

WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

February 16, 2016

Mr. Peter Blackwell
Lee County Planning Division
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
FEB 17 2016

**RE: Hideaway Cove
CPA2014-00002**

COMMUNITY DEVELOPMENT

Dear Mr. Blackwell,

Enclosed please find the following information in regards to the above referenced application:

1. Six (6) copies of the revised Comprehensive Plan Amendment Application;
2. Six (6) copies of the revised Lee Plan Text Amendment;
3. Six (6) copies of the revised Lee Plan Consistency Narrative; and
4. Six (6) copies of the revised Lee Plan Table 1(b).

Please note the Applicant is withdrawing the request to modify the Future Land Use Map designation from Sub-Outlying Suburban to Outlying Suburban, and the corresponding request to increase the maximum allowable density of the project from 90 dwelling units to 96 dwelling units.

Via this submittal, the Applicant is proposing a revised text amendment to Future Land Use Element Policy 1.1.11.1.b to increase the TDRS generated by the preserve/open space areas from 30 to 56 TDRs since the maximum number of dwelling units to be constructed will be 64 units pursuant to Z-05-041, as amended via ADD2015-00121.

No further change to the site-specific Lee Plan text is proposed via this application, particularly regarding the long-term protection of the 28 acres of preserve/open space. Table 1(b) will be revised to reflect the development of the 32 acres of upland in Outlying Suburban.

We respectfully submit the enclosed modifications to the application significantly minimize the nature of the amendment. If you have any further questions, please do not hesitate to contact me directly at (239) 405-7777, Ext. 207, or alexis.crespo@waldropengineering.com.

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Sincerely,

WALDROP ENGINEERING, P.A.



Alexis V. Crespo, AICP, LEED AP
Vice President of Planning

Enclosures

cc: John Asher, Taylor Morrison of Florida, Inc.
Steven C. Hartsell, Pavese Law Firm



Lee County Board of County Commissioners
 Department of Community Development
 Division of Planning
 Post Office Box 398
 Fort Myers, FL 33902-0398
 Telephone: (239) 533-8585
 FAX: (239) 485-8344

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

PROJECT NAME: Hideaway Cove Comprehensive Plan Amendment

PROJECT SUMMARY:

Amend Lee Plan Policy 1.1.11.1.b to more accurately reflect that 56 TDR's remain available (with the 28 preserve acres) after 64 of the 120 dwelling units are developed (in the upland 32 acres).

Plan Amendment Type: Normal Small Scale DRI

APPLICANT – PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 20

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Alexis V. Crespo
 Signature of Owner or Authorized Representative

2/17/14
 Date

Alexis V. Crespo, AICP
 Printed Name of Owner or Authorized Representative

I. APPLICANT/AGENT/OWNER INFORMATION (Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.)

Applicant: Taylor Morrison of Florida, Inc.
Address: 551 N. Cattlemen Road, Suite 200
City, State, Zip: Sarasota, FL 34232
Phone Number: (941) 371-3008 Email: jasher@taylormorrison.com

Agent*: Waldrop Engineering, P.A. c/o Alexis Crespo, AICP
Address: 28100 Bonita Grande Drive, Suite 305
City, State, Zip: Bonita Springs, FL 34135
Phone Number: (239) 405-7777, Ext. 207 Email: Acrespo@waldropengineering.com

Owner(s) of Record: Taylor Morrison of Florida, Inc.
Address: 551 N. Cattlemen Road, Suite 200
City, State, Zip: Sarasota, FL 34232
Phone Number: (941) 371-3008 Email: jasher@taylormorrison.com

Owner(s) of Record: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE

A. TYPE: (Check appropriate type)

- Text Amendment
 Future Land Use Map Series Amendment (Maps 1 thru 24)
List Number(s) of Map(s) to be amended: N/A

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. An additional set of mailing labels is required if your request includes a change to the Future Land Use Map (Map 1, page 1). The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of

Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. Property Location:

- 1. Site Address: Address Undetermined
- 2. STRAP(s): 20-46-25-01-00009.1020; 20-46-25-01-00009.1040; & 20-46-25-01-00009.0000

B. Property Information:

- Total Acreage of Property: 60 acres
- Total Acreage included in Request: 60 acres
- Total Uplands: 32 acres (developable)
- Total Wetlands: 28 acres (preserve/open space)
- Current Zoning: Residential Planned Development (RPD)
- Current Future Land Use Designation: Sub-Outlying Suburban
- Area of each Existing Future Land Use Category: 60 acres
- Existing Land Use: Vacant

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

- Lehigh Acres Commercial Overlay: N/A
- Airport Noise Zone 2 or 3: N/A
- Acquisition Area: N/A
- Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A
- Community Redevelopment Area: N/A

D. Proposed change for the subject property:

Increase the development rights available for sale or transfer from 30 to 56.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	<u>90 dwelling units</u>
Commercial intensity	<u>0 SF</u>
Industrial intensity	<u>0 SF</u>

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	<u>64 dwelling units</u>
Commercial intensity	<u>0 SF</u>
Industrial intensity	<u>0 SF</u>

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats.)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
4. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
5. Map and describe existing zoning of the subject property and surrounding properties.
6. 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.
7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis: The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for (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 should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- 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.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- 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; and
 - f. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. 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 use 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 Flood Insurance Rate Map effective August 2008.
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).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically 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 archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), 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 and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles
 Be sure to support all conclusions made in this justification with adequate data and analysis.

H. 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.

- Not Applicable
- Alva Community Plan area [Lee Plan Objective 26.7]
- Buckingham Planning Community [Lee Plan Objective 17.7]
- Caloosahatchee Shores Community Plan area [Lee Plan Objective 21.6]
- Captiva Planning Community [Lee Plan Policy 13.1.8]
- North Captiva Community Plan area [Lee Plan Policy 25.6.2]
- Estero Planning Community [Lee Plan Objective 19.5]
- Lehigh Acres Planning Community [Lee Plan Objective 32.12]
- Northeast Lee County Planning Community [Lee Plan Objective 34.5]
- North Fort Myers Planning Community [Lee Plan Policy 28.6.1]
- North Olga Community Plan area [Lee Plan Objective 35.10]
- Page Park Community Plan area [Lee Plan Policy 27.10.1]
- Palm Beach Boulevard Community Plan area [Lee Plan Objective 23.5]
- Pine Island Planning Community [Lee Plan Objective 14.7]

AFFIDAVIT

I, John Asher, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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 through this application.

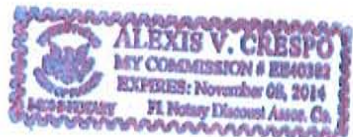
Signature of Applicant John Asher
JOHN ASHER
Printed Name of Applicant

Date 1/13/14

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 1/13/14 (date) by John Asher (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

Alexis
Signature of Notary Public
Alexis Crespo
(Name typed, printed or stamped)



POLICY 1.1.11: The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (± 32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) Lee County will approve issuance of 56 TDRs, of the maximum one hundred and twenty (120) residential dwelling units, upon application of the owner consistent with the Lee County TDR process when the 28 acre preserve parcel is placed under conservation easement to the State, County, or other conservation entity



EXHIBIT IV.E.4 – LEE PLAN CONSISTENCY & AMENDMENT JUSTIFICATION
REVISED FEBRUARY 2016

Taylor Morrison of Florida, Inc. (“Applicant”) is requesting approval of a Comprehensive Plan Amendment to allow for the following:

- 1) Text amendment to Future Land Use Element Policy 1.1.11.1. b. to amend Lee Plan Policy 1.1.11.1.b to more accurately reflect that 56 TDR's remain available (with the 28 preserve acres) after 64 of the 120 dwelling units are developed (in the upland 32 acres); and
- 2) Amendment to Lee Plan Table 1(b) “Planning Community Year 2030 Allocations” to increase the residential acreage available for development in the Sub-Outlying Suburban Future Land Use Category from 25 acres to 32 acres within the San Carlos Planning Community.

I. DEVELOPMENT LOCATION

The subject property comprises 60+/-acres and is located 3/4 miles west of the South Tamiami Trail/Pine Road intersection in unincorporated Lee County, Florida. The Property is designated within the Sub-Outlying Suburban Future Land Use Category and is within the San Carlos Planning Community.

The property is located in an urbanized portion of Lee County as evidenced by the property’s proximity to South Tamiami Trail/US, a six-lane arterial roadway, and by the Urban Community Future Land Use designation and development pattern immediately to the east, as well as the urban levels of public infrastructure available to service the project.

The subject property is also located in close proximity to existing Residential Planned Developments, conventionally zoned residential communities, places of worship, and mobile home parks. Intensive commercial and light industrial uses are also in close proximity along the US 41 frontage. Please refer to Table 1 below and Exhibits IV.A.4 and 5, which show the intensity and density of those uses and describe the adjacent Future Land Use Categories, zoning districts, and existing land uses.

TABLE 1: INVENTORY OF SURROUNDING LANDS

DIRECTION	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
North	Rural	AG-2	Mobile Home Park (Shady Acres Travel Park)
South	Conservation Lands	RPD	Conservation (Estero Scrub Preserve)
East	Urban Community; Rural; Conservation Lands	AG-2	Single-Family Residential (San Carlos Grove); Conservation (Estero Bay Preserve)
West	Conservation Lands	RPD	Conservation (Estero Bay Preserve)

II. PROJECT HISTORY

In 2003, a Comprehensive Plan Amendment (CPA) was approved per Ordinance 03-20, which re-designated the subject property from Rural to Outlying Suburban. The Applicant agreed during the amendment process to restrict future development to a maximum of 120 dwelling units, of which 90 units could be developed on the 32-acre subject property, while the surrounding 28 acres would remain in conservation. Since the amendment effectively placed the 28 acres in conservation, the balance of 30 dwelling units would then be available for sale or transfer as Transfer of Development Rights (TDR) units. This agreement is clearly reflected in the approving ordinance and in the present (renumbered) Lee Plan Policy 1.1.11.1.

In 2005, the Applicant submitted an application to rezone the 60-acre property from Agricultural (AG-2) to Residential Planned Development (RPD) in order to implement the Outlying Suburban Future Land Use Designation. In compliance with the aforementioned CPA ordinance, the Applicant requested a total of 90 units clustered on the 32-acre parcel with the adjacent 28-acres remaining in preserve. The request also included permission to sell/transfer the 30 additional units for use in another development pursuant to the county's TDR program.

Although Staff recommended approval of the proposed 90-unit development due to availability of public infrastructure to serve the development, compatibility with the surrounding development pattern, and its consistency with the Outlying Suburban Future Land Use Designation, the application was ultimately approved for a maximum of 64 dwelling units pursuant to Resolution Z-05-041.

In May 2007, the subject property was re-designated from Outlying Suburban to Sub-Outlying Suburban per a county-initiated amendment process. The resulting Lee Plan Policy 1.1.11 includes the following language to guide the future development of the subject property:

"1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flow ways, high-quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.

b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (± 32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one

hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.”

In 2005 when Taylor Morrison purchased the 32 acres for development the purchase included an obligation for the seller to record a Conservation Easement Agreement on the 28 acre preserve parcel, which the seller still owned. A subsequent bankruptcy judgment against the seller effectively wiped out the possibility of recording a Conservation Easement and awarded the 28 acres to the previous owner (Peninsula Sailfish, LLC). In order to rely upon the zoning approval in Z-05-041 and to provide adequate assurances to the County that it would remain preserved, Taylor Morrison was required to purchase the 28 acre parcel again, this time from the former owner, Peninsula Sailfish, LLC.

In September 2015, Taylor Morrison acquired the 28-acre preserve area from Peninsula Sailfish, LLC. The Applicant intends to proceed with the development of 64 dwelling units on the 32-acre uplands, and place the 28-acre preserve area under conservation easement as anticipated in Policy 1.1.11.1.

III. REQUEST

Having been forced by circumstances beyond its control to essentially purchase the same 28 acre preserve area two times in order to put it under conservation easement consistent with the desire of the County and with the intent of Policy 1.1.11.1, the Applicant is requesting to amend Future Land Use Element (FLUE) Policy 1.1.11.1 b. to more accurately reflect that 56 TDR's are available for transfer if only 64 of the 120 dwelling units are constructed. This application also proposes to update the available residential acreage in the Sub-Outlying land use category in the San Carlos Planning Community to coincide with the 32 acres available for development within the property.

Future Land Use Element (FLUE) Policy 1.1.11.1 b. allows for a maximum of 120 dwelling units through the use of clustering and the planned development zoning process. The policy originally anticipated that 90 units would be constructed on the 32-acres of uplands and that the balance of 30 dwelling units would be transferred for development off-site.

As noted above, Zoning Resolution Z-05-041 now limits development of the property to 64 dwelling units, and did not fulfill the original development right for the property for 90 developable units and 30 transferable units. The request is to more accurately reflect the balance of TDRs generated by the project as 56 TDRs.

The proposed amendment will have a positive impact on the availability of public infrastructure in the immediate area, as the request will serve to decrease the developable density from 90 to 64 dwelling units, and allow transfer of the remaining density to appropriate receiving lands in other areas of the county upon preservation of the 28 acres and onsite flowway.

The proposed amendment will have no impact on the Lee Plan provisions for the preservation of the on-site flowway, and long-term protection of the 28 acres of preserve/open space.

IV. LEE PLAN CONSISTENCY

The following is an analysis of the proposed Amendment's consistency with the goals, policies and objectives of the Lee Plan.

Policy 1.1.6: *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.*

In compliance with this policy, the subject property is located on the periphery of the Urban Community Future Land Use Category, in close proximity to urban levels of development. The proposed amendment will allow for the transfer of density to other urbanized areas of the county, while allowing for the build-out of the project with 64 dwelling units. The development will provide an appropriate transition from the Urban Community lands to the east and the Conservation Lands to the west, as was intended for the property through the entitlement history outlined above.

Objective 2.2: *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 proposed amendment to allow for the development of up to 64 units is in direct compliance with this policy and Policy 1.1.11.1. The property is west of the US 41/South Tamiami corridor in southern Lee County, which is an urbanized area where growth is not only intended, but is encouraged by the Lee Plan. Additionally, development will be clustered in the central portion of the project, thereby providing a compact and contiguous development pattern.

OBJECTIVE 2.7: *Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance.*

In compliance with this policy, the Applicant has secured a letter from the Florida Master Site File indicating that no recorded historical or archaeological resources exist on the property.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable*

development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The proposed amendment will not increase the allowable density of the project or negatively impact the residential character along Pine Road and in the vicinity of the subject property. It actually decreases the developed density in the existing residential area.

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

The proposed amendment will maintain the intent of Ordinance 03-02 and the RPD zoning district to cluster development within the 32-acre upland area, and allow for the long-term protection of the 28-acres of preserve/open space via conservation easement, to be recorded at the time of local Development Order approval.

STANDARD 11.1 & 11.2: WATER & SEWER

The property is also within the Lee County Utilities Future Service Area for Potable Water and Sanitary Sewer service. The application has demonstrated availability of services by Lee County Utilities and is in compliance with this standard.

POLICY 107.2.10: *Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.*

The adjacent Estero Bay Preserve will be protected by the perimeter buffer requirements set forth in the Lee County Land Development Code.

IV. STATE COMPREHENSIVE PLAN

The following are goals and policies from the State Comprehensive Plan that are generally applicable to the subject property.

Water Resources. *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.*

In compliance with this goal, this application will be reviewed by Lee County to ensure the availability of potable water for future residents, as well as the protection of surface water and groundwater in terms of both quality and quantity.

Natural Systems & Recreational Lands. *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.*

The proposed amendment will maintain the requirement for protection of the 28-acres of preserve/open space within the property.

Land Use. *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.*

As indicated above, the proposed amendment will allow for the development of a vacant property serviced by available public infrastructure and adjacent to existing suburban development patterns. Approval of this request will direct new development to an infill location as encouraged by this goal and maximum density in off-site urban areas via the transfer of TDRs.

Transportation. *Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit and transportation.*

The project is serviced by an adequate roadway network, and is in close proximity to public transit, bicycle and pedestrian facilities.

V. REGIONAL PLAN CONSISTENCY

The following are goals within the Strategic Regional Policy Plan (SRPP) that are generally applicable to the subject property:

Housing Element

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide-range of housing and employment opportunities.

The proposed amendment will allow for the transfer of density to support new development in urbanized areas and other appropriate areas in accordance with the county's TDR program.

Natural Resources Element

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed amendment and companion RPD will ensure protection of the site's natural resources, and will cluster new residential development within upland areas readily serviced by public infrastructure, and within an urbanized portion of the county.

Regional Transportation

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

As outlined above, the Applicant is seeking approval of this FLUM amendment to allow for the transfer of additional density to off-site receiving lands, in accordance with the county's TDR program. The TDRs may be utilized to implement higher density development patterns in appropriate receiving areas of Lee County, thereby supporting livable communities.

VI. Sprawl Analysis

The proposed amendment will serve to mitigate sprawling land use patterns by allowing for the transfer of additional density off the subject property, and to appropriate receiving areas of the county.

The 64 dwelling units that will remain on site are readily served by public infrastructure. The property is less than 1 mile from South Tamiami Trail, a six lane regional arterial corridor. Capacity is available in nearby water and wastewater treatment plants, as evidenced in the attached Infrastructure Analysis. Schools, parks and other public services are also readily available as evidenced in this application.

The Property is adjacent to existing residential development to the east, and will serve as an appropriate, low-density transition to the Estero Bay Buffer lands to the west.

This amendment will support the County's objectives regarding the mitigation of urban sprawl and support the development of infill communities.

**TABLE 1(b)
Year 2030 Allocations**

Future Land Use Classification		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development	0	0	0	660	3	42	0	365	0	0	0
	Central Urban	375	17	0	3,140	0	8,200	0	2,600	0	0	0
	Urban Community	850	1,000	0	860	500	13,013	0	0	110	450	0
	Suburban	2,488	1,975	0	1,200	675	0	0	6,690	0	1,700	0
	Outlying Suburban	377	0	0	0	600	0	0	382	0	454	0
	Sub-Outlying Suburban	0	32 25	0	0	0	0	0	140	66	0	950
	Industrial Development	5	5	0	10	0	0	0	0	0	0	0
	Public Facilities	0	0	0	0	0	0	0	0	0	0	0
	University Community	0	850	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	0	0	0	0	0	0	15	7	0	6	12
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0
	New Community	0	0	0	0	0	0	0	0	0	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	0	0	0	0	0	0	0	0	0	0	0
	Rural	0	90	0	0	190	14	0	500	50	635	1,350
	Rural Community Preserve	0	0	0	0	0	0	0	0	3,100	0	0
	Coastal Rural	0	0	0	0	1,300	0	0	0	0	0	0
	Outer Islands	1	0	0	0	45	0	0	0	0	0	0
	Open Lands	0	0	0	0	0	0	0	45	0	0	1,800
	Density Reduction/Groundwater Resource	0	0	0	0	0	0	4,000	0	0	0	2,100
	Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0
Wetlands	0	0	0	0	0	0	0	0	0	0	0	
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	
Total Residential	4,104	3,969 3,962	0	5,870	3,313	21,269	4,015	10,729	3,326	3,245	6,212	
Commercial	1,100	1,944	0	2,100	226	1,420	68	1,687	18	1,700	139	
Industrial	320	450	0	900	64	300	7,246	554	5	87	5	
Non Regulatory Allocations												
Public	3,550	3,059	0	3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500	
Active Agriculture	0	0	0	0	2,400	0	7,171	200	411	125	900	
Passive Agriculture	0	0	0	0	815	0	18,000	1,556	3,619	200	4,000	
Conservation (wetlands)	9,306	2,969	0	188	14,767	1,541	31,359	1,317	336	5,068	882	
Vacant	975	587 594	0	309	3,781	8,085	470	2,060	1,000	809	530	
Total	19,355	12,978	0	12,867	27,466	47,904	80,329	22,103	10,201	18,234	14,168	
Population Distribution*	34,538	36,963	0	58,363	13,265	164,699	1,270	70,659	6,117	25,395	8,410	

* Population for Unincorporated Area of Lee County