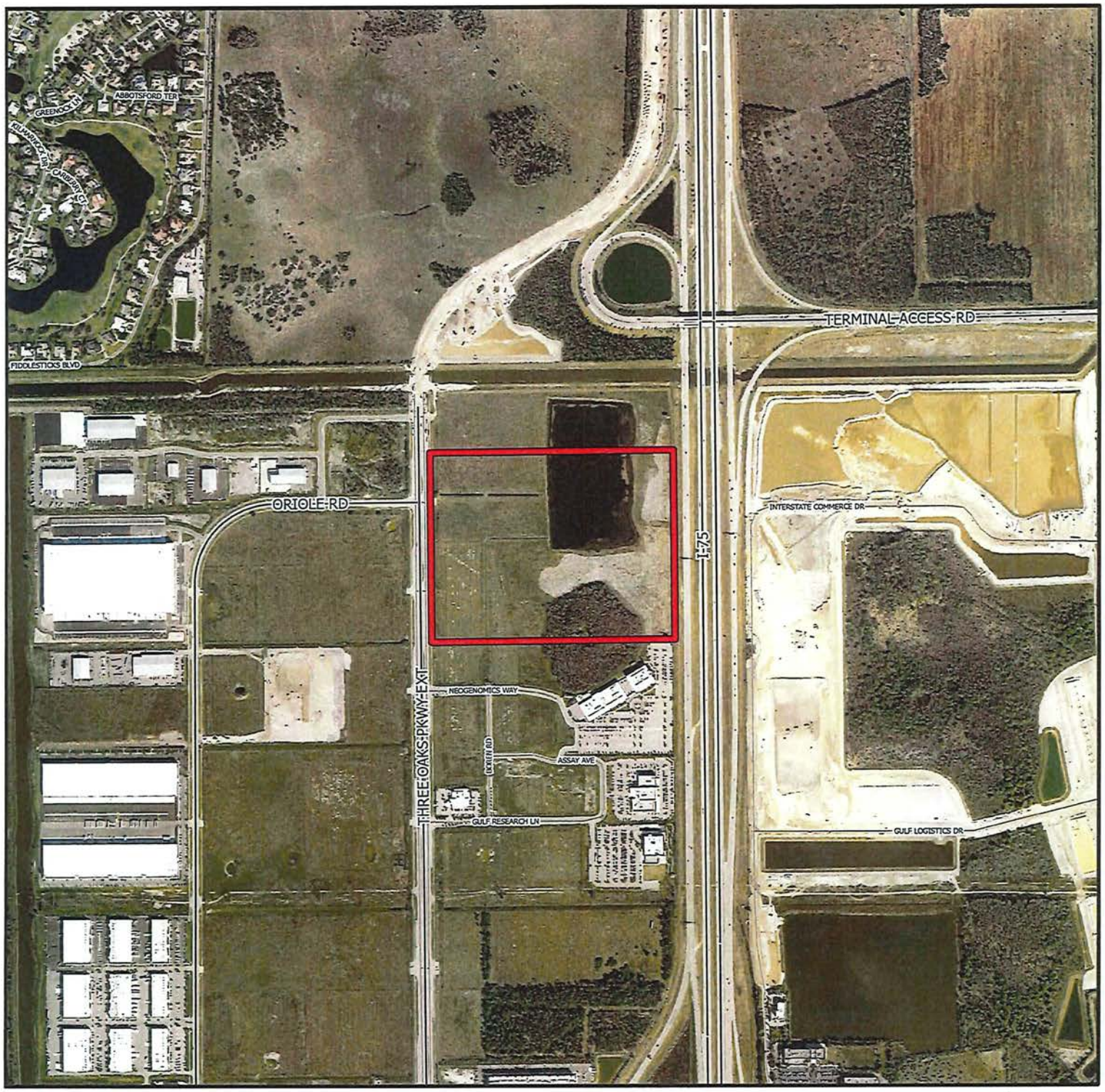
Lee County
Southwest Florida



DCI2024-00013

Aerial

Subject Property

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Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00013

Regarding: **PINNACLE AT THREE OAKS COMMERCE CENTER**

Location: East side of Three Oaks Parkway, 0.8± miles north of Alico Road
Gateway/Airport Planning Community
(District 2)

Hearing Date: October 24, 2024
Record Closed: **November 6, 2024**

I. Request

Rezone 58.77± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow 705,000 square feet of office, commercial retail, or industrial uses and 200 hotel rooms.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner is advisory to the Board of County Commissioners (Board) on applications to rezone property.[1] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone land to MPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.[2] Specifically, the Hearing Examiner must find the request is compatible with surrounding uses and complies with the Lee Plan and LDC relating to such items as transportation, natural resources, and urban services.[3] The Hearing Examiner may take judicial notice of previous Board decisions in the context of

[1] LDC §34-145(d)(1)(a) & (2)(a).
[2] LDC §34-145(d)(3).
[3] LDC §34-145(d)(4).

reviewing zoning requests and preparing recommendations to the Board.[4] The Hearing Examiner's recommendation must be based on competent and substantial evidence.[5]

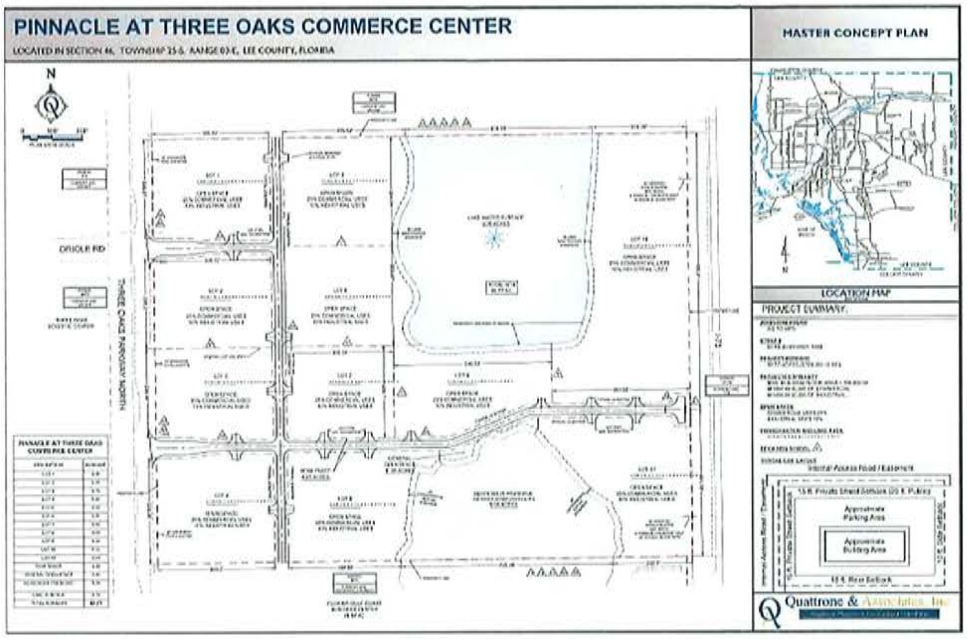
Discussion supporting the recommendation of approval follows below.

Synopsis of Request

The request seeks to rezone 58.77± acres from Agriculture (AG-2) to Mixed Use Planned Development (MPD). Proposed development consists of 705,000 square feet of industrial, commercial/retail, office, and 200 hotel rooms. Building heights are restricted to 85 feet.[6]

The site plan shows 11 lots with internal roadways, a lake along the northeastern boundary, and an indigenous preserve under conservation easement along the southern boundary. The lake and conservation area tie into adjacent developments utilizing a shared water management system.[7] Applicant is subject to South Florida Water Management District permitting to ensure consistency with the master drainage system.

Staff recommended approval of the request with conditions.



[4] Lee Co. Admin. Code 2-6, §2.3(D)4(b).
[5] Lee Co. Admin. Code 2-6, §3.3(A)(2); LDC §34-83(a)(4)(a)(1)(a).
[6] Staff corrected the record at hearing to reflect 85 feet rather than the 75 feet referenced in the Staff Report.
[7] Applicant references SFWMD permit #36-05268-P.

Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

A. Complies with the Lee Plan;

B. Meets the LDC and other applicable County regulations or qualifies for deviations;

C. Is compatible with existing and planned uses in the surrounding area;

D. Will provide access sufficient to support the proposed development intensity;

E. Addresses impacts on transportation facilities by County regulations or conditions of approval;

F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and

G. Will be served by urban services.[8]

When the requested zoning action is a planned development, the Hearing Examiner must also find:

H. The proposed use/mix of uses is appropriate at the proposed location;

I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and

J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) protect public health, safety, and welfare.[9]

Character of Area

The property is located on the east side of Three Oaks Parkway Extension, north of Alico Road. The site is bordered by approved MPDs to the north and south, Three Oaks Parkway Extension to the west, and Interstate 75 to the east.

The property is in the Gateway/Airport Planning Community. Commercial and industrial developments in this community are energized by the airport and the Florida Gulf Coast University (FGCU).

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[8] LDC §34-145(d)(4)(a)(1).
[9] LDC §34-145(d)(4)(a)(2).

History of the Property

The property serves as pasture for cattle grazing.[10]

Lee Plan Consistency

Planned developments must be consistent with the Lee Plan and minimize negative effects of proposed uses on neighboring properties.[11]

The property is in the Industrial Development future land use category.[12] The Industrial Development category contemplates industrial activities and mixed uses.[13] Appropriate uses include industrial, manufacturing, processing/ warehousing, and research.[14] Residential uses are prohibited. Industrial Development areas are vital to strengthen the county's economic base by providing job and production opportunities.[15]

Applicant proposes a mix of industrial and commercial uses consistent with uses planned for the area. The MPD zoning district implements the Lee Plan while affording flexibility in project design.[16] The proposed combination of industrial and

[10] Condition 4 permits agricultural activities to continue until certain development approvals are secured.
[11] LDC §34-411(a), (c) and (i).
[12] Lee Plan Policy 1.1.7; Lee Plan Map 1-A.
[13] Lee Plan Policy 1.1.7.
[14] *Id.*
[15] Lee Plan Policy 158.3.2.
[16] Lee Plan Goal 4, Objectives 1.3, 4.1, Policies 6.1.3 and 7.1.2; LDC §34-612(2), §34-931(h). LDC §34-2: Development of County Impact means development, which, because of its character, magnitude, location, size, timing, density or intensity would have a substantial effect upon the health, safety and welfare of the citizens of the County or upon its natural resources. *See also* §34-341(a).

commercial uses provides services and employment opportunities for area residents consistent with Lee Plan objectives.[17]

The location is suitable for the proposed development as it is adjacent to properties designated for similar uses.[18] The site is ideally located to serve as an economic and employment center because of its proximity to the airport, the interstate, and residential areas south of Alico Road.[19] The site is also suited to serve commercial and industrial demand because of its access to urban infrastructure and services.[20] Applicant proposes a mix of uses to meet market demand and harmonize approvals of nearby projects.[21]

A small portion of the site is classified within the Wetlands category.[22] On-site wetlands are identified as indigenous preserve and protected by conservation easement. [23]

The request is compatible with the Lee Plan and the surrounding area.

Environmental/Natural Resources

Planned development design should reflect creative use of open space.[24] Developers must protect and preserve natural site features.[25]

The Master Concept Plan (MCP) details open space for each developable lot.[26] A deviation and condition of approval permit Applicant to apply lake and preserve acreage toward open space credits.[27] Environmentally sensitive lands are subject to a conservation easement encumbering the indigenous preserve.[28]

Staff observed burrowing owl burrows during site inspection and requested an updated protected species survey.[29] Applicant's updated survey did not reveal evidence of the species due to recent rain events.[30] Applicant must conduct additional protective species assessment during development order review.

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[17] Lee Plan Goal 158, Objective 158.2.
[18] Lee Plan Objectives 2.1, 2.2, 7.1.3, 7.1.4, 11.1, 158.2.2.
[19] Lee Plan Goal 158, Policies 7.1.3.
[20] Lee Plan Policies 7.1.4, 158.3.1.
[21] *See* Staff Report (Attachment K); Staff Ex. 3 (correcting Attachment K3).
[22] *See* Lee Plan Map 1-A, Policy 1.5.1. This category permits low density residential uses that do not adversely affect ecological function.
[23] *See* Staff Report (pg. 5).
[24] LDC §34-411(h).
[25] LDC §34-411(g).
[26] Lee Plan Goal 77, Objective 77.2, LDC §10-416. Page 2 of the MCP is dedicated to open space regulation. Applicant seeks a deviation to allow the indigenous preserve and lake to support open space calculations.
[27] *See* Condition 7a, Deviation 2A.
[28] *See* MCP; Staff Report (Attachment E).
[29] *See* Staff Report (Attachment E).
[30] *See* Staff Report (Attachment E); Quattrone Testimony.

The MCP and conditions of approval ensure buffers remain consistent with adjoining developments along Three Oaks Parkway and I-75 frontages.[31]

As conditioned, the MPD will not adversely affect environmentally critical/sensitive areas or natural resources.

Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.[32] Existing regulations or conditions of approval must address expected impacts on transportation facilities.[33]

The property has two access points to Three Oaks Parkway extension, a four-lane arterial road.[34] Oriole Road intersects Three Oaks Parkway at the site. Oriole Road is a two-lane major collector roadway.[35] The northern project access point aligns with the Oriole Road intersection.[36]

Internal street design provides for efficient and safe traffic flow within the project and includes connections to future development on adjacent properties.[37] There is sufficient access to support the proposed development.[38]

The Traffic Impact Statement concluded projected trip generation would not have a detrimental impact on surrounding roadways.[39] Site related improvements will be evaluated during local development order review.[40]

Development will be subject to road impact fees.[41]

Proximity to Airport

The site is within a designated Special Treatment Area known as Airport Noise Zones B and C.[42] Airport Noise Zones are subject to varying levels of airport

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[31] Condition 7c.
[32] LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).
[33] LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).
[34] *See* Lee Plan Map 3-B; Staff Report (Attachment F).
[35] *See Id.*; Applicant Ex. 1 (slide 7).
[36] *See* Applicant Ex. 3: Post-Hearing Written Submission, updated MCP.
[37] Lee Plan Policies 7.1.1, 39.1.1; LDC §34-411(d).
[38] LDC §34-145(d)(4)a.1(d).
[39] *See* Staff Report (Attachment I: Traffic Impact Statement prepared by TR Transportation Consultants dated April 1, 2024); *See also* Staff Report (Attachment F: Memorandum from LCDOT dated September 20, 2024).
[40] Lee Plan Objective 39.1, Policy 39.1.1.
[41] LDC Chapter 2, Article VI.
[42] Lee Plan Map 1-E.

related noise.[43] County regulations require formal notification in the public records of potential noise related to aircraft overflights.[44]

Proximity to the airport also prompted deviation from the LDC since on-site detention/retention ponds attract wildlife, posing hazards to aircraft.[45]

Urban/Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.[46] The Lee Plan requires an evaluation of available urban services during the rezoning process.[47]

A host of urban services and infrastructure serve the property including roads, potable water, sanitary sewer, police, fire, and emergency medical services.[48]

Deviations

A "deviation" is a departure from the land development regulations.[49] Applicant seeks 12 deviations from the LDC. Requested deviations pertain to lake bank slopes, excavation setbacks, open space, littoral plantings, pedestrian connectivity, and signs. Staff supports approval of the requested deviations.[50]

The Hearing Examiner's standard of review for deviations requires a finding that the deviation:

1. Enhances achievement of the objectives of the planned development; and
2. Protects public health, safety, and welfare.[51]

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[43] Lee Plan Policy 47.2.1.

[44] Condition 8; LDC §34-1104(b); *See* Lee Plan Map 1-E, LDC Appendix C - Airport Noise Zones Map 1 SWFIA Airport Noise Notification Map. Formal notification is achieved by recording a Notice in the official County records setting forth the legal description of the 2020 Composite DNL noise contours and flight training over flight area as defined in the Federal Regulations, Part 150 Noise Compatibility Study for the SWFIA (2006).

[45] Lee Plan Policy 47.2.5. Applicant sought relief from code-required bank slopes, littoral shelf design and plantings for on-site detention/retention features.

[46] Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.

[47] Lee Plan Policy 2.2.1.

[48] *See* Staff Report (pg. 2-3, Attachment G). The site is serviced by San Carlos Park Fire Protection & Rescue District. Station #54 is proximate to the site and hosts an EMS substation. The nearest Lee County Sherriff's office is approximately 9 miles away. *See* Staff Report (pg. 3); Lee Plan Policy 6.1, 7.1, Lee Plan Objective 158.3, Policies 2.2.1, 158.3.1.

[49] LDC §34-2.

[50] Staff originally objected to Deviation 4C, but subsequently changed its recommendation to approval. *See* Hearing Testimony; Staff Ex. 3: Post-Hearing Written Submission dated November 6, 2024.

[51] LDC §34-377(a)(4)

Applying the LDC standard of review for deviations to the testimony and evidence in the record leads to a recommendation of approval for all requested deviations.

Conditions

The MPD will be subject to several conditions of approval. Proposed conditions reasonably relate to impacts anticipated from the project.[52] The Hearing Examiner recommends changes to conditions to improve clarity as presented in Exhibit B.

Public

No members of the public attended the hearing.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation that the requested MPD meets LDC approval criteria.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on testimony and evidence in the record.

As conditioned herein, the proposed Three Oaks Commerce Center MPD:

A. Complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 6, 7, 124, 158, Objective 1.5, 2.1, 2.2, 6.1, 7.1, 11.1, 47.2, 158.2, and Policy 1.1.7, 1.4.1, 1.5.1, 1.6.1, 1.6.5, 2.2.1, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7, 47.2.1, 124.1.1, 158.2.2, 158.3.2; Lee Plan Map 1-A, 1-B, 1-E, 3-B.

B. Meets the LDC and other County regulations. *See* LDC §34-934, §34-936.

C. Is compatible with existing and planned uses in the area. *See* Lee Plan Policies 1.1.7, 2.1.1, 2.1.2, 2.2.1, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7; LDC §34-411(c), (i), and (j).

D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. *See* Lee Plan Policy 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7.

[52] LDC §34-83(a)(4)a.3. The Hearing Examiner requested a condition addressing the impact of hotel development on commercial/office/industrial intensity to ensure the project remains consistent with proposed levels of impact evaluated in the TIS. The parties agreed to include Condition 6 to provide an off-set to reduce intensity if hotel rooms are developed. *See* Post-Hearing Written Submissions, Applicant Ex. 3. Staff Ex. 3.

E. Will not adversely affect environmentally critical areas and natural resources. *See* Lee Plan Goals 77, 124, Objectives 1.5, 4.1, 77.1, Policy 1.5.1, 7.1.1, 7.1.6, 124.1.2, Standard 4.1.4, LDC §34-411(h).

F. Will be served by urban services. *See* Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 6.1, 7.1, 53.1, 56.1; Policies 2.2.1, 6.1.1, 7.1.1, 7.1.3, 7.1.4, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).

G. The proposed use/mix of uses is appropriate at the proposed location. *See* Lee Policies 1.1.7, 1.5.1, 2.1.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4.

H. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See* LDC Chapters 10 and 34.

I. As conditioned herein, the deviations:

1. Enhance the objectives of the planned development; and

2. Protect public health, safety, and welfare. *See* §34-145(d)(4)a.2, §34-377(b)(4).

Date of Recommendation: November 12, 2024.

Amanda L. Rivera

Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

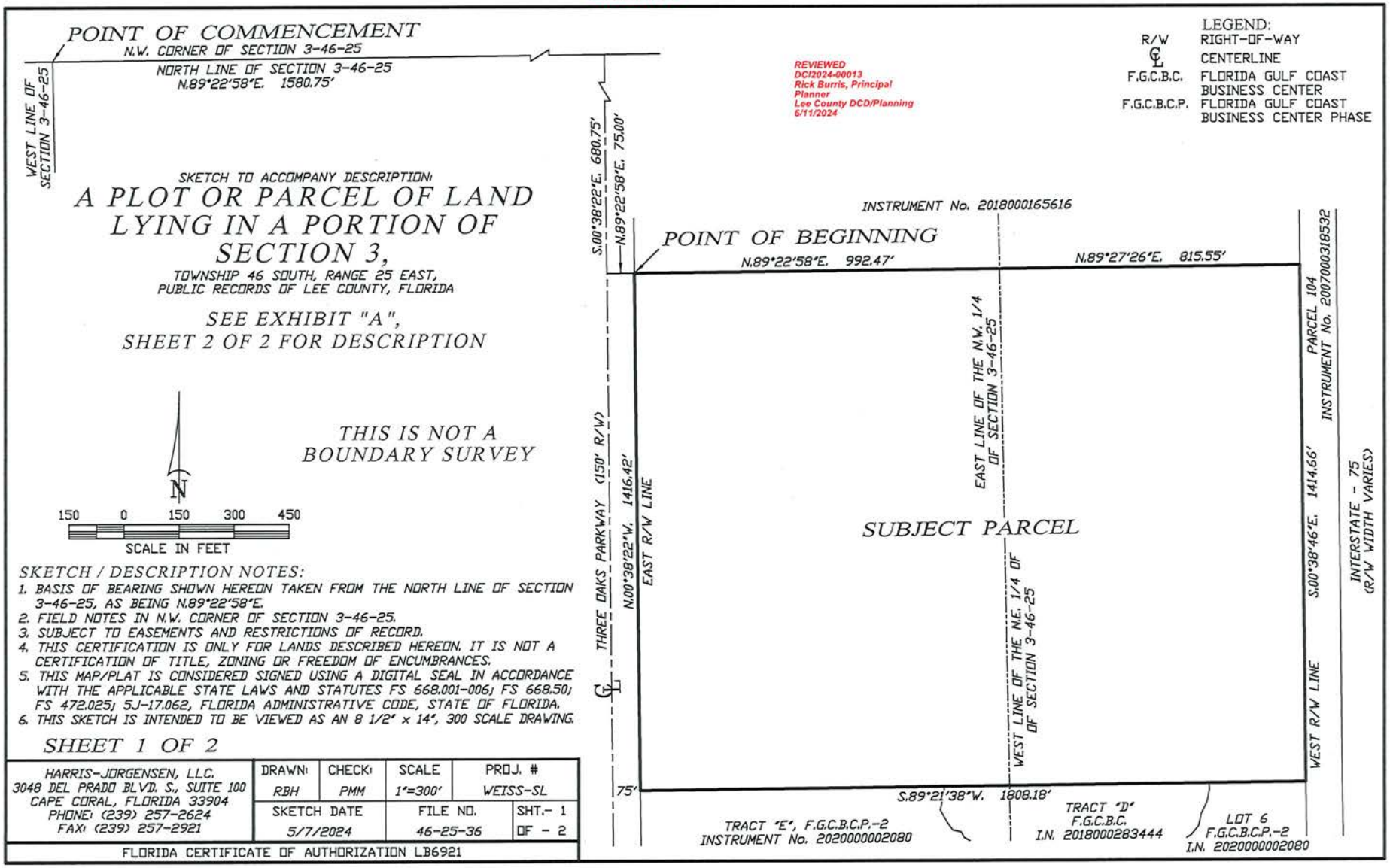
Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A


POINT OF COMMENCEMENT
N.W. CORNER OF SECTION 3-46-25
NORTH LINE OF SECTION 3-46-25
N.89°22'58"E. 1580.75'
WEST LINE OF SECTION 3-46-25
SKETCH TO ACCOMPANY DESCRIPTION:
A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 3,
TOWNSHIP 46 SOUTH, RANGE 25 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA
SEE EXHIBIT "A", SHEET 2 OF 2 FOR DESCRIPTION
THIS IS NOT A BOUNDARY SURVEY
N
150 0 150 300 450
SCALE IN FEET
SKETCH / DESCRIPTION NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE NORTH LINE OF SECTION 3-46-25, AS BEING N.89°22'58"E.
2. FIELD NOTES IN N.W. CORNER OF SECTION 3-46-25.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
6. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 300 SCALE DRAWING.
SHEET 1 OF 2
HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921
DRAWN: RBH
CHECK: PMM
SCALE 1"=300'
PROJ. # WEISS-SL
SKETCH DATE 5/7/2024
FILE NO. 46-25-36
SHT.- 1 OF - 2
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921
REVIEWED
DCI2024-00013
Rick Burris, Principal Planner
Lee County DCD/Planning
6/11/2024
LEGEND:
R/W RIGHT-OF-WAY
℄ CENTERLINE
F.G.C.B.C. FLORIDA GULF COAST BUSINESS CENTER
F.G.C.B.C.P. FLORIDA GULF COAST BUSINESS CENTER PHASE
S.00°38'22"E. 680.75'
N.89°22'58"E. 75.00'
INSTRUMENT No. 2018000165616
POINT OF BEGINNING
N.89°22'58"E. 992.47'
N.89°27'26"E. 815.55'
PARCEL 104
INSTRUMENT No. 2007000318532
EAST LINE OF THE N.W. 1/4 OF SECTION 3-46-25
THREE OAKS PARKWAY (150' R/W)
N.00°38'22"W. 1416.42'
EAST R/W LINE
SUBJECT PARCEL
S.00°38'46"E. 1414.66'
INTERSTATE - 75 (R/W WIDTH VARIES)
WEST LINE OF THE N.E. 1/4 OF SECTION 3-46-25
WEST R/W LINE
75'
S.89°21'38"W. 1808.18'
TRACT "E", F.G.C.B.C.P.-2
INSTRUMENT No. 2020000002080
TRACT "D"
F.G.C.B.C.
I.N. 2018000283444
LOT 6
F.G.C.B.C.P.-2
I.N. 2020000002080

DCI2024-00013 Lee County ePlan

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 3,

TOWNSHIP 46 SOUTH, RANGE 25 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE AFORESAID SECTION 3; THENCE RUN N.89°22'58"E. ALONG THE NORTH LINE OF SAID SECTION 3 FOR 1580.75 FEET; THENCE RUN S.00°38'22"E. FOR 680.75 FEET; THENCE RUN N.89°22'58"E. FOR 75.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°22'58"E. FOR 992.47 FEET TO THE WEST LINE OF THE NORTH EAST QUARTER (N.E. 1/4) OF SAID SECTION 3; THENCE RUN N.89°27'26"E. FOR 815.55 FEET TO THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 75, ALSO BEING THE WEST LINE OF PARCEL 104 ACCORDING TO INSTRUMENT NUMBER 2007000318532, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.00°38'46"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1414.66 FEET; THENCE RUN S.89°21'38"W. FOR 1808.18 FEET TO THE EAST RIGHT OF WAY LINE OF THREE OAKS PARKWAY (150 FEET WIDE); THENCE RUN N.00°38'22"W. ALONG SAID EAST RIGHT OF WAY FOR 1416.42 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,559,963 SQUARE FEET OR 58.77 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE AFORESAID SECTION 3, AS BEING N.89°22'58"E.

Phillip M Mould, LS6515, State of Florida

Digitally signed by Phillip M Mould, LS6515, State of Florida
Date: 2024.05.08 19:41:18 -04'00'

PHILLIP M. MOULD
LS6515
MAY 7, 2024

REVIEWED
DCI2024-00013
Rick Burris, Principal Planner
Lee County DCD/Planning
6/11/2024

DCI2024-00013

Zoning

Subject Property

N
W E
S

0 500 1,000 1,500 2,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
As modified by the Hearing Examiner

CONDITIONS

1. Master Concept Plan (MCP)/Development Parameters.

a. MCP. Development must be consistent with the two-page MCP entitled "Pinnacle at Three Oaks Commerce Center", received November 6, 2024, except as modified by the conditions below. (Exhibit B1)

b. Lee Plan/LDC. Development must comply with the Lee County LDC and Lee Plan at time of local development order approval. Subsequent changes to the MCP or this resolution may require further zoning approvals.

c. Development Parameters. The MPD is permitted 705,000 square feet of office, commercial retail, or industrial uses and 200 hotel rooms. If hotel rooms are developed, commercial/industrial square footage will be adjusted consistent with Condition 6.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses and Agricultural Accessory Uses (See Condition 4)
Agricultural Services Office/Base Operations
Aircraft Food Services and Catering
Airport Operations Facilities
Animals, Clinic or Kennel
ATM (automatic teller machines)
Auto Parts Store, with or without installations
Auto Repair and Service, All Groups
Automobile Service Station
- maximum 20 pumps, limited to 1 for the MPD
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Bar or Cocktail Lounge – limited to 1 for the entire MPD
Boats: Boat Parts Store, Boat Repair and Service, sales, dry storage
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups

Bus Station/Depot
-Limited to 1 for the MPD, Not permitted on lots with frontage on Three Oaks Parkway
Caretaker's Residence
Car wash
Cleaning & Maintenance Services
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization
Cold Storage, Pre-cooking, Warehouse & Processing Plant
Computer and Data Processing Services
Consumption on Premises
- In conjunction with restaurant use, bar, cocktail lounge, hotel/motel, nightclub only
Contractors and Builders, All Groups
Convenience Food and Beverage Stores
- Limited to 1 for the MPD (See Automobile Service Station)
Cultural Facilities
Department Store
Drive through for any permitted use
Drugstore, Pharmacy
Emergency Operations Center
EMS, Fire, or Sheriff's Office
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Excess Spoil Removal
Factory Outlets, Point of Manufacture Only
Fences, Walls
Food and Beverage Service, Limited
Food Stores, All Groups
Freight or Cargo Handling Establishments
Funeral Home and Mortuary, with or without crematorium
Gasoline Dispensing Systems, Special
Gift and Souvenir Shop
Golf Driving Range
Hardware Store
Health Care Facilities, All Groups
Heliport or Helistop
Hobby Toy and Game Shop
Hospice
Hotel/Motel – 200 Rooms Maximum
Household and Office Furnishings, All Groups

Insurance Companies
Laundry and Dry Cleaning, All Groups
Lawn and Garden Supply Store
Manufacturing of:
- Apparel Products
- Boats
- Chemical and Allied Products, Groups I and II
- Electrical Machinery and Equipment
- Fabricated Metal Products, Groups I, II and III
- Food and Kindred Products, Group III
- Furniture and Fixtures
- Leather and Leather Products, Group II
- Lumber and Wood Products, Group II
- Machinery, All Groups
- Measuring, Analyzing and Controlling Instruments
- Novelties, Jewelry, Toys and Signs, All Groups
- Paper and Allied Products, Groups II and III
- Rubber and Plastic Products, Group II
- Stone, Clay, Glass and Concrete Products, Groups I-IV
- Textile Mill Products, Groups I, II, and III
- Transportation Equipment, Groups I, II, and III

Maintenance Facility (Government)
Medical Office
Motion Picture Production Studio
Nightclub – limited to 1 for the MPD
Nonstore Retailer, All Groups
Package Store – limited to 1 for the MPD
Paint, Glass and Wallpaper
Parks, Groups I and II
Parcel and Express Services
Parking Lot
Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, All Groups (Excluding Steam or Turkish Baths, Escort Services, Palm Readers Fortunetellers or Card readers)
Pet Services
Pet Shop
Pharmacy
Photofinishing Laboratory
Post Office
Printing and Publishing
Processing and Warehousing
Recreational Facilities, Commercial, Groups I, III and IV (Excluding Outdoor Gun Ranges)

Rental or Leasing Establishment: All Group
Repair Shops: Groups I, II, III and IV
Restaurant, Fast Food
Restaurants: All Groups
Retail and Wholesale Sales, Ancillary to an Approved Use
Signs
Social Services: Groups I-II
Specialty Retail Shops: All Groups
Storage: Indoor, Open
Studios
Temporary Uses
Theater, Indoor
Transportation Services, Groups I, III and IV
Used Merchandise Stores: All Groups
Variety Store
Vehicle & Equipment Dealers: All Groups
Warehouse, Mini warehouse, Private, Public, Cold Storage, Hybrid
Wholesale Establishments: Groups I and IV

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks:

Street (Public):	25 feet
Street (Private)	15 feet
Side:	10 feet
Rear:	15 feet
Waterbody:	20 feet
Accessory Structures (side and rear)	5 feet

Development Perimeter Building Setback: 25 feet

Maximum Building Height:
85 feet (Height in excess of 35 feet must maintain additional setbacks of one-half foot for every foot over 35 feet)

Minimum Building Separation:
One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage:
Commercial: 50%
Industrial: 50%

Minimum Open Space: (See Deviation 2A)
Commercial: 25%
Industrial: 10%

3. **Building Design**
Buildings/structures fronting Three Oaks Parkway must comply with LDC Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development.

4. **Agricultural Uses**
Existing bona fide agricultural uses (livestock/pasture grazing) may continue 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. Clearing of native trees or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that includes existing grass pasture(s) may be mowed, but may not be cleared or expanded. This prohibition does not preclude county approved requests for invasive exotic vegetation removal.

c. Proof of Termination. Upon approval of a 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 approval by the County Attorney's Office:

1) Affidavit. Sworn affidavit from the property owner confirming:

a) Date agricultural uses ceased.

b) Legal description of the property subject to development order approval for vertical development.

c) Affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property, and that the owner covenants with the County not to resume agricultural uses until the property is rezoned to permit agricultural; and

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

2) 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.

5. Unified Sign Plan

Developer must submit a unified signage plan with the application for local development order.

6. Hotel

If a hotel use is proposed, the commercial/industrial floor area must be reduced based on equivalent number of trips using the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order approval.

7. Environmental

a. Development order plans must provide the open space required per lot or tract per sheet 2 of the MCP.

b. Development order plans must depict 5.04 acres of indigenous preserve and provide an indigenous management plan which specifies the entity responsible for maintenance of the preserve.

c. Development order plans must depict the following buffers:

1) Three Oaks Parkway buffer must consist of a 20-foot-wide buffer with five trees per 100 linear feet and a double hedge row.
2) Interstate 75 buffer must consist of a 15-foot-wide buffer with five trees and one palm per 100 linear feet and a double staggered hedge row. The buffer must be designed in a serpentine pattern.
3) Buffers must consist of 100 percent native vegetation and designed with unified landscape plant species.

8. **Airport Noise Zone**
The developer, successor or assign acknowledges the property's proximity to Southwest Florida International airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code Section 34-1104. The developer, successor or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in Land Development Code Section 34-1104(b).

9. **Transportation**
Developer must enter into a Signalization Agreement for the proportionate share contribution towards the design and installation/construction of traffic signal facilities at the access locations on Three Oaks Parkway as a part of the initial approval for Development at each connection. The proportionate share traffic signal agreement must be reviewed and approved by Lee County Department of Transportation and County Attorney's Office, executed, and recorded by the Lee County Clerk of Court prior to issuance of the first certificate of occupancy for development permitted under that development order.

10. **Development Permits**
County development permits do not establish a right to obtain permits from state or federal agencies. Further, county permits do not establish liability on the county if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies; or (b) undertakes actions resulting in violation of state or federal law.

DEVIATIONS

1. Deviation 1A WITHDRAWN

2. Deviation 1B Setbacks for Water Retention or Detention Excavations.
Deviation from LDC §10-329(d)(1)a.3 which requires no excavation will be allowed within 50 feet of any private property line under separate ownership; to allow a 25-foot setback and/or to allow a zero-foot setback when the lake is combined with an adjacent property lake.

   HEX Recommendation: Approval

3. Deviation 1C Bank Slopes.
Deviation from LDC §10-329(d)(4), which states that the banks of excavations permitted under this section must be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry

season water; to allow the existing lake to be sloped at a ratio of four horizontal to one vertical.

HEX Recommendation: Approval

4. Deviation 1D Fencing.
Deviation from LDC §10-329(d)(6), which states that a four-foot fence may be required, at the discretion of the Director, to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership; to not require fencing around any existing or proposed lakes.

HEX Recommendation: Approval

5. Deviation 2A Open Space.
Deviation from LDC §10-415(a), which requires all Large Industrial Developments to provide a minimum of 20% open space and all Large Commercial Developments to provide a minimum of 30% open space to allow the ± 5 acres Conservation Easement and 25% of Lake Tract parcels to be credit toward the open space as a whole and reduce the requirement to 25% for commercial uses on individual parcels and 10% for industrial uses on individual parcels.

HEX Recommendation: Approval, subject to the following condition:

Development order plans must provide the open space required per lot or tract per sheet 2 of the MCP.

6. Deviation 2B Planted Littoral Shelf.
Deviation from LDC §10-418(2)(a) and §10-418(2)(d)3, which require all surface water management systems to provide a planted littoral shelf that mimics the function of a natural marsh, and allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants required to allow native wetland trees to be substituted for 100% of the total number of herbaceous plants required.

HEX Recommendation: Approval, subject to the following conditions:

Development order plans must demonstrate a 4:1 littoral shelf on newly constructed lakes.

Landscape plans must demonstrate 100% substitution of herbaceous plants to native wetland trees for existing and new lakes to comply with FAA guidelines.

7. Deviation 3A Tree and Palm Spacing in Roadway Planting Areas (Street Trees).
Deviation from LDC §10-296(e)(2)d, which requires street trees to be planted on both sides of the road, allows palm trees may to be substituted for a maximum of 50 percent of the required small trees, and requires trees to be spaced evenly along the frontage and not clustered, to allow the trees required per this section of

the code to be planted on one side of the road, to allow 100 percent of the trees to be palm trees, and to allow the palm trees to be clustered. As an enhancement to the code, the palms must be staggered in height from 10 feet to 14 feet.

HEX Recommendation: Approval, subject to the following condition:

Prior to the first development order, landscape plans must depict tree and palm spacing in roadway planting areas as 100% cabbage palms. Cabbage palms may be clustered and staggered in height from a minimum of 10-feet to 14-feet.

8. Deviation 3B Cul-de-Sacs.
Deviation from LDC §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles; to allow the internal roads and/or accessways to be constructed with a hammerhead turnaround as depicted on the MCP.

HEX Recommendation: Approval, subject to the following condition:

Developer must demonstrate the hammerhead turnaround is of sufficient length to allow emergency vehicles, as specified by the San Carlos Park Fire & Rescue, to turn around.

9-10. Deviation 4A and 4B Nonresidential Identification Signs.
Deviation from LDC §30-153(2)a. and §30-153(2)a.1.ii., which require the development be permitted to have one identification sign equal to one square foot of sign area per face for everyone linear foot of frontage to allow one additional sign on the project's Three Oaks Parkway frontage for a total of two ground-mounted signs on Three Oaks Parkway and to allow two signs on Three Oaks Parkway with 200 square feet of sign area per face. This is a deviation of an additional 100 square feet of sign area on Three Oaks Parkway.

HEX Recommendation: Approval

11. Deviation 4C Permanent signs in Commercial and Industrial areas.
Deviation from LDC §30-153(2), which requires permanent signs in commercial and industrial areas not to exceed 200 square feet in area and 24 feet in height, to allow one 300 square-foot (per face) Electronic Identification Sign for the business center with a height of 35 feet along I-75.

HEX Recommendation: Approval

12. Deviation 5 Guidelines for Commercial Buildings and Developments.
Deviation from LDC §10-610(e) and §34-2015(2)(f), which require projects to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow the proposed local roadway as shown on the MCP to serve as the required interconnection for Lots 2,3,5,6, and 7, 9 and 10.

HEX Recommendation: Approval

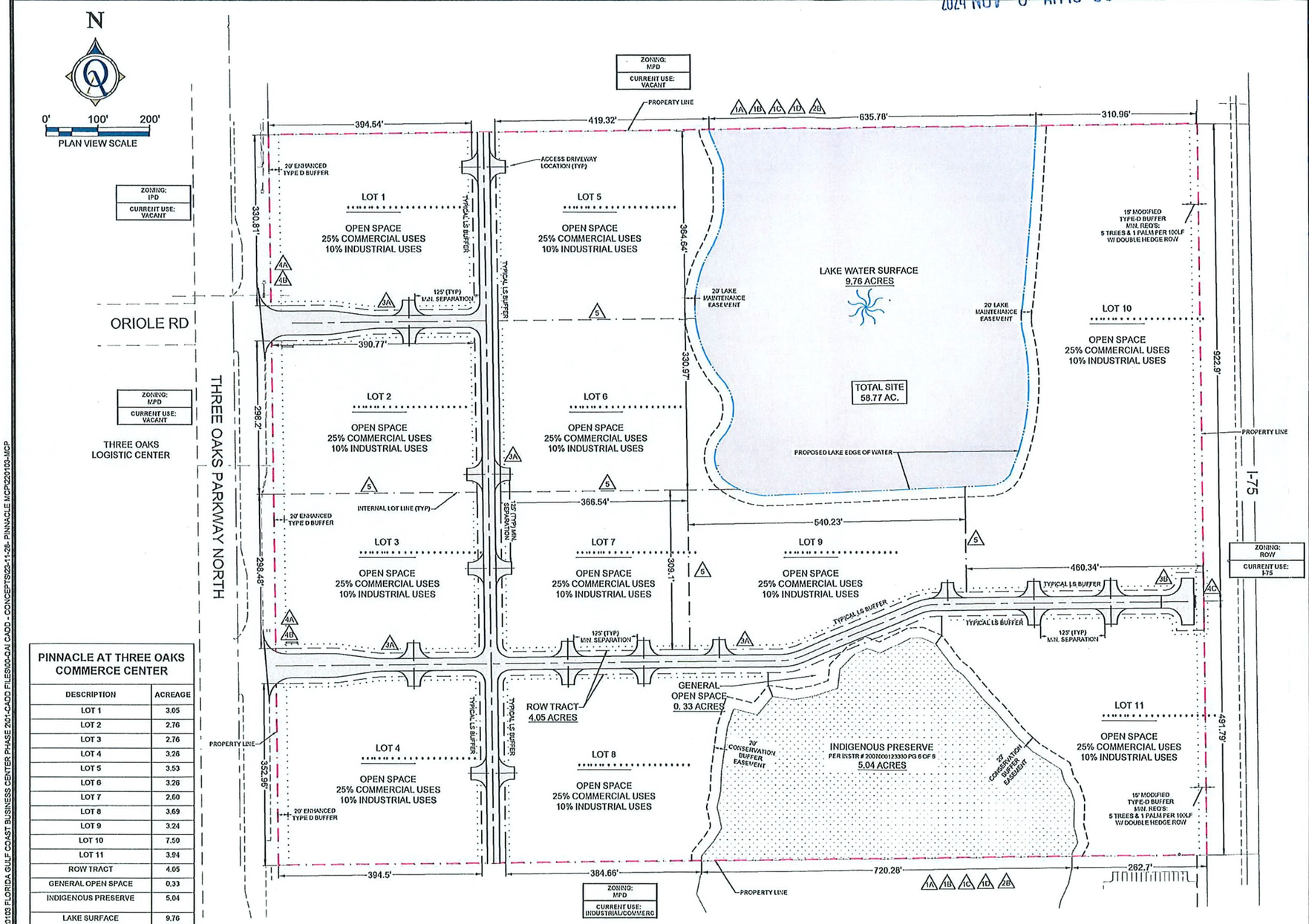
Exhibits to Conditions:
B1 Two-Page MCP received November 6, 2024

PINNACLE AT THREE OAKS COMMERCE CENTER

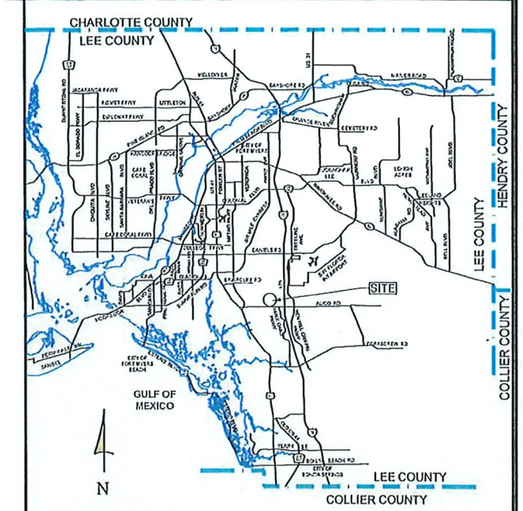
LOCATED IN SECTION 46, TOWNSHIP 25-S, RANGE 03-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2024 NOV -6 AM 10:06

MASTER CONCEPT PLAN



PINNACLE AT THREE OAKS COMMERCE CENTER	
DESCRIPTION	ACREAGE
LOT 1	3.05
LOT 2	2.76
LOT 3	2.76
LOT 4	3.26
LOT 5	3.53
LOT 6	3.26
LOT 7	2.60
LOT 8	3.69
LOT 9	3.24
LOT 10	7.50
LOT 11	3.94
ROW TRACT	4.05
GENERAL OPEN SPACE	0.33
INDIGENOUS PRESERVE	5.04
LAKE SURFACE	9.76
TOTAL ACREAGE	58.77



LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

ZONING/REZONING
AG TO MPD

STRAP #
03-46-25-00-00001.103B

PROJECT ACREAGE
58.77 ACRES (2,560,002.12 SF.)

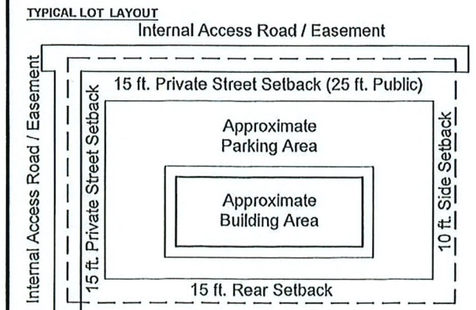
PROJECTED INTENSITY
MAX. BUILDING FLOOR AREA = 705,000 SF.
MINIMUM 30,000 SF. COMMERCIAL.
MINIMUM 30,000 SF. INDUSTRIAL.

OPEN SPACE
COMMERCIAL USES 25%
INDUSTRIAL USES 10%

CONSERVATION AND LAKE AREA

DEVIATION SYMBOL X

TYPICAL LOT LAYOUT



Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

EXHIBIT B-1

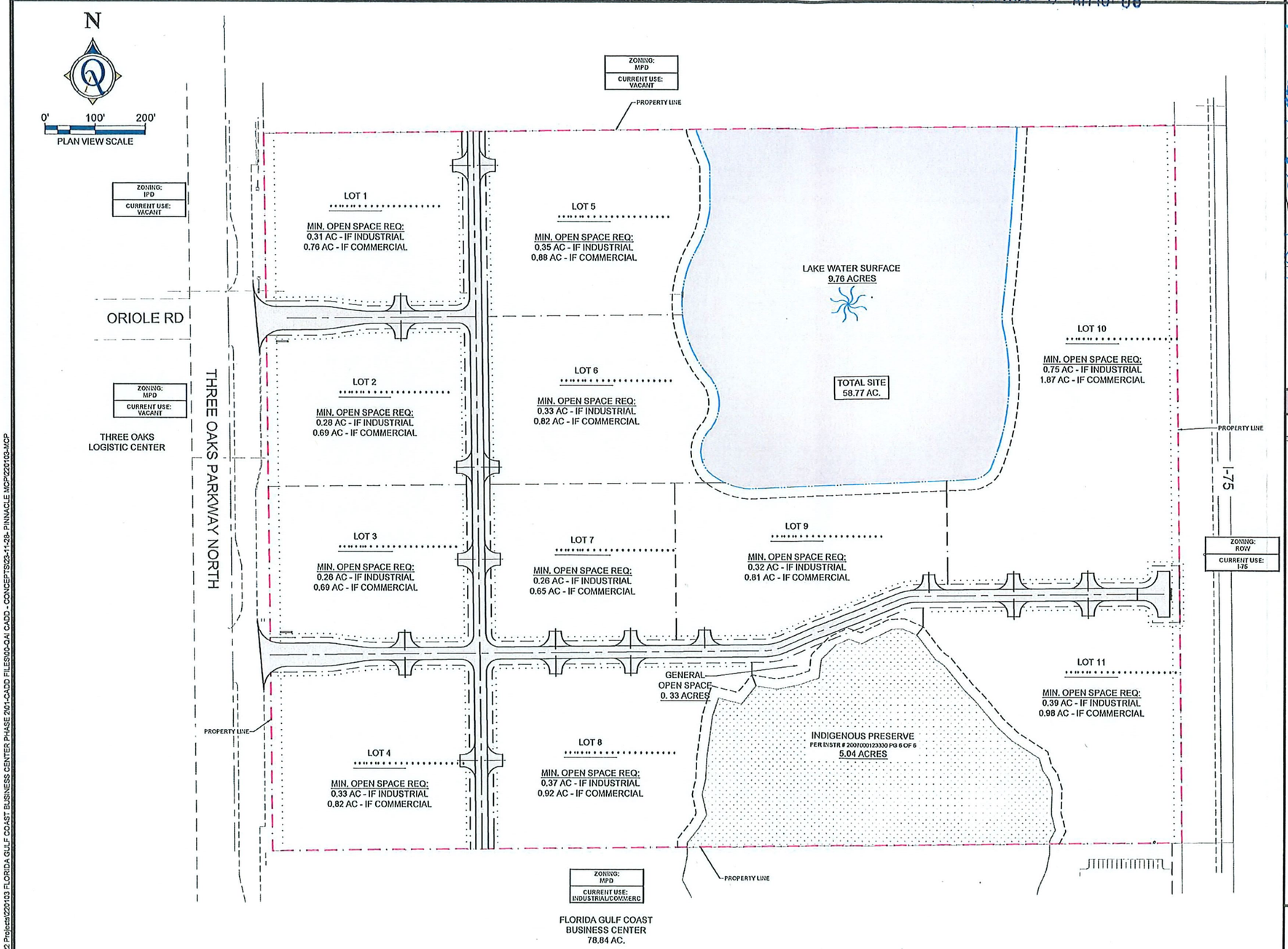
P:\2022 Projects\220103 FLORIDA GULF COAST BUSINESS CENTER PHASE 2\01-CADD FILES\00-CAI CADD - CONCEPT\2023-11-28- PINNACLE MCP\220103-MCP

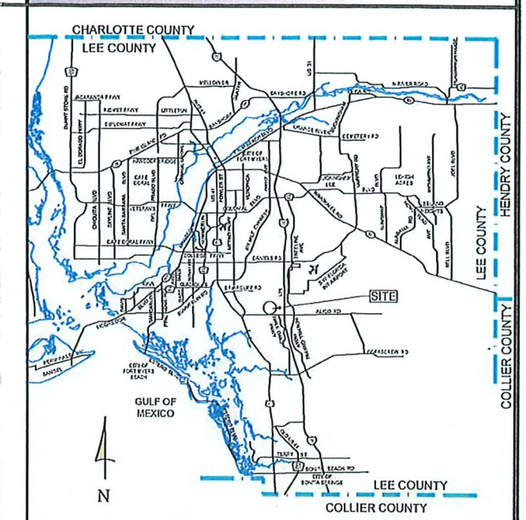
PINNACLE AT THREE OAKS COMMERCE CENTER

LOCATED IN SECTION 46, TOWNSHIP 25-S, RANGE 03-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2024 NOV -6 AM 10: 06

OPEN SPACE EXHIBIT





LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

PINNACLE AT THREE OAKS COMMERCE CENTER MCP AREA

DESCRIPTION	AREA (AC)	INDUSTRIAL (AC) 10% OPEN SPACE REQUIRED	COMMERCIAL (AC) 25% OPEN SPACE REQUIRED
LOT 1	3.05	0.31	0.76
LOT 2	2.76	0.28	0.69
LOT 3	2.76	0.28	0.69
LOT 4	3.26	0.33	0.82
LOT 5	3.53	0.35	0.88
LOT 6	3.26	0.33	0.82
LOT 7	2.60	0.26	0.65
LOT 8	3.69	0.37	0.92
LOT 9	3.24	0.32	0.81
LOT 10	7.50	0.75	1.87
LOT 11	3.94	0.39	0.98
ROW TRACT	4.05	0	0
INDIGENOUS PRESERVE	5.04	5.04	5.04
LAKE SURFACE	9.76	2.44	2.44
INDIGENOUS PRESERVE	0.33	0.33	0.33
TOTAL ACERAGE	58.77	11.78	17.70
PERCENTAGE PROVIDED		20.04%	30.12%
Large Project Open Space Required		20% =11.76 AC	30% = 17.63 AC

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

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Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received October 7, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. Affidavit of Publication: For Pinnacle at Three Oaks Commerce Center, DCI2024-00013, for Lee County Hearing Examiner Public Hearing (1 page – 8.5"x11")

3. *Written Submissions:* Memorandum from Chahram Badamtchian to Amanda L. Rivera, dated November 6, 2024 (multiple pages – 8.5"x11" and 2 pages – 11"17"){post hearing submittal}

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Sharon Hrabak to Maria Pere, with copies to Al Quattrone and Alan Freeman, dated Tuesday, October 22, 2024, 9:34 AM (3 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by Quattrone & Associates, Inc., for Pinnacle at Three Oaks Commerce Center, DCI2024-00013, for Lee County Hearing Examiner Public Hearing, dated Monday, October 21, 2024(multiple pages – 8.5"x11")[color]

2. *Correct Attachment K.3 of the Staff Report:* Administrative Amendment (PD) ADD202-000139 (multiple pages – 8.5"x11")

3. *Written Submissions:* Email from Sharon Hrabak to maria Perez, with copies to Alan Freeman, Chahram Badamtchian, and Richard Akin, Esq.., dated Thursday, October 31, 2024, 2:55 PM (multiple pages – 8.5"x11" and 2 pages – 11"17"){post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Richard Akin, Esq.
2. Alan Freeman
3. Al Quattrone

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

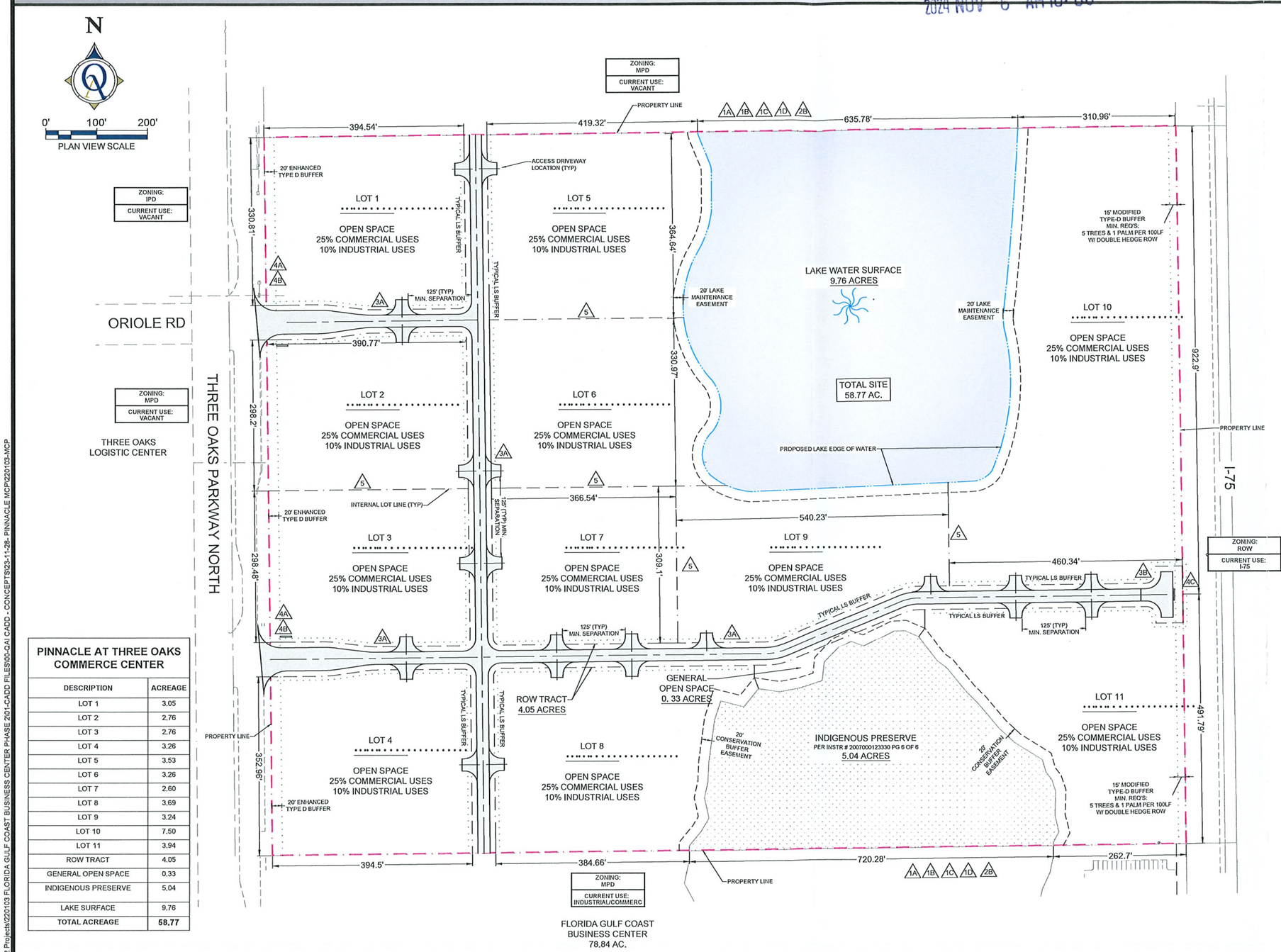
B. A verbatim transcript may also be available for purchase from the court reporting service.

PINNACLE AT THREE OAKS COMMERCE CENTER

LOCATED IN SECTION 46, TOWNSHIP 25-S, RANGE 03-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2024 NOV 6 AM 10:06

MASTER CONCEPT PLAN



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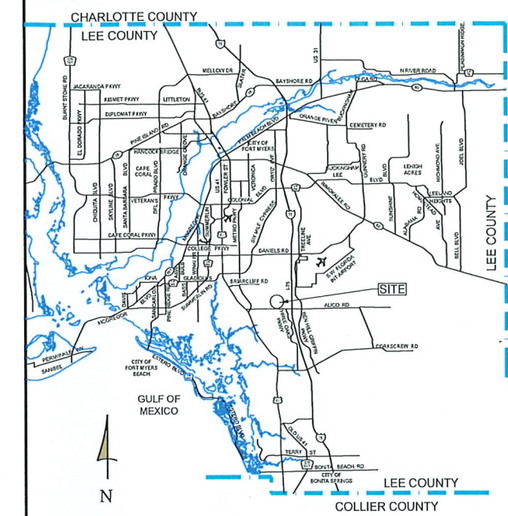

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PROJECT SUMMARY:

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AG TO MPD

STRAP #
03-46-25-00-00001.103B

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COMMERCIAL USES 25%
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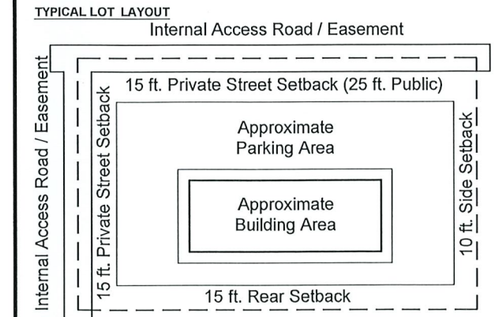
CONSERVATION AND LAKE AREA

DEVIATION SYMBOL (X)

TYPICAL LOT LAYOUT



Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

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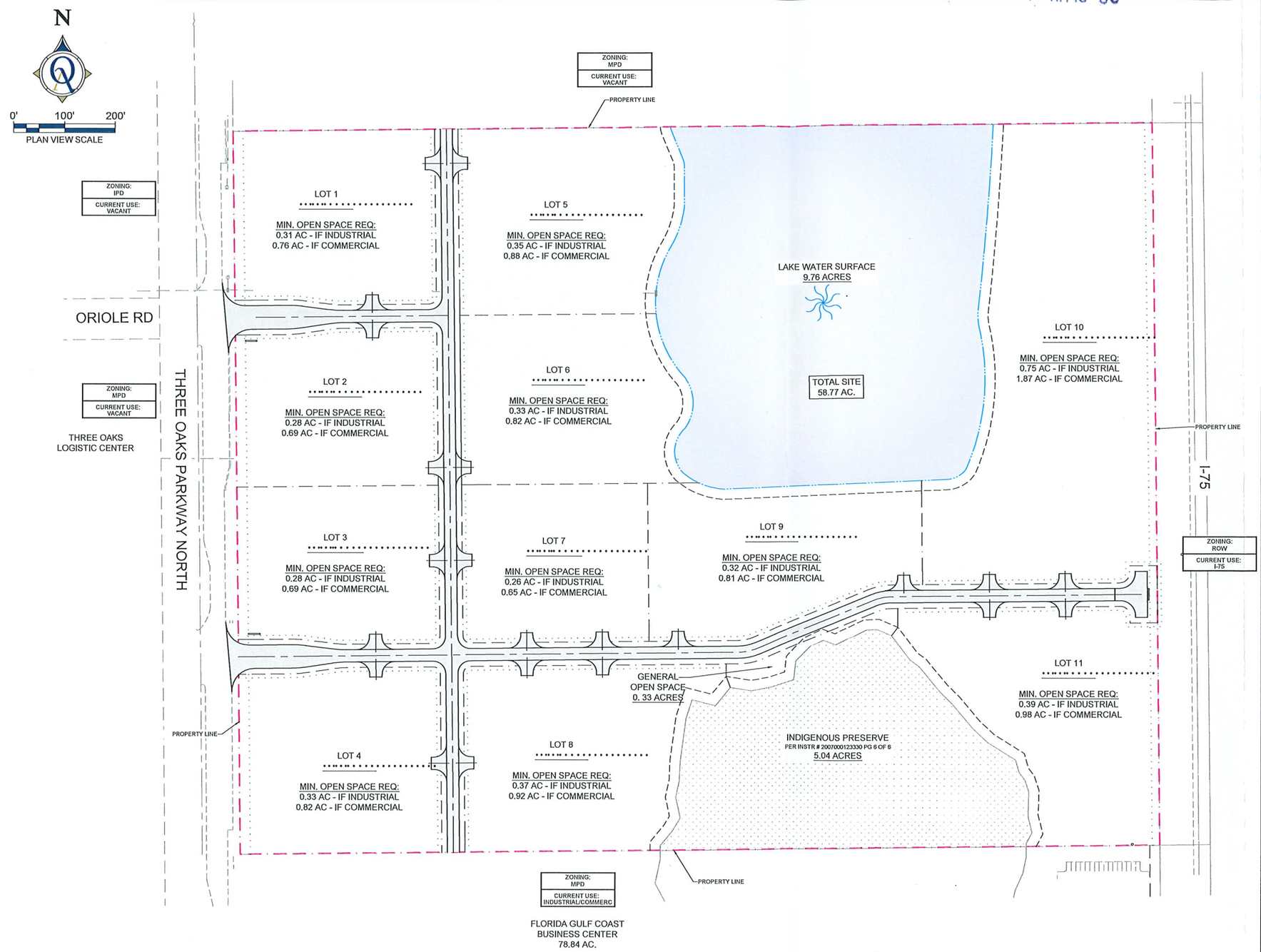
ATTACHMENT D

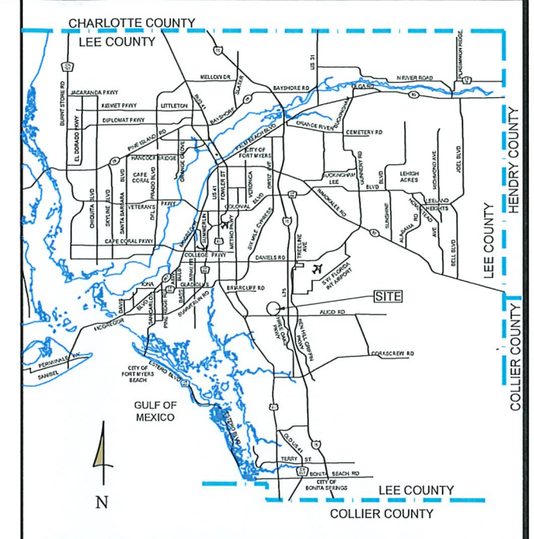
PINNACLE AT THREE OAKS COMMERCE CENTER

LOCATED IN SECTION 46, TOWNSHIP 25-S, RANGE 03-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2024 NOV -6 AM 10: 06

OPEN SPACE EXHIBIT





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Quattrone & Associates, Inc.
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ATTACHMENT C

DCI2024-00013, Pinnacle at Three Oaks Commerce Center MPD Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the three-page Master Concept Plan entitled **"Pinnacle at Three Oaks Commerce Center**", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This planned development will allow a maximum of 705,000 square feet of office, commercial retail and/or industrial uses and 200 hotel rooms.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural Uses and Agricultural Accessory Uses, Subject to condition 4
Agricultural Services Office/Base Operations
Aircraft Food Services and Catering
Airport Operations Facilities
Animals, Clinic or Kennel
ATM (automatic teller machines)
Auto Parts Store, with or without installations
Auto Repair and Service, All Groups
Automobile Service Station
- maximum 20 pumps, limited to 1 for the entire MPD
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Bar or Cocktail Lounge – limited to 1 for the entire MPD
Boats: Boat Parts Store, Boat Repair and Service, sales, dry storage
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups
Bus Station/Depot
-Limited to 1 for the entire MPD and not permitted on lots with frontage on Three Oaks Parkway
Caretaker's Residence
Car wash

Cleaning & Maintenance Services
Clothing Stores, General
Clubs: Commercial, Fraternal, Membership Organization
Cold Storage, Pre-cooking, Warehouse & Processing Plant
Computer and Data Processing Services
Consumption on Premises
- In conjunction with restaurant use, bar, cocktail lounge, hotel/motel, nightclub only

Contractors and Builders, All Groups
Convenience Food and Beverage Stores
- Limited to 1 for the entire MPD (See Automobile Service Station)

Cultural Facilities
Department Store
Drive through for any permitted use
Drugstore, Pharmacy
Emergency Operations Center
EMS, Fire, or Sheriff's Office
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Excess Spoil Removal
Factory Outlets, Point of Manufacture Only
Fences, Walls
Food and Beverage Service, Limited
Food Stores, All Groups
Freight or Cargo Handling Establishments
Funeral Home and Mortuary, with or without crematorium
Gasoline Dispensing Systems, Special
Gift and Souvenir Shop
Golf Driving Range
Hardware Store
Health Care Facilities, All Groups
Heliport or Helistop
Hobby Toy and Game Shop
Hospice
Hotel/Motel – 200 Rooms Maximum
Household and Office Furnishings, All Groups
Insurance Companies
Laundry and Dry Cleaning, All Groups
Lawn and Garden Supply Store
Manufacturing of:
- Apparel Products
- Boats
- Chemical and Allied Products, Groups I and II
- Electrical Machinery and Equipment

- Fabricated Metal Products, Groups I, II and III
- Food and Kindred Products, Group III
- Furniture and Fixtures
- Leather and Leather Products, Group II
- Lumber and Wood Products, Group II
- Machinery, All Groups
- Measuring, Analyzing and Controlling Instruments
- Novelties, Jewelry, Toys and Signs, All Groups
- Paper and Allied Products, Groups II and III
- Rubber and Plastic Products, Group II
- Stone, Clay, Glass and Concrete Products, Groups I-IV
- Textile Mill Products, Groups I, II, and III
- Transportation Equipment, Groups I, II, and III

Maintenance Facility (Government)
Medical Office
Motion Picture Production Studio
Nightclub – limited to 1 for the entire MPD
Nonstore Retailer, All Groups
Package Store – limited to 1 for the entire MPD
Paint, Glass and Wallpaper
Parks, Groups I and II
Parcel and Express Services
Parking Lot
Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, All Groups (Excluding Steam or Turkish Baths, Escort Services, Palm Readers Fortunetellers or Card readers)
Pet Services
Pet Shop
Pharmacy
Photofinishing Laboratory
Post Office
Printing and Publishing
Processing and Warehousing
~~Real Estate Sales Office~~
Recreational Facilities, Commercial, Groups I, III and IV <u>(Excluding Outdoor Gun Ranges)</u>
Rental or Leasing Establishment: All Group
Repair Shops: Groups I, II, III and IV
Restaurant, Fast Food
Restaurants: All Groups
Retail and Wholesale Sales, Ancillary to an Approved Use
~~Self Service Fuel Pumps - maximum 20 pumps~~
Signs
Social Services: Groups I-II
Specialty Retail Shops: All Groups
Storage: Indoor, Open

Studios
Temporary Uses
Theater, Indoor
Transportation Services, Groups I, III and IV
Used Merchandise Stores: All Groups
Variety Store
Vehicle & Equipment Dealers: All Groups
Warehouse, Mini warehouse, Private, Public, Cold Storage, Hybrid
Wholesale Establishments: Groups I and IV

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks:

Street (Public):	25 feet
Street (Private)	15 feet
Side:	10 feet
Rear:	15 feet
Waterbody:	20 feet
Accessory Structures (side and rear)	5 feet

Development Perimeter Building Setback: ~~15 feet~~ 25 feet

Maximum Building Height:
75 feet (Height in excess of 35 feet must maintain additional setbacks of one-half foot for every foot over 35 feet)

Minimum Building Separation:
One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage:

Commercial:	50%
Industrial:	50%

Minimum Open Space: (See Deviation 3A)

Commercial:	25%
Industrial:	10%

3. Building Design

All industrial or commercial buildings and structures fronting on Three Oaks Parkway must comply with Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development, of the Lee County LDC.

4. AGRICULTURAL USES

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.

5. Unified Sign Plan

The developer must submit a unified signage plan with the application for local development order.

7. Environmental

A. Development order plans must provide the open space required per lot or tract per sheet 2 of the Master Concept Plan.

B. Prior to the issuance of any development order, the development order plans must depict 5.04 acres of indigenous preserve and provide an indigenous management plan which specifies the entity that is responsible for maintenance of the indigenous preserve.

C. Prior to the issuance of a development order, the development order must depict the following buffers:

I. Three Oaks Parkway buffer must consist of a 20-foot-wide buffer with five trees per 100 linear feet and a double hedge row.

II. Interstate 75 buffer must consist of a 15-foot-wide buffer with five trees and one palm per 100 linear feet and a double staggered hedge row. The buffer must be designed in a serpentine pattern.

III. All buffers must consist of 100 percent native vegetation and designed with unified landscape plant species.

8. Airport Noise Zone

The developer, successor or assign acknowledges the property's proximity to Southwest Florida International airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code Section 34-1104. The developer, successor or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in Land Development Code Section 34-1104(b).

9. Transportation

The applicant/developer must enter into a Signalization Agreement for the proportionate share contribution towards the design and installation/construction of traffic signal facilities at the access locations on Three Oaks Parkway as a part of the initial approval for Development at each connection. The proportionate share traffic signal agreement must be reviewed and approved by Lee County Department of Transportation and County Attorney's Office, executed, and recorded by the Lee County Clerk of Court prior to issuance of the first certificate of occupancy for development permitted under that development order.

B. DEVIATIONS:

DEVIATION 1A Setbacks for Water Retention or Detention Excavations.
Deviation from Land Development Code Section 10-329(d)(1)a.2, which requires that no excavation will be allowed within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street; to allow a 25-foot setback.

Staff recommends withdrawal of this deviation. The Master Concept Plan does not depict any lakes near a collector or arterial road.

DEVIATION 1B Setbacks for Water Retention or Detention Excavations.
Deviation from Land Development Code Section 10-329(d)(1)a.3 which requires that no excavation will be allowed within 50 feet of any private property line under separate ownership; to allow a 25-foot setback and/or to allow a zero-foot setback when the lake is combined with an adjacent property lake.

Staff recommends approval of this deviation. The adjacent properties are part of the same master storm management system permitted by the South Florida Water Management District in Permit #36-05268-P, which provides for existing drainage easements that extend beyond the north property line.

DEVIATION 1C Bank Slopes.
Deviation from Land Development Code Section10-329(d)(4), which states that the banks of excavations permitted under this section must be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water; to allow the existing lake to be sloped at a ratio of four horizontal to one vertical.

Staff recommends approval of this deviation. This is only applicable to the existing lake on the north side of the property.

Deviation 1D Fencing.
Deviation from Land Development Code Section 10-329(d)(6), which states that a four-foot fence may be required, at the discretion of the Director, to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership; to not require fencing around any existing or proposed lakes.

Staff recommends approval of this deviation for the existing lake only. This project is surrounded by other industrial/commercial properties that are part of the same master drainage system.

DEVIATION 2A Open Space.
Deviation from Land Development Code Section 10-415(a), which requires all Large Industrial Developments to provide a minimum of 20% open space and all Large Commercial Developments to provide a minimum of 30% open space to allow the ± 5 acres Conservation Easement and 25% of Lake Tract parcels to be credit toward the open space as a whole and reduce the requirement to 25% for commercial uses on individual parcels and 10% for industrial uses on individual parcels.

Staff recommends approval of this deviation subject to the following condition:

> *Development order plans must provide the open space required per lot or tract per sheet 2 of the Master Concept Plan.*

DEVIATION 2B Planted Littoral Shelf.

Deviation from Land Development Code Sections 10-418(2)(a) and 10-418(2)(d)3, which require all surface water management systems to provide a planted littoral shelf that mimics the function of a natural marsh, and allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants required to allow native wetland trees to be substituted for 100% of the total number of herbaceous plants required.

This deviation is necessary to comply with FAA guidelines. Staff recommends approval of this deviation subject to following conditions:

> *The development order plans must demonstrate a 4:1 littoral shelf on newly constructed lakes.*
>
> *The landscape plans must demonstrate a 100% substitution of herbaceous plants to native wetland trees for both the existing lakes and new lakes, to comply with FAA guidelines.*

DEVIATION 3A Tree and Palm Spacing in Roadway Planting Areas (Street Trees).

Deviation from Land Development Code Section 10-296(e)(2)d, which requires street trees to be planted on both sides of the road, allows palm trees may to be substituted for a maximum of 50 percent of the required small trees, and requires trees to be spaced evenly along the frontage and not clustered, to allow the trees required per this section of the code to be planted on one side of the road, to allow 100 percent of the trees to be palm trees, and to allow the palm trees to be clustered. As an enhancement to the code, the palms must be staggered in height from 10 feet to 14 feet.

Staff recommends approval of this deviation subject to the following condition:

> *Prior to the first development order, landscape plans must depict tree and palm spacing in roadway planting areas as 100% cabbage palms. Cabbage palms may be clustered and must be staggered in height from a minimum of 10-feet to 14-feet.*

DEVIATION 3B Culs-de-Sac.

Deviation from Land Development Code Section 10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles; to allow the internal roads and/or accessways to be constructed with a hammerhead turnaround as depicted on the MCP.

Staff recommends approval of this deviation subject to the following condition:

At time of development order, the applicant must demonstrate that the hammerhead turnaround is of sufficient length to allow emergency vehicles, as specified by the San Carlos Park Fire & Rescue, to turn around.

DEVIATION 4A and 4B Nonresidential Identification Signs.

Deviation from Land Development Code Sections 30-153(2)a. and 30-153(2)a.1.ii., which require that the development be permitted to have one identification sign equal to one square foot of sign area per face for everyone linear foot of frontage to allow one additional sign on the project's Three Oaks Parkway frontage for a total of two ground-mounted signs on Three Oaks Parkway and to allow two signs on Three Oaks Parkway with 200 square feet of sign area per face. This is a deviation of an additional 100 square feet of sign area on Three Oaks Parkway.

Staff recommends approval of this deviation. This project contains over 1,200 feet of road frontage. This deviation will allow each entrance to have an identification sign.

DEVIATION 4C Permanent signs in Commercial and Industrial areas.

Deviation from Land Development Code Section 30-153(1)b.2.i., which does not allow permanent signs in commercial and industrial areas on roads where public access is not available, to allow for one 300 square-foot (per face) Electronic Identification Sign for the business center along I-75. The sign is proposed to be placed at the end of the hammerhead right-of-way per to the Signage Plan.

Staff recommends denial of this deviation. Allowing a sign where the Code does not allow one is not an allowable deviation.

DEVIATION 5 Guidelines for Commercial Buildings and Developments.

Deviation from Land Development Code Sections10-610(e) and 34-2015(2)(f), which require projects to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow the proposed local roadway as shown on the Master Concept Plan to serve as the required interconnection for Lots 2,3,5,6, and 7, 9 and 10.

Staff recommends approval of this deviation. The proposed parcels will have access to a privately maintained local road with a posted speed limit of 25 mph which is sufficient for safe access to these parcels.

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

TYPE OF CASE:	**PLANNED DEVELOPMENT/DCI**
CASE NUMBER:	**DCI2024-00013**
HEARING EXAMINER DATE:	**October 24, 2024**

APPLICATION SUMMARY

Applicant: Quattrone and Associates, Inc. in reference to Pinnacle at Three Oaks Commerce Center MPD.

Request: Request to rezone 58.77± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow for up to 705,000 square feet of office, commercial retail, and/or industrial uses and 200 hotel rooms.

Location: The subject property is located on the east side of Three Oaks Parkway approximately 0.8 miles north of Alico Road, in the Gateway/Airport Planning Community, Lee County, FL. (District #2). The applicant indicates the property's STRAP number is 03-46-25-00-00001.103B.

SUMMARY:

Staff recommends approval of the applicant's request to rezone the subject property with the conditions and deviations found in Attachment C.

The conditions have been prepared to address the proposed development and consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, and addressing future infrastructure needs to support the development and address the needs of the community.

The applicant's request includes twelve (12) deviations from the requirements of the Land Development Code. Staff recommends approval of nine (9) with conditions, denial of one, and withdrawal of one.

CHARACTER OF THE AREA

The area is partially to mostly developed with industrial and commercial uses along Three Oaks Parkway. Due to its proximity to the Airport, the properties in the area are being rezoned to Commercial, Industrial and Mixed Use Planned Developments allowing industrial and commercial uses. The area is partially within Airport Noise Zone "B" with a corner of it in Zone "C", making it more appropriate for industrial and heavy commercial type uses. Properties to the north and west of the subject site are within the Industrial Development Future Land Use designation. Properties to the south of this site have the Industrial Commercial Interchange Future Land Use designation. This property abuts I-75 to the east.

To the north, this property abuts a vacant Mixed Use Planned Development, (Best Home Services MPD, approved by Resolution Z-19-016, attached as Attachment K.1).

To the west, across Three Oaks Parkway, there is a vacant Mixed Use Planned Development (Alico 37 MPD, approved by Resolution Z-11-010, attached as Attachment K.2). To the north of Alico 37 MPD there is a partially developed Industrial Planned Development (Three Oaks Commerce Park IPD, approved by Resolution Z-21-009, attached as Attachment K.3).

To the south there are partially developed Mixed Use Planned Development (Florida Gulf Coast Business Center, approved by Resolution Z-18-001, attached as Attachment K.4).

ANALYSIS

The subject property is located in Gateway/Airport Planning Community. The site consists of 58.77± acres and is currently vacant. The property fronts on Three oaks Parkway. The request is to rezone the site to Mixed Use Planned Development to allow for up to 705,000 square feet of industrial, office, and retail uses, and 200 hotel rooms.

The Traffic Impact Statement (TIS) provided by the applicant indicates 675,000 square feet of retail and 30,000 square feet of industrial uses. The hotel use is not included in the trip generation of the site. The hotel, if developed, will require a proportionate reduction in the square footage of commercial and/or industrial uses to offset the number of trips generated by the hotel.

Environmental

Environmental Staff has reviewed this project and recommends approval subject to conditions (See Attachment E).

Transportation

Lee County Department of Transportation reviewed this request and recommended approval subject to conditions. This project will generate 16,944 daily 2-way trips. Three Oaks Parkway will function at a Level of Service “C” with or without this project (Attachment F).

Master Concept Plan

The Master Concept Plan depicts two entrances to the development from Three Oaks Parkway. The Master Concept Plan also depicts a total of 11 development tracts. Four of the tracts front directly on Three Oaks Parkway. The largest tract is only accessible from the internal road network. The MCP depicts a large lake and an indigenous preserve area.

Airport Noise Zones

This property is partially located within Airport Noise Zones “B” and “C”. In compliance with Land Development Code Section 34-1104, a condition was added to the list of conditions of approval for this project to provide notification to future property owners within this development.

Availability of Urban Services

The Lee Plan defines Urban Services as the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

> **Public sewer and water:** County potable water and sanitary sewer services are available to the site and the site will connect to those services.

Paved streets and roads: The subject property fronts Three Oaks Parkway, an arterial road and will have direct access to that road at preestablished access points.

Public transit: There is currently no public transportation line within the vicinity of the subject site.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by San Carlos Fire Protection District (Station #54), located at the southwest of this site (16900 Oriole Road). This fire station also contains an EMS substation. A Sheriff's substation is located 8350 Hospital Drive in Bonita Springs about 9 miles from this site.

Urban surface water management: Any future development will be required to comply with the LDC, including provisions for surface water management.

Schools: The subject property is served by the School District of Lee County and is located in South Choice (S-2) Zone. This request does not contain residential uses and therefore, will have no impact on classroom needs.

Employment, industrial, and commercial centers: The subject property will provide employment opportunities in the area.

LEE PLAN

The site is located in the Gateway/Airport Planning District and within the Industrial Development and Wetlands Future Land Use categories established by the Lee Plan.

The Industrial Development Future Land Use category is reserved mainly for industrial activities and selective land use mixtures. According to the Lee Plan, appropriate land use mixtures include industrial, manufacturing, research, recreational uses and office complexes. Retail and recreational uses may not exceed 20% of the total acreage within the Industrial Development Future Land Use categories of each Planning Community. Staff finds the proposed development, as conditioned, consistent with Policy 1.1.7 of the Lee Plan.

There is a wetland located along the south property line that extends into the south parcel which is zoned Mixed-Use Planned Development. All development in the Wetlands must be consistent with Lee Plan Goal 124. This goal requires an applicant to demonstrate what type of mitigation measures will be required by the State to impact the State wetlands existing on the site. The onsite portion of the wetland is in a conservation easement. Staff finds the proposed development, as conditioned, consistent with Policies 1.5.1 and 124.1.1 of the Lee Plan.

This property mostly falls within Airport Noise Zone "B". This Overlay requires formal notifications to all tenants and purchasers consistent with LDC Section 34-1104(b). A condition requiring the notification included in the staff recommended conditions. Staff finds the proposed development, as conditioned, consistent with Policy 1.6.1 of the Lee Plan.

This property fronts on Three Oaks Parkway, an arterial road. Water and sewer services are available to the site. All urban services are available to this site, and the area is planned and is

being rezoned to be developed with uses similar to this development project. Staff finds the proposed development, as conditioned, consistent with Policy 2.2.1 of the Lee Plan.

Water and sewer lines are within the vicinity of this parcel, and they will be extended to provide services to this site. Staff finds the proposed development consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan.

This development meets the threshold for Development of County Impact and is being reviewed as a Mixed Use Planned Development (MPD). This project is being reviewed for traffic impact, neighborhood compatibility, availability and adequacy of urban services and landscaping and buffer requirements.

The area, due to its location and Future Land Use designation, is appropriate for industrial and commercial uses. It fronts on an arterial road and is not adjacent to any residential developments. Staff finds the proposed development, as conditioned, consistent with Objective 6.1 and its attendant policies, and Policies 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7, and 7.1.8 of the Lee Plan.

This rezoning request is for a mixed-use development. The area contains sufficient infrastructure for an industrial and commercial development. This site is within close proximity to Interstate 75 and Florida Southwest International Airport. Staff finds the proposed development, as conditioned, consistent with Objective 11.1 of the Lee Plan.

PLANNING DISTRICT MAP AND ALLOCATION TABLE

POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2045.

The subject property is located in the Gateway/Airport Planning District. The Lee Plan has allocated 1,216 acres of commercial and 2,134 acres of industrial development within this planning district by the year 2045. Currently there are approximately 168 acres of commercial uses and 687 acres of industrial use developed. There are approximately 1,048 acres of additional land allocated to commercial uses and 1,451 acres of additional land allocated to industrial uses within this area of Lee County remaining. Staff finds the request consistent with the allocations for the Gateway/Airport Planning District. This finding is not a guarantee that there will be sufficient allocations for development in the future. Such a determination will be made at time of local development order.

Deviations

The applicant is requesting the following 12 deviations in conjunction with this rezoning action.

DEVIATION 1A Setbacks for Water Retention or Detention Excavations.

Deviation from Land Development Code Section 10-329(d)(1)a.2, which requires that no excavation will be allowed within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street; to allow a 25-foot setback. Staff recommends withdrawal of this deviation, as the MCP does not depict any lakes near a collector or arterial road.

DEVIATION 1B Setbacks for Water Retention or Detention Excavations.
Deviation from Land Development Code Section 10-329(d)(1)a.3 which requires that no excavation will be allowed within 50 feet of any private property line under separate ownership; to allow a 25-foot setback and to allow a zero-foot setback when the lake is combined with an existing lake that straddles on abutting property property lake. Staff recommends approval of this deviation.

DEVIATION 1C Bank Slopes.
Deviation from Land Development Code Section10-329(d)(4), which states that the banks of excavations permitted under this section must be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water; to allow the existing lake to be sloped at a ratio of four horizontal to one vertical. Staff recommends approval of this deviation.

Deviation 1D Fencing.
Deviation from Land Development Code Section 10-329(d)(6), which states that a four-foot fence may be required, at the discretion of the Director, to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership; to not require fencing around any existing or proposed lakes. Staff recommends approval of this deviation for the existing lake only.

DEVIATION 2A Open Space.
Deviation from Land Development Code Section 10-415(a), which requires all Large Industrial Developments to provide a minimum of 20% open space and all Large Commercial Developments to provide a minimum of 30% open space to allow the ± 5 acres Conservation Easement and 25% of Lake Tract parcels to be credit toward the open space as a whole and reduce the requirement to 25% for commercial uses on individual parcels and 10% for industrial uses on individual parcels. Staff recommends approval of this deviation.

DEVIATION 2B Planted Littoral Shelf.
Deviation from Land Development Code Sections 10-418(2)(a) and 10-418(2)(d)3, which require all surface water management systems to provide a planted littoral shelf that mimics the function of a natural marsh, and allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants required, to allow native wetland trees to be substituted for 100% of the total number of herbaceous plants required. Staff recommends approval of this deviation.

DEVIATION 3A Tree and Palm Spacing in Roadway Planting Areas (Street Trees).
Deviation from Land Development Code Section 10-296(e)(2)d, which requires street trees to be planted on both sides of the road, allows palm trees may to be substituted for a maximum of 50 percent of the required small trees, and requires trees to be spaced evenly along the frontage and not clustered, to allow the trees required per this section of the code to be planted on one side of the road, to allow 100 percent of the trees to be palm trees, and to allow the palm trees to be clustered. As an enhancement to the code, the palms must be staggered in height from 10 feet to 14 feet. Staff recommends approval of this deviation.

DEVIATION 3B Culs-de-Sac.
Deviation from Land Development Code Section 10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles; to allow the internal roads and/or accessways to be constructed with a hammerhead turnaround as depicted on the MCP. Staff recommends approval of this deviation.

DEVIATION 4A and 4B Nonresidential Identification Signs.
Deviation from Land Development Code Sections 30-153(2)a. and 30-153(2)a.1.ii., which require that the development be permitted to have one identification sign equal to one square foot of sign area per face for everyone linear foot of frontage to allow one additional sign on the project's Three Oaks Parkway frontage for a total of two ground-mounted signs on Three Oaks Parkway and to allow two signs on Three Oaks Parkway with 200 square feet of sign area per face. This is a deviation of an additional 100 square feet of sign area on Three Oaks Parkway. Staff recommends approval of this deviation.

DEVIATION 4C Permanent signs in Commercial and Industrial areas.
Deviation from Land Development Code Section 30-153(1)b.2.i., which does not allow permanent signs in commercial and industrial areas on roads where public access is not available, to allow for one 300 square-foot (per face) Electronic Identification Sign for the business center along I-75. The sign is proposed to be placed at the end of the hammerhead right-of-way per to the Signage Plan. Staff recommends denial of this deviation. This request is to allow a sign where the Sign Code does not allow one.

DEVIATION 5 Guidelines for Commercial Buildings and Developments.
Deviation from Land Development Code Sections10-610(e) and 34-2015(2)(f), which require projects to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow the proposed local roadway as shown on the Master Concept Plan to serve as the required interconnection for Lots 2,3,5,6, and 7, 9 and 10. Staff recommends approval of this deviation.

Findings and Conclusions
Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds that the request:

a) Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.7, 1.5.1, 1.6.1, 2.2.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7, 7.1.8,and 124.1.1, Lee Plan Standards 4.1.1 and 4.1.2, and Objectives 1.5, 6.1, and 11.1 and Goal 6 of the Lee Plan;

b) Meets the Land Development Code and other applicable County regulations; or qualifies for deviations;

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

d) Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval;

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

f) Will be served by urban services, defined in Lee Plan Standards 4.1.1 and 4.1.2 and other applicable Lee Plan Policies;

g) The proposed mix of uses is appropriate at the proposed location;

h) 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.

i) The approved deviations, as conditioned:

1) Enhance the achievement of the objectives of the planned development; and

2) Preserve and promote the general intent of this Code to protect the public health, safety and welfare.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photograph
C. Conditions and Deviations
D. Master Concept Plan
E. Zoning Section's Environmental Staff Report
F. Memorandum from Lee County DOT
G. Utilities Letter of availability for water and sewer
H. Memorandum from Section of Development Services
I. TIS
J. Application and Narrative
K. 1. Resolution Z-19-016
   2. Resolution Z-11-010
   3. Resolution Z-21-009
   4. Resolution Z-18-001
L. Legal Description

DCI2023-00020
Dia Crossing MPD

Staff Summary

CASE NUMBER & NAME:	DCI2023-00020 / Dia Crossing MPD
REQUEST:	Request to rezone 61.38± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for up to 200,000 SF of commercial, 150 hotel/motel rooms, and up to 350 dwelling units, including 30 bonus density units.
RESOLUTION NUMBER:	Z-24-028
LOCATION:	North and south of Alico Rd. at the intersection of Alico Rd. and US 41, San Carlos Planning Community, Lee County, FL.
OWNER:	Holes Jared F Tr
APPLICANT:	Ryan Companies US, Inc.
AGENT:	Kenrick Gallander The Neighborhood Company 5618 Whispering Willow Way Fort Myers, FL 33908
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS: (1)	Greg Stuart

DCI2023-00020

Aerial

Subject Property

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Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

Rescission of Tamalico Center DRI and DIA Crossing Mixed Use Planned Development

Tamalico Center DRI – Rescission Request

Rescission requests typically occur when the project is no longer required to undergo DRI review due to changes in law/circumstances. The process is governed by Florida Statutes and the Florida Administrative Code.[1] Recission essentially allows the developer to "cancel' the DRI designation if certain conditions are met.

In order to meet the statutory criteria for approval, an applicant must demonstrate that all required mitigation related to development existing at the time of rescission is complete or will be completed under existing permits. Future development of the property will be subject to Lee County land development regulations.

The request to rescind the Tamalico Center DRI Development Order meets the statutory criteria for approval.

DIA Crossings MPD – Zoning Request

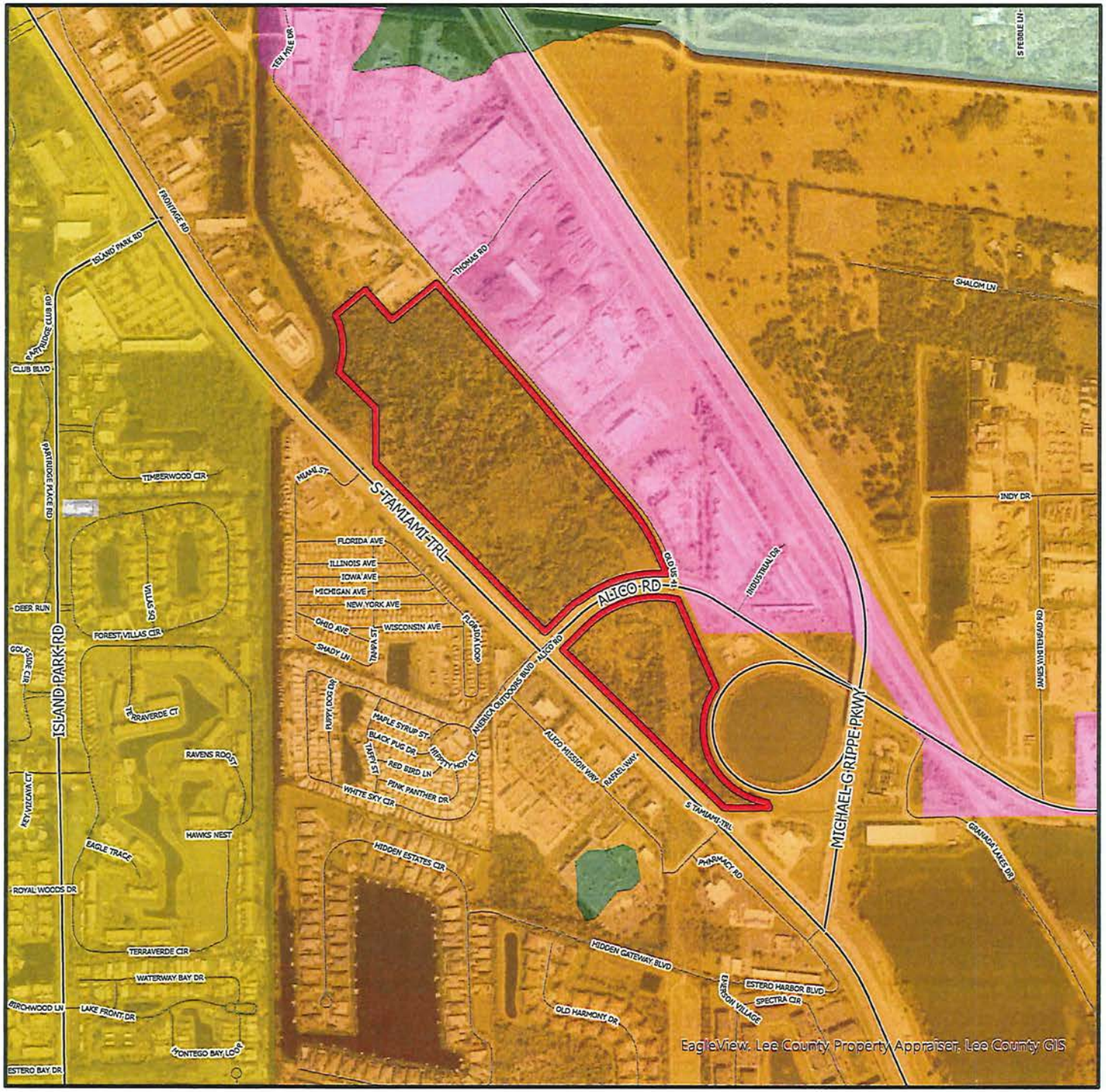
The zoning request changes the former Tamalico Center CPD into a mixed use project introducing residential uses to the US 41 corridor. The site has access to a broad array of public services and infrastructure, including shopping, employment, and healthcare centers.

The request for bonus density is appropriate at this location. High density/intensity developments are suited for property abutting arterial roadways. Further, Lee Tran routes travel the US 41 corridor, offering future residents alternative modes of travel.

The MPD represents a reduction in development intensity from exiting approvals.

Detailed recommendation follows

[1] Florida Statutes §380.115(2), F.A.C. 9J-2.0251.



DCI2023-00020

Future Land Use

- Subject Property
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Rural
- Wetlands

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0 500 1,000 1,500
Feet

Lee County
Southwest Florida

DCI2023-00020

Aerial

Subject Property

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Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00020 & DRI2023-00001

Regarding: **DIA CROSSING MIXED USE PLANNED DEVELOPMENT**

Location: East Side of South Tamiami Trail (US 41), at Intersection with Alico Road
San Carlos Planning Community
(District 2)

Hearing Date: October 3, 2024
Record Closed: **October 30, 2024**

I. Request

A rescission of the Tamalico Center Development of Regional Impact in accordance with §380.115(2) Florida Statutes, and

Rezone 61.38± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 200,000 square feet of commercial, 150 room hotel/motel, and 350 dwelling units, including 30 bonus density units.

The legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[2] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to: (1) rescind the Tamalico Center DRI Development Order, (2) rezone 61.26 acres to the MPD District, and approve site built bonus density.[3] Staff recommended approval with conditions.

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[2] LDC §34-145(d)(4) a.
[3] The Hearing Examiner has authority to make recommendations to the Board on applications for all three requests. LDC §34-145(d)(2).

In preparing a recommendation to the Board, the Hearing Examiner must apply the Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

Request

Development of Regional Impact.

Applicant requests a recission of the Tamalico Center DRI Development Order. Rescission requests typically occur when a project is no longer required to undergo DRI review due to changes in law/circumstances. The process is governed by Florida Statutes and the Florida Administrative Code.[4] Recission essentially allows the developer to "cancel' the DRI designation if certain conditions are met.

Zoning Request.

Applicant requests to rezone 61.38 acres to the MPD District to permit up to 350 dwelling units, 200,000 square feet of commercial use, and 150 hotel rooms.[5]

Applicant also seeks approval of 30 bonus density units. Bonus density means an increase in density above the standard range permitted by the Lee Plan.[6] If approved, the density bonus will be obtained through use of Transfer Development Rights (TDR) credits or through the "Bonus Density Housing Program."[7]

The Master Concept Plan (MCP) depicts a mixed use development with residential and commercial land uses. The site is bifurcated by Alico Road fronting US 41 North. A large open space area consisting of upland preserves, wetlands, and stormwater management lakes occupies the tract north of Alico Road. The MCP depicts commercial and hotel land uses south of Alico Road.

The project devotes 36.73% acres to open space, comprised of preserves, stormwater management lakes and buffers. Maximum building height is 75 feet.

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[4] Florida Statutes §380.115(2), F.A.C. 9J-2.0251.
[5] If approved, the requested rezone to the MPD district will result in two parcels remaining subject to the former CPD zoning approvals. The two parcels are not included because they are under separate ownership. One parcel is improved with a commercial building. They other remains vacant.
[6] LDC §2-143(a).
[7] LDC §34-146.

Character of Area

The area is developed with industrial and commercial land uses and a Recreational Vehicle Park.

Property is in the Mixed Use Overlay and a Coastal High Hazard Area.[8]

History

The property has development entitlements dating back to 1993 when the Board issued a Development of Regional Impact (DRI) Development Order on the 92.52 acre parent parcel.[9] The Tamalico Center DRI and companion CPD zoning approval authorized development of 360,000 square feet of commercial land uses, 90,000 square feet of office space, and 150,000 square feet of industrial uses.[10]

Florida Department of Transportation (FDOT) later purchased 23.33 acres for the Alico Road alignment.

The Board authorized removal of four parcels from the original DRI in 2007.[11] A subsequent administrative approval amended the MCP on the remaining property.[12]

The Florida Legislature amended regulations governing DRI development orders delegating authority over large scale developments to local government.[13] The MPD zoning request includes a companion request to rescind the Tamalico DRI Development Order.[14]

The zoning request to MPD results in two, one acre parcels retaining the original CPD zoning designation. One parcel is improved with commercial land uses. The other remains vacant. Applicant filed an administrative amendment to address removal of the subject 61.38 acres from the CPD.

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[8] Lee Plan Map 1-C.

[9] DRIs are developments with a substantial effect on the health, safety, or welfare of citizens of more than one county. The multi-county impacts are largely due to the character, magnitude or location of the proposed development. s. 380.06(1), F.S.

[10] DRI 3-8990-102 and Z-92-045.

[11] Z-07-060.

[12] ADD 2020-00019A.

[13] In 2018, the Governor signed House Bill 1151 into law as Chapter 2018-158, Laws of Florida. The effect of the bill was to return local control of large scale development review to local government. DRIs are treated similar to local development permits. The host County/Municipality has the authority to amend or rescind the DRI development order without review by the state.

[14] Future development of the site must comply with the Lee Plan and County land development regulations.

Lee Plan

The Lee Plan regulates land development activity in the County.[15] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.[16]

Land in the Urban Community may develop up to a maximum density of 10 units per acre. Applicant proposes 30 additional units using bonus density. The Lee Plan encourages bonus density to stimulate construction of affordable housing.[17] Bonus density may be achieved in Coastal High Hazard Areas only through site built affordable housing.[18] The property will be subject to LDC hurricane shelter mitigation requirements.[19]

Wetlands may develop with low-density residential and recreation uses that do not adversely affect the ecological functions of wetlands.[20] Onsite wetlands will remain designated as wetland until applicant obtains a jurisdictional wetland determination clarifying its precise boundaries.[21]

Areas designated within the Mixed Use Overlay lie along major arterial roads suited for high density and intensity development. The Lee Plan encourages mixed use developments and bonus density in the Overlay.[22] The MPD includes residential and commercial land uses in furtherance of these Lee Plan policies.

Development in the Mixed Use Overlay may use the land area of non-residential land uses in density calculations.[23] Requested density is consistent with the future land use designation and location on arterial roads.[24]

Lee Tran routes 140/240 travel US 41 with potential stops within walking distance to the project.[25] Site development will include sidewalks and shared use paths connecting to similar facilities on adjacent road corridors.[26]

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[15] LDC §34-491.
[16] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[17] Lee Plan Objective 135.4, Policies 11.2.6, 135.1.4, 135.4.12, 135.4.15.
[18] Lee Plan Policies 101.3.6, 101.3.7.
[19] LDC Chapter 2, Article XI – Hurricane Preparedness.
[20] Lee Plan Policy 1.5.1.
[21] Upland/wetland acreages are subject to further review and approval consistent with Lee Plan Policies 124.1.2, 124.1.3.
[22] Lee Plan Objective 11.2, Policy 11.2.6.
[23] Lee Plan Policy 11.1.2, 11.2.7.
[24] LDC §34-413.
[25] Lee Plan Policy 39.1.3.
[26] Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways

The Economic Element of the Lee Plan encourages expansion of the economic base.[27] The proposed mix of land uses contribute to a positive business climate by expanding housing options and employment opportunities to support a diverse workforce.[28] Proposed hotel uses support business and leisure tourism, strengthening the county economy.[29]

Compatibility

One purpose of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.[30] Surrounding lands feature residential, commercial, and industrial land uses.

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.[31] The plan of development includes land uses already approved along the US 41 corridor.[32] Proposed building heights are appropriate given the proximity of arterial roadways and intense land uses.[33]

Mixed use development is ideal near major transportation corridors, employment, and shopping centers.[34] The site has access to public services/infrastructure including potable water and sanitary sewer, paved roads, transit, police, fire, and emergency medical services.[35]

The Board found commercial uses consistent with the Lee Plan in prior zoning approvals.[36] The introduction of residential land uses is also consistent with the Lee Plan, which encourages mixed use development.[37]

The School Board anticipates the proposed dwelling units will generate 40 school aged children.[38] Designing the project to accommodate safe school bus access by children and bicycles is prudent since the project will generate a significant number of students.[39]

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[27] Lee Plan Goals 158, 161, Objective 158.2.
[28] Lee Plan Goal 158 Objective 158.3 Policies 135.1.9, 160.1.1, 160.1.2, 161.1.3.
[29] Lee Plan Goal 161, Objectives 161.1, 161.3, Policies 135.1.9, 161.2.2, 161,3.1.
[30] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[31] The site constitutes infill development consistent with existing development patterns. Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3, 6.1.7, 11.2.1.
[32] Lee Plan Policies 6.1.4, 135.9.5, 135.9.
[33] Maximum heights range from 35 to 75 feet.
[34] Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC §34-413.
[35] Lee Plan Policies 1.1.2, 2.2.1, 2.2.2, 6.1.1, 6.1.4.
[36] Z-92-045 and Z-92-045A.
[37] Lee Plan Goal 11, Objectives 11.1, 11.2, Policies 1.1.2, 11.2.1, 39.2.1. *See also* Lee Plan objectives and policies favoring diverse housing options: Lee Plan Objective 135.1, Policies 135.1.9, 158.1.9.
[38] Staff Report.
[39] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. *See* Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.

The Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[40] In furtherance of this authority, the Hearing Examiner recommends conditions to ensure project design accommodates safe school bus access at the time of development order permitting. Lee Plan directives require new residential developments to provide pedestrian and bicycle access for school children.[41] Conditioning project design *at the outset* reduces the likelihood of future design conflicts.[42]

LDC

Development must comply with County land development regulations or seek deviations.

Development within the Mixed Use Overlay has the opportunity to employ urban forms of development.[43] Flexible design standards allow for reduced open space, setbacks, landscaping, and parking.[44]

The Lee Plan encourages bonus density in the Mixed Use Overlay.[45] The Hearing Examiner has the duty and responsibility to make recommendations to the Board on applications for bonus density made in conjunction with a rezoning to the planned development district.[46] Requests for bonus density must meet the following criteria:

(1) Additional traffic will not travel through areas with significantly lower densities before reaching the nearest collector or arterial road. Surrounding development includes roads, industrial, and commercial land uses. The MCP depicts residential development directly accessing US 41 and Old US 41.

(2) Existing/committed public facilities are not so overwhelmed that a density increase would be contrary to the public interest. Evidence in the record confirms there are adequate public services and infrastructure to serve future residents. See discussion under the heading "Public Services and Infrastructure."

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[40] LDC §§34-145(d)(1)c. and (d)(6)a.

[41] Lee Plan Policy 67.3.7.

[42] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (*Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.*), 43.1.2.(*maintain efforts to provide construction of bus stop amenities*), 43.3.3. The site is in the heart of an emerging activity center evidenced by its proximity to the airport, university, and transit routes connecting residential, commercial, recreation, and educational facilities

[43] Lee Plan Policy 11.2.5.

[44] LDC §§10-425, 34-715, 34-845, 34-2020.

[45] Lee Plan Policy 11.2.6. Higher density and intensity development, including bonus density, promotes a sustainable urban form. *Cf.* Lee Plan Policy 25.1.3. The Affordable Housing Bonus Density program allows bonus density for site built affordable dwelling units. Lee Plan Policy 135.1.14.

[46] LDC §34-145(d)(2)d.

(3) Storm shelters or other mitigation is provided if the development is in a Coastal High Hazard Area. The property must be elevated to one foot above base flood elevation and comply with LDC shelter mitigation requirements.[47]

(4) The resulting development will be compatible with existing/planned surrounding land uses.[48] See discussion under the heading "Compatibility," which concludes the project is compatible with nearby land uses.

The Board has discretion to approve the rezoning request with or without bonus density.[49] The Board also has discretion to limit the number of units to an intensity lower than the maximum permissible density or impose reasonable conditions, if increased density would be contrary to public health, safety, and welfare.[50]

Record evidence demonstrates the proposed MPD including bonus density meets the stated criteria.

Transportation

Applications to rezone property must demonstrate access sufficient to support proposed development intensity. Expected impacts to transportation facilities must be addressed by existing County regulations and conditions of approval.[51]

The property is subject to pre-existing zoning and DRI approvals that permit 360,000 square feet of commercial land uses, 90,000 square feet of office space, and 150,000 square feet of industrial uses. The traffic generated from existing development approvals exceed those projected from the proposed MPD.

The MCP identifies access to S. Tamiami Trail (US 41), Old US 41, and Alico Road.[52] Accesses to Alico and US 41 south of Alico are limited to right-in, right-out turning movements. Florida Department of Transportation has permitting authority over access to state highways. Accordingly, the access to US 41 shown on the MCP is conceptual only.

The Traffic Impact Analysis shows roads and intersections projected to operate below adopted levels of service standards at buildout in 2028.[53] However, it is

[47] Lee Plan Policy 101.1.1.
[48] See discussion on compatibility *infra*.
[49] LDC §2-147(b)(4).
[50] LDC §2-147(c).
[51] LDC §34-145(d)(4)a.
[52] South Tamiami Trail is a State maintained arterial, Alico Road is a County maintained arterial, and Old US 41 is county maintained local road. Lee County Administrative Code 11-1.
[53] Staff Report Attachments H, L: Memo from Pakorn Sutitarnnontr, Project Manager, Lee County Dept. of Transportation dated August 29, 2024, and Zoning Traffic Study for DIA Crossing Mixed Use Planned Development prepared by Johnson Engineering dated May 2024. The Traffic Impact Statement demonstrates at buildout in 2028, US 41 South between Sanibel Boulevard and Alico Road is projected to function at Level of Service "C" with the project. US 41 South between Alico Road and Island Park Road and Alico Road between South Tamiami Trail and Dusty Road will function at the LOS "F" with and without the project.

noteworthy that the subject zoning request represents a reduction in trip generation from existing approvals. Secondly, the level of service deficiencies occurs in 2028 even without the proposed MPD. For this reason, the roads/intersections are considered pre-existing transportation deficiencies. As such, the project is not responsible for mitigating impacts to those transportation facilities.

Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.[54]

Transit

Lee Tran Routes 140/240 skirts the property's west perimeter along US 41.[55] The Lee Plan requires the design of development to reduce dependence on the automobile.[56] The LDC also requires new development to provide convenient access to transit.[57]

Consistent with these directives, the project design must accommodate opportunities to interface with transit.[58] Given the mix of land uses, the project will likely serve as a shopping and employment destination.[59] Project design can reduce dependence on the automobile consistent with Lee Plan directives by improving access to transit stops and providing direct connections to pedestrian and bicycle facilities.[60] The LDC requires developer to construct/improve access to transit at the development order stage. The scope of those improvements will be determined upon consultation with Lee Tran.[61]

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[54] Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1.

[55] LDC §§10-442; 34-373(a)(6)j (The MCP must reflect proposed access to and facilities for public transit) *See also* LDC §§34-411(e) and 10-442. LDC §34-411(e) (if within Lee Tran public transit service area, development must be designed to facilitate use of transit system). LDC §10-442(b) (commercial/industrial development with 30,000 sq. ft. of total floor area must provide (1) a paved walkway to nearest bus stop if bus stop is within a ¼ mile of the project entrance and bicycle storage rack, signs, and landing pad within the road right-of-way or dedicated easement. (2) If no bus stop within a ¼-mile and property abuts a bus route development must provide a bus stop, shelter, signs, walkway, bicycle rack, landing pad lighting, and a bus pull off area within the road right-of-way or dedicated easement so passengers can access the bus outside the line of traffic.

[56] Lee Plan Policies 6.1.3, 7.1.2; *See also* Lee Plan Policy 39.2.1 (*Future urban areas will have a balanced emphasis on automobile … transit, pedestrian, and bicycle modes of transportation.*)

[57] LDC §34-373(6)j, requires the MCP depict the location of transit, stops/shelters. *See also* LDC §34-411(e).

[58] *See* Lee Plan Policies 6.1.3, 7.1.2, 39.2.1, 43.1.1; LDC §§10-441, 10-442, 34-373(6)j, 34-411(e); *See also* LDC §§10-154(6)l and (7)h, which requires local development order plans to include the location of proposed transit stops and passenger amenities.

[59] Developing the site to be transit ready is consistent with the transportation and economic elements of the Lee Plan. *See* Lee Plan Goal 158 and Policy 39.1.1. Workers serving retail and hotel uses in housekeeping, food service, maintenance, salesclerks, will likely benefit most from the opportunity to pursue the project's employment opportunities using alternative modes of transportation.

[60] Lee Plan Policy 6.1.3. *See also* Lee Plan Policy 39.2.1 (*Future urban areas will have a balanced emphasis on automobile … transit, pedestrian, and bicycle modes of transportation.*)

[61] The MCP reflects three bus stops. Unless contrary to public safety, LDC §10-442 requires residential development exceeding 100 living units and commercial developments 30,000 square feet or more to

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

Most of the site consists of non-indigenous vegetation including mixed hardwood conifer, disturbed lands, mixed wetland forest, and electric power transmission lines. The MCP clusters development on uplands with only minor impacts to disturbed wetlands.[62] Developer must mitigate wetland impacts consistent with state regulations.[63]

Applicant's' Protected Species Survey notes no evidence of listed species.[64] The urbanized nature of surrounding land uses, high cover by invasive vegetation, and distance from other natural areas reduces potential use by wildlife.[65]

The property accepts offsite flows through two double box culverts conveying stormwater from industrial properties on the east side of Old US 41. These offsite flows sheet flow across the property and outfall into the Ten Mile Canal. The property also accepts offsite flows from the FDOT lake south of Alico Road.[66]

The site design does not alter offsite flow patterns.[67] Stormwater will continue to flow into proposed open space and preserve areas then sheet flow into the Ten Mile Canal or flow through the box culvert passing under US 41. Recommended conditions of approval require an easement over preserved wetlands and open space to accommodate offsite flows.[68] Conditions also include monitoring requirements over a five year period to ensure no further degradation of the Ten Mile Canal and Mullock Creek.[69]

Site improvements will require a Lee County development order approval and Environmental Resource Permit approval from SFWMD and must comply with SFWMD surface water quality standards.[70] Wet and dry detention areas will

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provide paved walkways to the nearest bus stop. In addition, the code requires installation of a bicycle storage rack, signage and landing pad. *See* Lee Plan Policies 39.1.1, 39.2.1.

[62] Lee Plan Policy 101.3.2.

[63] The site has wetlands not yet verified by the State of Florida; therefore, accurate acreage of preserved wetlands and the amount to be mitigated is undetermined.

[64] Staff Report Attachment G: Environmental Staff Report. Applicant's' Protected Species Survey notes no evidence of listed species on the site.

[65] *Id.* Exhibit A: Indigenous Vegetative Communities & Protected Species Assessment – DIA Crossings Lee County Florida dated January 2024 (revised) prepared by Ecotech Consultants, Inc.

[66] Staff Report Attachment M: Natural Resources Memorandum by Nic DeFlippo, Senior Planner dated August 30, 2024.

[67] Staff Report Attachment M.

[68] Lee Plan Policy 126.1.4.

[69] Johnson Engineering prepared a preliminary Water Quality Monitoring Plan for DIA Crossing & Tamalico Center dated November 21, 2023. Staff Report Attachment M.

[70] Lee Plan Policies 125.1.2.

treat/filter storm water flows leaving the site improving the quality of surface and groundwater.[71]

Due to the Mixed Use Overlay designation, the project must dedicate 20% of the site to open space or 12.28 acres.[72] The MCP provides 36.73 acres of open space, nearly three times the open space required by code.[73]

Buffers and landscaped areas must follow Xeriscape principles and consist of native landscape to conserve water.[74]

The Hearing Examiner finds the proposed MPD will not harm environmentally critical/sensitive areas or natural resources.[75] The proposed plan of development enhances the site's environmental features by removing exotic vegetation and restoring impacted upland and wetland vegetation.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[76] The Lee Plan requires an evaluation of public services during the rezoning process.[77]

Public services and infrastructure are available to serve the site.[78]

The property has frontage on three roadways: South Tamiami Trail (US 41), Old US 41, and Alico Road. The north tract will not have direct access to Alico Road.

Development will connect to Lee County Utilities potable water supply. Lee County Utilities will also supply sanitary sewer service. San Carlos Park Fire Protection and Rescue District provided fire and emergency medical services from a station on Island Park Road. Lee County Sheriff provides law enforcement services from the central station on Six Mile Cypress Parkway.

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[71] Engineered stormwater management will improve/protect water quality of receiving waterways. Lee Plan Goals 60, 61, 125, Policies 61.3.6, 61.3.11, 125.1.1, 125.1.2, 125.1.3. Commercial development on the south side of Alico Road will utilize dry retention prior to discharge into an adjacent ditch. Stormwater will then pass under Alico Road prior to reaching the preserves preserve and ultimately the Ten Mile Canal.
[72] LDC 10-425(a) Large developments in the Mixed Use Overlay must provide a minimum of 20 percent open space.
[73] The MCP reflects a total of 36.73 acres open space on the 61.38 acre property. *See* LDC §§10-425(a) 10-415, 10-416(d).
[74] Lee Plan Objective 126.2, Policy 126.2.1.
[75] Lee Plan 125.1.2.
[76] Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[77] Lee Plan Goal 95 and Policy 2.2.1.
[78] Lee Plan Objective 158.3, Policies 2.2.1, 5.1.3, 6.1.1, 6.1.4, 158.3.1.

The property is located on a Lee Tran bus route.[79] The residential portion of the project must construct a paved walkway to the nearest bus stop, including signage, a landing pad, and bicycle storage racks within the road right of way if the stop does not already include those improvements.[80]

Future residents will have access to schools, libraries, parks, hospital/medical facilities, shopping, and employment centers within reasonable distances.[81] US 41 and Alico Road both feature bicycle and pedestrian facilities.[82]

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[83]

DRI Recission

Rescission is a process where Property owners formally request to revoke a previously approved DRI development order.[84]

A developer may rescind a DRI development order if a previously approved DRI is no longer required to undergo DRI review based on current law. The local government that issued the DRI development order must review requests for rescission.

To rescind the Tamalico Center DRI, the developer must demonstrate all required mitigation related to development existing at the time of rescission is complete or will be completed under existing permits. Future development of the property will be subject to Lee County land development regulations.

Previous amendments removed three parcels from the DRI development order. The remaining property is vacant and unimproved. Staff recommends certain conditions applicable under the DRI carry over to the MPD approvals. The Hearing Examiner concludes Applicant has satisfied the statutory criteria for rescission.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.[85] Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.[86] The MPD will be subject to

[79] Lee Plan Map 3-C.
[80] LDC §10-442.
[81] Lee Plan Goals 66, 95, Objective 95.1.
[82] Lee Plan Map 3-D. A portion of the property is on the Charlotte-Lee-Collier Trail. Lee Plan Map 4-E: Greenways Master Plan.
[83] LDC Chapter 2, Article VI.
[84] Florida Statute §380.115(2) outlines procedures for rescinding a DRI development order.
[85] Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).
[86] LDC §34-932(b).

conditions of approval designed to address impacts reasonably anticipated from development.[87] Notable conditions require a water quality monitoring plan and unified sign plan for the project.

Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[88] In furtherance of this authority, the Hearing Examiner recommends conditions to ensure site design accommodates safe pedestrian and bicycle access to school bus stops within the development.[89]

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

Public

One person spoke in support of the application during public testimony.

Conclusion

DRI

The Hearing Examiner recommends approval of the request to rescind the Tamalico Center DRI Development Order. The request meets the criteria set forth in Florida Statutes.[90]

MPD

The Hearing Examiner recommends approval to rezone the property from CPD to MPD including bonus density, subject to conditions in Exhibit B. The Hearing Examiner finds the requested MPD meets LDC criteria and, as conditioned, is compatible with surrounding development.[91]

Remaining CPD

The Hearing Examiner recommends amending the legal description and MCP of the Tamalico Center CPD to reflect removal of property to be rezoned to MPD by virtue of the subject DIA Crossing MPD zoning request. In a post hearing submittal, Applicant provided evidence of a pending administrative amendment to the Tamalico CPD to accomplish these changes.[92]

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[87] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4.
[88] LDC §§34-145(d)(1)c. and (d)(6)a.
[89] Lee Plan Policy 67.3.7. *See also* Lee Plan Policies 43.1.1., 43.1.2, 43.3.3.
[90] §380.115(2), F.S.
[91] Lee Plan Policy 6.1.4.
[92] Two one acre parcels will remain subject to the CPD.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested DIA Crossings 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, 4.1, 5.1, 6.1, 11.1, 11.2, 77.1, 77.2, 77.3, 126.2, 135.1, 161.1, 161.3, and Policies 1.1.2, 1.5.1, 1.6.5, 2.2.1, 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, 11.1.2, 11.2.1, 11.2.5, 11.2.6, 11.2.7, 101.1.1, 135.1.9, 135.9.6, 160.1.3, Lee Plan Maps 1-A, 1-B, 4-A, 4-B, 3-D, 4-E, Tables 1(a), 1(b).

B. As conditioned, the MPD zoning district:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, 11.2, 161.1, 161.3, and Policies 1.1.2, 5.1.3, 5.1.5, 5.1.6, 6.1.4, 6.1.6, 11.2.1, 11.2.5, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§34-411, 34-413.
3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3
4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1, 39.1.3; LDC §§2-261 *et seq.*, 34-411.
5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 77, 124, 125, Objectives 77.3, 126.2, Policies 5.1.6, 6.1.6, 77.3.1, 77.3.2, 123.2.4, 123.2.8, 125.1.4, 126.2.1, and Standard 4.1.4.
6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 11, 95, Objectives 2.1, 2.2, 4.1, 11.1, 11.2, Policies 2.2.1, 6.1.4, 11.2.1, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2. Lee Plan Maps 4-A, 4-B.

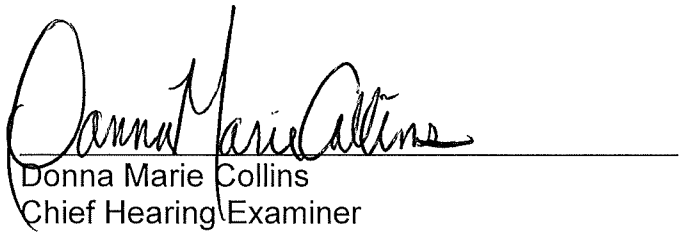
C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11; Objectives 2.1, 2.2, 11.1, 11.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 11.1.1, 11.2.1, 135.1.9, 135.9.6, 160.1.3, 161.3.1, Lee Plan Tables 1(a), 1(b)

D. 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 77.3, 126.2, Policies 5.1.5, 6.1.4, 53.1.5, 54.1.2, 56.1.4, 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).

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

F. The request to rescind the Tamalico Center DRI Development Order meets the statutory criteria for approval.

Recommendation dated: November 8, 2024.



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Exhibits to Hearing Examiner's Recommendation

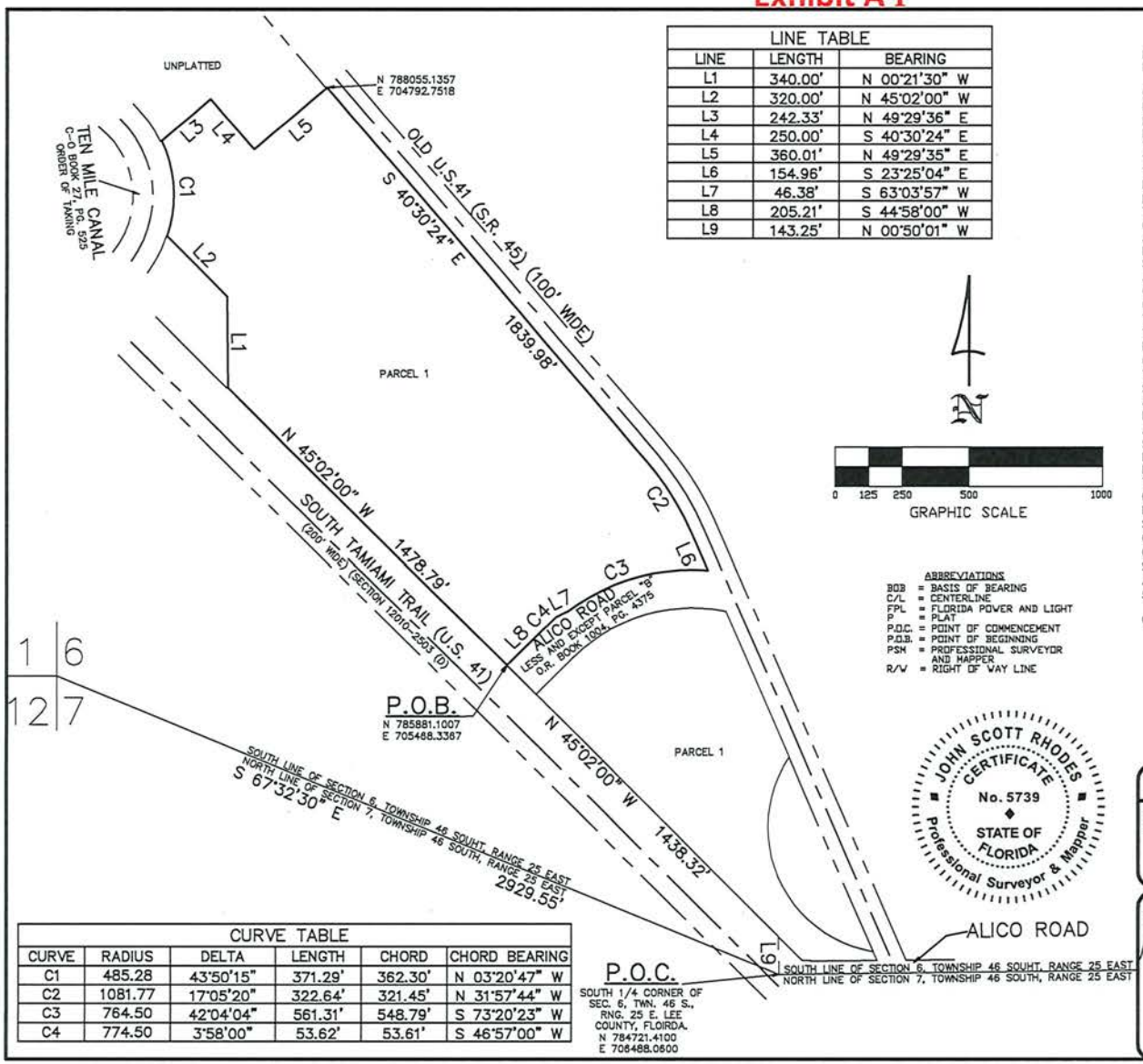
Exhibit A1 Legal Description and Vicinity Map (DCI2023-00020)
Exhibit A2 Legal Description (DRI2023-00001)
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A1

LEGAL DESCRIPTION AND VICINITY MAP (DCI2023-00020)

DCI2023-00020 Lee County ePlan

Exhibit A 1



LINE TABLE		
LINE	LENGTH	BEARING
L1	340.00'	N 00°21'30" W
L2	320.00'	N 45°02'00" W
L3	242.33'	N 49°29'36" E
L4	250.00'	S 40°30'24" E
L5	360.01'	N 49°29'35" E
L6	154.96'	S 23°25'04" E
L7	46.38'	S 63°03'57" W
L8	205.21'	S 44°58'00" W
L9	143.25'	N 00°50'01" W

ABBREVIATIONS
BOB = BASIS OF BEARING
C/L = CENTERLINE
FPL = FLORIDA POWER AND LIGHT
P = PLAT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR AND MAPPER
R/W = RIGHT OF WAY LINE

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	485.28	43°50'15"	371.29'	362.30'	N 03°20'47" W
C2	1081.77	17°05'20"	322.64'	321.45'	N 31°57'44" W
C3	764.50	42°04'04"	561.31'	548.79'	S 73°20'23" W
C4	774.50	3°58'00"	53.62'	53.61'	S 46°57'00" W

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.; THENCE NORTH 00°50'01" WEST, A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TAMIAMI TRAIL (U.S. 41) A 200.00 FOOT RIGHT-OF-WAY, AS THE SAID IS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 45, SECTION 12010-2503. LEE COUNTY; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 1,438.32 FEET TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL NORTH 45°02'00" WEST, A DISTANCE OF 1,478.79 FEET; THENCE LEAVING THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TAMIAMI TRAIL NORTH 00°21'30" WEST, A DISTANCE OF 340.00 FEET; THENCE NORTH 45°02'00" WEST, A DISTANCE OF 320.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE 10 MILE CANAL LATERAL DITCH TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY OF THE 10 MILE CANAL LATERAL DITCH, 371.29 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 485.28 FEET, THROUGH A CENTRAL ANGLE OF 43°50'15" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°20'47" WEST, A DISTANCE OF 362.30 FEET; THENCE LEAVING THE SAID RIGHT-OF-WAY OF THE 10 MILE CANAL LATERAL DITCH NORTH 49°29'36" EAST, A DISTANCE OF 242.33 FEET; THENCE SOUTH 40°30'24" EAST, A DISTANCE OF 250.00 FEET; THENCE NORTH 49°29'35" EAST, A DISTANCE OF 360.01 FEET TO POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD U.S.41 (S.R. 45) A 100.00 FOOT RIGHT OF WAY, LEE COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY FOR THE FOLLOWING THREE COURSES, COURSE (1) SOUTH 40°30'24" EAST, 1,839.98 FEET TO A POINT OF CURVATURE; COURSE (2) SOUTHEASTERLY, 322.64 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,081.77 FEET, THROUGH A CENTRAL ANGLE OF 17°05'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 31°57'44" EAST, A DISTANCE OF 321.45 FEET; COURSE (3) SOUTH 23°25'04" EAST, 154.96 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ALICO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1004, PAGE 4375, OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE WESTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY OF ALICO ROAD FOR THE FOLLOWING 4 COURSES, COURSE (1) WESTERLY 561.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 764.50 FEET, THROUGH A CENTRAL ANGLE OF 42°04'04" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 73°20'23" WEST, A DISTANCE OF 548.79 FEET; COURSE (2) SOUTH 63°03'57" WEST, 46.38 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 53.62 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 774.50 FEET, THROUGH A CENTRAL ANGLE OF 03°58'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 46°57'00" WEST, A DISTANCE OF 53.61 FEET; COURSE (4) SOUTH 44°58'00" WEST, 205.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,045,123 SQUARE FEET OR 46.950 ACRES, MORE OR LESS.

REVIEWED
DCI2023-00020
Rick Burris, Principal Planner
Lee County DCD/Planning
8/6/2024

BY: John Scott Rhodes PSM # 5739 State of Florida

Digitally signed by John Scott Rhodes PSM # 5739 State of Florida
Date: 2024.02.06 14:13:35 -05'00'

JOHN SCOTT RHODES PSM #5738

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

SKETCH AND DESCRIPTION

CERTIFIED TO:
X

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date:
XX	XX	JAN. 26, 2024
		scale: 1" = 500'
		cogo #: 23-851

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

design:	
drawn:	EFC
checked:	JSR
acad #:	2023-851
view:	PLOT
project#:	2023-851
sheet #:	1 of 2
file #:	2023-851 SKETCH 1

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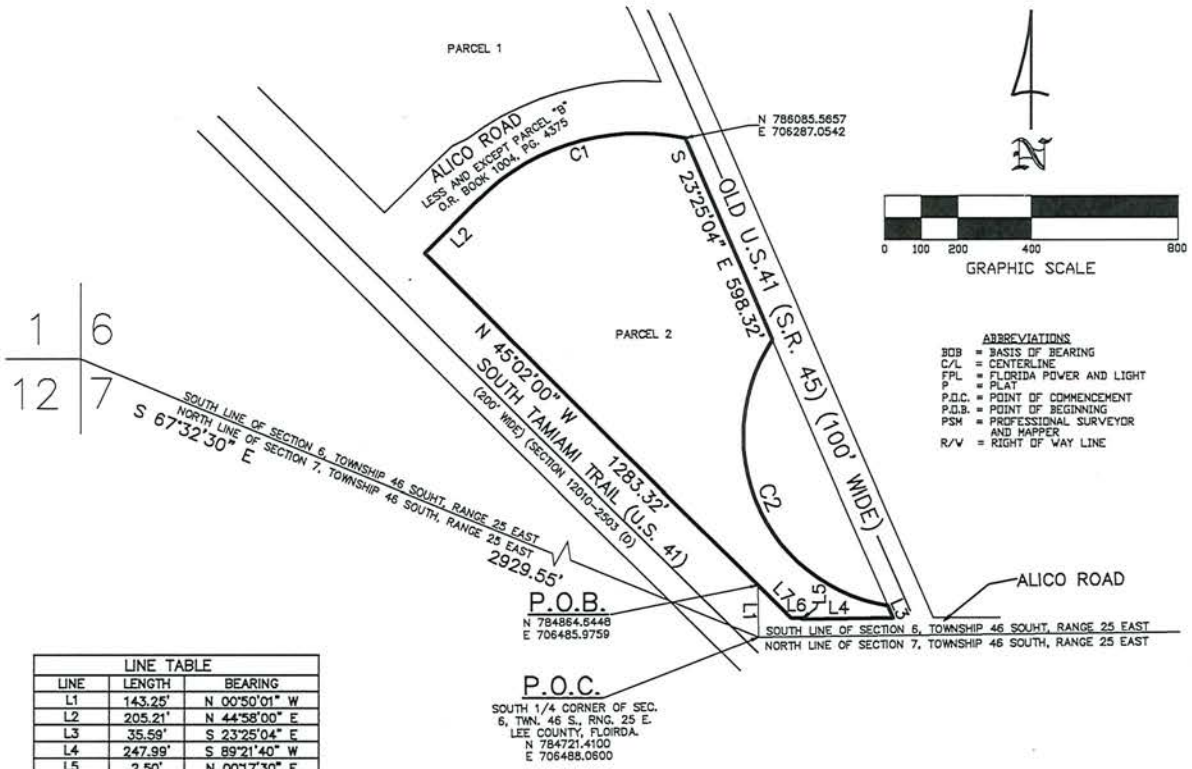
DCI2023-00020 Lee County ePlan



LINE TABLE		
LINE	LENGTH	BEARING
L1	143.25'	N 00°50'01" W
L2	205.21'	N 44°58'00" E
L3	35.59'	S 23°25'04" E
L4	247.99'	S 89°21'40" W
L5	2.50'	N 00°17'30" E
L6	30.69'	N 89°42'30" W
L7	127.45'	N 45°02'00" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	619.50	56°44'33"	613.52'	588.75'	S 73°20'16" W
C2	474.00	113°54'15"	942.31'	794.63'	S 23°25'04" E

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOW.

COMMENCE AT SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 00°50'01" WEST LEAVING THE SAID SOUTH QUARTER CORNER OF SECTION 6, A DISTANCE OF 143.25 FEET TO A POINT ON THE RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL (U.S. 41) A 200.00 FOOT RIGHT-OF-WAY, AS THE SAID IS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 45, SECTION 12010-2503. LEE COUNTY, AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 45°02'00" WEST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH TAMIAMI TRAIL, A DISTANCE OF 1,283.32 FEET TO A POINT ON THE NEW SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1004, PAGE 4375, OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA; THENCE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD FOR THE FOLLOWING 2 COURSES, COURSE (1) NORTH 44°58'00" EAST, 205.21 FEET TO A POINT OF CURVATURE; COURSE (2) EASTERLY, 613.52 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 619.50 FEET, THROUGH A CENTRAL ANGLE OF 56°44'33" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 73°20'16" EAST, 588.75 FEET TO A POINT ON THE SOUTHERELY RIGHT-OF-WAY LINE OF OLD U.S.41 (S.R. 45) A 100.00 FOOT RIGHT OF WAY, LEE COUNTY, FLORIDA; THENCE SOUTH 23°25'04" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45), 598.32 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MICHAEL G RIPPE PARKWAY AS RECORDED IN OFFICIAL RECORDS BOOK 4140 PAGES 4378 THROUGH 4385 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY ALONG THE SAID RIGHT-OF-WAY LINE OF MICHAEL G RIPPE PARKWAY, 942.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 474.00 FEET, THROUGH A CENTRAL ANGLE OF 113°54'15" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23°25'04" EAST, 794.63 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45); THENCE SOUTH 23°25'04" EAST ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45), A DISTANCE OF 35.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ALICO ROAD; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD FOR THE FOLLOWING 3 COURSES, COURSE (1) SOUTH 89°21'40" WEST, 247.99 FEET; COURSE (2) NORTH 00°17'30" EAST, 2.50 FEET; COURSE (3) NORTH 89°42'30" WEST, 30.69 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF SAID SOUTH TAMIAMI TRAIL; THENCE NORTH 45°02'00" WEST ALONG THE SAID RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 127.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 630,829 SQUARE FEET OR 14.482 ACRES, MORE OR LESS.

REVIEWED
DCI2023-00020
Rick Burris, Principal Planner
Lee County DCD/Planning
8/6/2024

THIS INSTRUMENT PREPARED BY:
JOHN SCOTT RHODES P.S.M. #5739

RHODES & RHODES
LAND SURVEYING, INC.
FLORIDA BUSINESS LICENSE NO. LB 6897
28100 BONITA GRANDE DRIVE, SUITE #107
BONITA SPRINGS, FL 34135
(239) 405-8166 FAX NO. (239) 405-8163

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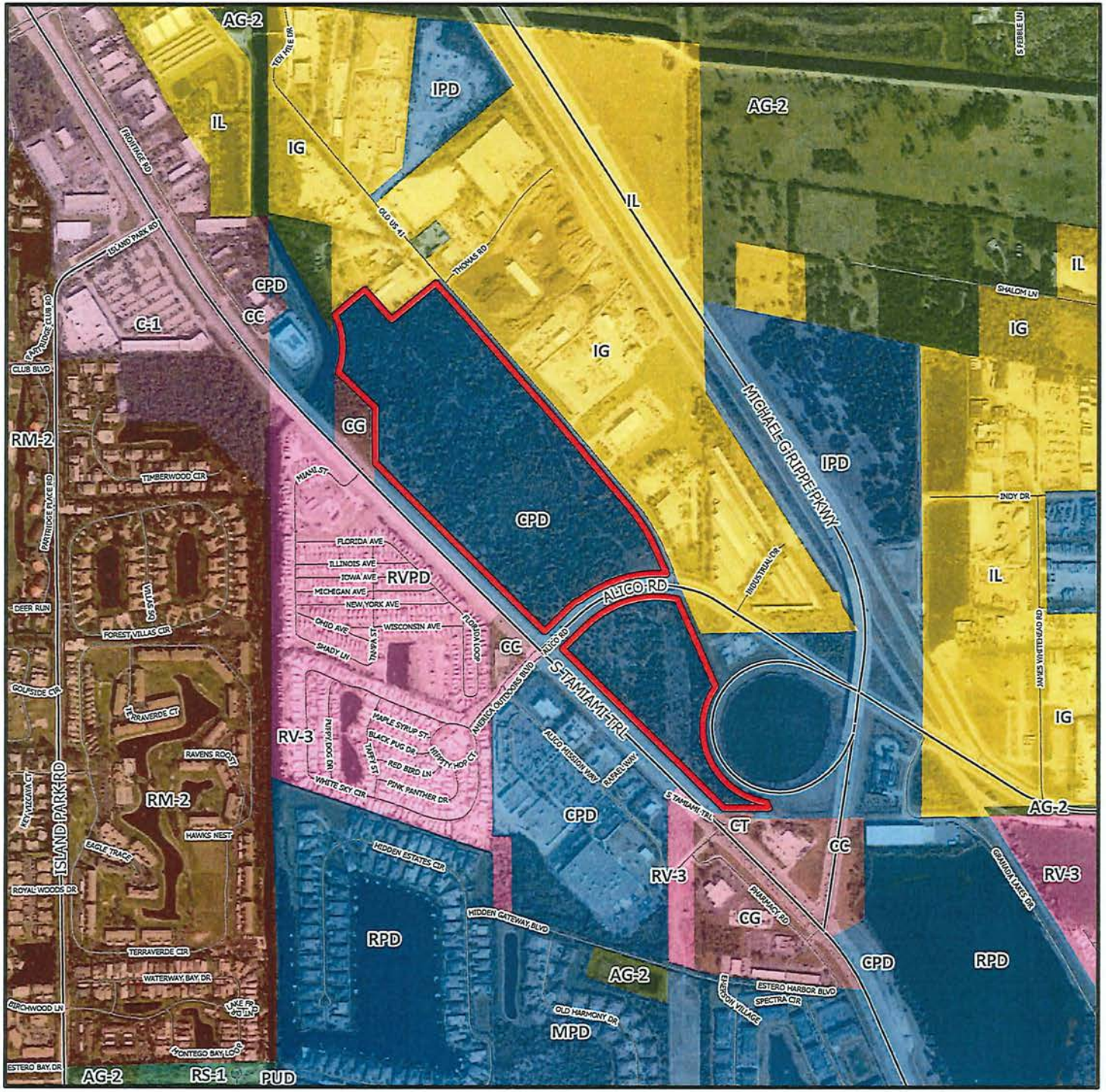


DCI2023-00020

Zoning

Subject Property

N
W E
S

0 500 1,000 1,500
Feet

Lee County
Southwest Florida

Exhibit A2

LEGAL DESCRIPTION
(DRI2023-00001)

Exhibit A2

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

PARCEL 1

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 00°50'01" WEST, A DISTANCE OF 143.25 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL (U.S. 41) (200 FOOT RIGHT OF WAY) AND TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT OF LINE OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 2,917.11 FEET; THENCE LEAVING THE SAID NORTHEAST RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL NORTH 00°21'30" WEST, A DISTANCE OF 340.00 FEET; THENCE NORTH 45°02'00" WEST, A DISTANCE OF 320.00 FEET TO A POINT ON THE BOUNDARY LINE OF 10 MILE CANAL, TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY, 371.29 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 485.28 FEET, THROUGH A CENTRAL ANGLE OF 43°50'15" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°20'47" WEST, A DISTANCE OF 362.30 FEET; THENCE LEAVING THE SAID 10 MILE CANAL NORTH 49°29'36" EAST, A DISTANCE OF 242.33 FEET; THENCE SOUTH 40°30'24" EAST, A DISTANCE OF 250.00 FEET; THENCE NORTH 49°29'35" EAST, A DISTANCE OF 360.01 FEET TO SOUTHWESTERLY RIGHT OF WAY LINE OF OLD U.S.41 (S.R. 45) (100 FOOT RIGHT OF WAY); THENCE ALONG THE SAID SOUTHWESTERLY RIGHT OF WAY OF U.S. 41 FOR THE FOLLOWING 3 COURSES, COURSE (1) SOUTH 40°30'24" EAST, 1,839.98 FEET TO A POINT OF CURVATURE; COURSE (2) SOUTHEASTERLY, 322.64 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,081.77 FEET, THROUGH A CENTRAL ANGLE OF 17°05'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 31°57'44" EAST, A DISTANCE OF 321.45 FEET; COURSE (3) SOUTH 23°25'04" EAST, 1,753.14 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF ALICO ROAD (100 FOOT RIGHT OF WAY); THENCE ALONG THE SAID NORTHERN RIGHT OF WAY LINE OF ALICO ROAD THE FOLLOW 3 COURSES, COURSE (1) SOUTH 89°21'40" WEST, 248.01 FEET; COURSE (2) NORTH 00°17'30" EAST, 3.31 FEET; COURSE (3) NORTH 89°42'30" WEST, 31.50 FEET TO A POINT ON THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 126.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,921,301 SQUARE FEET OR 67.064 ACRES, MORE OR LESS.

PARCEL 2

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°20'55" EAST ALONG THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT OF WAY), A DISTANCE OF 475.44 FEET; THENCE NORTH 00°39'05" WEST, A DISTANCE OF 50.00 FEET TO O POINT ON THE NORTHERLY RIGHT OF WAY OF SAID ALICO ROAD AND TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41 (S.R. 45) (100 FOOT RIGHT OF WAY); THENCE NORTH

DRI2023-00001 Lee County ePlan

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

23°28'25" WEST ALONG THE SAID EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41, A DISTANCE OF 1,086.49 FEET TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE SAID EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41 NORTH 23°29'21" WEST, A DISTANCE OF 105.81 FEET; THENCE NORTH 89°00'00" EAST LEAVING THE SAID EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41, A DISTANCE OF 183.58 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHWESTERLY, 102.39 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 140.00 FEET, THROUGH A CENTRAL ANGLE OF 41°54'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 45°37'49" WEST, A DISTANCE OF 100.12 FEET; THENCE SOUTH 66°34'56" WEST, A DISTANCE OF 76.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,958 SQUARE FEET OR 0.252 ACRES, MORE OR LESS.

PARCEL 3

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°20'55" EAST ALONG THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT OF WAY), A DISTANCE OF 475.44 FEET; THENCE NORTH 00°39'05" WEST, A DISTANCE OF 50.00 FEET TO O POINT ON THE NORTHERLY RIGHT OF WAY OF SAID ALICO ROAD, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41 (S.R. 45) (100 FOOT RIGHT OF WAY) AND TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 23°28'25" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41, A DISTANCE OF 920.34 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE EASTERLY LEAVING THE SAID EASTERLY RIGHT OF LINE OF OLD U.S. 41, 344.80 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 474.00 FEET, THROUGH A CENTRAL ANGLE OF 41°40'43" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 67°46'35" EAST, A DISTANCE OF 337.25 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE NORTH 57°23'38" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 233.46 FEET; THENCE NORTH 89°00'59" EAST LEAVING THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 234.99 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE SOUTH 57°23'36" EAST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 429.29 FEET; THENCE NORTH 04°18'38" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 195.98 FEET; THENCE SOUTH 32°31'09" EAST, A DISTANCE OF 766.84 FEET TO POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE NORTH 57°23'38" WEST ALONG THE SAID SOUTHERLY RIGHT OF LINE OF ALICO ROAD, A DISTANCE OF 260.48 FEET; THENCE SOUTH 08°15'05" WEST LEAVING THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 559.83 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE SOUTH 89°20'55" WEST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 472.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 736,117 SQUARE FEET OR 16.899 ACRES, MORE OR LESS.

DRI2023-00001 Lee County ePlan

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

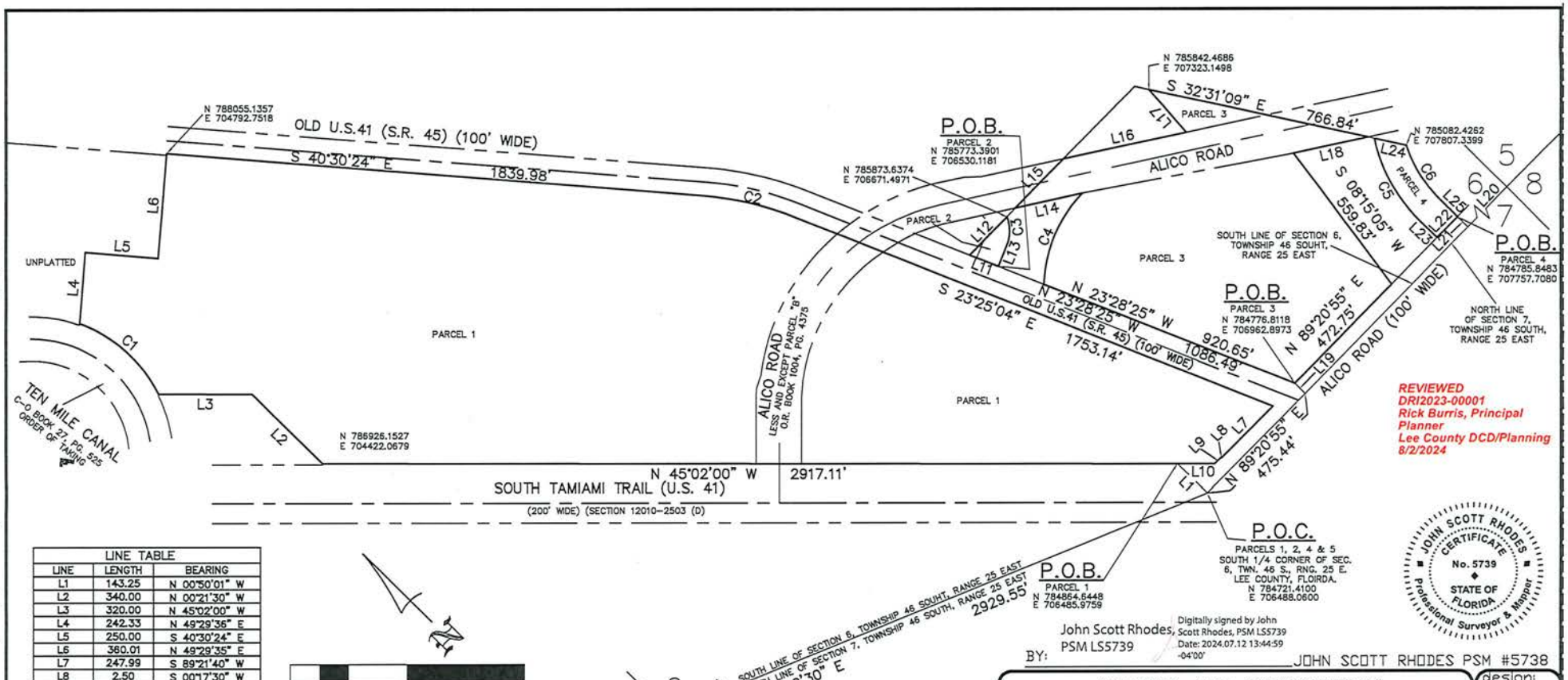
PARCEL 4

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 89°20'55" WEST ALONG THE CENTERLINE OF ALICO ROAD AND THE SOUTHERLY LINE OF SAID SECTION 6, A DISTANCE OF 1,378.22 FEET; THENCE NORTH 00°39'05" WEST LEAVING THE SAID CENTERLINE OF ROAD OF ALICO ROAD AND THE SOUTHERLY LINE OF SECTION 6, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ALICO ROAD TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 89°20'52" WEST ALONG THE SAID SOUTHERLY LINE OF ALICO ROAD, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°39'05" WEST LEAVING THE SAID SOUTHERLY LINE OF ALICO ROAD, A DISTANCE OF 84.12 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 325.94 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 550.00 FEET, THROUGH A CENTRAL ANGLE OF 33°57'18" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 16°19'34" EAST, A DISTANCE OF 321.20 FEET; THENCE SOUTH 32°29'58" EAST, A DISTANCE OF 112.22 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 220.61 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 28°05'19" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 13°23'34" WEST, A DISTANCE OF 218.40 FEET; THENCE SOUTH 00°39'05" EAST, A DISTANCE OF 84.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 35,762 SQUARE FEET OR 0.821 ACRES, MORE OR LESS.

REVIEWED
DRI2023-00001
Rick Burris, Principal Planner
Lee County DCD/Planning
8/2/2024



REVIEWED
DRI2023-00001
Rick Burris, Principal Planner
Lee County DCD/Planning
8/2/2024

LINE TABLE		
LINE	LENGTH	BEARING
L1	143.25	N 00°50'01" W
L2	340.00	N 00°21'30" W
L3	320.00	N 45°02'00" W
L4	242.33	N 49°29'35" E
L5	250.00	S 40°30'24" E
L6	360.01	N 49°29'35" E
L7	247.99	S 89°21'40" W
L8	2.50	S 00°17'30" W
L9	31.50	S 89°42'30" E
L10	126.29	N 45°02'00" W
L11	105.81	N 23°29'21" W
L12	183.58	S 89°00'00" W
L13	76.08	S 66°34'56" W
L14	233.50	N 57°23'38" W
L15	234.99	S 89°00'00" W
L16	429.29	S 57°23'38" E
L17	195.98	N 04°18'38" E
L18	260.48	S 57°23'38" E
L19	50.00	S 00°39'05" E
L20	1378.22	S 89°20'55" W
L21	50.00	S 00°39'05" E
L22	100.00	N 89°20'52" E
L23	84.12	S 00°39'05" E
L24	112.22	N 32°29'58" W
L25	84.12	N 00°39'05" W

0 100 200 400 800
GRAPHIC SCALE

NOT A SURVEY

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	485.28	43°50'15"	371.29	362.30	N 03°20'47" W
C2	1081.77	17°05'20"	322.64	321.45	N 31°57'44" W
C3	140.00	41°54'08"	102.39	100.12	N 45°37'49" E
C4	474.00	41°33'49"	343.85	336.36	S 67°50'02" W
C5	550.00	33°57'18"	325.94	321.20	S 16°19'34" W
C6	450.00	28°05'19"	220.61	218.40	S 13°23'34" W

ABBREVIATIONS
BOB = BASIS OF BEARING
C/L = CENTERLINE
FPL = FLORIDA POWER AND LIGHT
P = PLAT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR AND MAPPER
R/W = RIGHT OF WAY LINE

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

BY: John Scott Rhodes, PSM LS5739
Digitally signed by John Scott Rhodes, PSM LS5739
Date: 2024.07.12 13:44:59 -04'00'
JOHN SCOTT RHODES PSM #5738

SKETCH AND DESCRIPTION

CERTIFIED TO:
X

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date: JULY 11,2024
XX	XX	scale: 1" = 500'
		cogo #: 23-851

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

design:
drawn: EFC
checked: JSR
acad #: 2023-851
view: PLOT
project#: 2023-851
sheet #: 4 of 4
file #: 2023-851 DRI REMOVAL

C:\Users\EdwardCieslak\Rhodes and Rhodes\CONST - Documents\ryan company\2023-851\dwg\OLD DRI\2023-851 DRI REMOVAL 2024-07-11.dwg, Layout1, 7/11/2024 9:55:12 PM, 1:1

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan/ Approved Development Parameters

Master Concept Plan (MCP). Development must be consistent with the three-page MCP entitled "DIA Crossing MPD," stamped received by the Hearing Examiner October 30, 2024, except where modified by conditions below. (Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC. Changes to the MCP or conditions will require further development approvals.

Approved Development Parameters. MPD may develop up to 200,000 square feet of commercial uses,** 350 residential dwelling units, including 30 bonus density units, and 150 hotel rooms.

**Subtract C-1 is limited to a maximum of 50,000 square feet and Subtract C-2 is limited to a maximum of 150,000 square feet.

2. Uses And Site Development Regulations

a. Schedule of Uses

Residential Tract

Accessory Uses and Structures
Dwelling Unit: Multiple-Family Building
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation:
- Water Retention and Detention
- Lakes

Fences, Walls
Home Occupation
Models:
- Display Center
- Display Group
- Model Home
- Model Unit

Parking Lot:
- Accessory
- Park-And-Ride
- Temporary

Real Estate Sales Office, limited to sales of lots, homes or units within the development

Recreation Facilities:
- Personal
- Private On-Site

Signs

Temporary Uses in accordance with Land Development Code at time of development order review and limited to temporary sales office, temporary contractor's office, staging area, and equipment storage structures

Commercial Tracts

Accessory Uses and Structures
Administrative Offices
Animals: Clinic, Kennel, Control Center (Including Humane Society)
Assisted Living Facility
Atm (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments, All Groups
Bar or Cocktail Lounge
Boat Parts Store
Boat Repair & Service
Boat Sales
Boat Storage, Dry
Boatyard
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups
Bus Station/Depot
Caretaker's Residence
Carwash
Cleaning and Maintenance Services
Clothing Stores, General

Clubs:
- Commercial,
- Country,
- Fraternal, Membership Organization, &
- Private

Communication Facility, Wireless
Community Gardens
Consumption on Premises
Continuing Care Facilities
Contractors And Builders, All Groups
Convenience Food and Beverage Store, with or without fuel pumps
Cultural Facilities
Day Care Center, Adult & Child (Maximum 75 children or adults)
Department Store
Drive-Through Facility for any Permitted Use
Drugstore, Pharmacy
Dwelling Unit:
- Live-Work
- Townhouse
- Multiple-Family Building

Entrance Gates and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, All Groups
Excavation: Water Retention
Flea market:
- Open
- Indoor

Food and Beverage Service, Limited
Food Stores, All Groups
Funeral Home or Mortuary: with or without cremation
Gift and Souvenir Shop
Hardware Store
Health Care Facility, Groups I, II, III
Hobby, Toy, and Game Shops
Home Care Facility
Hospice
Hotel/Motel (Limited to Subtract C-2)
Household and Office Furnishings, All Groups
Insurance Companies
Laundromat
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Store
Library
Maintenance Facility (Government)

- Mass Transit Depot or Maintenance Facility (Government-Operated)
- Medical Office
- Models:
  - Display Center Only
  - Model Home
  - Model Unit
- Motion Picture Production Studio
- Nightclubs
- Non-store Retailers, All Groups
- Package Store
- Paint, Glass and Wallpaper
- Parcel and Express Services
- Parks, All Groups
- Parking Lot:
  - Accessory
  - Commercial
  - Garage, Public
  - Park-And-Ride
  - Temporary
- Personal Services, All Groups
- Pet Services
- Pet Shop
- Pharmacy
- Place Of Worship
- Plant Nursery
- Post Office
- Printing and Publishing
- Real Estate Sales Office
- Recreation Facilities:
  - Commercial: Groups I, III, IV
  - Personal
  - Private On-Site
- Religious Facilities
- Rental or Leasing Establishments, Groups I, II, III, IV
- Repair Shops, Groups I, II, III, IV
- Research And Development Laboratories, Groups I, II, IV
- Restaurant, Fast Food
- Restaurants, All Groups
- Retail And Wholesale Sales, when clearly incident and subordinate to a permitted principal use on the same premises
- Schools:
  - Commercial
  - Non-Commercial
- Self-Service Fuel Pumps
- Signs
- Social Services, All Groups

Specialty Retail Shop, All Groups
Storage:
- Indoor
- Storage, Open

Studios
Supermarket
Temporary (Limited to Temporary Sales Office, Temporary Contractor's Office, Staging Area, And Equipment Storage Structures)
Theater, Indoor
Transportation Services, Groups II, III
Used Merchandise Store, Groups I, II
Vehicle and Equipment Dealers, All Groups
Warehouse:
- High Cube
- Mini Warehouse
- Private
- Public

Wholesale Establishment, Groups I, III

b. Site Development Regulations

See Exhibit B2

3. Unified Sign Plan

Development order submittals must include a unified sign plan.

4. Natural Resources

a) Drainage Easement. Development order submittals must include a draft drainage easement designed to maintain the offsite conveyance drainage easement depicted on the MCP. Once approved by the County, the owner must record the drainage easement in the public records of Lee County. Proof of recordation is a prerequisite to issuance of a Certificate of Compliance.

b) Stormwater Report. Development order plans proposing improvements within open space areas must include a Stormwater Report with models and calculations demonstrating offsite flows will be maintained during and post construction.

c) Water Quality Monitoring Plan. Development order submittals must include a Water Quality Monitoring Plan that includes the following:

i) Baseline Monitoring. Completion of baseline monitoring prior to commencing construction. Developer must submit the baseline monitoring report to the County Division of Natural Resources

ii) Water Quality Monitoring Sites. Location of surface water quality and groundwater quality monitoring sites. Developer must locate a surface water quality monitoring site at each proposed outfall.

Data. Developer must submit water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. Annual monitoring reports must include a comparison to State surface water quality standards, plots of parameters, and recommendations. Developer must report water quality monitoring data as Electric Data Deliverable (EDD), in a format approved by the Division.

Developer may file a written request with the Division of Natural Resources to amend the water quality monitoring/reporting condition after demonstrating the project met state water quality monitoring standards for five consecutive years.

iii) Contingency Plan. Developer must prepare a Contingency Plan to be implemented in the event of an exceedance of State Water Quality Standards. The contingency plan must include notification to impacted residents, the Division of Natural Resources and applicable authorities.

Hearing Examiner Note: *Condition 4 revised to conform to similar conditions in approved zoning cases.*

5. Environmental

a. Development order plans must depict 36.73 acres of open space.

b. Development order plans must depict 6.00 acres of indigenous preserve area and 0.63 acres of restored indigenous wetlands.

c. Development order plans for the commercial portion of the project must depict 25-foot-wide buffers along Alico Road and South Tamiami Trail. The buffer must include five trees per 100 linear feet and a double hedge.

d. Development order plans must substantially comply with the "Indigenous Vegetation Communities & Protected Species Assessment for DIA Crossing Lee County Florida" dated January 2024 (Revised). Exhibit B3

e. The application for Vegetation Removal Permits must include wetland mitigation documentation if onsite mitigation is necessary. Development order plans must depict onsite mitigation restoration areas.

Hearing Examiner Note: *Staff's Condition 5 revised to conform to condition format in approved zoning cases. Separately listed as conditions 8 and 9.*

6. Department of Transportation

The MCP depicts conceptual access to US 41 and is subject to Florida Department of Transportation approval.

7. Pedestrian and Bicycle Access to School Bus

Development Order plans must accommodate 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.

8. Permitting Generally

Permits from state or federal agencies and do not create liability on the part of the County if developer 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. Developer must obtain applicable local development permits.

9. 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 Land Development Code regulations regarding development within wetlands.

Conditions of Approval for DRI - Rescission

As part of the DRI Development Order approval, the developer accepts responsibility of a number of conditions addressing water quality, energy conservation measures, hurricane management plan, transportation impacts, fire impact fees, compliance with

water conservation devices, and solid waste. Applicant provided documentation with the recission application demonstrating the DRI complied with conditions of the DRI development order up to the point of recission.

Development post recission will comply with DRI Development Order conditions through the conditions of the subject MPD and LDC, and subject to County enforcement authority.

DEVIATIONS

No Deviations.

Exhibits to Conditions

B1 Master Concept Plan for DIA Crossing MPD stamped "Received by the Hearing Examiner" October 30, 2024.

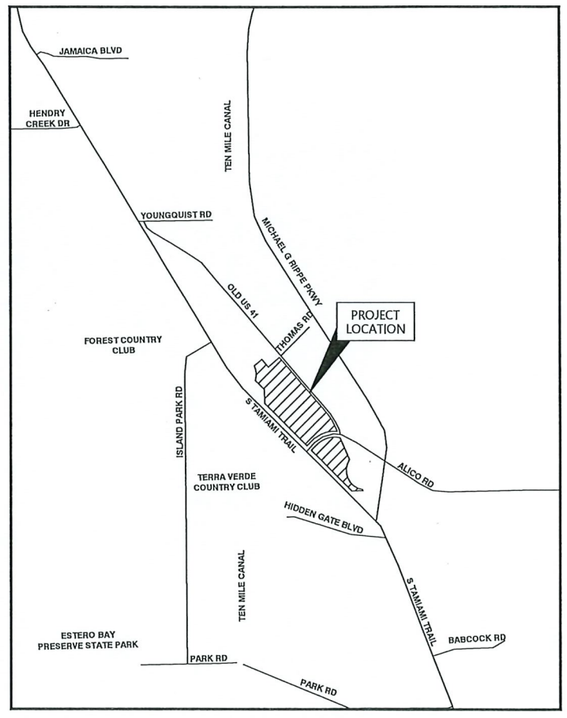
B2 Property Development Regulations

B3 Indigenous Vegetation Communities & Protected Species Assessment for DIA Crossing Lee County Florida" dated January 2024 (Revised) prepared by Ecotech Consultants, Inc.

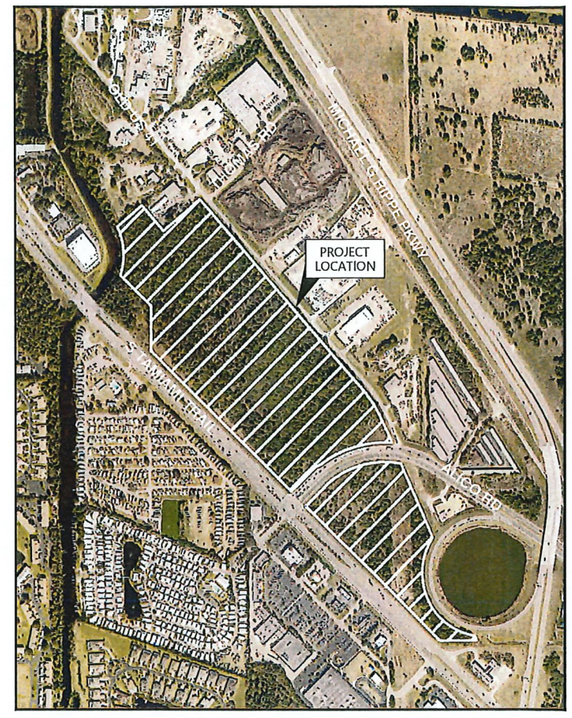
MASTER CONCEPT PLAN FOR

DIA CROSSING MPD

PART OF SECTION 6, TOWNSHIP 46S, RANGE 25E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

LEE COUNTY
HEARING EXAMINER
2024 OCT 30 PM 2:35

EXHIBIT B-1

PREPARED BY:

THE NEIGHBORHOOD COMPANY

5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

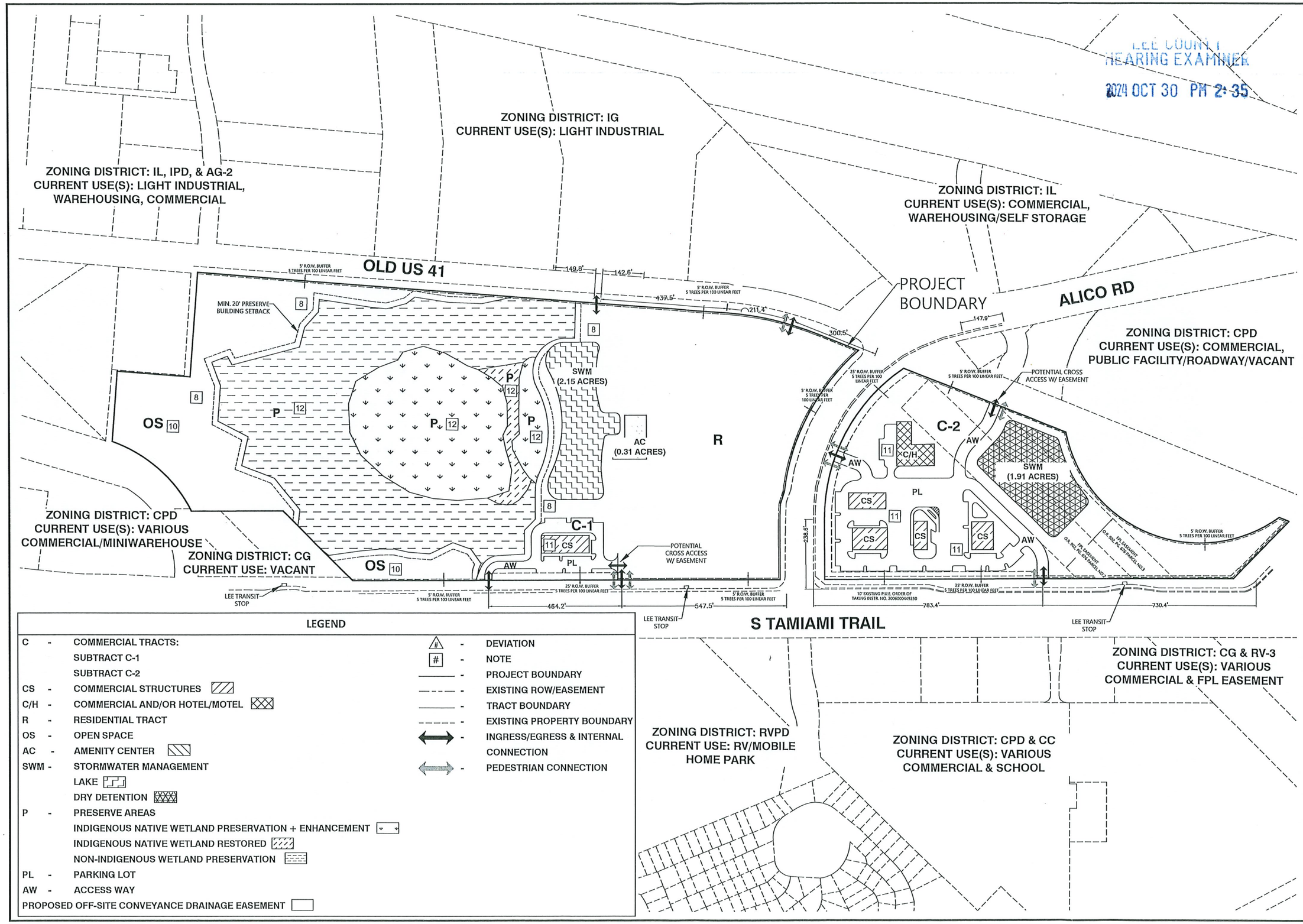
RYAN

201 NORTH FRANKLIN ST,SUITE 3500
TAMPA, FL 33602

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	NOTES

DATE:	PROJECT No.:	SHEET No.:
April, 2024	220050.01.01	1 OF 3



LEGEND

C -	COMMERCIAL TRACTS:	
	SUBTRACT C-1	
	SUBTRACT C-2	
CS -	COMMERCIAL STRUCTURES	
C/H -	COMMERCIAL AND/OR HOTEL/MOTEL	
R -	RESIDENTIAL TRACT	
OS -	OPEN SPACE	
AC -	AMENITY CENTER	
SWM -	STORMWATER MANAGEMENT	
	LAKE	
	DRY DETENTION	
P -	PRESERVE AREAS	
	INDIGENOUS NATIVE WETLAND PRESERVATION + ENHANCEMENT	
	INDIGENOUS NATIVE WETLAND RESTORED	
	NON-INDIGENOUS WETLAND PRESERVATION	
PL -	PARKING LOT	
AW -	ACCESS WAY	
PROPOSED OFF-SITE CONVEYANCE DRAINAGE EASEMENT		

# -	DEVIATION
# -	NOTE
-	PROJECT BOUNDARY
-	EXISTING ROW/EASEMENT
-	TRACT BOUNDARY
-	EXISTING PROPERTY BOUNDARY
-	INGRESS/EGRESS & INTERNAL CONNECTION
-	PEDESTRIAN CONNECTION

#	REVISION	DRAWN	DATE
4	PER HEX HEARING		10/24
3	PER COUNTY COMMENTS		2/24
2	PER COUNTY COMMENTS		11/23
1	PER COUNTY COMMENTS		9/23

0 75 150

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COMPANY

CLIENT: RYAN COMPANIES US, INC.

PROJECT: DIA CROSSING MPD

TITLE: MASTER CONCEPT PLAN

PROJECT NO.: 220050.01.01
DATE: 04/23
DRAWN: F.L.
DESIGN: K.G.
SHEET NUMBER: 2 OF 3

GENERAL NOTES & DEVIATIONS:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
2. THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA TRACTS, INTERNAL AND EXTERNAL INGRESS/EGRESS POINT LOCATIONS, ACCESS WAYS, DRIVES, STORMWATER MANAGEMENT AREAS, EASEMENTS, LAND IMPROVEMENTS AND STRUCTURES, IF SHOWN, ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER FOR EACH TRACT. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS MIXED USE PLANNED DEVELOPMENT (MPD) CAN BE APPROVED ADMINISTRATIVELY.
3. TOTAL DEVELOPMENT AREA: 61.38 +/- ACRES
4. THE FUTURE LAND USE MAP CATEGORY: URBAN COMMUNITY
5. NO RIGHT OF WAY OR PERIMETER LANDSCAPE BUFFERS ARE REQUIRED WHERE PRESERVE AREAS ARE PROVIDED.
6. NO INTERNAL LANDSCAPE BUFFERS ARE REQUIRED WITHIN MIXED USE OVERLAY.
7. THE NORTHERN AND SOUTHERN DEVELOPMENT AREAS MAY BE DEVELOPED SEPARATELY. EACH DEVELOPMENT AREA MAY CONTAIN MULTIPLE PLATTED LOTS, WHICH MAY BE DEVELOPED INDEPENDENTLY OF EACH OTHER AND AT DIFFERENT TIMES SUBJECT TO REVIEW AT TIME OF DEVELOPMENT ORDER.
8. UPLAND BUFFERS, WHEN APPLICABLE, SHALL BE A MINIMUM OF 15 FEET, AVERAGE 25 FEET, SURROUNDING PRESERVED WETLANDS.
9. LOADING ZONE MAY BE LOCATED & ACCESSED ALONG THE REAR, FRONT, OR SIDE OF THE COMMERCIAL BUILDINGS.
10. RECREATION FACILITIES, PRIVATE ON-SITE ONLY.
11. ALL EASEMENTS ASSOCIATED WITH THE DEVELOPMENT OF ANY FUTURE SUBDIVIDED LOT WILL BE PROVIDED AT TIME OF DEVELOPMENT APPROVAL.
12. 18.92 Ac.± OF PRESERVED FRESHWATER WETLANDS TO APPLY TOWARDS DENSITY CALCULATIONS.

OPEN SPACE:

REQUIRED:

- TOTAL SITE AREA: 61.38 AC
- TOTAL MINIMUM REQUIRED OPEN SPACE WITHIN MIXED USE OVERLAY : 20% OF 61.38 AC = 12.28 (12.3) AC

PROVIDED:

- TOTAL OPEN SPACE PROVIDED: ±36.73 AC
- PROVIDED OPEN SPACE DETAILS:

OPEN SPACE USE	ACRES
STORMWATER MANAGEMENT LAKES	±0.54 AC
PRESERVE AREAS	±18.92 AC
BUFFERS, YARDS, AND ALL OTHER OPEN SPACE AREAS	±17.27 AC

PRESERVE AREAS:

INDIGENOUS NATIVE VEGETATION PRESERVE AREA:

REQUIRED:

- 50% OF THE OPEN SPACE REQUIRED:
  - o 50% OF THE 12.3 AC = 6.15 AC

PROVIDED:

- PRESERVED AND ENHANCED:
  - o WETLANDS: 6.00± AC
- RESTORED:
  - o WETLANDS: 0.63± AC

TOTAL: 6.63± AC

NON-INDIGENOUS VEGETATION PRESERVE AREA:

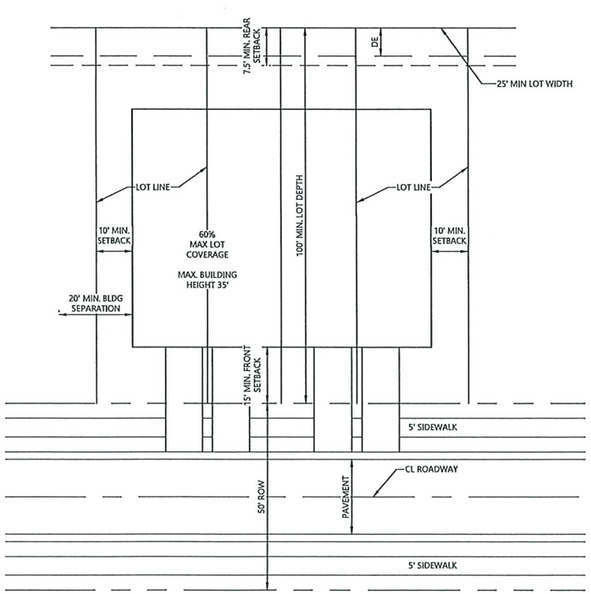
- PRESERVED:
  - o WETLANDS: 12.29± AC

TOTAL: 12.29± AC

TOTAL AREA: 18.92 ±AC

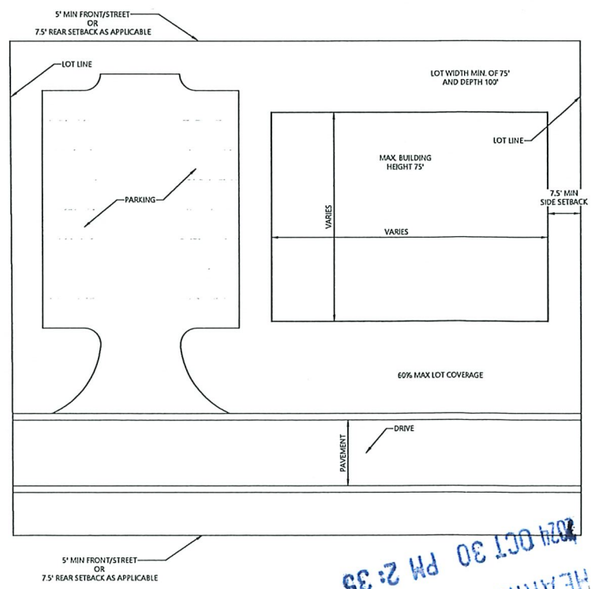
SITE SUMMARY:

LAND USE	ACREAGE	PERCENT	DWELLING UNITS	NON-RESIDENTIAL AREA (SQUARE FEET & ROOMS)
RESIDENTIAL TRACT	**±15.03**	24.5	350	N/A
AMENITY CENTER	**± 0.31**	0.5	N/A	N/A
COMMERCIAL TRACTS	**± 5.79**	0.0	N/A	N/A
COMMERCIAL STRUCTURES	± 0.86	1.4	N/A	200,000
COMMERCIAL/HOTEL	± 0.31	0.5	N/A	150
ACCESS WAY/PARKING LOT	± 4.62	7.5	N/A	N/A
STORMWATER MANAGEMENT AREAS	**± 4.06**	6.6	N/A	N/A
INDIGENOUS NATIVE VEGETATION PRESERVE AREA	**± 6.63**	0.0	N/A	N/A
UPLAND	± 0.00	0.0	N/A	N/A
WETLAND - PRESERVED, ENHANCED AND RESTORED	± 6.63	10.8	N/A	N/A
NON-INDIGENOUS VEGETATION PRESERVE AREA	**±12.29**	0.0	N/A	N/A
WETLAND-PRESERVED	± 12.29	20.0	N/A	N/A
BUFFER, YARDS, AND ALL OTHER OPEN SPACE AREAS	**±17.27**	28.1	N/A	N/A
TOTAL	**±61.38**	**100**	**MAX: 350**	**MAX: 200,000 SF/150 ROOMS**



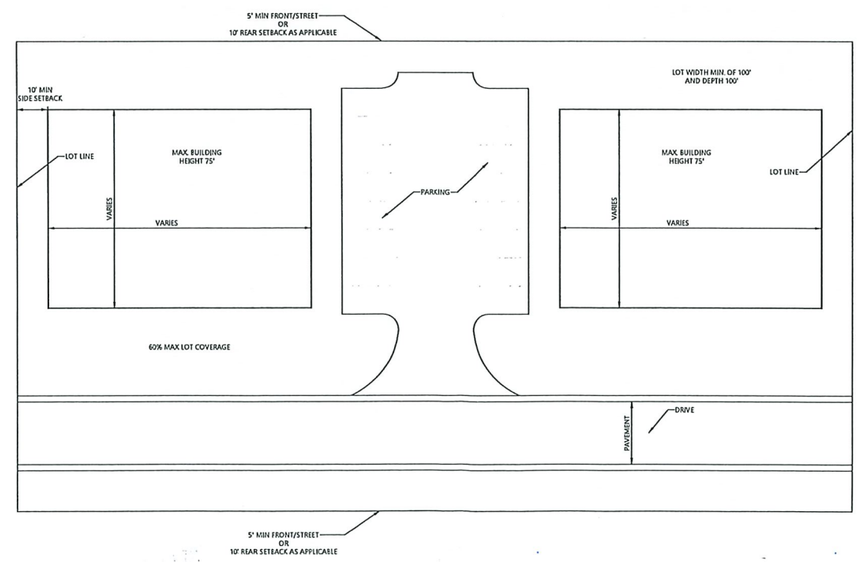
TYPICAL TOWNHOUSE LOT

Scale: NTS



TYPICAL COMMERCIAL LOT

Scale: NTS



TYPICAL MULTIPLE-FAMILY LOT

Scale: NTS

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LEE COUNTY
HEARING EXAMINER

N.T.S

#	REVISION	DRAWN	DATE
4	PER COUNTY COMMENTS		4/24
3	PER COUNTY COMMENTS		2/24
2	PER COUNTY COMMENTS		11/23
1	PER COUNTY COMMENTS		9/23

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COMPANY

CLIENT: RYAN COMPANIES US, INC.

PROJECT: DIA CROSSING MPD

TITLE: NOTES AND TYPICAL SECTIONS

5618

PROJECT NO.: 220050.01.01
DATE: 04/23
DRAWN: F.L.
DESIGN: K.G.
SHEET NUMBER: 3 OF 3

DIA CROSSING MIXED USE PLANNED DEVELOPMENT (MPD)

A Major Planned Development

PROPERTY DEVELOPMENT REGULATIONS

LAND USES	Min. Lot Size (sq. ft.)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Min. Street Setback (feet) [1, 9]	Min. Side Setback (feet) [2, 3, 7]	Min. Rear Setback (feet) [3, 4]	Min. Accessory Structure [3, 5] Side Setback	Min. Accessory Structure [3, 5, 7] Rear Setback	Building Separation (feet) [8]	Max. Building Height (feet) [6]	Max. Lot Coverage (%)
RESIDENTIAL											
Townhouse	2,500	25	100	15	0/10	7.5	5	5	10	35	60
Multi-family	10,000	100	100	5	10	10	5	5	20	75	60
NON-RESIDENTIAL											
Commercial including hotel/motel & Amenity Center	7,500	75	100	5	7.5	7.5	5	5	20	75	60

Planned Development Perimeter Setback: 25 feet

Note 1: Setback is measured from right-of-way or easement line.

Note 2: Side yard setbacks shall be a minimum of zero feet (0') with a ten foot (10') separation between principal structures where not attached.

Note 3: Minimum side and rear setbacks shall be adjusted to a minimum of 20 feet when abutting identified indigenous native preserves and 30 feet for indigenous plant community subject to fire.

Note 4: Where lots abut a waterbody, setback shall be measured from the rear lot line and increased to 20 feet.

Note 5: No accessory structure shall be more than 75% of principal structure's footprint area.

Note 6: Height is measured from the minimum base flood elevation.

Note 7: Encroachments, such as, but not limited to, mechanical equipment, open decks, and overhangs, may be permitted in the setback as per the LDC.

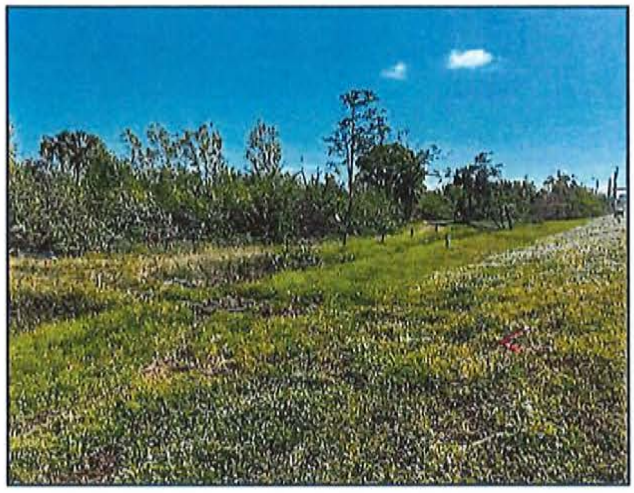
Note 8: No separation is required for any interior townhouse lots.

Note 9: Front entry garage setback for townhouse lots: 20 feet

EXHIBIT B2

EXHIBIT B3

Indigenous Vegetative Communities & Protected Species Assessment



Dia Crossing
Lee County, Florida

January 2024 (Revised)

Prepared For:

Ryan Companies US, Inc.
201 N Franklin St Suite 3500
Tampa, FL 33602

Prepared By:

Ecotech Consultants, Inc.
ENVIRONMENTAL SCIENCES & ENGINEERING
P.O. Box 690265
Vero Beach, FL 32969

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1.0 INTRODUCTION

Ecotech Consultants, Inc. (ETC) was contracted by Ryan Companies to complete an ecological assessment of the 61.38-acre "Dia Crossing" site located in Lee County, Florida. The site is undeveloped and contains a mixture of previously cleared lands, borrow pond, disturbed forested wetlands, and disturbed uplands. The site is bounded by roadways on three sides, with an existing business and Ten Mile Canal along the northern boundary. Invasive vegetation has colonized the site and dominates the forested communities.

The site is located within Section 6, Township 46S, Range 25E, northeast of the intersection of Alico Road and US Highway 41 (Tamiami Trail), in Ft. Myers (Figure 1). The site is bounded by an interchange to the south, Tamiami Trail and commercial/residential areas to the west, existing business and Ten Mile Canal to the north, and industrial/commercial uses to the east (refer to the aerial view below).

View of Existing Adjacent Land Uses

The site is included as mixed use per the overlay found in Lee Plan mapping. Properties located within the mixed-use overlay as delineated on Map 1, Page 6 of the Lee Plan and described in Objective 11.2 must provide minimum open space and landscape requirements. Large developments, such as the Dia Crossing project, must provide a minimum of 20% open space; large developments with existing indigenous native vegetation communities must provide 50% of their open space percentage requirement

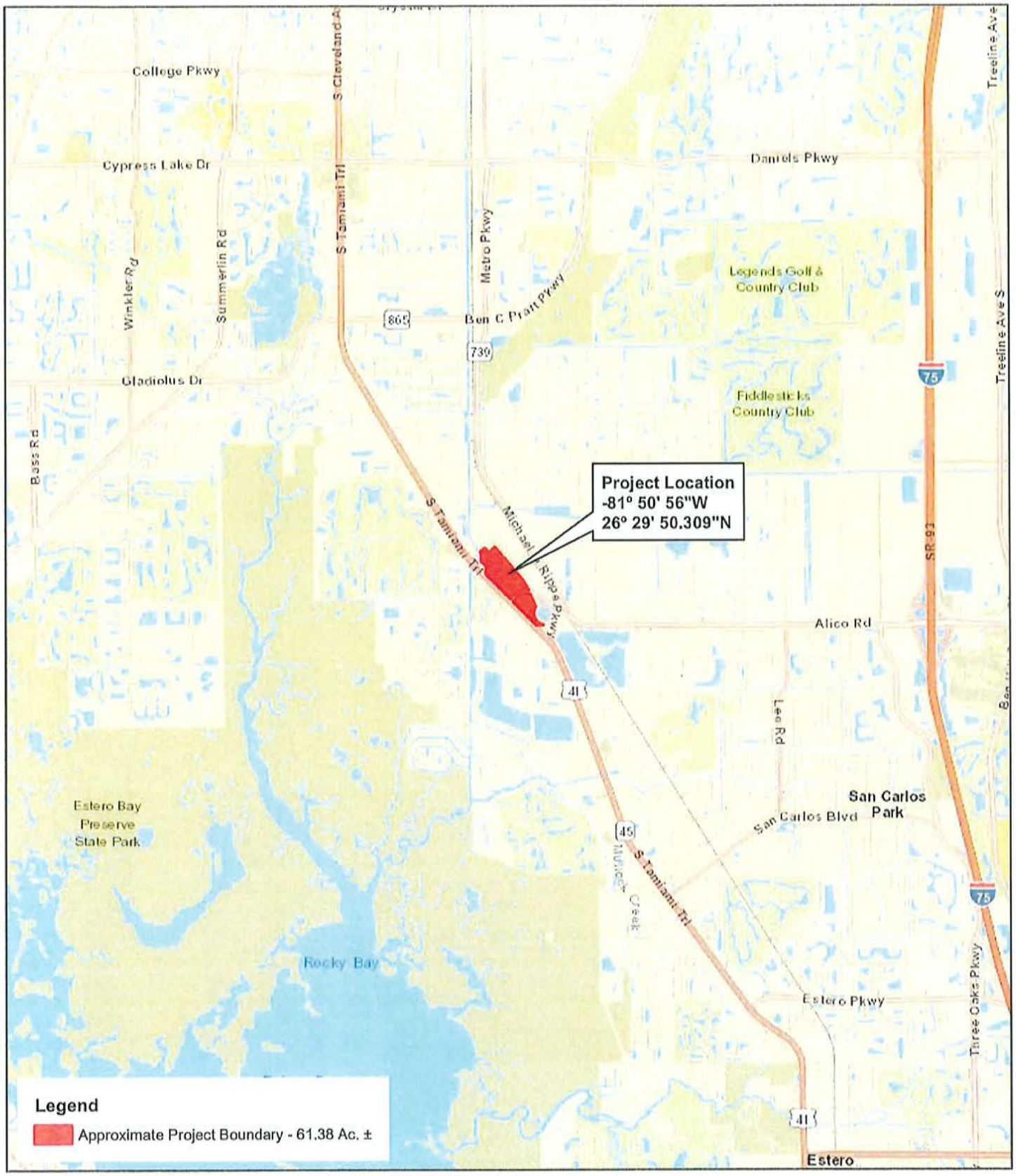

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Figure 1 - Project Location

Dia Crossing
Lee County, Florida

0 0.5 1 2 Miles

N

through the onsite preservation of existing native vegetation communities. As applied to the Dia Crossing site, the open space requirements for the 61.38-acre project area would encompass an area of approximately 12.3-acres; 6.15-acres of preserved indigenous habitat would be required to meet the County's indigenous native vegetation preservation requirements. This plan outlines the compliance of the proposed project with the indigenous species habitat preservation for the project site.

The indigenous habitats that will be enhanced and preserved as part of this plan will be consistent with those habitat types identified in Chapter XII of the Lee Plan. These habitats include cypress wetlands, wetland hardwoods, and a portion of a Carolina willow dominated inland pond. A Conservation Easement for preserved indigenous habitats will be granted to Lee County as part of development approvals.

In addition to the indigenous species enhancement and management plan, this report includes a summary of surveys completed to assess the potential for protected species to occur on the project site.

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

Pursuant to Section 10-1 of the Lee County Land Development Code (LDC), indigenous native vegetation includes those plant species that are characteristic of the major plant communities of the County. Native habitats where invasive vegetation has exceeded 75 percent coverage are not considered to be indigenous vegetative habitats.

The Project site includes approximately 11.03 acres of existing indigenous native vegetation. The indigenous habitats occur as small shrub and forested wetlands with less than 75% coverage by invasives. These indigenous areas are surrounded by invasive wetland hardwoods and disturbed lands, both of which are classified as non-indigenous habitats.

Figure 2 depicts the Florida Land Use, Cover and Forms Classification System (FLUCFCS) map for the project site. Existing indigenous wetland vegetative communities, as well as non-indigenous upland and wetland communities are depicted on the land use map.

Presented below are descriptions of the FLUCFCS (Florida Department of Transportation 1999) habitats present on the project site. All of the indigenous vegetation habitats on site are composed of jurisdictional wetlands; no indigenous upland habitat is present on the project site.

<u>Wetland Hardwoods, Disturbed (50-75% Invasives) (FLUCFCS Code 6109 E3)</u>
The canopy of this +/- 0.71 acre wetland habitat cover type includes scattered large laurel oaks (*Quercus laurifolia*) and earleaf acacia (*Acacia auriculiformis*). The sub-canopy includes Brazilian pepper (*Schinus terebinthifolia*), wax myrtle (*Morella cerifera*), and earleaf acacia. Ground cover is dominated by swamp fern (*Telmatoblechnum serrulatum*), chain fern (*Woodwardia virginica*), many-flower pennywort (*Hydrocotyle umbellata*), Asiatic pennywort (*Centella asiatica*), as well as scattered caesarweed (*Urena lobata*) and other non-wetland ruderal species. Representative photographs of this habitat type are presented on page 5 of this report.

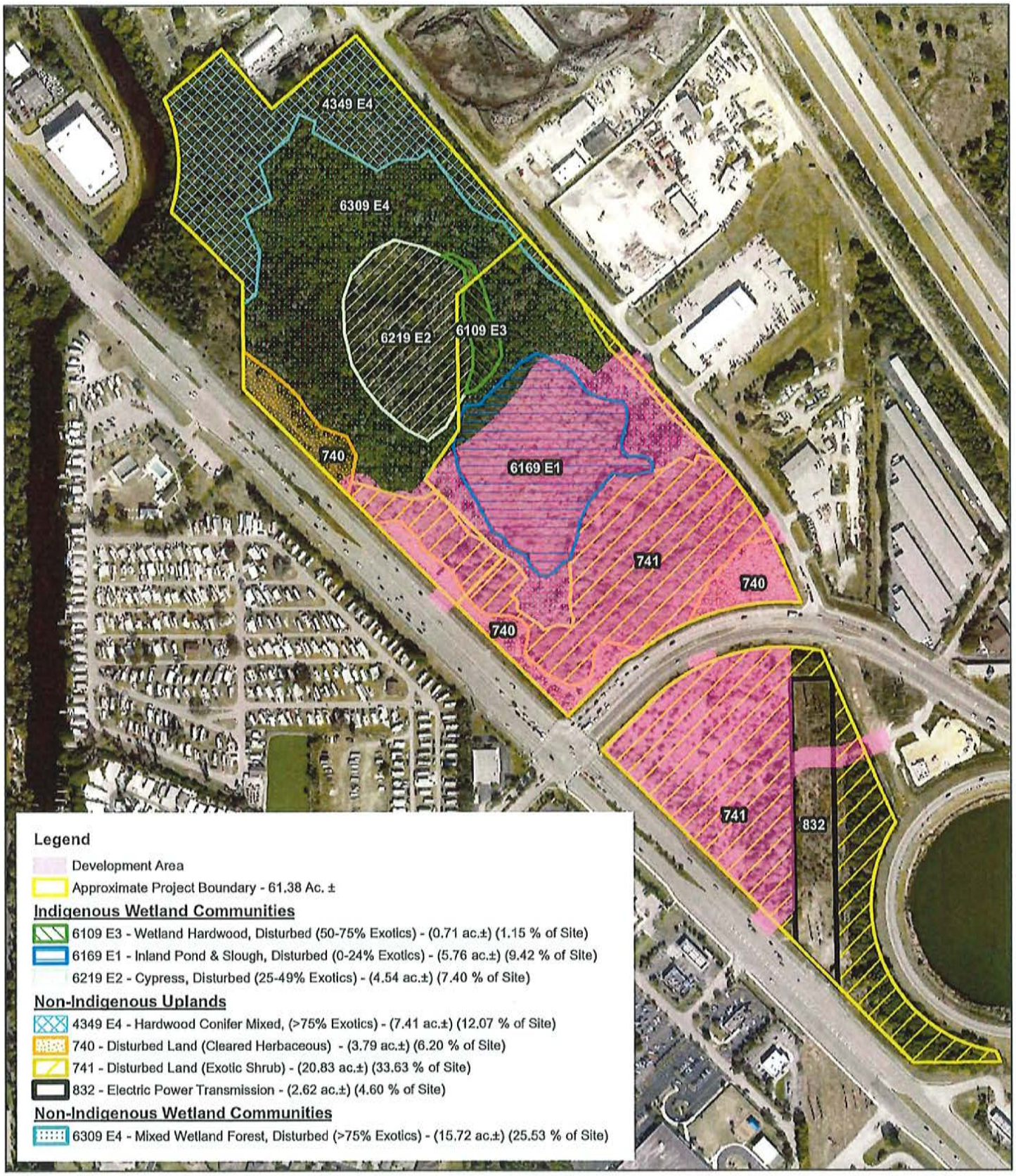

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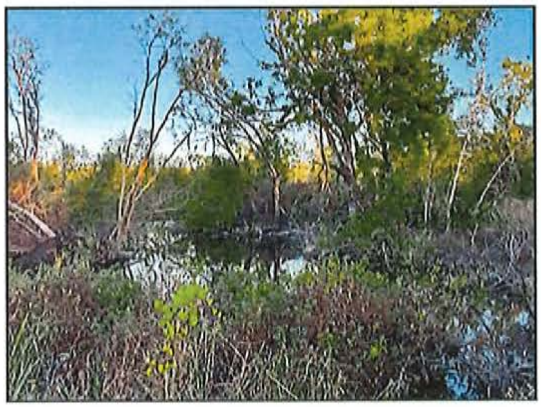
Figure 2 - Lee County FLUCFCS Map

Dia Crossing
Lee County, Florida

0 200 400 800 Feet

N

Inland Pond & Slough, Disturbed (0-24% Invasives) (FLUCFCS Code 6169 E1) The canopy of this 5.76-acre wetland habitat is composed of Carolina willow (*Salix caroliniana*) and scattered cabbage palm (*Sabal palmetto*), with laurel oak along the perimeter. The sub-canopy includes widely scattered Carolina willow, wax myrtle, Brazilian pepper, and earleaf acacia. The ground cover contains swamp fern, sawgrass (*Cladium jamaicense*), torpedograss (*Panicum repens*), maidencane (*Panicum hemitomon*), duck potato (*Sagittaria lancifolia*), and various rushes and sedges. Representative photographs of this community type are presented below.



Cypress, Disturbed (25-49% Invasives) (FLUCFCS 6219E2)
The canopy in this 4.54-acre wetland is dominated by pond cypress (*Taxodium ascenders*), with scattered laurel oak, cabbage palm, and ear leaf acacia. Sub-canopy vegetation includes laurel oak, wax myrtle, Carolina willow, ear leaf acacia, and Brazilian pepper. Groundcover vegetation includes swamp fern, primrose willow (*Ludwigia peruviana*), duck potato and wetland grasses. Old World climbing fern (*Lygodium microphyllum*) was observed in patches throughout the wetland. Representative photographs of the cypress community are presented on page 6 of this report.

3.0 EXISTING NON-INDIGENOUS VEGETATION HABITATS

Approximately 50.36-acres of the project site contains vegetative communities and land cover classifications that do not meet the Lee County LDC's definition of indigenous vegetation. The non-indigenous areas include mixed wetland forest, hardwood/conifer mixed uplands, disturbed/previously cleared lands, and a large power line corridor. The non-indigenous wetland and upland vegetation communities and surface waters are depicted on Figure 2.

3.1 Non-Indigenous Wetland Habitats

Mixed Wetland Forested, Disturbed (>75% Invasives) (FLUCFCS Code 6309 E4)
The canopy of this 15.72-acre habitat type is dominated by ear leaf acacia, java plum (*Syzygies cumini*), melaleuca *(Melaleuca quinquenervia*), with very sparse and scattered laurel oak, cabbage palm, and slash pine (*Pinus elliottii*). Sub-canopy vegetation includes similar species contained in the canopy, with scattered wax myrtle, Brazilian pepper and primrose willow. The groundcover is sparse, and includes swamp fern, and invasive species including climbing cassia (*Senna pendula*), pigweed (*Amaranthus australis*), and balsam apple (*Momordia charantia*). Representative photos of this habitat type are presented below.

3.2 Non-Indigenous Upland Habitats

Hardwood/Conifer Mixed, Disturbed (75-100% Invasives) (FLUCFCS Code 4349 E4)
This 7.41-acre vegetative community is dominated by a canopy of earleaf acacia, with scattered slash pine, cabbage palm, laurel oak, and Java plum. The sub-canopy consists of earleaf acacia, cabbage palm, and Brazilian pepper. Ground cover is sparse, and includes dog fennel (*Eupatorium capillifolium*), muscadine grapevine (*Vitis rotundifolia*), caesarweed, balsam apple, Virginia creeper (*Parthenocissus quinquefolia*), greenbrier (*Smilax* spp.), air potato (*Dioscorea bulbifera*) and guinea grass (*Urochloa maxima*). Representative photographs of this vegetative community are presented below.

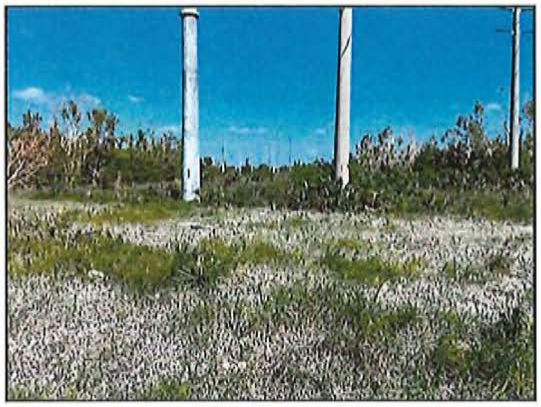
Disturbed Lands (Cleared Herbaceous) (FLUCFCS 740)
Approximately 3.79-acres of previously cleared uplands are present on the project site. Vegetation present in these areas includes Florida pusley (*Richardia scabra*), ragweed (*Ambrosia artimisifolia*), climbing cassia, balsam apple, sand spurs (*Cenchrus echinatus*), grapevine, broomsedges (*Andropogon* spp.), caesarweed and Spanish needles (*Bidens alba*). Representative photographs of this community type are presented below.

Disturbed Lands (Shrub dominated) (FLUCFCS 741)

Approximately 20.83-acres of previously cleared uplands on the project site are dominated by a mixture of shrub species, with scattered canopy present. Dominant species include Brazilian pepper, Java plum, earleaf acacia, wax myrtle, cabbage palm, climbing cassia, hog plum (*Ximenia americana*), air potato, rosary pea (*Abrus precatorius*), greenbriar (*Smilax* spp.), and grapevine. Representative photographs of this community type are presented below.

Electrical Power Transmission Lines (FLUCFCS Code 832)

This land use includes a 2.62-acre power line corridor within the portion of the site to the south of Alico Road. Representative photographs of this area are presented below.



4.0 INDIGENOUS VEGETATION PRESERVATION AND ENHANCEMENT

A total of 6.00-acres of indigenous vegetation comprised of three vegetative wetland habitats with less than 75% cover by invasives will be preserved and enhanced through the removal/treatment of invasive vegetation. The indigenous preservation, enhancement and restoration areas are shown on Figure 3.

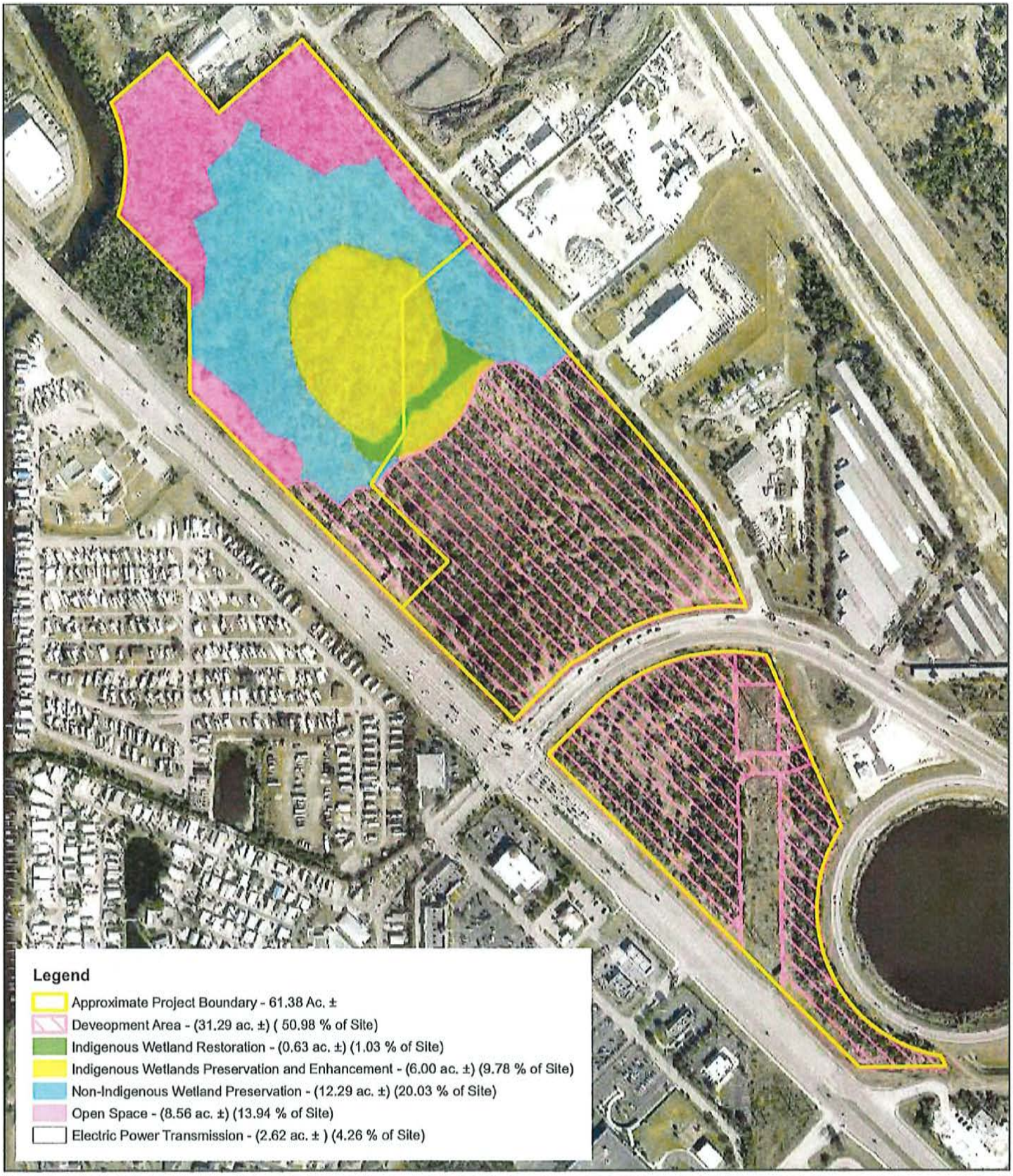


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Figure 3 - Indigenous Habitat Preservation, Restoration, and Enhancement Plan

Dia Crossing
Lee County, Florida

0 200 400 800 Feet

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4.1 Removal and Maintenance of Invasive and Nuisance Vegetation

Invasive vegetative species to be removed from the entire project site include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

Table 1. Prohibited Invasive Species

Common Name	Scientific Name
Air potato	*Dioscorea alata*
Australian pine	All *Casuarina* species
Bishopwood	*Bischofia javanica*
Brazilian pepper	*Schinus terebinthifolia*
Carrotwood	*Cupaniopsis anacardioides*
Chinese tallow	*Sapium sebiferum*
Cork tree	*Thespesia populnea*
Cuban laurel fig	*Ficus microcarpa*
Downy rose-myrtle	*Rhodomyrtus tomentosus*
Earleaf acacia	*Acacia auriculiformis*
Japanese climbing fern	*Lygodium japonicum*
Java plum	*Syzygium cumini*
Melaleuca	*Melaleuca quinquenervia*
Murray red gum	*Eucalyptus camaldulensis*
Old World climbing fern	*Lygodium microphyllum*
Rose apple	*Syzygium jambos*
Rosewood	*Dalbergia sissoo*
Tropical soda apple	*Solanum viarum*
Wedelia	*Wedelia trilobata*
Weeping fig	*Ficus benjamina*
Woman's tongue	*Albizia lebbeck*

Invasive and nuisance vegetation treatment and removal within indigenous wetland habitats will be completed using the following methods:

(1) cut stump within 12 inches of ground elevation and application of approved herbicide;

(2) foliar application of approved herbicide or hand-pulling of invasive seedlings;

(3) foliar application of approved herbicide to invasive and nuisance non-woody vegetation; and

(4) All cut biomass will be removed from the project site

In addition to the species listed in Table 1, invasive species listed in the *Atlas of Florida Plants, Institute for Systemic Botany* shall be removed from the project site.

4.2 Removal and Management of Debris

Vegetative debris resulting from the cut stump and hand removal will be removed from the indigenous wetland preserves. Biomass may be moved and piled within proposed developed areas and burned, or disposed of off-site. Annual monitoring and inspection of treated areas will be completed to ensure that non-native vegetative debris, wind-blown debris, or other garbage is removed from the preserved wetlands.

4.3 Monitoring & Maintenance

Eradication of invasive vegetation within the existing indigenous habitats shall begin concurrent with the initiation of site construction. Subsequent to the initial treatment of invasive species within the indigenous wetlands, the preserve area will be inspected on an annual basis for a period of five years to detect any locations of recurrence of invasive vegetation. These inspections will be completed by a qualified contractor experienced in the identification and treatment of invasives found in Lee County. Any identified areas where there is re-growth or establishment of invasive vegetation will be mapped and corrective actions (re-treatment) will be completed.

Grasses such as cogongrass (*Imperata cylindrica*), guinea grass, and torpedograss will require multiple treatments. Quarterly evaluation of the preserved wetlands by qualified personnel will be required to evaluate the need for additional treatments.

In the event that the area does not meet the County's standards for cover of invasive species, the County may elect to extend the monitoring period up to a total of 10 years. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of invasive vegetation, including the prohibited invasive species listed in Section 10-420(h) of the LDC.

5.0 INDIGENOUS WETLAND VEGETATION RESTORATION

As depicted on Figure 3, approximately 0.63-acres of existing areas mapped as non-indigenous wetlands (>75% cover of invasive vegetation) will be restored to mixed wetland hardwood forest (FLUCFCS 6100). The existing land use of the 0.63-acre restoration area is 6309 E4 (Mixed Wetland Forest, Disturbed). Following the removal of invasives, the wetland restoration area will be planted with native vegetation plantings.

Canopy and shrub species to be planted will include a minimum of three of the species listed in Table 2. Ground cover plantings will include a minimum of four of the species listed in Table 2. The species selected for planting may depend on market availability concurrent with the installation of the plants, as well as an assessment of site conditions following the eradication of invasive vegetation. Variations in topography and an assessment of recruited native vegetation may guide the species selection. Additional tree, shrub, and ground cover species may be included in the planting table with approval from DCD staff.

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Size	Planting Density (On Center)
Tree Species				
Laurel oak	*Quercus laurifolia*	5 ft.	3 gal.	15 ft.
Dahoon holly	*Ilex cassine*	5 ft.	3 gal.	15 ft.
Red maple	*Acer rubrum*	5 ft.	3 gal.	15 ft.
Swamp bay	*Persea palustris*	5 ft.	3 gal.	15 ft.
Pop ash	*Fraxinus caroliniana*	5 ft.	3 gal.	15 ft.
Pond apple	*Annona glabra*	5 ft.	3 gal.	15 ft.
American elm	*Ulmus americana*	5 ft.	3 gal.	15 ft.
Shrub Species[1]				
Cocoplum	*Chrysobalanus icaco*	3 ft.	1 gal.	10 ft.
White indigoberry	*Randia aculeata*	5 ft.	3 gal.	15 ft.
Myrsine	*Myrsine cubana*	3 ft.	1 gal.	10 ft.
Wax myrtle	*Morella cerifera*	3 ft.	1 gal.	10 ft.
Walter's viburnum	*Viburnum obovatum*	3 ft.	1 gal.	10 ft.
Groundcover Species				
Dotted smartweed	*Persicaria punctata*	12 in.	1 gal.	3 ft.
Blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	2 in.	3 ft.
Cordgrass	*Spartina bakeri*	12 in.	2 in.	3 ft.
Golden canna	*Canna flaccida*	12 in.	2 in.	3 ft.
Leather fern	*Acrostichum danaefolium*	12 in.	1 gal.	3 ft.
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 ft.
Royal fern	*Osmunda regalis*	12 in.	1 gal.	3 ft.
Saururus cernuus	*Lizard's tail*	12 in.	4 in.	3 ft.

[1]These species will be planted on the edges or transitional areas of the wetlands and not in the lower elevations.

5.1 Monitoring & Maintenance

Eradication of invasive vegetation within the restored wetland habitat shall begin concurrent with the initiation of site construction. Subsequent to the initial treatment of invasive vegetation within the indigenous wetlands, and the installation of native vegetative species, the restored preserve area will be inspected on a quarterly basis for the first year following construction to assess both the recurrence of invasive vegetation, as well as the survivorship of planted species. These inspections will be completed by a qualified ecologist. Any identified areas where there is re-growth or establishment of invasive vegetation will be mapped and corrective actions (re-treatment) will be completed.

Any areas where there have been significant loss of planted material will be identified, and corrective measures may be implemented based on the potential for meeting the

success criteria. Following the initial year of monitoring, the restored wetlands will be reviewed annually to assess current site conditions and determine the need for any remedial measures.

6.0 COMPLIANCE WITH SUCCESS CRITERIA

6.1 Indigenous Wetland Preservation and Enhancement (6.00-acres)

The following summarizes the success criteria for the indigenous wetland preservation and enhancement areas:

1) Initial eradication of invasive vegetation will be completed.

2) The wetland preserve areas will be maintained free from invasive vegetation. Invasive vegetation species include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

6.2 Indigenous Wetland Restoration (0.63-acres)

The following are the success criteria for the indigenous wetland restoration areas:

1) Initial eradication of invasive vegetation will be completed;

2) Supplemental plantings will be completed in the indigenous restoration areas;

3) A minimum 80 percent survival of tree, shrub, and ground cover plantings after five years; and

4) The restored preserve areas will be maintained free from invasive vegetation. Invasive vegetation species include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

In the event that the success criteria for the wetland preserve and restoration areas are not met within five years of the completion of the initial enhancement and restoration work, an adaptive management plan will be prepared and provided to DCD staff to address the deficiencies. The adaptive management plan may include, but is not limited to, installation of additional plantings, habitat modifications, increased invasive maintenance regime, and an extended monitoring program.

7.0 MONITORING REPORTS

Annual vegetative monitoring will be conducted within the enhanced and restored wetlands. Monitoring reports summarizing the existing conditions within the enhanced and restored wetlands will be prepared and submitted to Lee County's DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD.

Monitoring reports will include, at a minimum, the following information:

1) Cover of invasive species within each habitat type
2) Quantitative data on the survivorship of planted vegetation
3) A discussion of issues that may have resulted in the loss of planted vegetation, and potential corrective measures that may be implemented (if applicable)
4) A description of the hydrology within the enhanced and restored wetlands
5) A summary of wildlife observed during monitoring and maintenance events
6) Panoramic photographs accompanied by a map depicting photo station locations
7) A summary of biological indicators and observations for the enhanced and restored wetlands that document their viability
8) A description of any corrective measures that were undertaken, as well as a description of any anticipated maintenance work to be conducted over the next monitoring period.
9) Recommendation(s) of measures to address any deficiencies observed

Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

8.0 LONG-TERM MANAGEMENT

The conservation areas will be placed in conservation easement(s). Grantees to conservation easement will be established by the South Florida Water Management District and Lee County. The conservation easements will prevent the encroachment of future development as well as activities that are incompatible with the goal of maintaining the integrity and functional value of the preserved, enhanced, and restored habitats on site. Long-term management of invasive and nuisance vegetation, debris removal, monitoring and maintenance of habitats will adhere to the requirements outlined in this plan.

9.0 PROTECTED SPECIES MANAGEMENT PLAN

During October 2022 and March 2023 ETC ecologists completed a Lee County protected species survey (PSS) on the Project site. The survey was conducted to meet LDC Chapter 10, Article III, Division 8 (Protection of Habitat) standards. All surveys were performed in general accordance with the methodologies outlined in the Florida Wildlife Conservation Guide (2011), developed by FWC, USFWS, and the Florida Natural Areas Inventory (FNAI). Based on the habitat types described in this report, a list of protected wildlife species known to occur in Lee County was generated (refer to Table 3).

Table 3. Potential for Protected Wildlife Species to Occur within Existing Land Uses on the Dia Crossing Site

Scientific Name	Common Name	Preferred Habitat	Potential Occurrence	Status[1]
Birds				
Egretta caerulea	Little blue heron	Forage in herbaceous and forested wetlands/margins of ponds/ lagoons/ ditches. Nest in colonies; rely on wetlands and shrubby islands for breeding and roosting.	Moderate	ST
Egretta tricolor	Tricolored heron	Forage in herbaceous and forested wetlands/margins of ponds/lagoons/ditches. Nest in colonies; rely on wetlands and shrubby islands for breeding and roosting.	Moderate	ST
Mycteria americana	Wood stork	Forage in shallow waters of freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches. Nest in colonies in cypress swamps and other forested wetlands.	Low	FT
Reptiles				
Alligator mississipiensis	American alligator	Inhabit fresh and brackish marshes, ponds, lakes, rivers, and swamps. Opportunistic feeders.	Low	FT (S/A)
Drymarchon corais couperi	Eastern indigo snake	Inhabit pine flatwoods, scrubby flatwoods, scrub and sandhill, hammocks, and wetlands. Prey includes birds, small mammals, anurans, lizards, snakes and turtles	Very Low	FT
Mammals				
Sciurus niger avicennia	Big Cypress fox squirrel	Inhabits cypress, slash pine savanna, mangrove swamps, tropical hardwood forest, live oak woods, coastal broadleaf evergreen hammocks, and suburban areas.	Low	ST

[1] *Status: ST = State Threatened per Florida Fish and Wildlife Conservation Commission (FWC) regulations; FT = Federally Threatened per US Fish and Wildlife Service (FWS) regulations; FT(S/A) = Federally Threatened due to Similarity of Appearance*

9.1 Pedestrian Survey

The field survey methodology consisted of qualified ecologists walking parallel belt transects across the property. The transects were generally traversed approximately

50 to 100 feet apart, depending on habitat type and visibility. The weather during the surveys was sunny, with partly cloudy skies, light winds, and temperatures in the low to mid-80s. Survey was directed at identifying the following:

- Tracks, scat, marking trees, cavities, nests, game trails, and any other indicators of wildlife use;
- Canopy vegetation was inspected for signs of squirrel beds;
- Assessment of denning within the site.

All observed species, listed and non-listed, were recorded. No listed species were identified during the course of the site reviews. The highly urbanized nature of the surrounding land uses, high cover by invasive vegetation, and the fragmentation of the site from other natural areas greatly reduces the potential use of the site by wildlife.

No known Lee County protected plants were observed on the site. A summary of wildlife species observed during surveys is included on Table 4.

Table 4. Observed Wildlife Species in Existing Site Land Uses

Common Name	Scientific Name
American Crow	*Corvus brachyrhynchos*
Black vulture	*Coragyps atratus*
Brown anole	*Anolis sagrei*
Eastern cottontail	Sylvilagus floridanus
Eastern gray squirrel	*Sciurus carolinensis*
Mourning dove	*Zenaida macroura*
Northern cardinal	*Cardinalis cardinalis*
Northern mockingbird	*Mimus polyglottos*
Pileated woodpecker	Dryocopus pileatus
Rufous-sided towhee	*Pipilo erythrophthalmus*
Red-headed woodpecker	*Melanerpes erythrocephalus*
Red-winged blackbird	Agelaius phoeniceus
Racoon	Procyon lotor

9.2 Florida Black Bear Management Plan

Though no Florida black bear or sign of Florida black bear was documented on the project site during the wildlife surveys completed, there are past reports (circa 2014 & 2015) of bear calls ranging between 0.5 miles to more than 1.5 miles from the site. As Florida black bears may be within the general vicinity of the project, homeowners and construction personnel may be educated about the presence of black bears in the area. FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix 1) may be provided to residents and tenants. This brochure can be found at: http://myfwc.com/wildlifehabitats/managed/bear/brochures/.

10.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the preserve as a "Nature Preserve Area" will be installed along the boundary of the conservation areas. The signage will include language stating, "No dumping allowed." The signs will be spaced a maximum of 300 feet apart. The signs will be no closer than ten feet from residential property lines, and will be limited to a maximum height of four feet and a maximum size of two square feet.

Community informational and educational brochures, such as those describing the benefits of preserve areas, may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence.

Dia Crossing Project

Indigenous Vegetation Preservation, Enhancement, and Restoration Plan & Protected Species Assessment

January 2024

APPENDIX

1

FLORIDA BLACK BEAR INFORMATION PAMPHLET

Mike Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.

Rick Sweatt

Bear range in Florida

If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:

YouTube flickr

Cover photo by Ashley Hockenberry

Florida Fish and Wildlife Conservation Commission
MyFWC.com

printed on recycled paper

A guide to living in bear country

Florida Fish and Wildlife Conservation Commission
MyFWC.com

Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.

Charles Towns

Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears – they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500- 3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice:* Email from Chahram Badamtchian to Maria Perez, with copies to Ken Gallander, dated Monday, September 30, 2024, 9:31 AM (2 pages – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received September 18, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *DCD Staff Report with attachments for DRI:* Prepared by Chahram Badamtchian, Senior Planner, date received September 18, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

3. *Affidavit of Publication:* For Zoning Case DCI2023-00020, DIA Crossing Mixed Use Planned Development (1 page – 8.5"x11")

4. *Written Submissions:* Memorandum from Chahram Badamtchian to Donna Marie Collins, dated October 30, 2024 (multiple pages – 8.5"x11" and 3 pages – 11"x17")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Ken Gallander to Maria Perez, with copies to Nat Linden, Andrew Manning, Noel Davis, Chahram Badamtchian, Elizabeth Workman, Brandon Dunn, Nicholas DeFilippo, Marcus Evans, Robert Price, Jillian Scholler, and Pakorn Sutitarnnontr, dated Monday, September 30, 2024, 2:38 PM (2 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared for DIA Crossing Mixed Use Planned Development, DCI2023-00020, Lee County Hearing Examiner, dated October 3, 2024 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared by The Neighborhood Company for Ryan, Zoning Case DIA Crossing MPD, dated April 2024 (3 pages – 11"x17" and 24"x36")

3. *Résumé:* For Wendy M. Swindell (2 page double sided – 8.5"x11")

4. *Résumé:* For Tyler Sharpe, P.E. (2 pages – 8.5"x11")

5. *Résumé:* For Leah Holmes, P.E. (2 pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Noel Davis
2. Ken Gallander
3. Leah Holmes
4. Tyler Sharpe
5. Wendy Swindell

Public Participants:

1. Greg Stuart

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

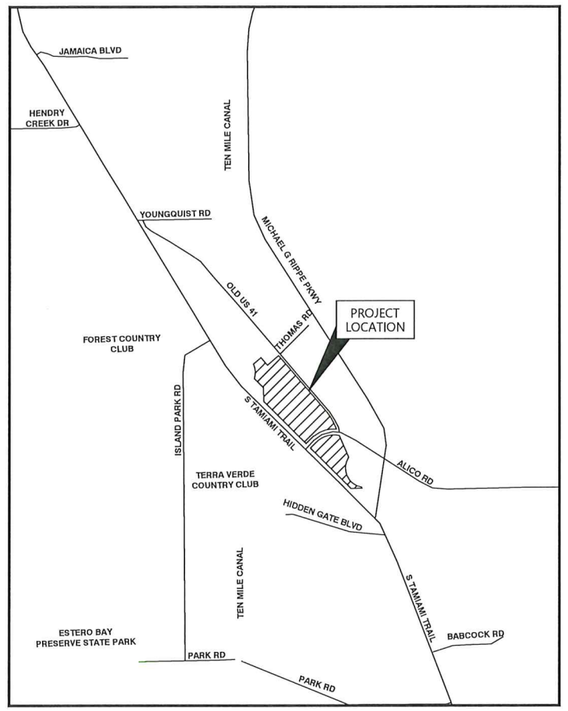
A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

MASTER CONCEPT PLAN FOR

DIA CROSSING MPD

PART OF SECTION 6, TOWNSHIP 46S, RANGE 25E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.

SITE LOCATION MAP
N.T.S.

LEE COUNTY
HEARING EXAMINER
2024 OCT 30 PM 2:35

PREPARED BY:

THE NEIGHBORHOOD COMPANY

5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

RYAN

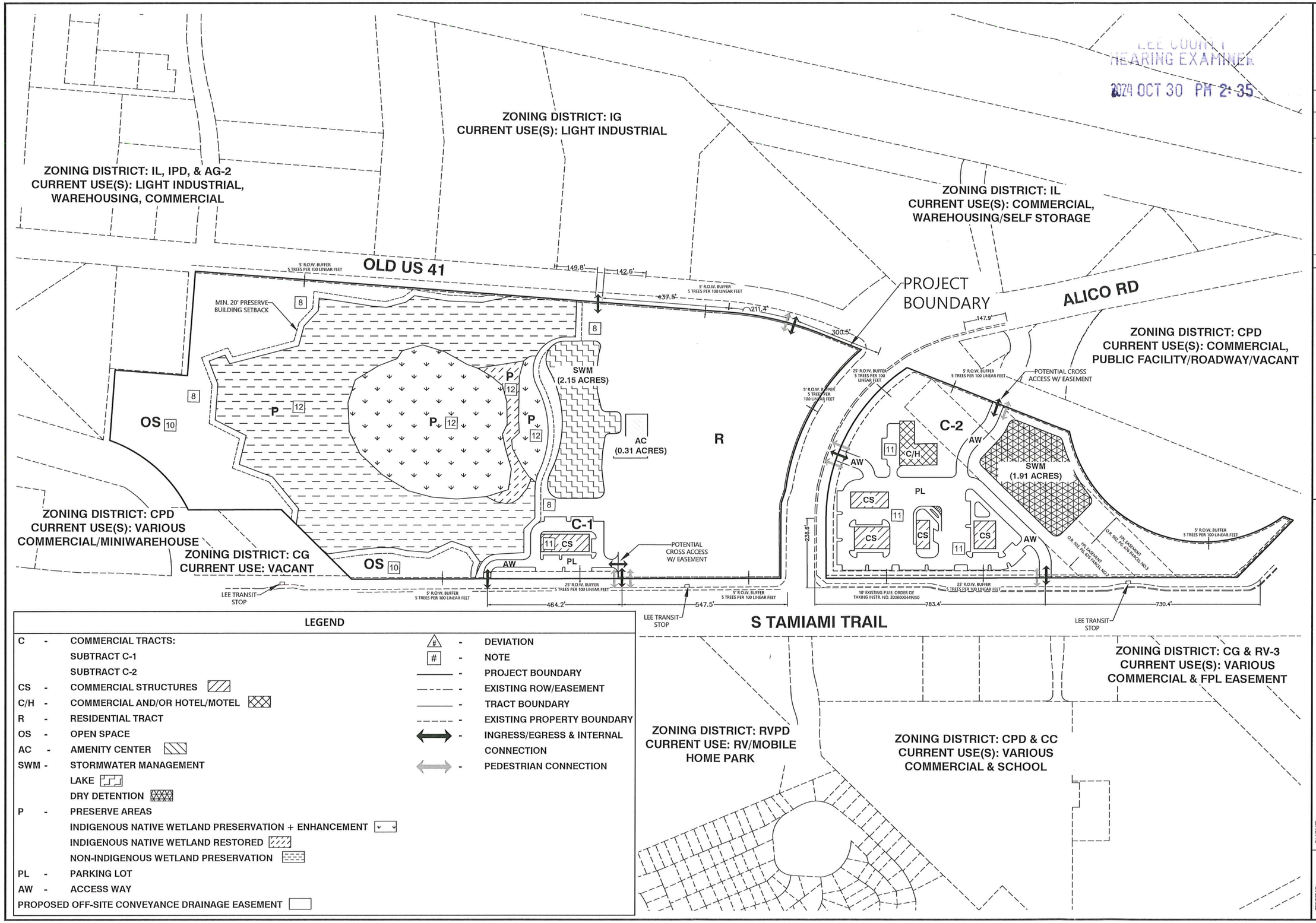
201 NORTH FRANKLIN ST,SUITE 3500
TAMPA, FL 33602

ATTACHMENT D

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	NOTES

DATE:	PROJECT No.:	SHEET No.:
April, 2024	220050.01.01	1 OF 3



LEGEND

C	-	COMMERCIAL TRACTS:
		SUBTRACT C-1
		SUBTRACT C-2
CS	-	COMMERCIAL STRUCTURES
C/H	-	COMMERCIAL AND/OR HOTEL/MOTEL
R	-	RESIDENTIAL TRACT
OS	-	OPEN SPACE
AC	-	AMENITY CENTER
SWM	-	STORMWATER MANAGEMENT
		LAKE
		DRY DETENTION
P	-	PRESERVE AREAS
		INDIGENOUS NATIVE WETLAND PRESERVATION + ENHANCEMENT
		INDIGENOUS NATIVE WETLAND RESTORED
		NON-INDIGENOUS WETLAND PRESERVATION
PL	-	PARKING LOT
AW	-	ACCESS WAY
PROPOSED OFF-SITE CONVEYANCE DRAINAGE EASEMENT		

#	-	DEVIATION
#	-	NOTE
	-	PROJECT BOUNDARY
	-	EXISTING ROW/EASEMENT
	-	TRACT BOUNDARY
	-	EXISTING PROPERTY BOUNDARY
	-	INGRESS/EGRESS & INTERNAL CONNECTION
	-	PEDESTRIAN CONNECTION

#	REVISION	DATE	DRAWN
4	PER HEX HEARING	10/24	
3	PER COUNTY COMMENTS	2/24	
2	PER COUNTY COMMENTS	11/23	
1	PER COUNTY COMMENTS	9/23	

0 75 150

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COMPANY

CLIENT: RYAN COMPANIES US, INC.

PROJECT: DIA CROSSING MPD

TITLE: MASTER CONCEPT PLAN

PROJECT NO.: 220050.01.01
DATE: 04/23
DRAWN: F.L.
DESIGN: K.G.
SHEET NUMBER: 2 OF 3

GENERAL NOTES & DEVIATIONS:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
2. THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA TRACTS, INTERNAL AND EXTERNAL INGRESS/EGRESS POINT LOCATIONS, ACCESS WAYS, DRIVES, STORMWATER MANAGEMENT AREAS, EASEMENTS, LAND IMPROVEMENTS AND STRUCTURES, IF SHOWN, ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER FOR EACH TRACT. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS MIXED USE PLANNED DEVELOPMENT (MPD) CAN BE APPROVED ADMINISTRATIVELY.
3. TOTAL DEVELOPMENT AREA: 61.38 +/- ACRES
4. THE FUTURE LAND USE MAP CATEGORY: URBAN COMMUNITY
5. NO RIGHT OF WAY OR PERIMETER LANDSCAPE BUFFERS ARE REQUIRED WHERE PRESERVE AREAS ARE PROVIDED.
6. NO INTERNAL LANDSCAPE BUFFERS ARE REQUIRED WITHIN MIXED USE OVERLAY.
7. THE NORTHERN AND SOUTHERN DEVELOPMENT AREAS MAY BE DEVELOPED SEPARATELY. EACH DEVELOPMENT AREA MAY CONTAIN MULTIPLE PLATTED LOTS, WHICH MAY BE DEVELOPED INDEPENDENTLY OF EACH OTHER AND AT DIFFERENT TIMES SUBJECT TO REVIEW AT TIME OF DEVELOPMENT ORDER.
8. UPLAND BUFFERS, WHEN APPLICABLE, SHALL BE A MINIMUM OF 15 FEET, AVERAGE 25 FEET, SURROUNDING PRESERVED WETLANDS.
9. LOADING ZONE MAY BE LOCATED & ACCESSED ALONG THE REAR, FRONT, OR SIDE OF THE COMMERCIAL BUILDINGS.
10. RECREATION FACILITIES, PRIVATE ON-SITE ONLY.
11. ALL EASEMENTS ASSOCIATED WITH THE DEVELOPMENT OF ANY FUTURE SUBDIVIDED LOT WILL BE PROVIDED AT TIME OF DEVELOPMENT APPROVAL.
12. 18.92 Ac.± OF PRESERVED FRESHWATER WETLANDS TO APPLY TOWARDS DENSITY CALCULATIONS.

OPEN SPACE:

REQUIRED:

- TOTAL SITE AREA: 61.38 AC
- TOTAL MINIMUM REQUIRED OPEN SPACE WITHIN MIXED USE OVERLAY : 20% OF 61.38 AC = 12.28 (12.3) AC

PROVIDED:

- TOTAL OPEN SPACE PROVIDED: ±36.73 AC
- PROVIDED OPEN SPACE DETAILS:

OPEN SPACE USE	ACRES
STORMWATER MANAGEMENT LAKES	±0.54 AC
PRESERVE AREAS	±18.92 AC
BUFFERS, YARDS, AND ALL OTHER OPEN SPACE AREAS	±17.27 AC

PRESERVE AREAS:

INDIGENOUS NATIVE VEGETATION PRESERVE AREA:

REQUIRED:

- 50% OF THE OPEN SPACE REQUIRED:
  - o 50% OF THE 12.3 AC = 6.15 AC

PROVIDED:

- PRESERVED AND ENHANCED:
  - o WETLANDS: 6.00± AC
- RESTORED:
  - o WETLANDS: 0.63± AC

TOTAL: 6.63± AC

NON-INDIGENOUS VEGETATION PRESERVE AREA:

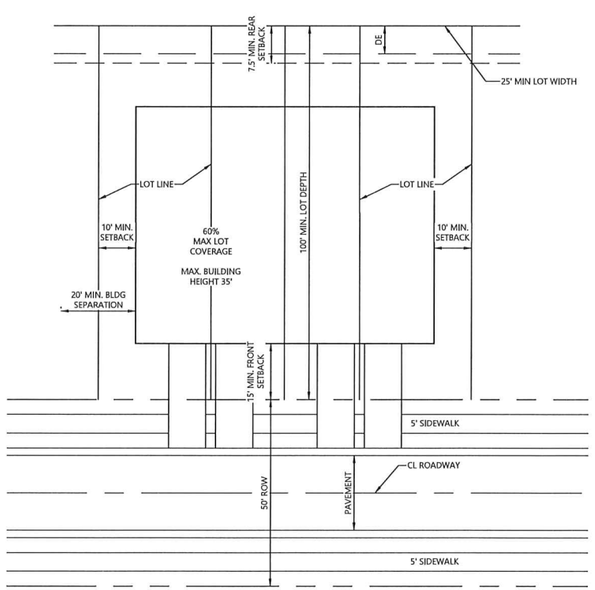
- PRESERVED:
  - o WETLANDS: 12.29± AC

TOTAL: 12.29± AC

TOTAL AREA: 18.92 ±AC

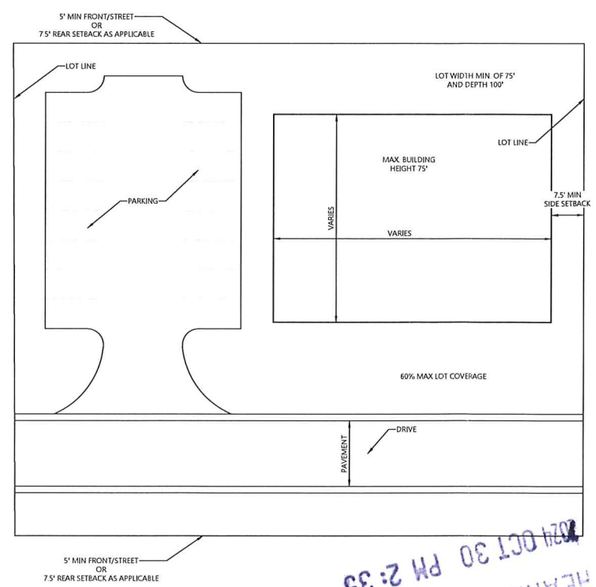
SITE SUMMARY:

LAND USE	ACREAGE	PERCENT	DWELLING UNITS	NON-RESIDENTIAL AREA (SQUARE FEET & ROOMS)
RESIDENTIAL TRACT	**±15.03**	24.5	350	N/A
AMENITY CENTER	**± 0.31**	0.5	N/A	N/A
COMMERCIAL TRACTS	**± 5.79**	0.0	N/A	N/A
COMMERCIAL STRUCTURES	± 0.86	1.4	N/A	200,000
COMMERCIAL/HOTEL	± 0.31	0.5	N/A	150
ACCESS WAY/PARKING LOT	± 4.62	7.5	N/A	N/A
STORMWATER MANAGEMENT AREAS	**± 4.06**	6.6	N/A	N/A
INDIGENOUS NATIVE VEGETATION PRESERVE AREA	**± 6.63**	0.0	N/A	N/A
UPLAND	± 0.00	0.0	N/A	N/A
WETLAND - PRESERVED, ENHANCED AND RESTORED	± 6.63	10.8	N/A	N/A
NON-INDIGENOUS VEGETATION PRESERVE AREA	**±12.29**	0.0	N/A	N/A
WETLAND-PRESERVED	± 12.29	20.0	N/A	N/A
BUFFER, YARDS, AND ALL OTHER OPEN SPACE AREAS	**±17.27**	28.1	N/A	N/A
TOTAL	**±61.38**	**100**	**MAX: 350**	**MAX: 200,000 SF/150 ROOMS**



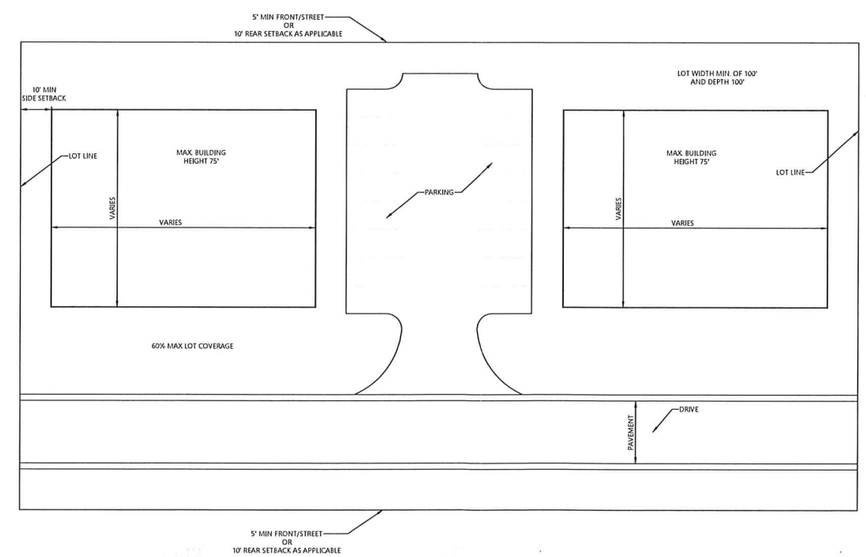
TYPICAL TOWNHOUSE LOT

Scale: NTS



TYPICAL COMMERCIAL LOT

Scale: NTS



TYPICAL MULTIPLE-FAMILY LOT

Scale: NTS

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HEARING EXAMINER
LEE COUNTY

N.T.S

#	REVISION	DRAWN	DATE
4	PER COUNTY COMMENTS		4/24
3	PER COUNTY COMMENTS		2/24
2	PER COUNTY COMMENTS		11/23
1	PER COUNTY COMMENTS		9/23

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COMPANY

CLIENT: RYAN COMPANIES US, INC.

PROJECT: DIA CROSSING MPD

TITLE: NOTES AND TYPICAL SECTIONS

PROJECT NO. 220050.01.01 | DATE: 04/23 | DRAWN: F.L. | DESIGN: K.G. | SHEET NUMBER: 3 OF 3

DCI2023-00020, DIA Crossing MPD
Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the three-page Master Concept Plan entitled **"**DIA CROSSING MPD", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This planned development will allow a maximum of 200,000 square feet of commercial uses, 350 residential dwelling units, including 30 bonus density units, and 150 hotel rooms.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses
See Attachment "E".

b. Site Development Regulations
See Attachment "F".

3. Unified Sign Plan

The developer must submit a unified signage plan with the application for local development order.

4. Natural Resources

a) Prior to local development order approval, the developer must provide a draft drainage easement to maintain the offsite conveyance drainage easement area as depicted on the Master Concept Plan. The drainage easement must be recorded prior to the issuance of Certificate of Compliance.

b) Prior to local development order approval that proposes improvements within the open space areas indicated on the MCP, the developer must provide a Stormwater Report with models and calculations demonstrating that offsite flows will be maintained during and following construction.

c) Prior to local development order approval, the developer must provide the Water Quality Monitoring Plan attached as Attachment 2 of Attachment "M" with the following modifications:

i) Baseline monitoring events must be completed prior to commencement of construction and a baseline report must be provided to Lee County Division of Natural Resources

ii) Surface water quality and groundwater quality monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall.

iii) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years. Annual monitoring reports must include a with a comparison of State surface water quality standards, plots of parameters, and recommendations. 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. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

iv) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents, Lee County Division of Natural Resources and applicable authorities.

5. <u>Environmental</u>

a. Prior to the issuance of the first development order, the development order plans must depict 36.73 acres of open space.

b. Prior to the issuance of the first development order, the development order plans must depict 6.00 acres of indigenous preserve area and 0.63 acres of restored indigenous wetlands.

c. <u>Generally.</u> 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 local development permits.

d. <u>State Wetland Permits.</u> 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.

e. 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 Land Development Code regulations regarding development within wetlands.

f. Prior to the issuance of the first development order for the commercial portion of the planned development, the development order must depict 25-foot-wide buffers along Alico Road and South Tamiami Trail. The buffer must include five trees per 100 linear feet and a double hedge.

B. DEVIATIONS:

No Deviation is being requested with this application.

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

TYPE OF CASE:	**PLANNED DEVELOPMENT**
CASE NUMBER:	**DCI2023-00020**
HEARING EXAMINER DATE:	**October 03, 2024**
SUFFICIENCY DATE:	**August 05, 2024**

APPLICATION SUMMARY

Applicant: Kenrick Gallander from The Neighborhood Company Representing Ryan Companies US, Inc. in reference to DIA Crossing MPD.

Request: Rezone 61.38± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for up to 200,000 SF of commercial, hotel/motel with up to 150 rooms, and up to 350 residential dwelling units, including 30 bonus density units.

Location: The subject property is located on the east side of South Tamiami Trail (US 41), at its intersection with Alico Road, San Carlos Planning Community, Lee County, FL. (District #2). A legal description of the subject property is attached as Attachment "S".

BACKGROUND:

This is a request to rezone this 61.38± acre property divided Alico Road into two parcels by Alico Road from Commercial Planned Development into a Mixed Use Planned Development. This property is a part of a Development of Regional Impact (Tamalico DRI), which is subject of a companion rescission request via application DRI2023-00001.

The subject property is located within the Tamalico Center Development of Regional Impact (DRI), State DRI #3-8990-102, County Case DRI2006-00010. The subject property abuts South Tamiami Trail (US 41), which is a State maintained six-lane arterial road to the west; Old US 41, a two-lane local road to the east; and is bisected by Alico Road, a County maintained four lane arterial road.

Alico Road has become a major thoroughfare which connects US 41 to I-75 and provides access to the Southwest Florida International Airport. Alico Road developments include residential uses as well as retail centers, commercial parks, and industrial/light industrial centers.

The companion DRI Rescission request is filed under DRI2023-00001.

ANALYSIS:

The proposed MPD (Dia Crossing MPD), affects 61.38± acres of land and is bisected by Alico Road. The request proposes development of up to a maximum of 350 dwelling units with supporting amenities, a 150-room hotel/motel, and a maximum of 200,000 square feet of commercial uses.

This request, if approved, will result in two parcels, each approximately one acre in area, to remain with the old CPD zoning, as they are not included within the requested rezone. Those parcels are

identified by STRAP# 06-46-25-00-00010.0020 and # 06-46-25-00-00010.0090. These parcels are under a different ownership, and one of them is developed with a commercial building, while the other one is still vacant.

The applicant requests 30 bonus density units. Lee County Land Development Code Section 2-147(4) states: If an application for a planned development or conventional rezoning proposes to use bonus density to increase densities above the Lee Plan standard density range, the application for the rezoning must specifically request the use of bonus density. The project must comply with the criteria set forth in section 34-145(d)(4). The rezoning may be approved with or without the bonus density at the discretion of the Board of County Commissioners. The Board's action taken on the bonus density request will be noted in the final zoning resolution.

Furthermore, the following criteria listed in Land Development Code Section 2-146(b) must be met before a request for Bonus Density can be approved:

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

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

(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.

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

The area is developed with mostly with industrial and commercial developments and Recreational Vehicle Park. The applicant is proposing a maximum building height of 75 feet; however, none of the buildings will be directly adjacent to any residentially developed area and should not create any incompatibility with its surroundings.

Surrounding Zoning and Land Use

The subject property abuts mostly developed properties on all sides. To the west, across South Tamiami Trail, it abuts a large Recreational Vehicle Park, known as Fort Myers Campground RV Resort, zoned RVPD. and a large shopping center known as Alico Commons, zoned CPD. To the north, it abuts some commercial and industrial properties, zoned CG, CPD and IL. To the east, across Old US 41, they are several parcels developed with industrial use, zoned IL and IG. To the south, it abuts some commercial developments, zoned CC and CT.

Lee Plan

The Future Land Use designations of the property are “Urban Community” and “Wetlands”. This property is also in the Mixed-Use Overlay.

The area is mostly developed with industrial and commercial uses, and an RV park. The approved density of less than six dwelling units is within the density range of this Future Land Use designation. Other proposed uses such as hotel and commercial are also permitted in this land use category. The request is consistent with Policy 1.1.4 of the Lee Plan.

Approximately 26.70 acres of the site is in the Wetlands Future Land Use category, of which 8.19 acres will be impacted and 18.51 acres will be preserved. Wetlands allows a density of one unit per 20 acres; however, Table 1(a), footnote 8(b) and Policy 124.1.1 allow the density from the

preserved freshwater wetlands to be transferred to upland portions of the site at the same underlying density as permitted for those uplands. Therefore, this request is consistent with Policies 1.5.1 and 124.1.1 of the Lee Plan.

The proposed development promotes contiguous and compact growth patterns, containing urban sprawl and minimizing the costs of services. Adequate public services exist. Sewer and water are available to the site. The property has access to South Tamiami Trail, Alico Road and Old US 41. South Tamiami Trail and Alico Road are Major Arterial Roads, and Old US 41 is classified as a local Road. Fire protection services will be provided by San Carlos Fire District. Therefore, the request is consistent with Objectives 2.1, 2.1.1 and 2.2 of the Lee Plan.

This project meets the thresholds for a planned development and is proposed to be rezoned to MPD. This is a mixed-use development, which will contain residential, hotel and commercial uses. The area is developed with industrial, commercial and some residential uses.

The subject property is near employment centers such as the surrounding commercial and industrial developments. This mixed-use project, when developed, will also be an employment center, as well as a residential development. Staff finds the proposed development consistent with Objective 5.1 and Policies 5.1.1, 5.1.3, 5.1.5 and 5.1.7 of the Lee Plan.

Water and sewer services from the Lee County Utilities are available to the site and the site will be connected to those services. Staff finds the request consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan (Attachment “I”).

This project is located at the intersection of two arterial roads, with all utilities available in the area. It will be designed to promote pedestrian movement with appropriate landscaping, buffering and open space. Therefore, the request is consistent with Goal 6 of the Lee Plan.

This development will be designed to pretreat the run-off water before it is discharged off-site. This will ensure that water quality is maintained or improved for the protection of the environment. Therefore, the request is consistent with Goal 125 of the Lee Plan.

Neighborhood Compatibility

The neighborhood currently consists of an RV parks and industrial and commercial uses. Proposed uses for this development include commercial and residential uses, which are present in the area. The height of the proposed development is higher than its surrounding structures; however, this height is allowed by the Future Land Use designation of the area, and the site is separated by most of the developments by major roads.

Environmental Issues

Most of the site consists of non-indigenous habitat consisting of mixed hardwood conifer, disturbed lands, mixed wetland forest that is disturbed, and electric power transmission The site has wetlands that have not been verified by the State of Florida; therefore, an accurate acreage of preserved wetlands versus the amount that will be required to be mitigated has not been determined. There were no protected species or evidence of protected species found on the site (Attachment “G”).

Transportation

The site contains two distinct development parcels separated by Alico Road. The northern parcel, as proposed, will generate 6,975 daily two-way trips. The southern parcel, as proposed, will generate 14,159 Daily two-way trips for a total of 21,134 daily two-way trips. South Tamiami Trail

between Sanibel Boulevard and Alico Road is projected to function at a Level of Service (LOS) "B" in 2028 without this project and at the LOS "C" with this project. South Tamiami Trail between Alico Road and Island Park Road and Alico Road between South Tamiami Trail and Dusty Road will function at the LOS "F" with or without this project (Attachment "H").

Urban Services
Urban services are defined by the Lee Plan as the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

Public sewer and water: Municipal potable water and sanitary sewer service is available to the site from Lee County Utilities with adequate capacity to serve this development. Development must connect to public water and sewer services when development activity triggers the connection requirements of the LDC.

Paved streets and roads: The subject property fronts on South Tamiami Trail, Alico Road and Old US 41, providing adequate access to the site.

Public transit: Bus Routes 140 and 240 have a stop in front of the subject site. Line 140 starts at Merchant's Crossing and ends at South Fort Myers Transfer Station (SFMTS). Line 240 starts at Coconut Point Mall and ends at SFMTS, (Attachment "K").

Parks and recreation facilities/community facilities: Lakes Park located on Gladiolus Dive, west of South Tamiami Trail is about 3 miles from the site, and Lakes Regional Library located at 15290 Bass Road is about 5 miles from this site.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by San Carlos Park Fire Protection and Rescue District, located at 16901 Island Park Road approximately 1.2 miles from this site. Ambulance services are co-located with the fire station.

Urban surface water management: Any future development will be required to comply with the LDC, including provisions for surface water management.

Schools: The subject property is located within the Lee County School District South Concurrency Service Area (CSA). Based on the information provided by the School District, there is a capacity issue within the CSA, however, capacity is available in the adjacent CSA. Adequate capacity is available in middle and high schools in the area for the anticipated 40 school-aged children who will reside within this development (Attachment "J").

Employment and commercial centers: The subject property is in close proximity of existing commercial uses on Alico Road and South Tamiami Trail, providing employment and shopping opportunities in the area.

Planning Community Map and Allocation Table
POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses for the year 2045.

Deviations
No deviation is requested with this rezoning application.

Findings and conclusion:
Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings:

a) Complies with the Lee Plan, specifically Goals 6 and 25, Objectives 2.1, 2.2 and 5.1, Policies 1.1.4, 1.5.1, 2.1.1. 5.1.1, 5.1.3, 5.1.5, 5.1.7 and 124.1.1,

b) Meets the requirements of the Land Development Code and other applicable County regulations;

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

d) Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval;

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

f) Will be served by urban services, defined in the Lee Plan;

g) The approved and proposed mix of uses is appropriate at the proposed location;

h) The approved 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.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: surrounding zoning, future land use and aerial photograph
C. Conditions and Deviations
D. Master Concept Plan
E. Schedule of Uses
F. Site Development Regulations
G. Memorandum from Section of Zoning Environmental Staff
H. Memorandum from Department of Transportation
I. Memorandum from Lee County Utilities
J. Memorandum From Lee County School District
K. Bus Route Maps
L. TIS
M. Memorandum from Department of Natural Resources
N. ADD2020-00091A
O. Z-07-060
P. Z-92-045
Q. Z-92-045A
R. Application and Applicant’s Narrative
S. Legal Description

DRI2023-00001 Tamalico Center Development of Regional Impact Rescission Request

Staff Summary

CASE NUMBER & NAME:	DRI2023-00001 / Tamalico Center Development of Regional Impact Rescission Request
REQUEST:	Request a rescission of the Tamalico Center DRI (DO #3-8990-102) due to changes to the DRI boundary over the years since its original approval and changes in the State of Florida regulations pertaining to DRI's.
RESOLUTION NUMBER:	Z-24-030
LOCATION:	North and south of Alico Rd. at the intersection of Alico Rd. and US 41, San Carlos Planning Community, Lee County, FL
OWNER:	Holes Jared F Tr
APPLICANT:	Ryan Companies US, Inc.
AGENT:	Kenrick Gallander The Neighborhood Company 5618 Whispering Willow Way Fort Myers, FL 33908
HEARING EXAMINER RECOMMENDATION:	Approval, subject to conditions and deviations set forth in Exhibit B
PARTICIPANTS:	OPEN TO THE PUBLIC

DRI2023-00001

Aerial

Subject Property

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0 500 1,000 1,500 2,000 2,500
Feet

Lee County
Southwest Florida

Summary of Hearing Examiner Recommendation

Rescission of Tamalico Center DRI and DIA Crossing Mixed Use Planned Development

Tamalico Center DRI – Rescission Request

Rescission requests typically occur when the project is no longer required to undergo DRI review due to changes in law/circumstances. The process is governed by Florida Statutes and the Florida Administrative Code.[1] Recission essentially allows the developer to "cancel' the DRI designation if certain conditions are met.

In order to meet the statutory criteria for approval, an applicant must demonstrate that all required mitigation related to development existing at the time of rescission is complete or will be completed under existing permits. Future development of the property will be subject to Lee County land development regulations.

The request to rescind the Tamalico Center DRI Development Order meets the statutory criteria for approval.

DIA Crossings MPD – Zoning Request

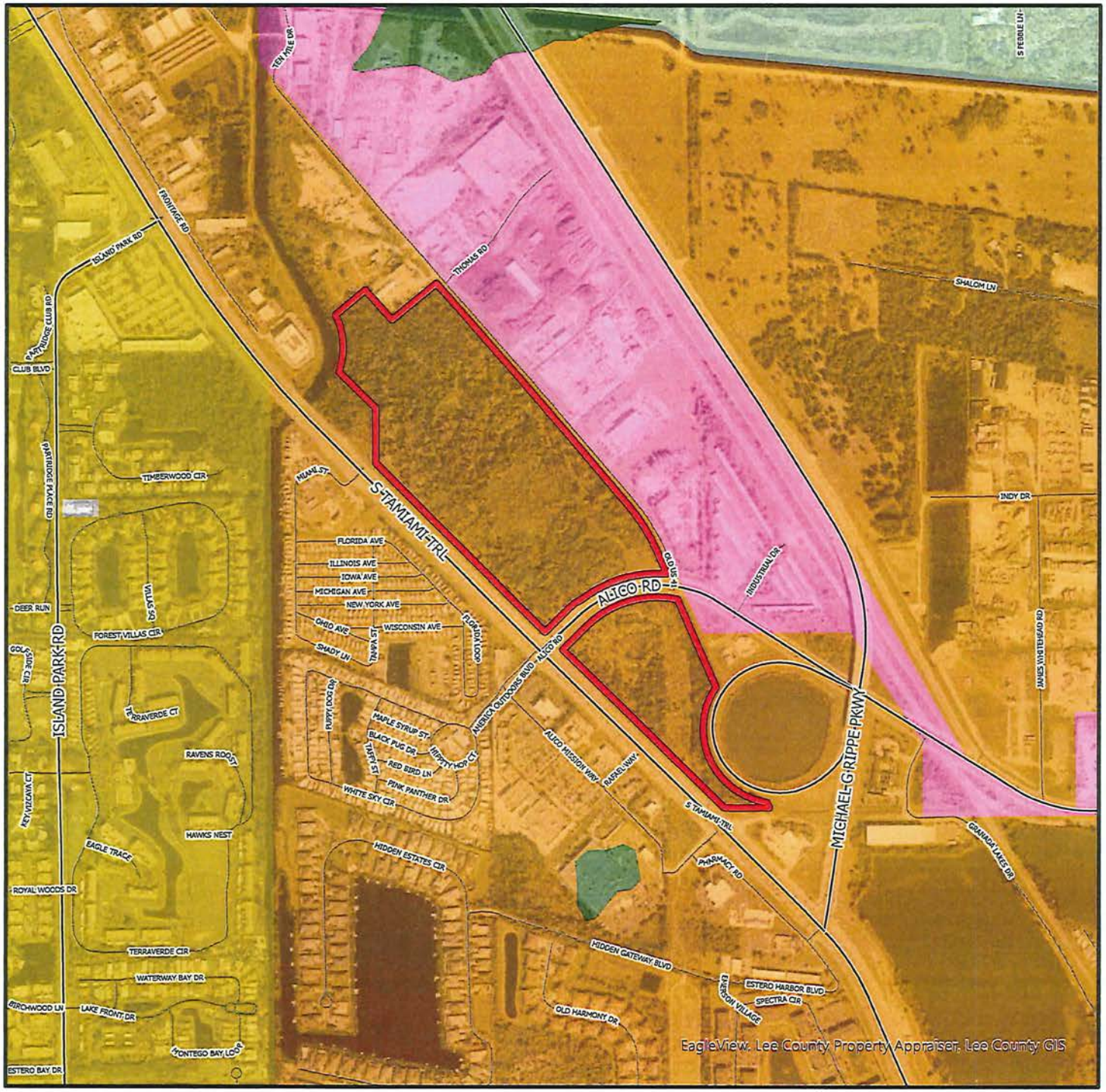
The zoning request changes the former Tamalico Center CPD into a mixed use project introducing residential uses to the US 41 corridor. The site has access to a broad array of public services and infrastructure, including shopping, employment, and healthcare centers.

The request for bonus density is appropriate at this location. High density/intensity developments are suited for property abutting arterial roadways. Further, Lee Tran routes travel the US 41 corridor, offering future residents alternative modes of travel.

The MPD represents a reduction in development intensity from exiting approvals.

Detailed recommendation follows

[1] Florida Statutes §380.115(2), F.A.C. 9J-2.0251.



DCI2023-00020

Future Land Use

- Subject Property
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Rural
- Wetlands

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0 500 1,000 1,500
Feet

Lee County
Southwest Florida

DCI2023-00020

Aerial

Subject Property

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Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00020 & DRI2023-00001

Regarding: **DIA CROSSING MIXED USE PLANNED DEVELOPMENT**

Location: East Side of South Tamiami Trail (US 41), at Intersection with Alico Road
San Carlos Planning Community
(District 2)

Hearing Date: October 3, 2024
Record Closed: **October 30, 2024**

I. Request

A rescission of the Tamalico Center Development of Regional Impact in accordance with §380.115(2) Florida Statutes, and

Rezone 61.38± acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 200,000 square feet of commercial, 150 room hotel/motel, and 350 dwelling units, including 30 bonus density units.

The legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.[2] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to: (1) rescind the Tamalico Center DRI Development Order, (2) rezone 61.26 acres to the MPD District, and approve site built bonus density.[3] Staff recommended approval with conditions.

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[2] LDC §34-145(d)(4) a.
[3] The Hearing Examiner has authority to make recommendations to the Board on applications for all three requests. LDC §34-145(d)(2).

In preparing a recommendation to the Board, the Hearing Examiner must apply the Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

Request

Development of Regional Impact.

Applicant requests a recission of the Tamalico Center DRI Development Order. Rescission requests typically occur when a project is no longer required to undergo DRI review due to changes in law/circumstances. The process is governed by Florida Statutes and the Florida Administrative Code.[4] Recission essentially allows the developer to "cancel' the DRI designation if certain conditions are met.

Zoning Request.

Applicant requests to rezone 61.38 acres to the MPD District to permit up to 350 dwelling units, 200,000 square feet of commercial use, and 150 hotel rooms.[5]

Applicant also seeks approval of 30 bonus density units. Bonus density means an increase in density above the standard range permitted by the Lee Plan.[6] If approved, the density bonus will be obtained through use of Transfer Development Rights (TDR) credits or through the "Bonus Density Housing Program."[7]

The Master Concept Plan (MCP) depicts a mixed use development with residential and commercial land uses. The site is bifurcated by Alico Road fronting US 41 North. A large open space area consisting of upland preserves, wetlands, and stormwater management lakes occupies the tract north of Alico Road. The MCP depicts commercial and hotel land uses south of Alico Road.

The project devotes 36.73% acres to open space, comprised of preserves, stormwater management lakes and buffers. Maximum building height is 75 feet.

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[4] Florida Statutes §380.115(2), F.A.C. 9J-2.0251.
[5] If approved, the requested rezone to the MPD district will result in two parcels remaining subject to the former CPD zoning approvals. The two parcels are not included because they are under separate ownership. One parcel is improved with a commercial building. They other remains vacant.
[6] LDC §2-143(a).
[7] LDC §34-146.

Character of Area

The area is developed with industrial and commercial land uses and a Recreational Vehicle Park.

Property is in the Mixed Use Overlay and a Coastal High Hazard Area.[8]

History

The property has development entitlements dating back to 1993 when the Board issued a Development of Regional Impact (DRI) Development Order on the 92.52 acre parent parcel.[9] The Tamalico Center DRI and companion CPD zoning approval authorized development of 360,000 square feet of commercial land uses, 90,000 square feet of office space, and 150,000 square feet of industrial uses.[10]

Florida Department of Transportation (FDOT) later purchased 23.33 acres for the Alico Road alignment.

The Board authorized removal of four parcels from the original DRI in 2007.[11] A subsequent administrative approval amended the MCP on the remaining property.[12]

The Florida Legislature amended regulations governing DRI development orders delegating authority over large scale developments to local government.[13] The MPD zoning request includes a companion request to rescind the Tamalico DRI Development Order.[14]

The zoning request to MPD results in two, one acre parcels retaining the original CPD zoning designation. One parcel is improved with commercial land uses. The other remains vacant. Applicant filed an administrative amendment to address removal of the subject 61.38 acres from the CPD.

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[8] Lee Plan Map 1-C.

[9] DRIs are developments with a substantial effect on the health, safety, or welfare of citizens of more than one county. The multi-county impacts are largely due to the character, magnitude or location of the proposed development. s. 380.06(1), F.S.

[10] DRI 3-8990-102 and Z-92-045.

[11] Z-07-060.

[12] ADD 2020-00019A.

[13] In 2018, the Governor signed House Bill 1151 into law as Chapter 2018-158, Laws of Florida. The effect of the bill was to return local control of large scale development review to local government. DRIs are treated similar to local development permits. The host County/Municipality has the authority to amend or rescind the DRI development order without review by the state.

[14] Future development of the site must comply with the Lee Plan and County land development regulations.

Lee Plan

The Lee Plan regulates land development activity in the County.[15] The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.[16]

Land in the Urban Community may develop up to a maximum density of 10 units per acre. Applicant proposes 30 additional units using bonus density. The Lee Plan encourages bonus density to stimulate construction of affordable housing.[17] Bonus density may be achieved in Coastal High Hazard Areas only through site built affordable housing.[18] The property will be subject to LDC hurricane shelter mitigation requirements.[19]

Wetlands may develop with low-density residential and recreation uses that do not adversely affect the ecological functions of wetlands.[20] Onsite wetlands will remain designated as wetland until applicant obtains a jurisdictional wetland determination clarifying its precise boundaries.[21]

Areas designated within the Mixed Use Overlay lie along major arterial roads suited for high density and intensity development. The Lee Plan encourages mixed use developments and bonus density in the Overlay.[22] The MPD includes residential and commercial land uses in furtherance of these Lee Plan policies.

Development in the Mixed Use Overlay may use the land area of non-residential land uses in density calculations.[23] Requested density is consistent with the future land use designation and location on arterial roads.[24]

Lee Tran routes 140/240 travel US 41 with potential stops within walking distance to the project.[25] Site development will include sidewalks and shared use paths connecting to similar facilities on adjacent road corridors.[26]

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[15] LDC §34-491.
[16] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.
[17] Lee Plan Objective 135.4, Policies 11.2.6, 135.1.4, 135.4.12, 135.4.15.
[18] Lee Plan Policies 101.3.6, 101.3.7.
[19] LDC Chapter 2, Article XI – Hurricane Preparedness.
[20] Lee Plan Policy 1.5.1.
[21] Upland/wetland acreages are subject to further review and approval consistent with Lee Plan Policies 124.1.2, 124.1.3.
[22] Lee Plan Objective 11.2, Policy 11.2.6.
[23] Lee Plan Policy 11.1.2, 11.2.7.
[24] LDC §34-413.
[25] Lee Plan Policy 39.1.3.
[26] Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways

The Economic Element of the Lee Plan encourages expansion of the economic base.[27] The proposed mix of land uses contribute to a positive business climate by expanding housing options and employment opportunities to support a diverse workforce.[28] Proposed hotel uses support business and leisure tourism, strengthening the county economy.[29]

Compatibility

One purpose of "planned development" zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.[30] Surrounding lands feature residential, commercial, and industrial land uses.

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.[31] The plan of development includes land uses already approved along the US 41 corridor.[32] Proposed building heights are appropriate given the proximity of arterial roadways and intense land uses.[33]

Mixed use development is ideal near major transportation corridors, employment, and shopping centers.[34] The site has access to public services/infrastructure including potable water and sanitary sewer, paved roads, transit, police, fire, and emergency medical services.[35]

The Board found commercial uses consistent with the Lee Plan in prior zoning approvals.[36] The introduction of residential land uses is also consistent with the Lee Plan, which encourages mixed use development.[37]

The School Board anticipates the proposed dwelling units will generate 40 school aged children.[38] Designing the project to accommodate safe school bus access by children and bicycles is prudent since the project will generate a significant number of students.[39]

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[27] Lee Plan Goals 158, 161, Objective 158.2.
[28] Lee Plan Goal 158 Objective 158.3 Policies 135.1.9, 160.1.1, 160.1.2, 161.1.3.
[29] Lee Plan Goal 161, Objectives 161.1, 161.3, Policies 135.1.9, 161.2.2, 161,3.1.
[30] Another purpose is to provide flexibility in development design. LDC §34-612(2).
[31] The site constitutes infill development consistent with existing development patterns. Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3, 6.1.7, 11.2.1.
[32] Lee Plan Policies 6.1.4, 135.9.5, 135.9.
[33] Maximum heights range from 35 to 75 feet.
[34] Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC §34-413.
[35] Lee Plan Policies 1.1.2, 2.2.1, 2.2.2, 6.1.1, 6.1.4.
[36] Z-92-045 and Z-92-045A.
[37] Lee Plan Goal 11, Objectives 11.1, 11.2, Policies 1.1.2, 11.2.1, 39.2.1. *See also* Lee Plan objectives and policies favoring diverse housing options: Lee Plan Objective 135.1, Policies 135.1.9, 158.1.9.
[38] Staff Report.
[39] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. *See* Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.

The Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[40] In furtherance of this authority, the Hearing Examiner recommends conditions to ensure project design accommodates safe school bus access at the time of development order permitting. Lee Plan directives require new residential developments to provide pedestrian and bicycle access for school children.[41] Conditioning project design *at the outset* reduces the likelihood of future design conflicts.[42]

LDC

Development must comply with County land development regulations or seek deviations.

Development within the Mixed Use Overlay has the opportunity to employ urban forms of development.[43] Flexible design standards allow for reduced open space, setbacks, landscaping, and parking.[44]

The Lee Plan encourages bonus density in the Mixed Use Overlay.[45] The Hearing Examiner has the duty and responsibility to make recommendations to the Board on applications for bonus density made in conjunction with a rezoning to the planned development district.[46] Requests for bonus density must meet the following criteria:

(1) Additional traffic will not travel through areas with significantly lower densities before reaching the nearest collector or arterial road. Surrounding development includes roads, industrial, and commercial land uses. The MCP depicts residential development directly accessing US 41 and Old US 41.

(2) Existing/committed public facilities are not so overwhelmed that a density increase would be contrary to the public interest. Evidence in the record confirms there are adequate public services and infrastructure to serve future residents. See discussion under the heading "Public Services and Infrastructure."

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[40] LDC §§34-145(d)(1)c. and (d)(6)a.

[41] Lee Plan Policy 67.3.7.

[42] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (*Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.*), 43.1.2.(*maintain efforts to provide construction of bus stop amenities*), 43.3.3. The site is in the heart of an emerging activity center evidenced by its proximity to the airport, university, and transit routes connecting residential, commercial, recreation, and educational facilities

[43] Lee Plan Policy 11.2.5.

[44] LDC §§10-425, 34-715, 34-845, 34-2020.

[45] Lee Plan Policy 11.2.6. Higher density and intensity development, including bonus density, promotes a sustainable urban form. *Cf.* Lee Plan Policy 25.1.3. The Affordable Housing Bonus Density program allows bonus density for site built affordable dwelling units. Lee Plan Policy 135.1.14.

[46] LDC §34-145(d)(2)d.

(3) Storm shelters or other mitigation is provided if the development is in a Coastal High Hazard Area. The property must be elevated to one foot above base flood elevation and comply with LDC shelter mitigation requirements.[47]

(4) The resulting development will be compatible with existing/planned surrounding land uses.[48] See discussion under the heading "Compatibility," which concludes the project is compatible with nearby land uses.

The Board has discretion to approve the rezoning request with or without bonus density.[49] The Board also has discretion to limit the number of units to an intensity lower than the maximum permissible density or impose reasonable conditions, if increased density would be contrary to public health, safety, and welfare.[50]

Record evidence demonstrates the proposed MPD including bonus density meets the stated criteria.

Transportation

Applications to rezone property must demonstrate access sufficient to support proposed development intensity. Expected impacts to transportation facilities must be addressed by existing County regulations and conditions of approval.[51]

The property is subject to pre-existing zoning and DRI approvals that permit 360,000 square feet of commercial land uses, 90,000 square feet of office space, and 150,000 square feet of industrial uses. The traffic generated from existing development approvals exceed those projected from the proposed MPD.

The MCP identifies access to S. Tamiami Trail (US 41), Old US 41, and Alico Road.[52] Accesses to Alico and US 41 south of Alico are limited to right-in, right-out turning movements. Florida Department of Transportation has permitting authority over access to state highways. Accordingly, the access to US 41 shown on the MCP is conceptual only.

The Traffic Impact Analysis shows roads and intersections projected to operate below adopted levels of service standards at buildout in 2028.[53] However, it is

[47] Lee Plan Policy 101.1.1.
[48] See discussion on compatibility *infra*.
[49] LDC §2-147(b)(4).
[50] LDC §2-147(c).
[51] LDC §34-145(d)(4)a.
[52] South Tamiami Trail is a State maintained arterial, Alico Road is a County maintained arterial, and Old US 41 is county maintained local road. Lee County Administrative Code 11-1.
[53] Staff Report Attachments H, L: Memo from Pakorn Sutitarnnontr, Project Manager, Lee County Dept. of Transportation dated August 29, 2024, and Zoning Traffic Study for DIA Crossing Mixed Use Planned Development prepared by Johnson Engineering dated May 2024. The Traffic Impact Statement demonstrates at buildout in 2028, US 41 South between Sanibel Boulevard and Alico Road is projected to function at Level of Service "C" with the project. US 41 South between Alico Road and Island Park Road and Alico Road between South Tamiami Trail and Dusty Road will function at the LOS "F" with and without the project.

noteworthy that the subject zoning request represents a reduction in trip generation from existing approvals. Secondly, the level of service deficiencies occurs in 2028 even without the proposed MPD. For this reason, the roads/intersections are considered pre-existing transportation deficiencies. As such, the project is not responsible for mitigating impacts to those transportation facilities.

Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.[54]

Transit

Lee Tran Routes 140/240 skirts the property's west perimeter along US 41.[55] The Lee Plan requires the design of development to reduce dependence on the automobile.[56] The LDC also requires new development to provide convenient access to transit.[57]

Consistent with these directives, the project design must accommodate opportunities to interface with transit.[58] Given the mix of land uses, the project will likely serve as a shopping and employment destination.[59] Project design can reduce dependence on the automobile consistent with Lee Plan directives by improving access to transit stops and providing direct connections to pedestrian and bicycle facilities.[60] The LDC requires developer to construct/improve access to transit at the development order stage. The scope of those improvements will be determined upon consultation with Lee Tran.[61]

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[54] Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1.

[55] LDC §§10-442; 34-373(a)(6)j (The MCP must reflect proposed access to and facilities for public transit) *See also* LDC §§34-411(e) and 10-442. LDC §34-411(e) (if within Lee Tran public transit service area, development must be designed to facilitate use of transit system). LDC §10-442(b) (commercial/industrial development with 30,000 sq. ft. of total floor area must provide (1) a paved walkway to nearest bus stop if bus stop is within a ¼ mile of the project entrance and bicycle storage rack, signs, and landing pad within the road right-of-way or dedicated easement. (2) If no bus stop within a ¼-mile and property abuts a bus route development must provide a bus stop, shelter, signs, walkway, bicycle rack, landing pad lighting, and a bus pull off area within the road right-of-way or dedicated easement so passengers can access the bus outside the line of traffic.

[56] Lee Plan Policies 6.1.3, 7.1.2; *See also* Lee Plan Policy 39.2.1 (*Future urban areas will have a balanced emphasis on automobile … transit, pedestrian, and bicycle modes of transportation.*)

[57] LDC §34-373(6)j, requires the MCP depict the location of transit, stops/shelters. *See also* LDC §34-411(e).

[58] *See* Lee Plan Policies 6.1.3, 7.1.2, 39.2.1, 43.1.1; LDC §§10-441, 10-442, 34-373(6)j, 34-411(e); *See also* LDC §§10-154(6)l and (7)h, which requires local development order plans to include the location of proposed transit stops and passenger amenities.

[59] Developing the site to be transit ready is consistent with the transportation and economic elements of the Lee Plan. *See* Lee Plan Goal 158 and Policy 39.1.1. Workers serving retail and hotel uses in housekeeping, food service, maintenance, salesclerks, will likely benefit most from the opportunity to pursue the project's employment opportunities using alternative modes of transportation.

[60] Lee Plan Policy 6.1.3. *See also* Lee Plan Policy 39.2.1 (*Future urban areas will have a balanced emphasis on automobile … transit, pedestrian, and bicycle modes of transportation.*)

[61] The MCP reflects three bus stops. Unless contrary to public safety, LDC §10-442 requires residential development exceeding 100 living units and commercial developments 30,000 square feet or more to

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

Most of the site consists of non-indigenous vegetation including mixed hardwood conifer, disturbed lands, mixed wetland forest, and electric power transmission lines. The MCP clusters development on uplands with only minor impacts to disturbed wetlands.[62] Developer must mitigate wetland impacts consistent with state regulations.[63]

Applicant's' Protected Species Survey notes no evidence of listed species.[64] The urbanized nature of surrounding land uses, high cover by invasive vegetation, and distance from other natural areas reduces potential use by wildlife.[65]

The property accepts offsite flows through two double box culverts conveying stormwater from industrial properties on the east side of Old US 41. These offsite flows sheet flow across the property and outfall into the Ten Mile Canal. The property also accepts offsite flows from the FDOT lake south of Alico Road.[66]

The site design does not alter offsite flow patterns.[67] Stormwater will continue to flow into proposed open space and preserve areas then sheet flow into the Ten Mile Canal or flow through the box culvert passing under US 41. Recommended conditions of approval require an easement over preserved wetlands and open space to accommodate offsite flows.[68] Conditions also include monitoring requirements over a five year period to ensure no further degradation of the Ten Mile Canal and Mullock Creek.[69]

Site improvements will require a Lee County development order approval and Environmental Resource Permit approval from SFWMD and must comply with SFWMD surface water quality standards.[70] Wet and dry detention areas will

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provide paved walkways to the nearest bus stop. In addition, the code requires installation of a bicycle storage rack, signage and landing pad. *See* Lee Plan Policies 39.1.1, 39.2.1.

[62] Lee Plan Policy 101.3.2.

[63] The site has wetlands not yet verified by the State of Florida; therefore, accurate acreage of preserved wetlands and the amount to be mitigated is undetermined.

[64] Staff Report Attachment G: Environmental Staff Report. Applicant's' Protected Species Survey notes no evidence of listed species on the site.

[65] *Id.* Exhibit A: Indigenous Vegetative Communities & Protected Species Assessment – DIA Crossings Lee County Florida dated January 2024 (revised) prepared by Ecotech Consultants, Inc.

[66] Staff Report Attachment M: Natural Resources Memorandum by Nic DeFlippo, Senior Planner dated August 30, 2024.

[67] Staff Report Attachment M.

[68] Lee Plan Policy 126.1.4.

[69] Johnson Engineering prepared a preliminary Water Quality Monitoring Plan for DIA Crossing & Tamalico Center dated November 21, 2023. Staff Report Attachment M.

[70] Lee Plan Policies 125.1.2.

treat/filter storm water flows leaving the site improving the quality of surface and groundwater.[71]

Due to the Mixed Use Overlay designation, the project must dedicate 20% of the site to open space or 12.28 acres.[72] The MCP provides 36.73 acres of open space, nearly three times the open space required by code.[73]

Buffers and landscaped areas must follow Xeriscape principles and consist of native landscape to conserve water.[74]

The Hearing Examiner finds the proposed MPD will not harm environmentally critical/sensitive areas or natural resources.[75] The proposed plan of development enhances the site's environmental features by removing exotic vegetation and restoring impacted upland and wetland vegetation.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.[76] The Lee Plan requires an evaluation of public services during the rezoning process.[77]

Public services and infrastructure are available to serve the site.[78]

The property has frontage on three roadways: South Tamiami Trail (US 41), Old US 41, and Alico Road. The north tract will not have direct access to Alico Road.

Development will connect to Lee County Utilities potable water supply. Lee County Utilities will also supply sanitary sewer service. San Carlos Park Fire Protection and Rescue District provided fire and emergency medical services from a station on Island Park Road. Lee County Sheriff provides law enforcement services from the central station on Six Mile Cypress Parkway.

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[71] Engineered stormwater management will improve/protect water quality of receiving waterways. Lee Plan Goals 60, 61, 125, Policies 61.3.6, 61.3.11, 125.1.1, 125.1.2, 125.1.3. Commercial development on the south side of Alico Road will utilize dry retention prior to discharge into an adjacent ditch. Stormwater will then pass under Alico Road prior to reaching the preserves preserve and ultimately the Ten Mile Canal.
[72] LDC 10-425(a) Large developments in the Mixed Use Overlay must provide a minimum of 20 percent open space.
[73] The MCP reflects a total of 36.73 acres open space on the 61.38 acre property. *See* LDC §§10-425(a) 10-415, 10-416(d).
[74] Lee Plan Objective 126.2, Policy 126.2.1.
[75] Lee Plan 125.1.2.
[76] Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.
[77] Lee Plan Goal 95 and Policy 2.2.1.
[78] Lee Plan Objective 158.3, Policies 2.2.1, 5.1.3, 6.1.1, 6.1.4, 158.3.1.

The property is located on a Lee Tran bus route.[79] The residential portion of the project must construct a paved walkway to the nearest bus stop, including signage, a landing pad, and bicycle storage racks within the road right of way if the stop does not already include those improvements.[80]

Future residents will have access to schools, libraries, parks, hospital/medical facilities, shopping, and employment centers within reasonable distances.[81] US 41 and Alico Road both feature bicycle and pedestrian facilities.[82]

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.[83]

DRI Recission

Rescission is a process where Property owners formally request to revoke a previously approved DRI development order.[84]

A developer may rescind a DRI development order if a previously approved DRI is no longer required to undergo DRI review based on current law. The local government that issued the DRI development order must review requests for rescission.

To rescind the Tamalico Center DRI, the developer must demonstrate all required mitigation related to development existing at the time of rescission is complete or will be completed under existing permits. Future development of the property will be subject to Lee County land development regulations.

Previous amendments removed three parcels from the DRI development order. The remaining property is vacant and unimproved. Staff recommends certain conditions applicable under the DRI carry over to the MPD approvals. The Hearing Examiner concludes Applicant has satisfied the statutory criteria for rescission.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.[85] Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.[86] The MPD will be subject to

[79] Lee Plan Map 3-C.
[80] LDC §10-442.
[81] Lee Plan Goals 66, 95, Objective 95.1.
[82] Lee Plan Map 3-D. A portion of the property is on the Charlotte-Lee-Collier Trail. Lee Plan Map 4-E: Greenways Master Plan.
[83] LDC Chapter 2, Article VI.
[84] Florida Statute §380.115(2) outlines procedures for rescinding a DRI development order.
[85] Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).
[86] LDC §34-932(b).

conditions of approval designed to address impacts reasonably anticipated from development.[87] Notable conditions require a water quality monitoring plan and unified sign plan for the project.

Hearing Examiner has the authority to recommend additional conditions in the context of a proposed planned development.[88] In furtherance of this authority, the Hearing Examiner recommends conditions to ensure site design accommodates safe pedestrian and bicycle access to school bus stops within the development.[89]

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

Public

One person spoke in support of the application during public testimony.

Conclusion

DRI

The Hearing Examiner recommends approval of the request to rescind the Tamalico Center DRI Development Order. The request meets the criteria set forth in Florida Statutes.[90]

MPD

The Hearing Examiner recommends approval to rezone the property from CPD to MPD including bonus density, subject to conditions in Exhibit B. The Hearing Examiner finds the requested MPD meets LDC criteria and, as conditioned, is compatible with surrounding development.[91]

Remaining CPD

The Hearing Examiner recommends amending the legal description and MCP of the Tamalico Center CPD to reflect removal of property to be rezoned to MPD by virtue of the subject DIA Crossing MPD zoning request. In a post hearing submittal, Applicant provided evidence of a pending administrative amendment to the Tamalico CPD to accomplish these changes.[92]

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[87] LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4.
[88] LDC §§34-145(d)(1)c. and (d)(6)a.
[89] Lee Plan Policy 67.3.7. *See also* Lee Plan Policies 43.1.1., 43.1.2, 43.3.3.
[90] §380.115(2), F.S.
[91] Lee Plan Policy 6.1.4.
[92] Two one acre parcels will remain subject to the CPD.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

A. The requested DIA Crossings 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, 4.1, 5.1, 6.1, 11.1, 11.2, 77.1, 77.2, 77.3, 126.2, 135.1, 161.1, 161.3, and Policies 1.1.2, 1.5.1, 1.6.5, 2.2.1, 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, 11.1.2, 11.2.1, 11.2.5, 11.2.6, 11.2.7, 101.1.1, 135.1.9, 135.9.6, 160.1.3, Lee Plan Maps 1-A, 1-B, 4-A, 4-B, 3-D, 4-E, Tables 1(a), 1(b).

B. As conditioned, the MPD zoning district:

1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, 11.2, 161.1, 161.3, and Policies 1.1.2, 5.1.3, 5.1.5, 5.1.6, 6.1.4, 6.1.6, 11.2.1, 11.2.5, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§34-411, 34-413.
3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3
4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1, 39.1.3; LDC §§2-261 *et seq.*, 34-411.
5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 77, 124, 125, Objectives 77.3, 126.2, Policies 5.1.6, 6.1.6, 77.3.1, 77.3.2, 123.2.4, 123.2.8, 125.1.4, 126.2.1, and Standard 4.1.4.
6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 11, 95, Objectives 2.1, 2.2, 4.1, 11.1, 11.2, Policies 2.2.1, 6.1.4, 11.2.1, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2. Lee Plan Maps 4-A, 4-B.

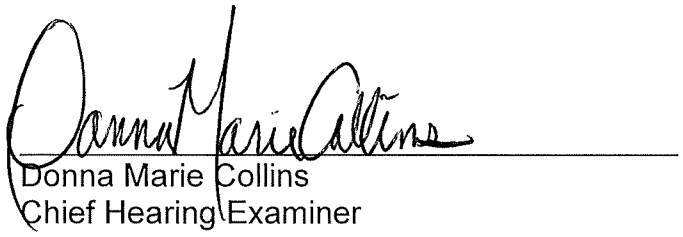
C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11; Objectives 2.1, 2.2, 11.1, 11.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 11.1.1, 11.2.1, 135.1.9, 135.9.6, 160.1.3, 161.3.1, Lee Plan Tables 1(a), 1(b)

D. 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 77.3, 126.2, Policies 5.1.5, 6.1.4, 53.1.5, 54.1.2, 56.1.4, 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).

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

F. The request to rescind the Tamalico Center DRI Development Order meets the statutory criteria for approval.

Recommendation dated: November 8, 2024.



Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

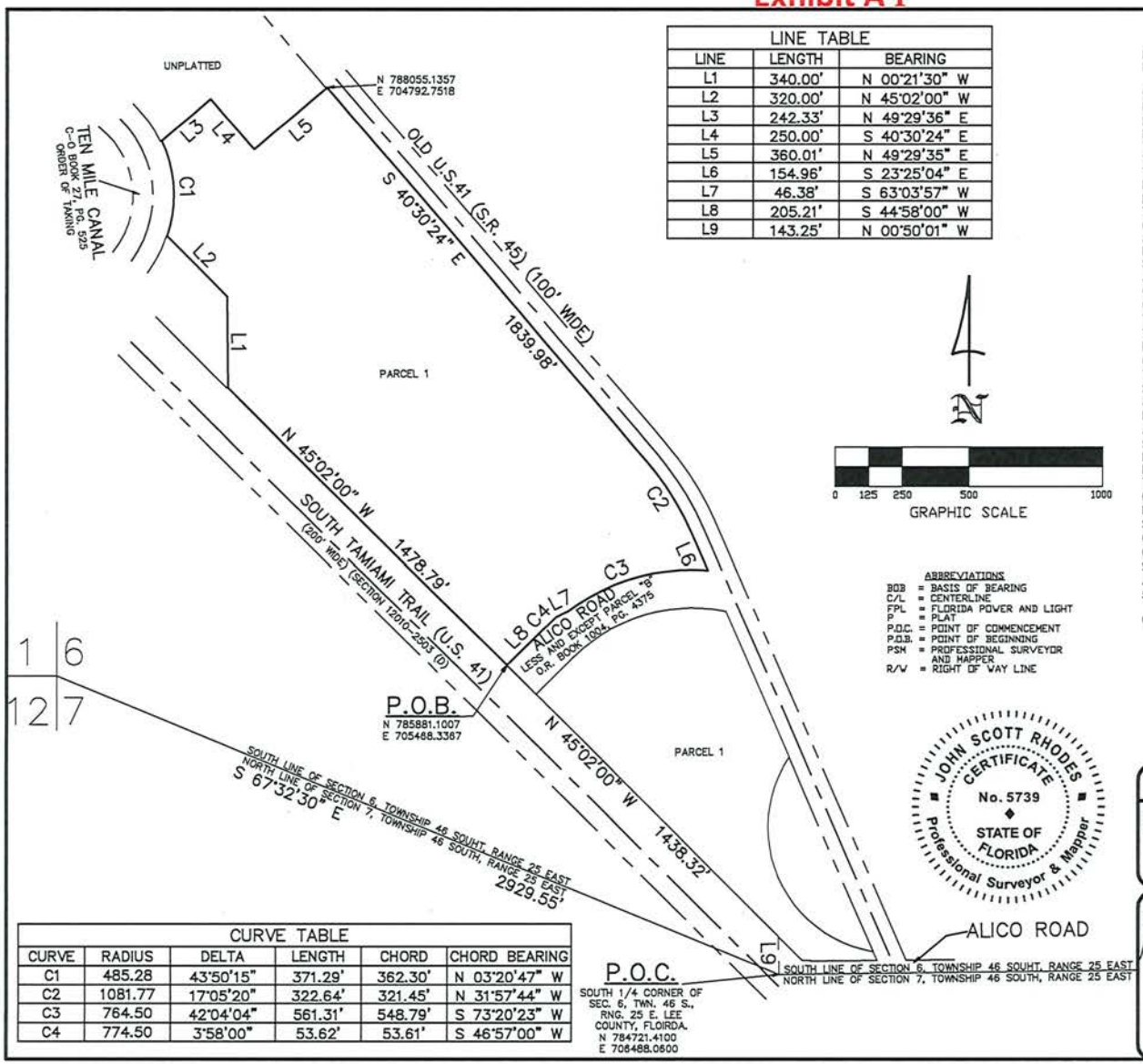
Exhibit A1 Legal Description and Vicinity Map (DCI2023-00020)
Exhibit A2 Legal Description (DRI2023-00001)
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A1

LEGAL DESCRIPTION AND VICINITY MAP (DCI2023-00020)

DCI2023-00020 Lee County ePlan

Exhibit A 1



LINE TABLE		
LINE	LENGTH	BEARING
L1	340.00'	N 00°21'30" W
L2	320.00'	N 45°02'00" W
L3	242.33'	N 49°29'36" E
L4	250.00'	S 40°30'24" E
L5	360.01'	N 49°29'35" E
L6	154.96'	S 23°25'04" E
L7	46.38'	S 63°03'57" W
L8	205.21'	S 44°58'00" W
L9	143.25'	N 00°50'01" W

ABBREVIATIONS
BOB = BASIS OF BEARING
C/L = CENTERLINE
FPL = FLORIDA POWER AND LIGHT
P = PLAT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR AND MAPPER
R/W = RIGHT OF WAY LINE

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	485.28	43°50'15"	371.29'	362.30'	N 03°20'47" W
C2	1081.77	17°05'20"	322.64'	321.45'	N 31°57'44" W
C3	764.50	42°04'04"	561.31'	548.79'	S 73°20'23" W
C4	774.50	3°58'00"	53.62'	53.61'	S 46°57'00" W

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.; THENCE NORTH 00°50'01" WEST, A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TAMIAMI TRAIL (U.S. 41) A 200.00 FOOT RIGHT-OF-WAY, AS THE SAID IS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 45, SECTION 12010-2503. LEE COUNTY; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 1,438.32 FEET TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE SAID NORTHEASTERLY RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL NORTH 45°02'00" WEST, A DISTANCE OF 1,478.79 FEET; THENCE LEAVING THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH TAMIAMI TRAIL NORTH 00°21'30" WEST, A DISTANCE OF 340.00 FEET; THENCE NORTH 45°02'00" WEST, A DISTANCE OF 320.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE 10 MILE CANAL LATERAL DITCH TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY OF THE 10 MILE CANAL LATERAL DITCH, 371.29 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 485.28 FEET, THROUGH A CENTRAL ANGLE OF 43°50'15" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°20'47" WEST, A DISTANCE OF 362.30 FEET; THENCE LEAVING THE SAID RIGHT-OF-WAY OF THE 10 MILE CANAL LATERAL DITCH NORTH 49°29'36" EAST, A DISTANCE OF 242.33 FEET; THENCE SOUTH 40°30'24" EAST, A DISTANCE OF 250.00 FEET; THENCE NORTH 49°29'35" EAST, A DISTANCE OF 360.01 FEET TO POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD U.S.41 (S.R. 45) A 100.00 FOOT RIGHT OF WAY, LEE COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY FOR THE FOLLOWING THREE COURSES, COURSE (1) SOUTH 40°30'24" EAST, 1,839.98 FEET TO A POINT OF CURVATURE; COURSE (2) SOUTHEASTERLY, 322.64 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,081.77 FEET, THROUGH A CENTRAL ANGLE OF 17°05'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 31°57'44" EAST, A DISTANCE OF 321.45 FEET; COURSE (3) SOUTH 23°25'04" EAST, 154.96 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ALICO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1004, PAGE 4375, OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE WESTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY OF ALICO ROAD FOR THE FOLLOWING 4 COURSES, COURSE (1) WESTERLY 561.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 764.50 FEET, THROUGH A CENTRAL ANGLE OF 42°04'04" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 73°20'23" WEST, A DISTANCE OF 548.79 FEET; COURSE (2) SOUTH 63°03'57" WEST, 46.38 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 53.62 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 774.50 FEET, THROUGH A CENTRAL ANGLE OF 03°58'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 46°57'00" WEST, A DISTANCE OF 53.61 FEET; COURSE (4) SOUTH 44°58'00" WEST, 205.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,045,123 SQUARE FEET OR 46.950 ACRES, MORE OR LESS.

REVIEWED
DCI2023-00020
Rick Burris, Principal Planner
Lee County DCD/Planning
8/6/2024

BY: John Scott Rhodes PSM # 5739 State of Florida

Digitally signed by John Scott Rhodes PSM # 5739 State of Florida
Date: 2024.02.06 14:13:35 -05'00'

JOHN SCOTT RHODES PSM #5738

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

SKETCH AND DESCRIPTION

CERTIFIED TO:
X

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date:
XX	XX	JAN. 26, 2024
		scale: 1" = 500'
		cogo #: 23-851

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

design:	
drawn:	EFC
checked:	JSR
acad #:	2023-851
view:	PLOT
project#:	2023-851
sheet #:	1 of 2
file #:	2023-851 SKETCH 1

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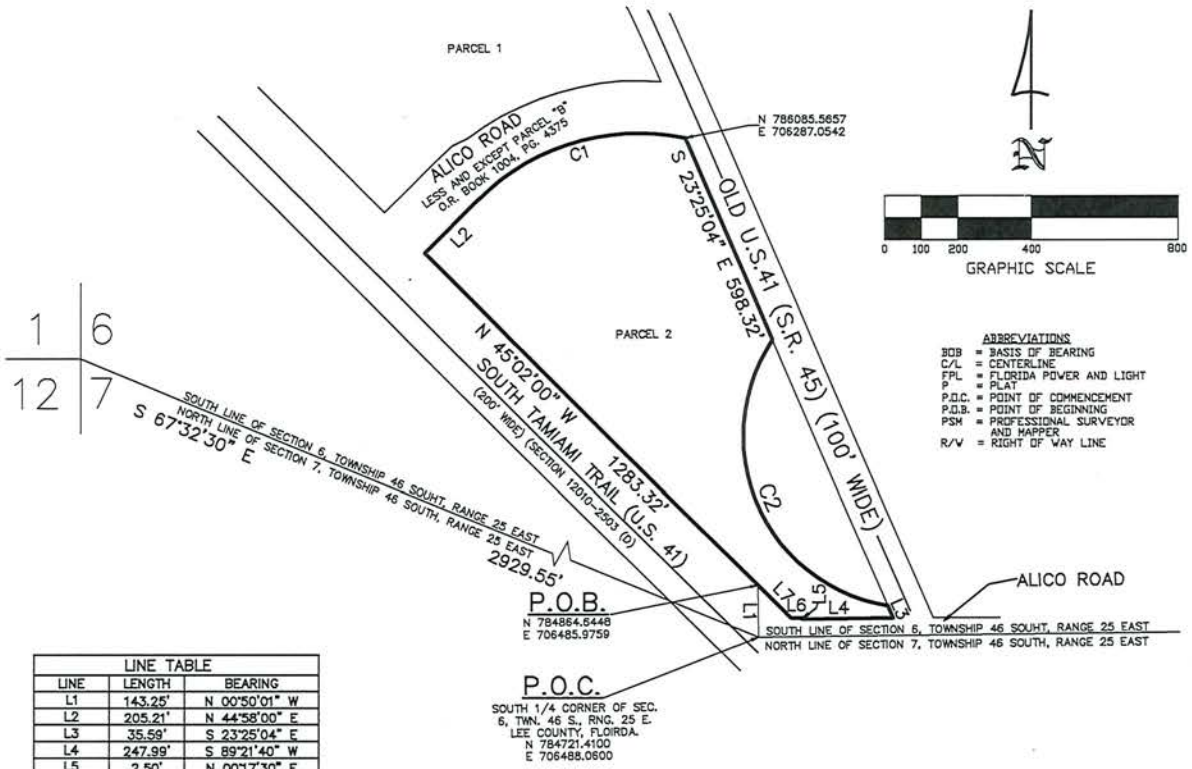
DCI2023-00020 Lee County ePlan



LINE TABLE		
LINE	LENGTH	BEARING
L1	143.25'	N 00°50'01" W
L2	205.21'	N 44°58'00" E
L3	35.59'	S 23°25'04" E
L4	247.99'	S 89°21'40" W
L5	2.50'	N 00°17'30" E
L6	30.69'	N 89°42'30" W
L7	127.45'	N 45°02'00" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	619.50	56°44'33"	613.52'	588.75'	S 73°20'16" W
C2	474.00	113°54'15"	942.31'	794.63'	S 23°25'04" E

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOW.

COMMENCE AT SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 00°50'01" WEST LEAVING THE SAID SOUTH QUARTER CORNER OF SECTION 6, A DISTANCE OF 143.25 FEET TO A POINT ON THE RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL (U.S. 41) A 200.00 FOOT RIGHT-OF-WAY, AS THE SAID IS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 45, SECTION 12010-2503. LEE COUNTY, AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 45°02'00" WEST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH TAMIAMI TRAIL, A DISTANCE OF 1,283.32 FEET TO A POINT ON THE NEW SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1004, PAGE 4375, OF THE PUBLIC RECORDS OF LEE COUNTY, FLOIRDA; THENCE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD FOR THE FOLLOWING 2 COURSES, COURSE (1) NORTH 44°58'00" EAST, 205.21 FEET TO A POINT OF CURVATURE; COURSE (2) EASTERLY, 613.52 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 619.50 FEET, THROUGH A CENTRAL ANGLE OF 56°44'33" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 73°20'16" EAST, 588.75 FEET TO A POINT ON THE SOUTHERELY RIGHT-OF-WAY LINE OF OLD U.S.41 (S.R. 45) A 100.00 FOOT RIGHT OF WAY, LEE COUNTY, FLORIDA; THENCE SOUTH 23°25'04" EAST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45), 598.32 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MICHAEL G RIPPE PARKWAY AS RECORDED IN OFFICIAL RECORDS BOOK 4140 PAGES 4378 THROUGH 4385 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY ALONG THE SAID RIGHT-OF-WAY LINE OF MICHAEL G RIPPE PARKWAY, 942.31 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 474.00 FEET, THROUGH A CENTRAL ANGLE OF 113°54'15" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23°25'04" EAST, 794.63 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45); THENCE SOUTH 23°25'04" EAST ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF OLD U.S. 41 (S.R. 45), A DISTANCE OF 35.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ALICO ROAD; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD FOR THE FOLLOWING 3 COURSES, COURSE (1) SOUTH 89°21'40" WEST, 247.99 FEET; COURSE (2) NORTH 00°17'30" EAST, 2.50 FEET; COURSE (3) NORTH 89°42'30" WEST, 30.69 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF SAID SOUTH TAMIAMI TRAIL; THENCE NORTH 45°02'00" WEST ALONG THE SAID RIGHT-OF-WAY OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 127.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 630,829 SQUARE FEET OR 14.482 ACRES, MORE OR LESS.

REVIEWED
DCI2023-00020
Rick Burris, Principal Planner
Lee County DCD/Planning
8/6/2024

THIS INSTRUMENT PREPARED BY:
JOHN SCOTT RHODES P.S.M. #5739

RHODES & RHODES
LAND SURVEYING, INC.
FLORIDA BUSINESS LICENSE NO. LB 6897
28100 BONITA GRANDE DRIVE, SUITE #107
BONITA SPRINGS, FL 34135
(239) 405-8166 FAX NO. (239) 405-8163

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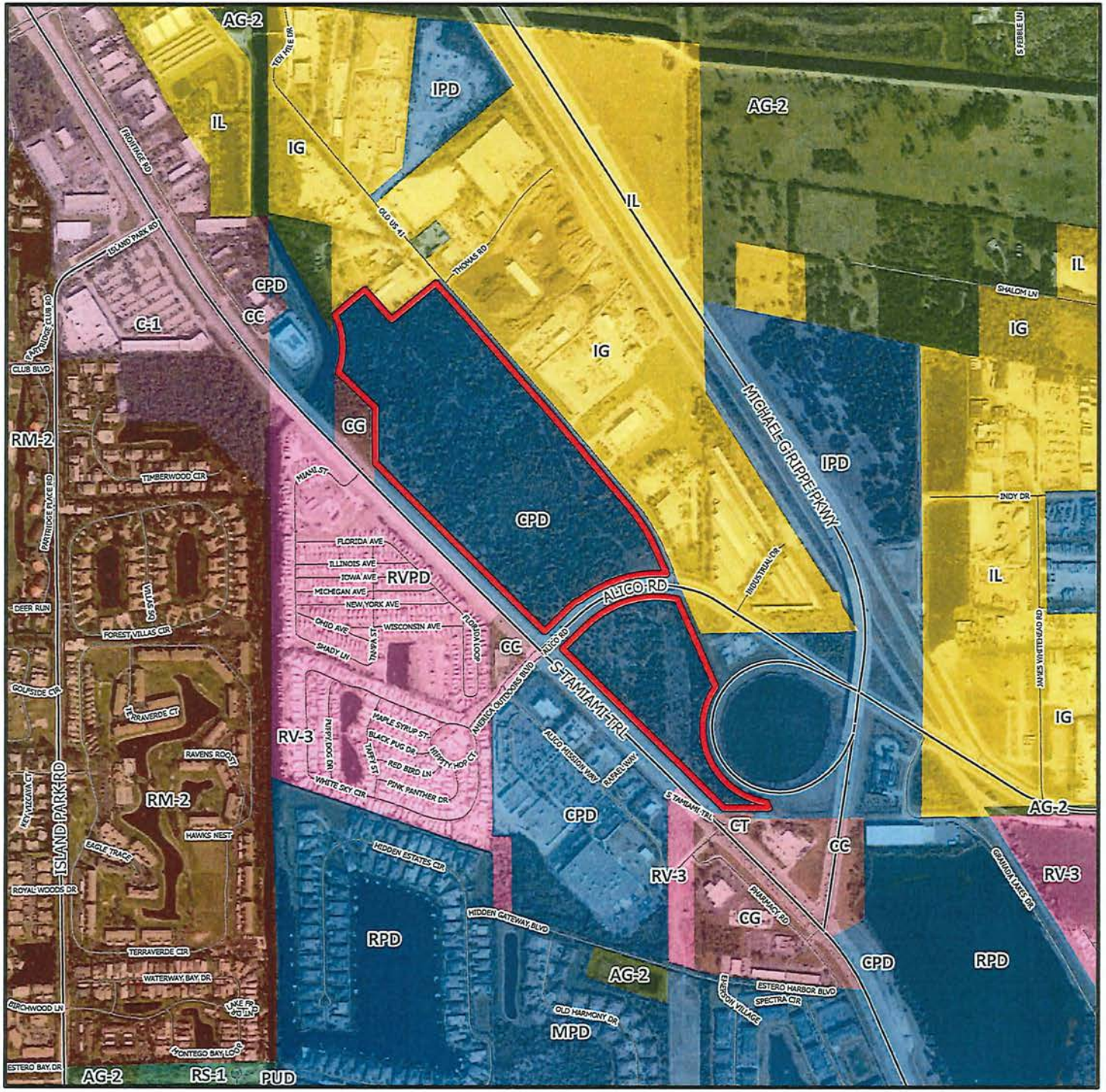


DCI2023-00020

Zoning

Subject Property

N
W E
S

0 500 1,000 1,500
Feet

Lee County
Southwest Florida

Exhibit A2

LEGAL DESCRIPTION
(DRI2023-00001)

Exhibit A2

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

PARCEL 1

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 00°50'01" WEST, A DISTANCE OF 143.25 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL (U.S. 41) (200 FOOT RIGHT OF WAY) AND TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT OF LINE OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 2,917.11 FEET; THENCE LEAVING THE SAID NORTHEAST RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL NORTH 00°21'30" WEST, A DISTANCE OF 340.00 FEET; THENCE NORTH 45°02'00" WEST, A DISTANCE OF 320.00 FEET TO A POINT ON THE BOUNDARY LINE OF 10 MILE CANAL, TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY, 371.29 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 485.28 FEET, THROUGH A CENTRAL ANGLE OF 43°50'15" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 03°20'47" WEST, A DISTANCE OF 362.30 FEET; THENCE LEAVING THE SAID 10 MILE CANAL NORTH 49°29'36" EAST, A DISTANCE OF 242.33 FEET; THENCE SOUTH 40°30'24" EAST, A DISTANCE OF 250.00 FEET; THENCE NORTH 49°29'35" EAST, A DISTANCE OF 360.01 FEET TO SOUTHWESTERLY RIGHT OF WAY LINE OF OLD U.S.41 (S.R. 45) (100 FOOT RIGHT OF WAY); THENCE ALONG THE SAID SOUTHWESTERLY RIGHT OF WAY OF U.S. 41 FOR THE FOLLOWING 3 COURSES, COURSE (1) SOUTH 40°30'24" EAST, 1,839.98 FEET TO A POINT OF CURVATURE; COURSE (2) SOUTHEASTERLY, 322.64 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,081.77 FEET, THROUGH A CENTRAL ANGLE OF 17°05'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 31°57'44" EAST, A DISTANCE OF 321.45 FEET; COURSE (3) SOUTH 23°25'04" EAST, 1,753.14 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF ALICO ROAD (100 FOOT RIGHT OF WAY); THENCE ALONG THE SAID NORTHERN RIGHT OF WAY LINE OF ALICO ROAD THE FOLLOW 3 COURSES, COURSE (1) SOUTH 89°21'40" WEST, 248.01 FEET; COURSE (2) NORTH 00°17'30" EAST, 3.31 FEET; COURSE (3) NORTH 89°42'30" WEST, 31.50 FEET TO A POINT ON THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL; THENCE NORTH 45°02'00" WEST ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH TAMIAMI TRAIL, A DISTANCE OF 126.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,921,301 SQUARE FEET OR 67.064 ACRES, MORE OR LESS.

PARCEL 2

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°20'55" EAST ALONG THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT OF WAY), A DISTANCE OF 475.44 FEET; THENCE NORTH 00°39'05" WEST, A DISTANCE OF 50.00 FEET TO O POINT ON THE NORTHERLY RIGHT OF WAY OF SAID ALICO ROAD AND TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41 (S.R. 45) (100 FOOT RIGHT OF WAY); THENCE NORTH

DRI2023-00001 Lee County ePlan

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

23°28'25" WEST ALONG THE SAID EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41, A DISTANCE OF 1,086.49 FEET TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE SAID EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41 NORTH 23°29'21" WEST, A DISTANCE OF 105.81 FEET; THENCE NORTH 89°00'00" EAST LEAVING THE SAID EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41, A DISTANCE OF 183.58 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHWESTERLY, 102.39 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 140.00 FEET, THROUGH A CENTRAL ANGLE OF 41°54'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 45°37'49" WEST, A DISTANCE OF 100.12 FEET; THENCE SOUTH 66°34'56" WEST, A DISTANCE OF 76.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,958 SQUARE FEET OR 0.252 ACRES, MORE OR LESS.

PARCEL 3

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 89°20'55" EAST ALONG THE CENTERLINE OF ALICO ROAD (100 FOOT RIGHT OF WAY), A DISTANCE OF 475.44 FEET; THENCE NORTH 00°39'05" WEST, A DISTANCE OF 50.00 FEET TO O POINT ON THE NORTHERLY RIGHT OF WAY OF SAID ALICO ROAD, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41 (S.R. 45) (100 FOOT RIGHT OF WAY) AND TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 23°28'25" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF OLD U.S. 41, A DISTANCE OF 920.34 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE EASTERLY LEAVING THE SAID EASTERLY RIGHT OF LINE OF OLD U.S. 41, 344.80 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 474.00 FEET, THROUGH A CENTRAL ANGLE OF 41°40'43" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 67°46'35" EAST, A DISTANCE OF 337.25 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE NORTH 57°23'38" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 233.46 FEET; THENCE NORTH 89°00'59" EAST LEAVING THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 234.99 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE SOUTH 57°23'36" EAST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 429.29 FEET; THENCE NORTH 04°18'38" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 195.98 FEET; THENCE SOUTH 32°31'09" EAST, A DISTANCE OF 766.84 FEET TO POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE NORTH 57°23'38" WEST ALONG THE SAID SOUTHERLY RIGHT OF LINE OF ALICO ROAD, A DISTANCE OF 260.48 FEET; THENCE SOUTH 08°15'05" WEST LEAVING THE SOUTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 559.83 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD; THENCE SOUTH 89°20'55" WEST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF ALICO ROAD, A DISTANCE OF 472.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 736,117 SQUARE FEET OR 16.899 ACRES, MORE OR LESS.

DRI2023-00001 Lee County ePlan

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

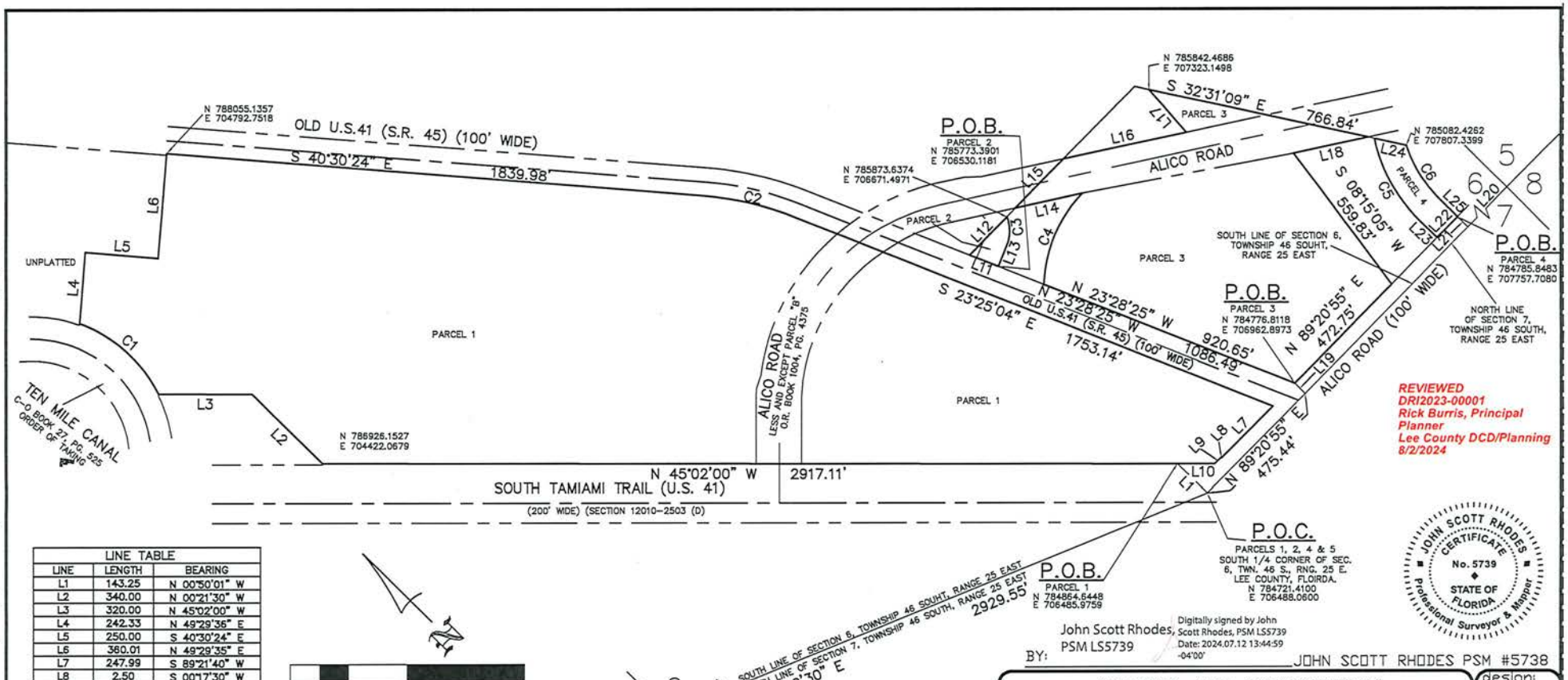
PARCEL 4

BEING A PORTION OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 89°20'55" WEST ALONG THE CENTERLINE OF ALICO ROAD AND THE SOUTHERLY LINE OF SAID SECTION 6, A DISTANCE OF 1,378.22 FEET; THENCE NORTH 00°39'05" WEST LEAVING THE SAID CENTERLINE OF ROAD OF ALICO ROAD AND THE SOUTHERLY LINE OF SECTION 6, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ALICO ROAD TO THE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 89°20'52" WEST ALONG THE SAID SOUTHERLY LINE OF ALICO ROAD, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°39'05" WEST LEAVING THE SAID SOUTHERLY LINE OF ALICO ROAD, A DISTANCE OF 84.12 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 325.94 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 550.00 FEET, THROUGH A CENTRAL ANGLE OF 33°57'18" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 16°19'34" EAST, A DISTANCE OF 321.20 FEET; THENCE SOUTH 32°29'58" EAST, A DISTANCE OF 112.22 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 220.61 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 28°05'19" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 13°23'34" WEST, A DISTANCE OF 218.40 FEET; THENCE SOUTH 00°39'05" EAST, A DISTANCE OF 84.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 35,762 SQUARE FEET OR 0.821 ACRES, MORE OR LESS.

REVIEWED
DRI2023-00001
Rick Burris, Principal Planner
Lee County DCD/Planning
8/2/2024



REVIEWED
DRI2023-00001
Rick Burris, Principal Planner
Lee County DCD/Planning
8/2/2024

LINE TABLE		
LINE	LENGTH	BEARING
L1	143.25	N 00°50'01" W
L2	340.00	N 00°21'30" W
L3	320.00	N 45°02'00" W
L4	242.33	N 49°29'35" E
L5	250.00	S 40°30'24" E
L6	360.01	N 49°29'35" E
L7	247.99	S 89°21'40" W
L8	2.50	S 00°17'30" W
L9	31.50	S 89°42'30" E
L10	126.29	N 45°02'00" W
L11	105.81	N 23°29'21" W
L12	183.58	S 89°00'00" W
L13	76.08	S 66°34'56" W
L14	233.50	N 57°23'38" W
L15	234.99	S 89°00'00" W
L16	429.29	S 57°23'38" E
L17	195.98	N 04°18'38" E
L18	260.48	S 57°23'38" E
L19	50.00	S 00°39'05" E
L20	1378.22	S 89°20'55" W
L21	50.00	S 00°39'05" E
L22	100.00	N 89°20'52" E
L23	84.12	S 00°39'05" E
L24	112.22	N 32°29'58" W
L25	84.12	N 00°39'05" W

0 100 200 400 800
GRAPHIC SCALE

NOT A SURVEY

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	485.28	43°50'15"	371.29	362.30	N 03°20'47" W
C2	1081.77	17°05'20"	322.64	321.45	N 31°57'44" W
C3	140.00	41°54'08"	102.39	100.12	N 45°37'49" E
C4	474.00	41°33'49"	343.85	336.36	S 67°50'02" W
C5	550.00	33°57'18"	325.94	321.20	S 16°19'34" W
C6	450.00	28°05'19"	220.61	218.40	S 13°23'34" W

ABBREVIATIONS
BOB = BASIS OF BEARING
C/L = CENTERLINE
FPL = FLORIDA POWER AND LIGHT
P = PLAT
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR AND MAPPER
R/W = RIGHT OF WAY LINE

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

BY: John Scott Rhodes, PSM LS5739
Digitally signed by John Scott Rhodes, PSM LS5739
Date: 2024.07.12 13:44:59 -04'00'
JOHN SCOTT RHODES PSM #5738

SKETCH AND DESCRIPTION

CERTIFIED TO:
X

RHODES & RHODES LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date: JULY 11,2024
XX	XX	scale: 1" = 500'
		cogo #: 23-851

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

design:
drawn: EFC
checked: JSR
acad #: 2023-851
view: PLOT
project#: 2023-851
sheet #: 4 of 4
file #: 2023-851 DRI REMOVAL

C:\Users\EdwardCieslak\Rhodes and Rhodes\CONST - Documents\ryan company\2023-851\dwg\OLD DRI\2023-851 DRI REMOVAL 2024-07-11.dwg, Layout1, 7/11/2024 9:55:12 PM, 1:1

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

As revised by the Hearing Examiner

CONDITIONS

1. Master Concept Plan/ Approved Development Parameters

Master Concept Plan (MCP). Development must be consistent with the three-page MCP entitled "DIA Crossing MPD," stamped received by the Hearing Examiner October 30, 2024, except where modified by conditions below. (Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC. Changes to the MCP or conditions will require further development approvals.

Approved Development Parameters. MPD may develop up to 200,000 square feet of commercial uses,** 350 residential dwelling units, including 30 bonus density units, and 150 hotel rooms.

**Subtract C-1 is limited to a maximum of 50,000 square feet and Subtract C-2 is limited to a maximum of 150,000 square feet.

2. Uses And Site Development Regulations

a. Schedule of Uses

Residential Tract

Accessory Uses and Structures
Dwelling Unit: Multiple-Family Building
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation:
- Water Retention and Detention
- Lakes

Fences, Walls
Home Occupation
Models:
- Display Center
- Display Group
- Model Home
- Model Unit

Parking Lot:
- Accessory
- Park-And-Ride
- Temporary

Real Estate Sales Office, limited to sales of lots, homes or units within the development

Recreation Facilities:
- Personal
- Private On-Site

Signs

Temporary Uses in accordance with Land Development Code at time of development order review and limited to temporary sales office, temporary contractor's office, staging area, and equipment storage structures

Commercial Tracts

Accessory Uses and Structures
Administrative Offices
Animals: Clinic, Kennel, Control Center (Including Humane Society)
Assisted Living Facility
Atm (Automatic Teller Machine)
Auto Parts Store
Automobile Repair and Service, All Groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments, All Groups
Bar or Cocktail Lounge
Boat Parts Store
Boat Repair & Service
Boat Sales
Boat Storage, Dry
Boatyard
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups
Bus Station/Depot
Caretaker's Residence
Carwash
Cleaning and Maintenance Services
Clothing Stores, General

Clubs:
- Commercial,
- Country,
- Fraternal, Membership Organization, &
- Private

Communication Facility, Wireless
Community Gardens
Consumption on Premises
Continuing Care Facilities
Contractors And Builders, All Groups
Convenience Food and Beverage Store, with or without fuel pumps
Cultural Facilities
Day Care Center, Adult & Child (Maximum 75 children or adults)
Department Store
Drive-Through Facility for any Permitted Use
Drugstore, Pharmacy
Dwelling Unit:
- Live-Work
- Townhouse
- Multiple-Family Building

Entrance Gates and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, All Groups
Excavation: Water Retention
Flea market:
- Open
- Indoor

Food and Beverage Service, Limited
Food Stores, All Groups
Funeral Home or Mortuary: with or without cremation
Gift and Souvenir Shop
Hardware Store
Health Care Facility, Groups I, II, III
Hobby, Toy, and Game Shops
Home Care Facility
Hospice
Hotel/Motel (Limited to Subtract C-2)
Household and Office Furnishings, All Groups
Insurance Companies
Laundromat
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Store
Library
Maintenance Facility (Government)

- Mass Transit Depot or Maintenance Facility (Government-Operated)
- Medical Office
- Models:
  - Display Center Only
  - Model Home
  - Model Unit
- Motion Picture Production Studio
- Nightclubs
- Non-store Retailers, All Groups
- Package Store
- Paint, Glass and Wallpaper
- Parcel and Express Services
- Parks, All Groups
- Parking Lot:
  - Accessory
  - Commercial
  - Garage, Public
  - Park-And-Ride
  - Temporary
- Personal Services, All Groups
- Pet Services
- Pet Shop
- Pharmacy
- Place Of Worship
- Plant Nursery
- Post Office
- Printing and Publishing
- Real Estate Sales Office
- Recreation Facilities:
  - Commercial: Groups I, III, IV
  - Personal
  - Private On-Site
- Religious Facilities
- Rental or Leasing Establishments, Groups I, II, III, IV
- Repair Shops, Groups I, II, III, IV
- Research And Development Laboratories, Groups I, II, IV
- Restaurant, Fast Food
- Restaurants, All Groups
- Retail And Wholesale Sales, when clearly incident and subordinate to a permitted principal use on the same premises
- Schools:
  - Commercial
  - Non-Commercial
- Self-Service Fuel Pumps
- Signs
- Social Services, All Groups

Specialty Retail Shop, All Groups
Storage:
- Indoor
- Storage, Open

Studios
Supermarket
Temporary (Limited to Temporary Sales Office, Temporary Contractor's Office, Staging Area, And Equipment Storage Structures)
Theater, Indoor
Transportation Services, Groups II, III
Used Merchandise Store, Groups I, II
Vehicle and Equipment Dealers, All Groups
Warehouse:
- High Cube
- Mini Warehouse
- Private
- Public

Wholesale Establishment, Groups I, III

b. Site Development Regulations

See Exhibit B2

3. Unified Sign Plan

Development order submittals must include a unified sign plan.

4. Natural Resources

a) Drainage Easement. Development order submittals must include a draft drainage easement designed to maintain the offsite conveyance drainage easement depicted on the MCP. Once approved by the County, the owner must record the drainage easement in the public records of Lee County. Proof of recordation is a prerequisite to issuance of a Certificate of Compliance.

b) Stormwater Report. Development order plans proposing improvements within open space areas must include a Stormwater Report with models and calculations demonstrating offsite flows will be maintained during and post construction.

c) Water Quality Monitoring Plan. Development order submittals must include a Water Quality Monitoring Plan that includes the following:

i) Baseline Monitoring. Completion of baseline monitoring prior to commencing construction. Developer must submit the baseline monitoring report to the County Division of Natural Resources

ii) Water Quality Monitoring Sites. Location of surface water quality and groundwater quality monitoring sites. Developer must locate a surface water quality monitoring site at each proposed outfall.

Data. Developer must submit water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. Annual monitoring reports must include a comparison to State surface water quality standards, plots of parameters, and recommendations. Developer must report water quality monitoring data as Electric Data Deliverable (EDD), in a format approved by the Division.

Developer may file a written request with the Division of Natural Resources to amend the water quality monitoring/reporting condition after demonstrating the project met state water quality monitoring standards for five consecutive years.

iii) Contingency Plan. Developer must prepare a Contingency Plan to be implemented in the event of an exceedance of State Water Quality Standards. The contingency plan must include notification to impacted residents, the Division of Natural Resources and applicable authorities.

Hearing Examiner Note: *Condition 4 revised to conform to similar conditions in approved zoning cases.*

5. Environmental

a. Development order plans must depict 36.73 acres of open space.

b. Development order plans must depict 6.00 acres of indigenous preserve area and 0.63 acres of restored indigenous wetlands.

c. Development order plans for the commercial portion of the project must depict 25-foot-wide buffers along Alico Road and South Tamiami Trail. The buffer must include five trees per 100 linear feet and a double hedge.

d. Development order plans must substantially comply with the "Indigenous Vegetation Communities & Protected Species Assessment for DIA Crossing Lee County Florida" dated January 2024 (Revised). Exhibit B3

e. The application for Vegetation Removal Permits must include wetland mitigation documentation if onsite mitigation is necessary. Development order plans must depict onsite mitigation restoration areas.

Hearing Examiner Note: *Staff's Condition 5 revised to conform to condition format in approved zoning cases. Separately listed as conditions 8 and 9.*

6. Department of Transportation

The MCP depicts conceptual access to US 41 and is subject to Florida Department of Transportation approval.

7. Pedestrian and Bicycle Access to School Bus

Development Order plans must accommodate 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.

8. Permitting Generally

Permits from state or federal agencies and do not create liability on the part of the County if developer 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. Developer must obtain applicable local development permits.

9. 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 Land Development Code regulations regarding development within wetlands.

Conditions of Approval for DRI - Rescission

As part of the DRI Development Order approval, the developer accepts responsibility of a number of conditions addressing water quality, energy conservation measures, hurricane management plan, transportation impacts, fire impact fees, compliance with

water conservation devices, and solid waste. Applicant provided documentation with the recission application demonstrating the DRI complied with conditions of the DRI development order up to the point of recission.

Development post recission will comply with DRI Development Order conditions through the conditions of the subject MPD and LDC, and subject to County enforcement authority.

DEVIATIONS

No Deviations.

Exhibits to Conditions

B1 Master Concept Plan for DIA Crossing MPD stamped "Received by the Hearing Examiner" October 30, 2024.

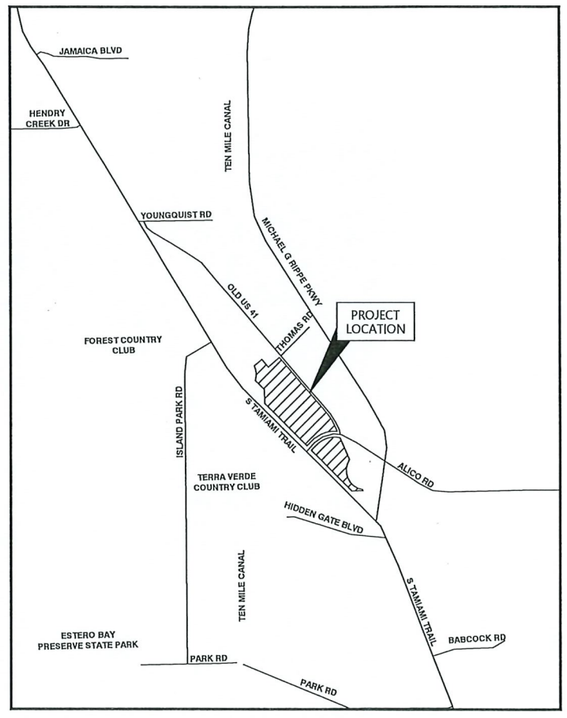
B2 Property Development Regulations

B3 Indigenous Vegetation Communities & Protected Species Assessment for DIA Crossing Lee County Florida" dated January 2024 (Revised) prepared by Ecotech Consultants, Inc.

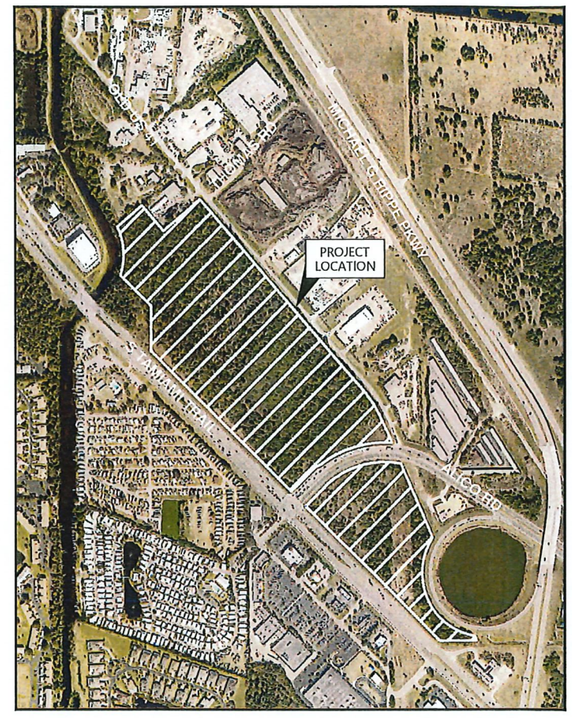
MASTER CONCEPT PLAN FOR

DIA CROSSING MPD

PART OF SECTION 6, TOWNSHIP 46S, RANGE 25E,
FORT MYERS, FLORIDA



VICINITY MAP
N.T.S.



SITE LOCATION MAP
N.T.S.

LEE COUNTY
HEARING EXAMINER
2024 OCT 30 PM 2:35

EXHIBIT B-1

PREPARED BY:

THE NEIGHBORHOOD COMPANY

5618 WHISPERING WILLOW WAY
FORT MYERS, FL 33908

PREPARED FOR:

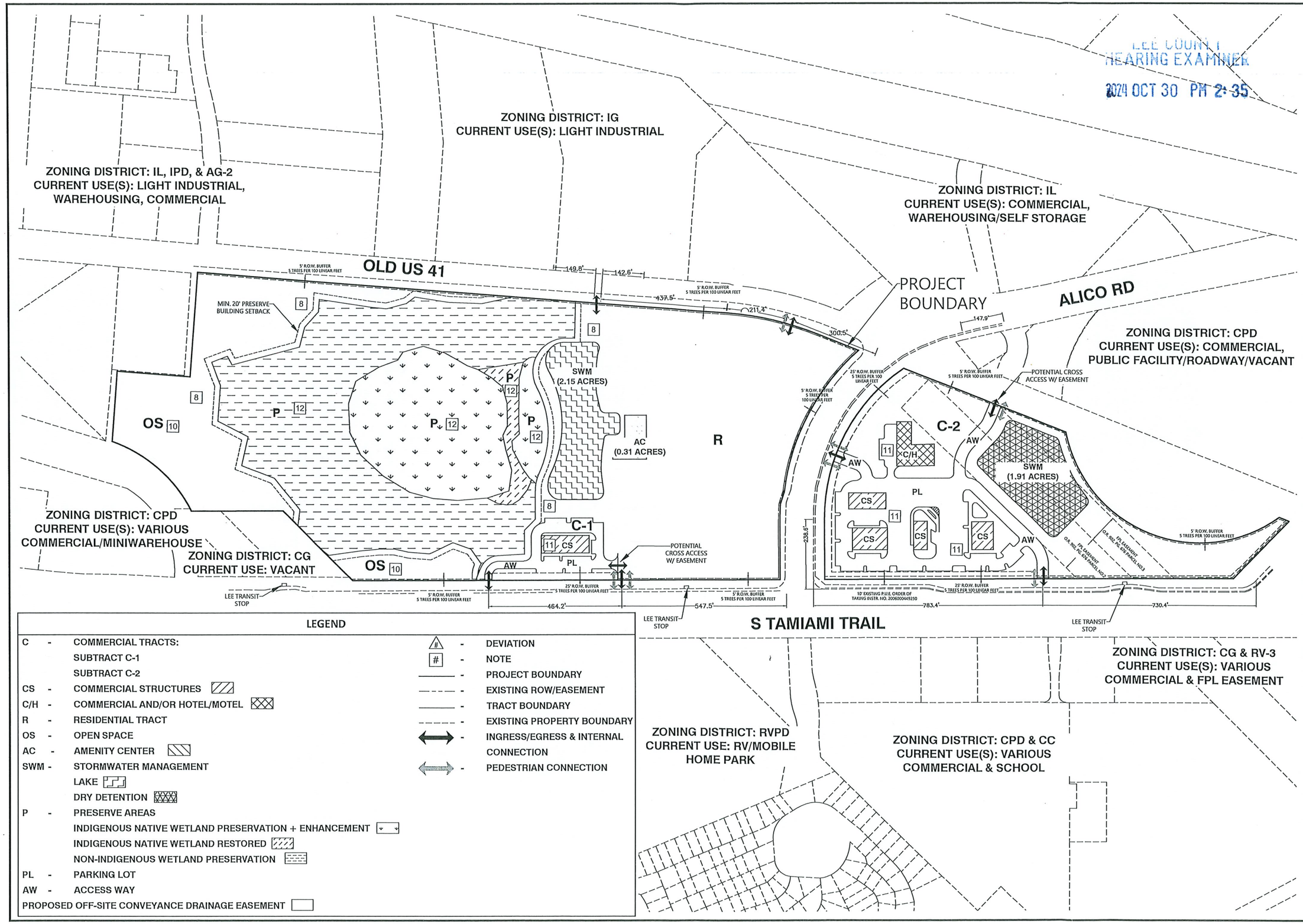
RYAN

201 NORTH FRANKLIN ST,SUITE 3500
TAMPA, FL 33602

CONTENTS

SHEET NUMBER	SHEET DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	NOTES

DATE:	PROJECT No.:	SHEET No.:
April, 2024	220050.01.01	1 OF 3



LEGEND

C -	COMMERCIAL TRACTS:	
	SUBTRACT C-1	
	SUBTRACT C-2	
CS -	COMMERCIAL STRUCTURES	
C/H -	COMMERCIAL AND/OR HOTEL/MOTEL	
R -	RESIDENTIAL TRACT	
OS -	OPEN SPACE	
AC -	AMENITY CENTER	
SWM -	STORMWATER MANAGEMENT	
	LAKE	
	DRY DETENTION	
P -	PRESERVE AREAS	
	INDIGENOUS NATIVE WETLAND PRESERVATION + ENHANCEMENT	
	INDIGENOUS NATIVE WETLAND RESTORED	
	NON-INDIGENOUS WETLAND PRESERVATION	
PL -	PARKING LOT	
AW -	ACCESS WAY	
PROPOSED OFF-SITE CONVEYANCE DRAINAGE EASEMENT		

# -	DEVIATION
# -	NOTE
-	PROJECT BOUNDARY
-	EXISTING ROW/EASEMENT
-	TRACT BOUNDARY
-	EXISTING PROPERTY BOUNDARY
-	INGRESS/EGRESS & INTERNAL CONNECTION
-	PEDESTRIAN CONNECTION

#	REVISION	DRAWN	DATE
4	PER HEX HEARING		10/24
3	PER COUNTY COMMENTS		2/24
2	PER COUNTY COMMENTS		11/23
1	PER COUNTY COMMENTS		9/23

0 75 150

THE NEIGHBORHOOD COMPANY
5618 WHISPERING WILLOW WAY | FORT MYERS, FL 33908
WWW.THENEIGHBORHOOD.COMPANY

CLIENT: RYAN COMPANIES US, INC.

PROJECT: DIA CROSSING MPD

TITLE: MASTER CONCEPT PLAN

PROJECT NO.: 220050.01.01
DATE: 04/23
DRAWN: F.L.
DESIGN: K.G.
SHEET NUMBER: 2 OF 3

GENERAL NOTES & DEVIATIONS:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
2. THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA TRACTS, INTERNAL AND EXTERNAL INGRESS/EGRESS POINT LOCATIONS, ACCESS WAYS, DRIVES, STORMWATER MANAGEMENT AREAS, EASEMENTS, LAND IMPROVEMENTS AND STRUCTURES, IF SHOWN, ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER FOR EACH TRACT. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS MIXED USE PLANNED DEVELOPMENT (MPD) CAN BE APPROVED ADMINISTRATIVELY.
3. TOTAL DEVELOPMENT AREA: 61.38 +/- ACRES
4. THE FUTURE LAND USE MAP CATEGORY: URBAN COMMUNITY
5. NO RIGHT OF WAY OR PERIMETER LANDSCAPE BUFFERS ARE REQUIRED WHERE PRESERVE AREAS ARE PROVIDED.
6. NO INTERNAL LANDSCAPE BUFFERS ARE REQUIRED WITHIN MIXED USE OVERLAY.
7. THE NORTHERN AND SOUTHERN DEVELOPMENT AREAS MAY BE DEVELOPED SEPARATELY. EACH DEVELOPMENT AREA MAY CONTAIN MULTIPLE PLATTED LOTS, WHICH MAY BE DEVELOPED INDEPENDENTLY OF EACH OTHER AND AT DIFFERENT TIMES SUBJECT TO REVIEW AT TIME OF DEVELOPMENT ORDER.
8. UPLAND BUFFERS, WHEN APPLICABLE, SHALL BE A MINIMUM OF 15 FEET, AVERAGE 25 FEET, SURROUNDING PRESERVED WETLANDS.
9. LOADING ZONE MAY BE LOCATED & ACCESSED ALONG THE REAR, FRONT, OR SIDE OF THE COMMERCIAL BUILDINGS.
10. RECREATION FACILITIES, PRIVATE ON-SITE ONLY.
11. ALL EASEMENTS ASSOCIATED WITH THE DEVELOPMENT OF ANY FUTURE SUBDIVIDED LOT WILL BE PROVIDED AT TIME OF DEVELOPMENT APPROVAL.
12. 18.92 Ac.± OF PRESERVED FRESHWATER WETLANDS TO APPLY TOWARDS DENSITY CALCULATIONS.

OPEN SPACE:

REQUIRED:

- TOTAL SITE AREA: 61.38 AC
- TOTAL MINIMUM REQUIRED OPEN SPACE WITHIN MIXED USE OVERLAY : 20% OF 61.38 AC = 12.28 (12.3) AC

PROVIDED:

- TOTAL OPEN SPACE PROVIDED: ±36.73 AC
- PROVIDED OPEN SPACE DETAILS:

OPEN SPACE USE	ACRES
STORMWATER MANAGEMENT LAKES	±0.54 AC
PRESERVE AREAS	±18.92 AC
BUFFERS, YARDS, AND ALL OTHER OPEN SPACE AREAS	±17.27 AC

PRESERVE AREAS:

INDIGENOUS NATIVE VEGETATION PRESERVE AREA:

REQUIRED:

- 50% OF THE OPEN SPACE REQUIRED:
  - o 50% OF THE 12.3 AC = 6.15 AC

PROVIDED:

- PRESERVED AND ENHANCED:
  - o WETLANDS: 6.00± AC
- RESTORED:
  - o WETLANDS: 0.63± AC

TOTAL: 6.63± AC

NON-INDIGENOUS VEGETATION PRESERVE AREA:

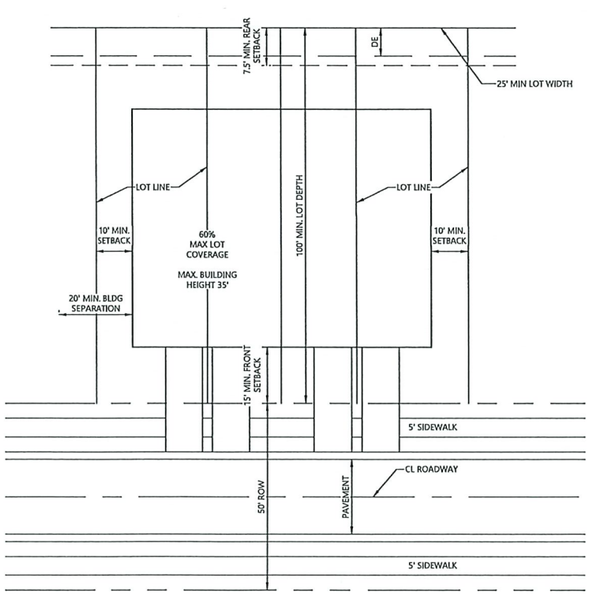
- PRESERVED:
  - o WETLANDS: 12.29± AC

TOTAL: 12.29± AC

TOTAL AREA: 18.92 ±AC

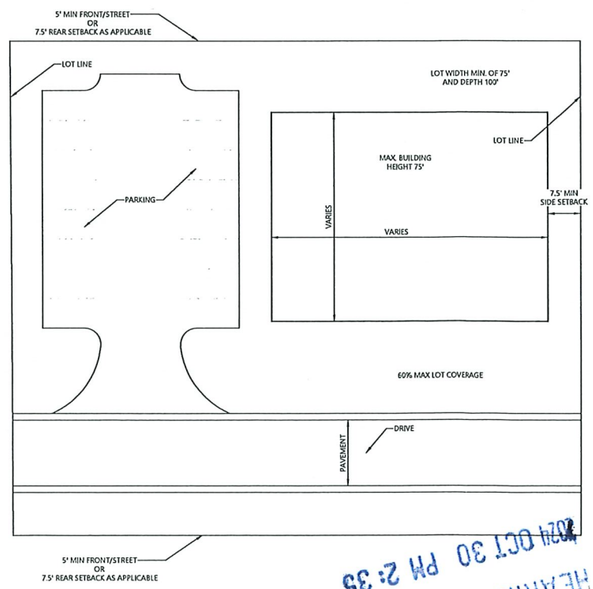
SITE SUMMARY:

LAND USE	ACREAGE	PERCENT	DWELLING UNITS	NON-RESIDENTIAL AREA (SQUARE FEET & ROOMS)
RESIDENTIAL TRACT	**±15.03**	24.5	350	N/A
AMENITY CENTER	**± 0.31**	0.5	N/A	N/A
COMMERCIAL TRACTS	**± 5.79**	0.0	N/A	N/A
COMMERCIAL STRUCTURES	± 0.86	1.4	N/A	200,000
COMMERCIAL/HOTEL	± 0.31	0.5	N/A	150
ACCESS WAY/PARKING LOT	± 4.62	7.5	N/A	N/A
STORMWATER MANAGEMENT AREAS	**± 4.06**	6.6	N/A	N/A
INDIGENOUS NATIVE VEGETATION PRESERVE AREA	**± 6.63**	0.0	N/A	N/A
UPLAND	± 0.00	0.0	N/A	N/A
WETLAND - PRESERVED, ENHANCED AND RESTORED	± 6.63	10.8	N/A	N/A
NON-INDIGENOUS VEGETATION PRESERVE AREA	**±12.29**	0.0	N/A	N/A
WETLAND-PRESERVED	± 12.29	20.0	N/A	N/A
BUFFER, YARDS, AND ALL OTHER OPEN SPACE AREAS	**±17.27**	28.1	N/A	N/A
TOTAL	**±61.38**	**100**	**MAX: 350**	**MAX: 200,000 SF/150 ROOMS**



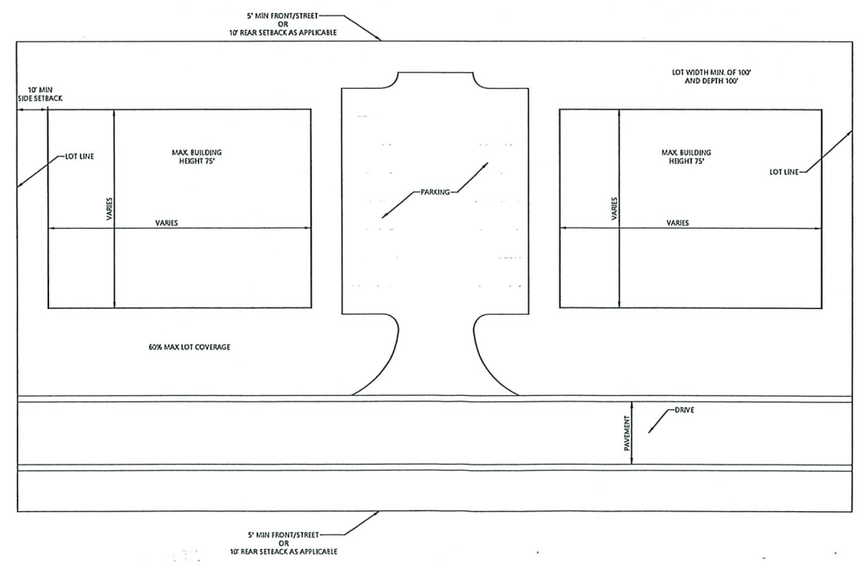
TYPICAL TOWNHOUSE LOT

Scale: NTS



TYPICAL COMMERCIAL LOT

Scale: NTS



TYPICAL MULTIPLE-FAMILY LOT

Scale: NTS

2024 OCT 30 PM 2:35
LEE COUNTY
HEARING EXAMINER

N.T.S

#	REVISION	DRAWN	DATE
4	PER COUNTY COMMENTS		4/24
3	PER COUNTY COMMENTS		2/24
2	PER COUNTY COMMENTS		11/23
1	PER COUNTY COMMENTS		9/23

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CLIENT: RYAN COMPANIES US, INC.

PROJECT: DIA CROSSING MPD

TITLE: NOTES AND TYPICAL SECTIONS

5618

PROJECT NO.: 220050.01.01
DATE: 04/23
DRAWN: F.L.
DESIGN: K.G.
SHEET NUMBER: 3 OF 3

DIA CROSSING MIXED USE PLANNED DEVELOPMENT (MPD)

A Major Planned Development

PROPERTY DEVELOPMENT REGULATIONS

LAND USES	Min. Lot Size (sq. ft.)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Min. Street Setback (feet) [1, 9]	Min. Side Setback (feet) [2, 3, 7]	Min. Rear Setback (feet) [3, 4]	Min. Accessory Structure [3, 5] Side Setback	Min. Accessory Structure [3, 5, 7] Rear Setback	Building Separation (feet) [8]	Max. Building Height (feet) [6]	Max. Lot Coverage (%)
RESIDENTIAL											
Townhouse	2,500	25	100	15	0/10	7.5	5	5	10	35	60
Multi-family	10,000	100	100	5	10	10	5	5	20	75	60
NON-RESIDENTIAL											
Commercial including hotel/motel & Amenity Center	7,500	75	100	5	7.5	7.5	5	5	20	75	60

Planned Development Perimeter Setback: 25 feet

Note 1: Setback is measured from right-of-way or easement line.

Note 2: Side yard setbacks shall be a minimum of zero feet (0') with a ten foot (10') separation between principal structures where not attached.

Note 3: Minimum side and rear setbacks shall be adjusted to a minimum of 20 feet when abutting identified indigenous native preserves and 30 feet for indigenous plant community subject to fire.

Note 4: Where lots abut a waterbody, setback shall be measured from the rear lot line and increased to 20 feet.

Note 5: No accessory structure shall be more than 75% of principal structure's footprint area.

Note 6: Height is measured from the minimum base flood elevation.

Note 7: Encroachments, such as, but not limited to, mechanical equipment, open decks, and overhangs, may be permitted in the setback as per the LDC.

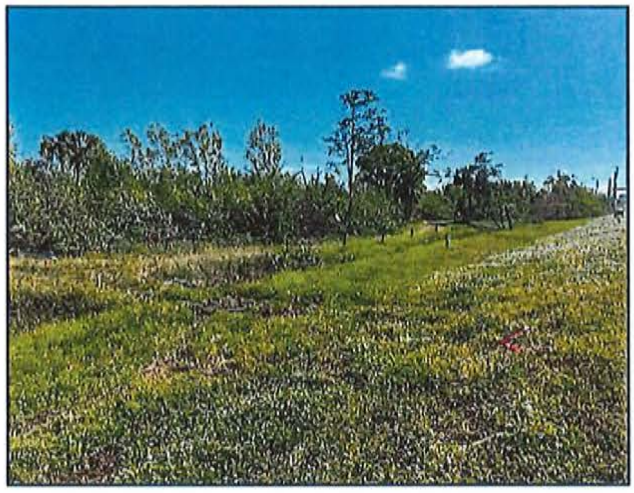
Note 8: No separation is required for any interior townhouse lots.

Note 9: Front entry garage setback for townhouse lots: 20 feet

EXHIBIT B2

EXHIBIT B3

Indigenous Vegetative Communities & Protected Species Assessment



Dia Crossing
Lee County, Florida

January 2024 (Revised)

Prepared For:

Ryan Companies US, Inc.
201 N Franklin St Suite 3500
Tampa, FL 33602

Prepared By:

Ecotech Consultants, Inc.
ENVIRONMENTAL SCIENCES & ENGINEERING
P.O. Box 690265
Vero Beach, FL 32969

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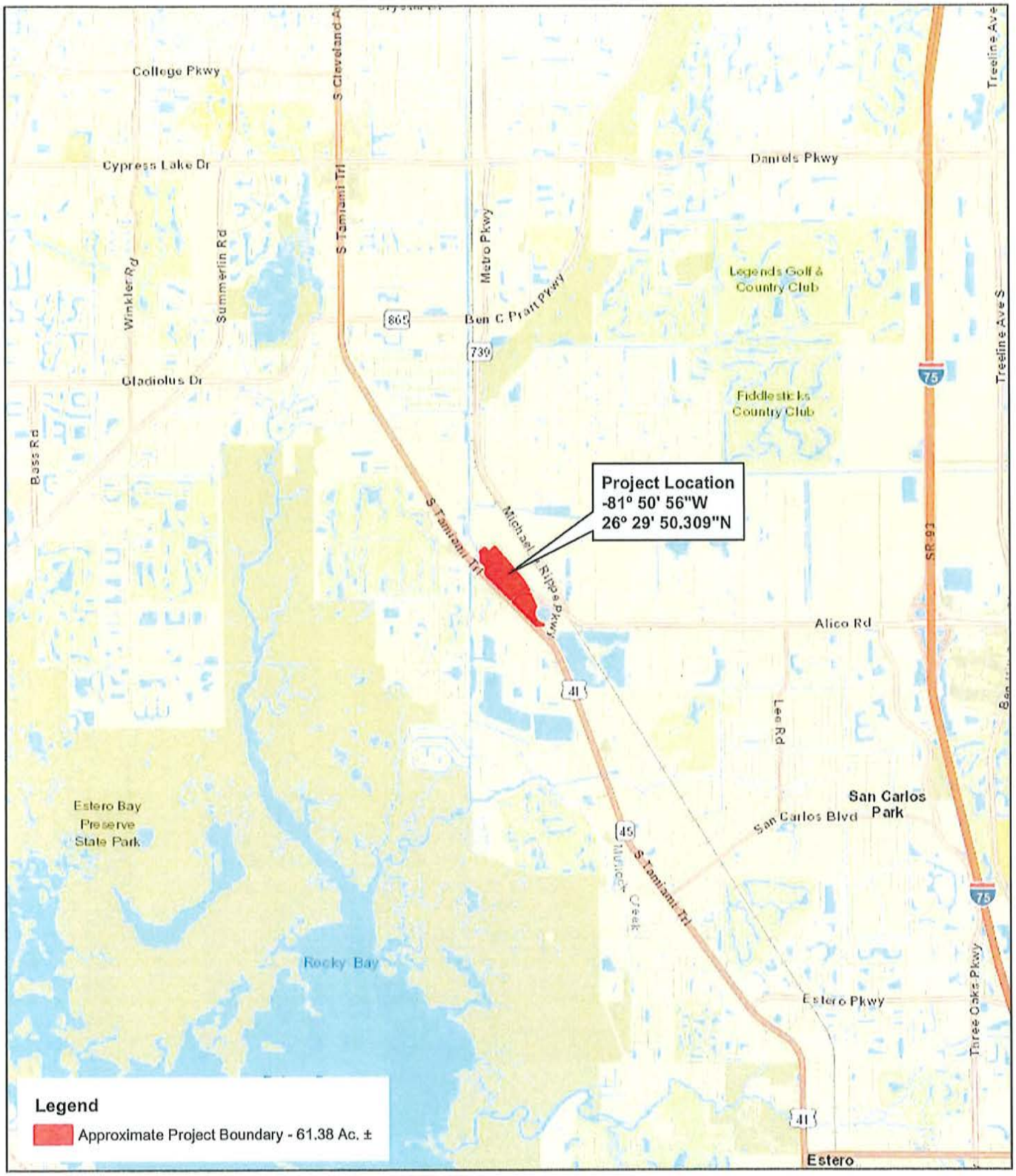
1.0 INTRODUCTION

Ecotech Consultants, Inc. (ETC) was contracted by Ryan Companies to complete an ecological assessment of the 61.38-acre "Dia Crossing" site located in Lee County, Florida. The site is undeveloped and contains a mixture of previously cleared lands, borrow pond, disturbed forested wetlands, and disturbed uplands. The site is bounded by roadways on three sides, with an existing business and Ten Mile Canal along the northern boundary. Invasive vegetation has colonized the site and dominates the forested communities.

The site is located within Section 6, Township 46S, Range 25E, northeast of the intersection of Alico Road and US Highway 41 (Tamiami Trail), in Ft. Myers (Figure 1). The site is bounded by an interchange to the south, Tamiami Trail and commercial/residential areas to the west, existing business and Ten Mile Canal to the north, and industrial/commercial uses to the east (refer to the aerial view below).

View of Existing Adjacent Land Uses

The site is included as mixed use per the overlay found in Lee Plan mapping. Properties located within the mixed-use overlay as delineated on Map 1, Page 6 of the Lee Plan and described in Objective 11.2 must provide minimum open space and landscape requirements. Large developments, such as the Dia Crossing project, must provide a minimum of 20% open space; large developments with existing indigenous native vegetation communities must provide 50% of their open space percentage requirement



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Phone:(407) 466-6989

Figure 1 - Project Location

Dia Crossing
Lee County, Florida

0 0.5 1 2 Miles

N

through the onsite preservation of existing native vegetation communities. As applied to the Dia Crossing site, the open space requirements for the 61.38-acre project area would encompass an area of approximately 12.3-acres; 6.15-acres of preserved indigenous habitat would be required to meet the County's indigenous native vegetation preservation requirements. This plan outlines the compliance of the proposed project with the indigenous species habitat preservation for the project site.

The indigenous habitats that will be enhanced and preserved as part of this plan will be consistent with those habitat types identified in Chapter XII of the Lee Plan. These habitats include cypress wetlands, wetland hardwoods, and a portion of a Carolina willow dominated inland pond. A Conservation Easement for preserved indigenous habitats will be granted to Lee County as part of development approvals.

In addition to the indigenous species enhancement and management plan, this report includes a summary of surveys completed to assess the potential for protected species to occur on the project site.

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

Pursuant to Section 10-1 of the Lee County Land Development Code (LDC), indigenous native vegetation includes those plant species that are characteristic of the major plant communities of the County. Native habitats where invasive vegetation has exceeded 75 percent coverage are not considered to be indigenous vegetative habitats.

The Project site includes approximately 11.03 acres of existing indigenous native vegetation. The indigenous habitats occur as small shrub and forested wetlands with less than 75% coverage by invasives. These indigenous areas are surrounded by invasive wetland hardwoods and disturbed lands, both of which are classified as non-indigenous habitats.

Figure 2 depicts the Florida Land Use, Cover and Forms Classification System (FLUCFCS) map for the project site. Existing indigenous wetland vegetative communities, as well as non-indigenous upland and wetland communities are depicted on the land use map.

Presented below are descriptions of the FLUCFCS (Florida Department of Transportation 1999) habitats present on the project site. All of the indigenous vegetation habitats on site are composed of jurisdictional wetlands; no indigenous upland habitat is present on the project site.

<u>Wetland Hardwoods, Disturbed (50-75% Invasives) (FLUCFCS Code 6109 E3)</u>
The canopy of this +/- 0.71 acre wetland habitat cover type includes scattered large laurel oaks (*Quercus laurifolia*) and earleaf acacia (*Acacia auriculiformis*). The sub-canopy includes Brazilian pepper (*Schinus terebinthifolia*), wax myrtle (*Morella cerifera*), and earleaf acacia. Ground cover is dominated by swamp fern (*Telmatoblechnum serrulatum*), chain fern (*Woodwardia virginica*), many-flower pennywort (*Hydrocotyle umbellata*), Asiatic pennywort (*Centella asiatica*), as well as scattered caesarweed (*Urena lobata*) and other non-wetland ruderal species. Representative photographs of this habitat type are presented on page 5 of this report.

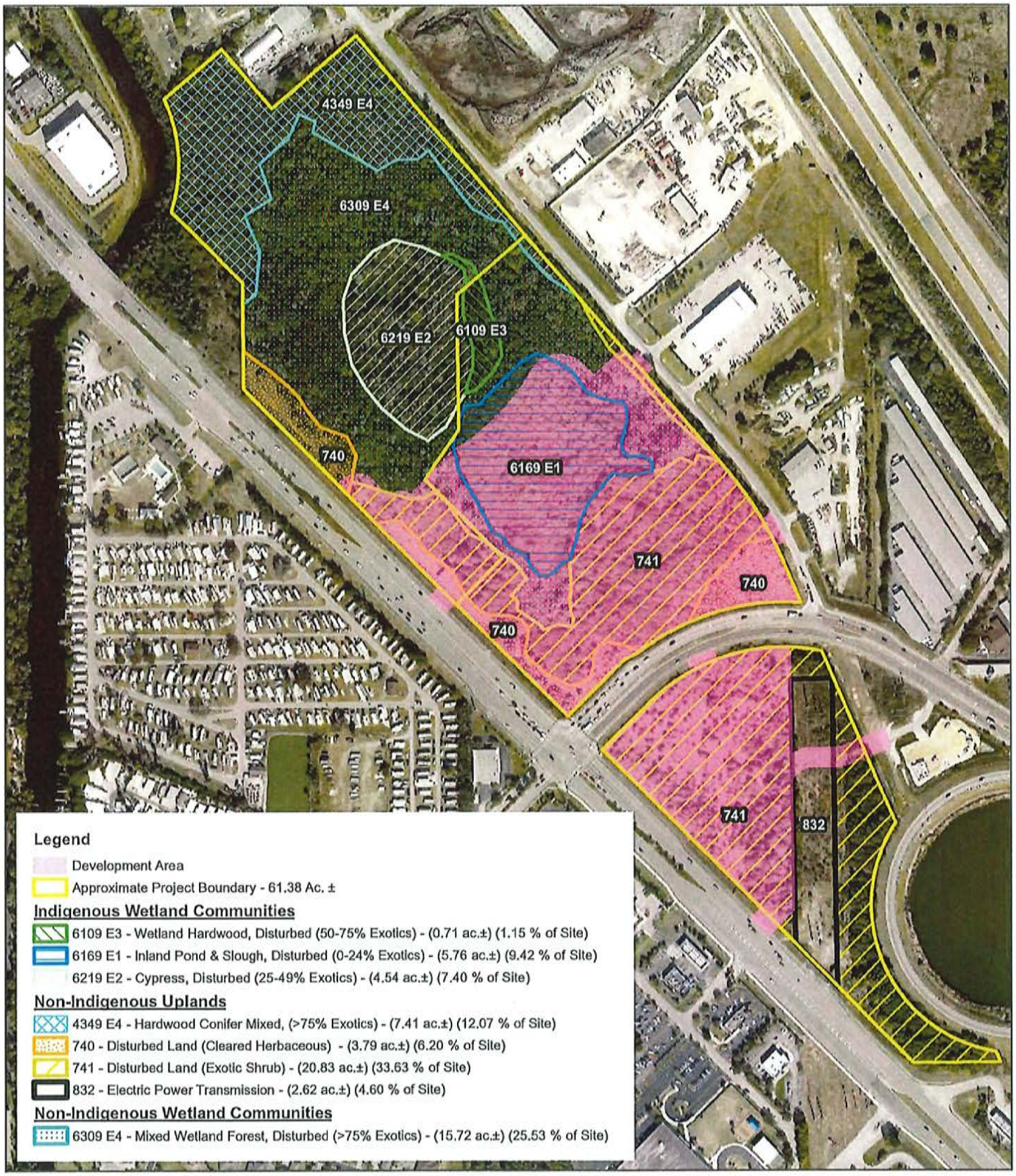

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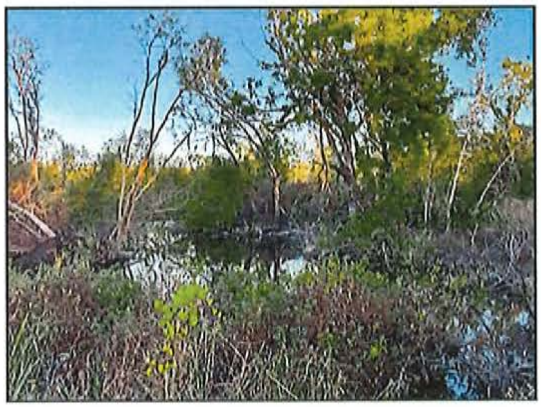
Figure 2 - Lee County FLUCFCS Map

Dia Crossing
Lee County, Florida

0 200 400 800 Feet

N

Inland Pond & Slough, Disturbed (0-24% Invasives) (FLUCFCS Code 6169 E1) The canopy of this 5.76-acre wetland habitat is composed of Carolina willow (*Salix caroliniana*) and scattered cabbage palm (*Sabal palmetto*), with laurel oak along the perimeter. The sub-canopy includes widely scattered Carolina willow, wax myrtle, Brazilian pepper, and earleaf acacia. The ground cover contains swamp fern, sawgrass (*Cladium jamaicense*), torpedograss (*Panicum repens*), maidencane (*Panicum hemitomon*), duck potato (*Sagittaria lancifolia*), and various rushes and sedges. Representative photographs of this community type are presented below.



Cypress, Disturbed (25-49% Invasives) (FLUCFCS 6219E2)
The canopy in this 4.54-acre wetland is dominated by pond cypress (*Taxodium ascenders*), with scattered laurel oak, cabbage palm, and ear leaf acacia. Sub-canopy vegetation includes laurel oak, wax myrtle, Carolina willow, ear leaf acacia, and Brazilian pepper. Groundcover vegetation includes swamp fern, primrose willow (*Ludwigia peruviana*), duck potato and wetland grasses. Old World climbing fern (*Lygodium microphyllum*) was observed in patches throughout the wetland. Representative photographs of the cypress community are presented on page 6 of this report.

3.0 EXISTING NON-INDIGENOUS VEGETATION HABITATS

Approximately 50.36-acres of the project site contains vegetative communities and land cover classifications that do not meet the Lee County LDC's definition of indigenous vegetation. The non-indigenous areas include mixed wetland forest, hardwood/conifer mixed uplands, disturbed/previously cleared lands, and a large power line corridor. The non-indigenous wetland and upland vegetation communities and surface waters are depicted on Figure 2.

3.1 Non-Indigenous Wetland Habitats

Mixed Wetland Forested, Disturbed (>75% Invasives) (FLUCFCS Code 6309 E4)
The canopy of this 15.72-acre habitat type is dominated by ear leaf acacia, java plum (*Syzygies cumini*), melaleuca *(Melaleuca quinquenervia*), with very sparse and scattered laurel oak, cabbage palm, and slash pine (*Pinus elliottii*). Sub-canopy vegetation includes similar species contained in the canopy, with scattered wax myrtle, Brazilian pepper and primrose willow. The groundcover is sparse, and includes swamp fern, and invasive species including climbing cassia (*Senna pendula*), pigweed (*Amaranthus australis*), and balsam apple (*Momordia charantia*). Representative photos of this habitat type are presented below.

3.2 Non-Indigenous Upland Habitats

Hardwood/Conifer Mixed, Disturbed (75-100% Invasives) (FLUCFCS Code 4349 E4)
This 7.41-acre vegetative community is dominated by a canopy of earleaf acacia, with scattered slash pine, cabbage palm, laurel oak, and Java plum. The sub-canopy consists of earleaf acacia, cabbage palm, and Brazilian pepper. Ground cover is sparse, and includes dog fennel (*Eupatorium capillifolium*), muscadine grapevine (*Vitis rotundifolia*), caesarweed, balsam apple, Virginia creeper (*Parthenocissus quinquefolia*), greenbrier (*Smilax* spp.), air potato (*Dioscorea bulbifera*) and guinea grass (*Urochloa maxima*). Representative photographs of this vegetative community are presented below.

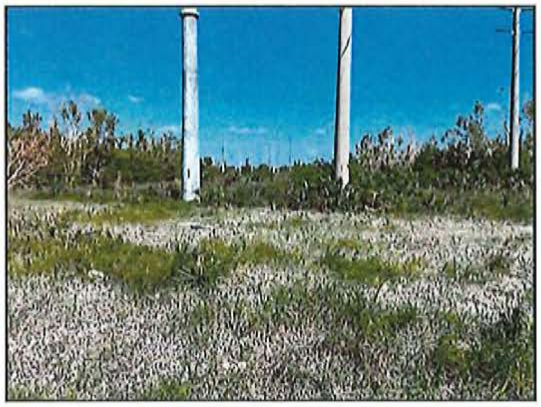
Disturbed Lands (Cleared Herbaceous) (FLUCFCS 740)
Approximately 3.79-acres of previously cleared uplands are present on the project site. Vegetation present in these areas includes Florida pusley (*Richardia scabra*), ragweed (*Ambrosia artimisifolia*), climbing cassia, balsam apple, sand spurs (*Cenchrus echinatus*), grapevine, broomsedges (*Andropogon* spp.), caesarweed and Spanish needles (*Bidens alba*). Representative photographs of this community type are presented below.

Disturbed Lands (Shrub dominated) (FLUCFCS 741)

Approximately 20.83-acres of previously cleared uplands on the project site are dominated by a mixture of shrub species, with scattered canopy present. Dominant species include Brazilian pepper, Java plum, earleaf acacia, wax myrtle, cabbage palm, climbing cassia, hog plum (*Ximenia americana*), air potato, rosary pea (*Abrus precatorius*), greenbriar (*Smilax* spp.), and grapevine. Representative photographs of this community type are presented below.

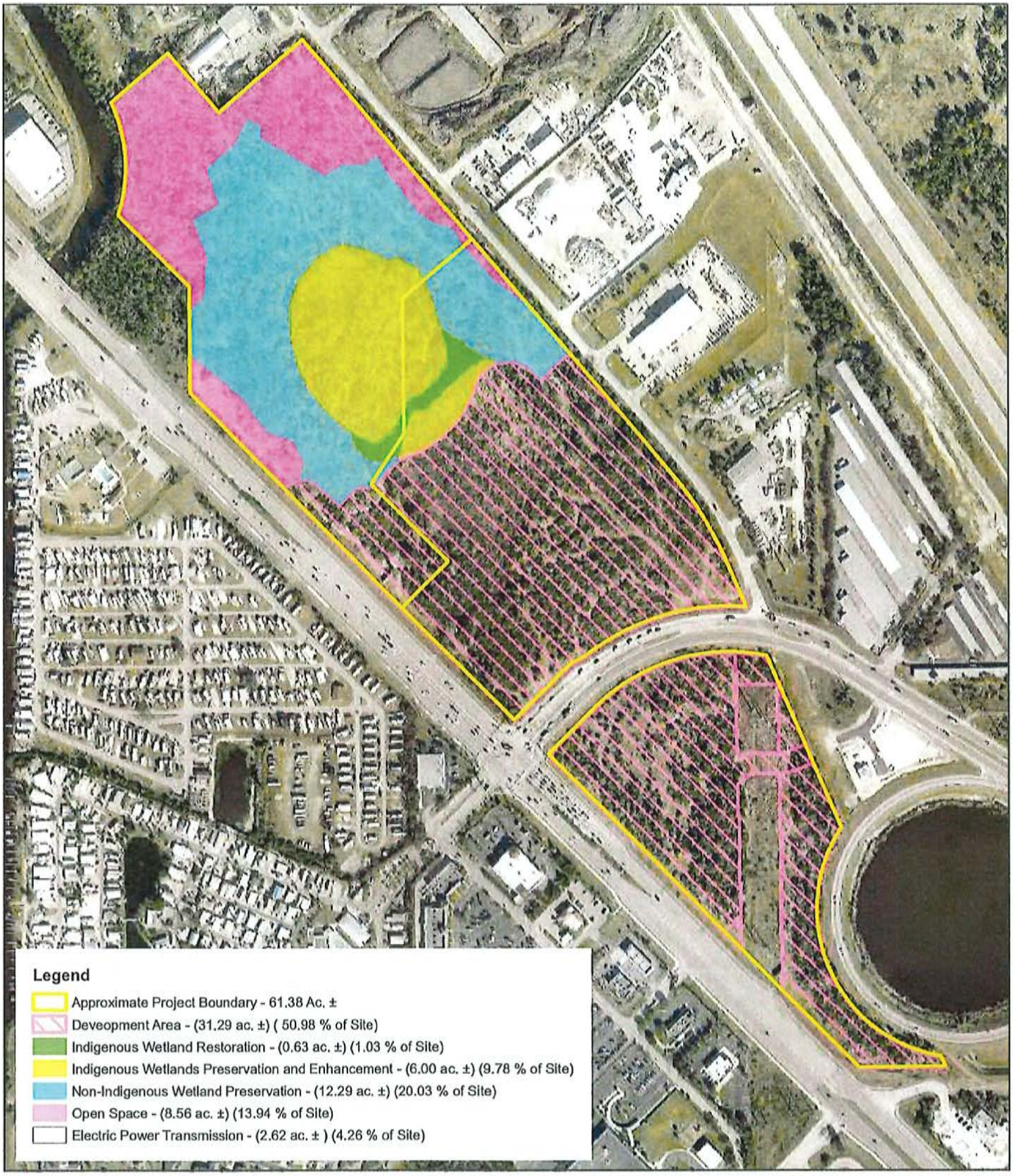
Electrical Power Transmission Lines (FLUCFCS Code 832)

This land use includes a 2.62-acre power line corridor within the portion of the site to the south of Alico Road. Representative photographs of this area are presented below.



4.0 INDIGENOUS VEGETATION PRESERVATION AND ENHANCEMENT

A total of 6.00-acres of indigenous vegetation comprised of three vegetative wetland habitats with less than 75% cover by invasives will be preserved and enhanced through the removal/treatment of invasive vegetation. The indigenous preservation, enhancement and restoration areas are shown on Figure 3.



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Phone:(407) 466-6989

Figure 3 - Indigenous Habitat Preservation, Restoration, and Enhancement Plan

Dia Crossing
Lee County, Florida

0 200 400 800 Feet

N

4.1 Removal and Maintenance of Invasive and Nuisance Vegetation

Invasive vegetative species to be removed from the entire project site include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

Table 1. Prohibited Invasive Species

Common Name	Scientific Name
Air potato	*Dioscorea alata*
Australian pine	All *Casuarina* species
Bishopwood	*Bischofia javanica*
Brazilian pepper	*Schinus terebinthifolia*
Carrotwood	*Cupaniopsis anacardioides*
Chinese tallow	*Sapium sebiferum*
Cork tree	*Thespesia populnea*
Cuban laurel fig	*Ficus microcarpa*
Downy rose-myrtle	*Rhodomyrtus tomentosus*
Earleaf acacia	*Acacia auriculiformis*
Japanese climbing fern	*Lygodium japonicum*
Java plum	*Syzygium cumini*
Melaleuca	*Melaleuca quinquenervia*
Murray red gum	*Eucalyptus camaldulensis*
Old World climbing fern	*Lygodium microphyllum*
Rose apple	*Syzygium jambos*
Rosewood	*Dalbergia sissoo*
Tropical soda apple	*Solanum viarum*
Wedelia	*Wedelia trilobata*
Weeping fig	*Ficus benjamina*
Woman's tongue	*Albizia lebbeck*

Invasive and nuisance vegetation treatment and removal within indigenous wetland habitats will be completed using the following methods:

(1) cut stump within 12 inches of ground elevation and application of approved herbicide;

(2) foliar application of approved herbicide or hand-pulling of invasive seedlings;

(3) foliar application of approved herbicide to invasive and nuisance non-woody vegetation; and

(4) All cut biomass will be removed from the project site

In addition to the species listed in Table 1, invasive species listed in the *Atlas of Florida Plants, Institute for Systemic Botany* shall be removed from the project site.

4.2 Removal and Management of Debris

Vegetative debris resulting from the cut stump and hand removal will be removed from the indigenous wetland preserves. Biomass may be moved and piled within proposed developed areas and burned, or disposed of off-site. Annual monitoring and inspection of treated areas will be completed to ensure that non-native vegetative debris, wind-blown debris, or other garbage is removed from the preserved wetlands.

4.3 Monitoring & Maintenance

Eradication of invasive vegetation within the existing indigenous habitats shall begin concurrent with the initiation of site construction. Subsequent to the initial treatment of invasive species within the indigenous wetlands, the preserve area will be inspected on an annual basis for a period of five years to detect any locations of recurrence of invasive vegetation. These inspections will be completed by a qualified contractor experienced in the identification and treatment of invasives found in Lee County. Any identified areas where there is re-growth or establishment of invasive vegetation will be mapped and corrective actions (re-treatment) will be completed.

Grasses such as cogongrass (*Imperata cylindrica*), guinea grass, and torpedograss will require multiple treatments. Quarterly evaluation of the preserved wetlands by qualified personnel will be required to evaluate the need for additional treatments.

In the event that the area does not meet the County's standards for cover of invasive species, the County may elect to extend the monitoring period up to a total of 10 years. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of invasive vegetation, including the prohibited invasive species listed in Section 10-420(h) of the LDC.

5.0 INDIGENOUS WETLAND VEGETATION RESTORATION

As depicted on Figure 3, approximately 0.63-acres of existing areas mapped as non-indigenous wetlands (>75% cover of invasive vegetation) will be restored to mixed wetland hardwood forest (FLUCFCS 6100). The existing land use of the 0.63-acre restoration area is 6309 E4 (Mixed Wetland Forest, Disturbed). Following the removal of invasives, the wetland restoration area will be planted with native vegetation plantings.

Canopy and shrub species to be planted will include a minimum of three of the species listed in Table 2. Ground cover plantings will include a minimum of four of the species listed in Table 2. The species selected for planting may depend on market availability concurrent with the installation of the plants, as well as an assessment of site conditions following the eradication of invasive vegetation. Variations in topography and an assessment of recruited native vegetation may guide the species selection. Additional tree, shrub, and ground cover species may be included in the planting table with approval from DCD staff.

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Size	Planting Density (On Center)
Tree Species				
Laurel oak	*Quercus laurifolia*	5 ft.	3 gal.	15 ft.
Dahoon holly	*Ilex cassine*	5 ft.	3 gal.	15 ft.
Red maple	*Acer rubrum*	5 ft.	3 gal.	15 ft.
Swamp bay	*Persea palustris*	5 ft.	3 gal.	15 ft.
Pop ash	*Fraxinus caroliniana*	5 ft.	3 gal.	15 ft.
Pond apple	*Annona glabra*	5 ft.	3 gal.	15 ft.
American elm	*Ulmus americana*	5 ft.	3 gal.	15 ft.
Shrub Species[1]				
Cocoplum	*Chrysobalanus icaco*	3 ft.	1 gal.	10 ft.
White indigoberry	*Randia aculeata*	5 ft.	3 gal.	15 ft.
Myrsine	*Myrsine cubana*	3 ft.	1 gal.	10 ft.
Wax myrtle	*Morella cerifera*	3 ft.	1 gal.	10 ft.
Walter's viburnum	*Viburnum obovatum*	3 ft.	1 gal.	10 ft.
Groundcover Species				
Dotted smartweed	*Persicaria punctata*	12 in.	1 gal.	3 ft.
Blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	2 in.	3 ft.
Cordgrass	*Spartina bakeri*	12 in.	2 in.	3 ft.
Golden canna	*Canna flaccida*	12 in.	2 in.	3 ft.
Leather fern	*Acrostichum danaefolium*	12 in.	1 gal.	3 ft.
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 ft.
Royal fern	*Osmunda regalis*	12 in.	1 gal.	3 ft.
Saururus cernuus	*Lizard's tail*	12 in.	4 in.	3 ft.

[1]These species will be planted on the edges or transitional areas of the wetlands and not in the lower elevations.

5.1 Monitoring & Maintenance

Eradication of invasive vegetation within the restored wetland habitat shall begin concurrent with the initiation of site construction. Subsequent to the initial treatment of invasive vegetation within the indigenous wetlands, and the installation of native vegetative species, the restored preserve area will be inspected on a quarterly basis for the first year following construction to assess both the recurrence of invasive vegetation, as well as the survivorship of planted species. These inspections will be completed by a qualified ecologist. Any identified areas where there is re-growth or establishment of invasive vegetation will be mapped and corrective actions (re-treatment) will be completed.

Any areas where there have been significant loss of planted material will be identified, and corrective measures may be implemented based on the potential for meeting the

success criteria. Following the initial year of monitoring, the restored wetlands will be reviewed annually to assess current site conditions and determine the need for any remedial measures.

6.0 COMPLIANCE WITH SUCCESS CRITERIA

6.1 Indigenous Wetland Preservation and Enhancement (6.00-acres)

The following summarizes the success criteria for the indigenous wetland preservation and enhancement areas:

1) Initial eradication of invasive vegetation will be completed.

2) The wetland preserve areas will be maintained free from invasive vegetation. Invasive vegetation species include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

6.2 Indigenous Wetland Restoration (0.63-acres)

The following are the success criteria for the indigenous wetland restoration areas:

1) Initial eradication of invasive vegetation will be completed;

2) Supplemental plantings will be completed in the indigenous restoration areas;

3) A minimum 80 percent survival of tree, shrub, and ground cover plantings after five years; and

4) The restored preserve areas will be maintained free from invasive vegetation. Invasive vegetation species include, but are not limited to, the 21 species of prohibited invasive species listed in Section 10-420(h) of the LDC (Table 1).

In the event that the success criteria for the wetland preserve and restoration areas are not met within five years of the completion of the initial enhancement and restoration work, an adaptive management plan will be prepared and provided to DCD staff to address the deficiencies. The adaptive management plan may include, but is not limited to, installation of additional plantings, habitat modifications, increased invasive maintenance regime, and an extended monitoring program.

7.0 MONITORING REPORTS

Annual vegetative monitoring will be conducted within the enhanced and restored wetlands. Monitoring reports summarizing the existing conditions within the enhanced and restored wetlands will be prepared and submitted to Lee County's DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD.

Monitoring reports will include, at a minimum, the following information:

1) Cover of invasive species within each habitat type
2) Quantitative data on the survivorship of planted vegetation
3) A discussion of issues that may have resulted in the loss of planted vegetation, and potential corrective measures that may be implemented (if applicable)
4) A description of the hydrology within the enhanced and restored wetlands
5) A summary of wildlife observed during monitoring and maintenance events
6) Panoramic photographs accompanied by a map depicting photo station locations
7) A summary of biological indicators and observations for the enhanced and restored wetlands that document their viability
8) A description of any corrective measures that were undertaken, as well as a description of any anticipated maintenance work to be conducted over the next monitoring period.
9) Recommendation(s) of measures to address any deficiencies observed

Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

8.0 LONG-TERM MANAGEMENT

The conservation areas will be placed in conservation easement(s). Grantees to conservation easement will be established by the South Florida Water Management District and Lee County. The conservation easements will prevent the encroachment of future development as well as activities that are incompatible with the goal of maintaining the integrity and functional value of the preserved, enhanced, and restored habitats on site. Long-term management of invasive and nuisance vegetation, debris removal, monitoring and maintenance of habitats will adhere to the requirements outlined in this plan.

9.0 PROTECTED SPECIES MANAGEMENT PLAN

During October 2022 and March 2023 ETC ecologists completed a Lee County protected species survey (PSS) on the Project site. The survey was conducted to meet LDC Chapter 10, Article III, Division 8 (Protection of Habitat) standards. All surveys were performed in general accordance with the methodologies outlined in the Florida Wildlife Conservation Guide (2011), developed by FWC, USFWS, and the Florida Natural Areas Inventory (FNAI). Based on the habitat types described in this report, a list of protected wildlife species known to occur in Lee County was generated (refer to Table 3).

Table 3. Potential for Protected Wildlife Species to Occur within Existing Land Uses on the Dia Crossing Site

Scientific Name	Common Name	Preferred Habitat	Potential Occurrence	Status[1]
Birds				
Egretta caerulea	Little blue heron	Forage in herbaceous and forested wetlands/margins of ponds/ lagoons/ ditches. Nest in colonies; rely on wetlands and shrubby islands for breeding and roosting.	Moderate	ST
Egretta tricolor	Tricolored heron	Forage in herbaceous and forested wetlands/margins of ponds/lagoons/ditches. Nest in colonies; rely on wetlands and shrubby islands for breeding and roosting.	Moderate	ST
Mycteria americana	Wood stork	Forage in shallow waters of freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches. Nest in colonies in cypress swamps and other forested wetlands.	Low	FT
Reptiles				
Alligator mississipiensis	American alligator	Inhabit fresh and brackish marshes, ponds, lakes, rivers, and swamps. Opportunistic feeders.	Low	FT (S/A)
Drymarchon corais couperi	Eastern indigo snake	Inhabit pine flatwoods, scrubby flatwoods, scrub and sandhill, hammocks, and wetlands. Prey includes birds, small mammals, anurans, lizards, snakes and turtles	Very Low	FT
Mammals				
Sciurus niger avicennia	Big Cypress fox squirrel	Inhabits cypress, slash pine savanna, mangrove swamps, tropical hardwood forest, live oak woods, coastal broadleaf evergreen hammocks, and suburban areas.	Low	ST

[1] *Status: ST = State Threatened per Florida Fish and Wildlife Conservation Commission (FWC) regulations; FT = Federally Threatened per US Fish and Wildlife Service (FWS) regulations; FT(S/A) = Federally Threatened due to Similarity of Appearance*

9.1 Pedestrian Survey

The field survey methodology consisted of qualified ecologists walking parallel belt transects across the property. The transects were generally traversed approximately

50 to 100 feet apart, depending on habitat type and visibility. The weather during the surveys was sunny, with partly cloudy skies, light winds, and temperatures in the low to mid-80s. Survey was directed at identifying the following:

- Tracks, scat, marking trees, cavities, nests, game trails, and any other indicators of wildlife use;
- Canopy vegetation was inspected for signs of squirrel beds;
- Assessment of denning within the site.

All observed species, listed and non-listed, were recorded. No listed species were identified during the course of the site reviews. The highly urbanized nature of the surrounding land uses, high cover by invasive vegetation, and the fragmentation of the site from other natural areas greatly reduces the potential use of the site by wildlife.

No known Lee County protected plants were observed on the site. A summary of wildlife species observed during surveys is included on Table 4.

Table 4. Observed Wildlife Species in Existing Site Land Uses

Common Name	Scientific Name
American Crow	*Corvus brachyrhynchos*
Black vulture	*Coragyps atratus*
Brown anole	*Anolis sagrei*
Eastern cottontail	Sylvilagus floridanus
Eastern gray squirrel	*Sciurus carolinensis*
Mourning dove	*Zenaida macroura*
Northern cardinal	*Cardinalis cardinalis*
Northern mockingbird	*Mimus polyglottos*
Pileated woodpecker	Dryocopus pileatus
Rufous-sided towhee	*Pipilo erythrophthalmus*
Red-headed woodpecker	*Melanerpes erythrocephalus*
Red-winged blackbird	Agelaius phoeniceus
Racoon	Procyon lotor

9.2 Florida Black Bear Management Plan

Though no Florida black bear or sign of Florida black bear was documented on the project site during the wildlife surveys completed, there are past reports (circa 2014 & 2015) of bear calls ranging between 0.5 miles to more than 1.5 miles from the site. As Florida black bears may be within the general vicinity of the project, homeowners and construction personnel may be educated about the presence of black bears in the area. FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix 1) may be provided to residents and tenants. This brochure can be found at: http://myfwc.com/wildlifehabitats/managed/bear/brochures/.

10.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the preserve as a "Nature Preserve Area" will be installed along the boundary of the conservation areas. The signage will include language stating, "No dumping allowed." The signs will be spaced a maximum of 300 feet apart. The signs will be no closer than ten feet from residential property lines, and will be limited to a maximum height of four feet and a maximum size of two square feet.

Community informational and educational brochures, such as those describing the benefits of preserve areas, may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence.

Dia Crossing Project

Indigenous Vegetation Preservation, Enhancement, and Restoration Plan & Protected Species Assessment

January 2024

APPENDIX

1

FLORIDA BLACK BEAR INFORMATION PAMPHLET

Mike Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.

Rick Sweatt

Bear range in Florida

If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:

YouTube flickr

Cover photo by Ashley Hockenberry

Florida Fish and Wildlife Conservation Commission
MyFWC.com

printed on recycled paper

A guide to living in bear country

Florida Fish and Wildlife Conservation Commission
MyFWC.com

Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.

Charles Towns

Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears – they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500- 3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

a. *48-Hour Notice:* Email from Chahram Badamtchian to Maria Perez, with copies to Ken Gallander, dated Monday, September 30, 2024, 9:31 AM (2 pages – 8.5"x11")

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received September 18, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *DCD Staff Report with attachments for DRI:* Prepared by Chahram Badamtchian, Senior Planner, date received September 18, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

3. *Affidavit of Publication:* For Zoning Case DCI2023-00020, DIA Crossing Mixed Use Planned Development (1 page – 8.5"x11")

4. *Written Submissions:* Memorandum from Chahram Badamtchian to Donna Marie Collins, dated October 30, 2024 (multiple pages – 8.5"x11" and 3 pages – 11"x17")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Ken Gallander to Maria Perez, with copies to Nat Linden, Andrew Manning, Noel Davis, Chahram Badamtchian, Elizabeth Workman, Brandon Dunn, Nicholas DeFilippo, Marcus Evans, Robert Price, Jillian Scholler, and Pakorn Sutitarnnontr, dated Monday, September 30, 2024, 2:38 PM (2 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared for DIA Crossing Mixed Use Planned Development, DCI2023-00020, Lee County Hearing Examiner, dated October 3, 2024 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared by The Neighborhood Company for Ryan, Zoning Case DIA Crossing MPD, dated April 2024 (3 pages – 11"x17" and 24"x36")

3. *Résumé:* For Wendy M. Swindell (2 page double sided – 8.5"x11")

4. *Résumé:* For Tyler Sharpe, P.E. (2 pages – 8.5"x11")

5. *Résumé:* For Leah Holmes, P.E. (2 pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Noel Davis
2. Ken Gallander
3. Leah Holmes
4. Tyler Sharpe
5. Wendy Swindell

Public Participants:

1. Greg Stuart

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

TYPE OF CASE: **DRI RESCISSION**
CASE NUMBER: **DRI2023-00001**

APPLICATION SUMMARY

Applicant: The Neighborhood Company on behalf of Ryan Companies US, Inc. in reference to Tamalico Development of Regional Impact, DRI #3-8990-102.

Request: Request a rescission of the Tamalico Center Development of Regional Impact in accordance with §380.115(2) Florida Statutes.

Location: The subject property is located on South Tamiami Trail, San Carlos Planning Community, Lee County, FL. STRAP Numbers: 06-46-25-00-00011.0000 and 06-46-25-00-00013.0050. The legal Description is included as Attachment E.

RECOMMENDATION:

Staff recommends APPROVAL of this rescission of the Tamalico Development of Regional Impact in accordance with §380.115(2) Florida Statutes. The amendment request meets the requirements of §380.115(2), Florida Statutes and all other applicable Lee County Land Development Code and Lee County Comprehensive Plan requirements.

ANALYSIS:

The applicant has proposed a rescission to the existing Development of Regional Impact (DRI) Development Order #3-8990-102 in accordance with Florida Statute §380.115(2). Florida Statute §380.115(2) establishes the authority for the process for rescissions of Developments of Regional Impact:

> *"If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), if such permit or authorization is subject to enforcement through administrative or judicial remedies."*

Staff has reviewed the application based on this statutory provision, and provides the following analysis:

Concurrent Zoning Review

This rescission request is considered concurrently with a rezoning application to a Mixed Use Planned Development (DCI2023-00020). This rezoning request could not be accomplished without either a change or rescission to the existing DRI, due to changes to development density

and intensity as well as changes to the approved Master Concept Plan. Additionally, conditions that exist in the existing zoning DRI Development Order that may not exist in the existing Commercial Planned Development zoning resolution will be transferred to the zoning approval through the concurrent rezoning action (DCI2023-00020).

DRI Project History (Actions found in Attachment B)
The Tamalico Development of Regional Impact (State DRI Number 3-8990-102) was originally approved under Resolution Z-92-045/Z-92-045A (92-8-4-DRI-1). The original DRI Development Order approved a total of 600,000 square feet of gross floor area, including up to 360,000 square feet of commercial retail, up to 90,000 square feet of commercial office, and up to 150,000 square feet of industrial development on 92.25 acres.

Since the original approval, the Florida Department of Transportation removed 23.33± acres from Tamalico properties for the realignment of Alico Road. The DRI was also amended under County Resolution Z-07-060 to remove 4.71± acres from the DRI. The remaining DRI is 85.04± acres in area, which includes the properties being rezoned by DCI2023-00020 and the land taken by the FDOT for the realignment of Alico Road.

Conditions of Approval

As part of the DRI Development Order approval, the developer accepts responsibility of a number of conditions that address water quality, energy conservation measures, hurricane management plan, transportation impacts, fire impact fees, compliance with water conservation devices, and solid waste. As part of the rescission application, the applicant provided documentation that demonstrates that the DRI Development has complied with the conditions of the DRI up to the point that the DRI has been developed (Attachment D). Staff finds that the development complies with the conditions DRI Development Order and that the County will continue to have sufficient enforcement mechanisms through the conditions of the proposed Mixed Use Planned Development Planned Development (MPD)

BACKGROUND INFORMATION:

Surrounding Zoning and Land Use:
The following are the surrounding zoning districts, and existing land uses:

North
Properties to the north are zoned Commercial Planned Development (CPD), Agricultural, AG-2 and Industrial, IL and are developed with commercial and industrial uses.

East
Properties to the east are separated by Old US-41 and Alico Road and are zoned Industrial (IL, and IG) and are developed with industrial uses.

South
Properties to the south are partially separated by a FDOT retaining pond and are zoned Commercial (CT and CC) and are developed with commercial uses.

West
Properties to the west are separated by South Tamiami Trail and are zoned CPD and RVPD and are developed with commercial uses and a recreational vehicle park.

The subject property is identified as Urban Community within the Lee County Future Land Use Map. These Future Land Use designations are defined in Policy 1.1.4 of the Lee Plan and promote a mixture of intense commercial and residential uses. Additionally, the property is within the Mixed-Use Overlay.

CONCLUSION:

Staff recommends **approval** of the proposed rescission of DRI #3-8990-102 based upon consistency with upon §380.115(2) Florida Statutes. The applicant has provided sufficient evidence that the conditions of the DRI Development order have been met to the point of current development. As it exists today, and as proposed in the concurrent zoning action (DCI2023-00020), the DRI would no longer meet the threshold for a new Development of Regional Impact. After this DRI has been rescinded, the proposed Planned Development Resolution will take effect as an enforcement mechanism for the remaining conditions of the Tamalico Development.

ATTACHMENTS:

A. Case Maps
B. Development of Regional Impact Development Orders
    1. Original Development Order Z-92-045 & Amendment Z-92-045A
    2. Second Amendment, Resolution Number Z-07-060
C. ADD2020-00091A
D. Application and Request Statement
E. Legal Description