



RECEIVED
APR 12 2022

COMMUNITY DEVELOPMENT

April 12, 2022

Lee County Community Development - Planning Section
Attn: Mr. Brandon Dunn, Principal Planner
1500 Monroe Street
Fort Myers, FL 33901

**Subject: Comprehensive Plan Amendment – Text: CPA2021-00005 (A02)
RWA PN#: 200070.00.02**

Dear Mr. Dunn:

RWA, Inc. is pleased to submit, on behalf of our client, Lennar Homes, LLC., Submittal #2 for the Comprehensive Plan Text Amendment (CPA2021-00005).

Again, the proposed text amendment is to primarily seek approval to add Policy 123.2.17, incentivizing the preservation and restoration of Rare and Unique upland habitats and the preservation of flowways and creeks on lands, within the Rural Future Land Use category. Additionally, Policy 1.4.1 is amended for consistency with Policy 123.2.17 to provide language cross-referencing the potential for additional density being applied within the Rural areas.

Please find attached the following items to assist with the review and approval process:

- Exhibit T1: Comp Plan Text Amendment Application
- Exhibit T4: Proposed Text Amendment language
- Exhibit T5: Impact Analysis Supplemental
- Exhibit T6: Lee Plan Analysis Narrative

It is the applicant's position that the application, proposed text amendment language and supporting documents have been adequately revised to address staff's concerns and questions over the last several weeks and respectfully believe the petition can now be found sufficient and scheduled for the next Local Planning Agency hearing date in May.

Page 1

12800 University Drive, Suite 175 Fort Myers, FL 33907 | (239) 597-0575 | Fax (239) 597-0578
www.consult-rwa.com

If you have any questions or require additional information, please feel free to contact me at 239-260-4330

Sincerely,
RWA, Inc.

A handwritten signature in blue ink, appearing to read 'K. S. Gallander'.

Kenrick S. Gallander, AICP
Director of Planning

Attachment(s): Application Submittal Requirements (listed above)

cc: Barry Ernst, Director of Planning & Permitting
Neale Montgomery, Partner Pavese Law



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Rural – Rare and Unique Habitat Preservation

Project Description: Text amendments to allow incentives for the creation, preservation and restoration of Rare and Unique upland habitats, and the preservation of flowways and creeks as applied to clustered planned developments within the Rural Future Land Use category.

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:** Lennar Home, LLC
Address: 10481 Six Mile Cypress Pkwy
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-931-4782 E-mail: Barry.Ernst@lennar.com

2. **Name of Contact:** Kenrick Gallander, AICP
Address: 12800 University Dr., Suite 175
City, State, Zip: Fort Myers, FL, 33907
Phone Number: 850-803-5621 E-mail: kgallander@consult-rwa.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. Properties within the Rural Future Land Use category could apply for planned development zoning and utilize the incentive criteria for preservation, creation, and/or restoration of environmentally sensitive lands. Refer to Exhibit T5 – Impact Analysis Supplemental providing the supporting information related to this section.

4a. **Does the proposed change affect any of the following areas?**

If located in one of the following areas, provide an analysis of the change to the affected area.

- | | | |
|--|--|---|
| <input type="checkbox"/> Public Acquisition
[Map 1-D] | <input type="checkbox"/> Southeast Lee County Residential
Overlay [Map 2-D] | <input type="checkbox"/> Urban Reserve [Map 1-D] |
| <input type="checkbox"/> Agricultural Overlay
[Map 1-G] | <input type="checkbox"/> Mixed Use Overlay
[Map 1-C] | <input type="checkbox"/> Water-Dependent Overlay
[Map 1-H] |
| <input type="checkbox"/> Airport Mitigation Lands
[Map 1-D] | <input type="checkbox"/> Community Planning Areas
[Map 2-A] | <input type="checkbox"/> Private Recreational Facilities
Overlay [Map 1-F] |
| <input type="checkbox"/> Airport Noise Zones
[Map 1-E] | | |

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.

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).
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

Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative).

Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative).

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

<input checked="" type="checkbox"/>	Completed application (Exhibit – T1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/>	Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/>	Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/>	Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – T6)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – T7)
<input checked="" type="checkbox"/>	Historic Resources Impacts Analysis (Exhibit – T8) WAIVED per 1/25/22 email from Ms. Mikki Rozdolski.
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10)



Comprehensive Plan Text Amendment (CPA)

EXHIBIT T4

Proposed Text Changes

FUTURE LAND USE ELEMENT

* * * * *

POLICY 1.4.1: The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except when a property owner meets the incentive requirements as set forth in Policy 123.2.17. (Ord. No. [97-17, 98-09, 00-22, 07-12, 10-20](#))

* * * * *

CONSERVATION & COASTAL MANAGEMENT ELEMENT

POLICY 123.2.17: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitat, on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitat if approved and developed as a unified planned development that meets all the following criteria:

1. Development shall meet the Land Development Code definition of “Large Development.”
2. Development shall have direct access to an arterial road.
3. Development shall provide connection to public water and sewer services.
4. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of created or restored wetlands, flowways/creeks, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.



5. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
- a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site-specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

* * * * *



Comprehensive Plan Text Amendment
EXHIBIT T5 - Supplemental
Impact Analysis

This document is the data and analysis that evaluates the potential impact the proposed text amendment could have within the Rural Future Land Use Map (FLUM) category. This document further evaluates the number of parcels and acreage within the Rural category that could potentially be affected by the proposed text change. The GIS mapping conducted used the following criteria as outlined in Policy 123.2.17:

- Undeveloped/vacant parcels (per Lee County Property Appraiser’s database) within the Rural FLUM category;
- Individual parcels or aggregated contiguous parcels under common ownership (per Lee County Property Appraiser’s database) that meet the Land Development Code definition for “Large Development” (10 acres or more). It should be noted that the term “Large Development” is defined within the Lee County LDC and that the review and regulatory requirements are augmented for these types of projects. This classification recognizes that parcels of 10 acres or more have the potential to produce greater impacts but also have sufficient scale to mitigate for those potential impacts and to absorb added regulatory costs due to the greater number of units within a larger project. Applying this standard is logical and justifiable as it provides sufficient size, and thus rooftops to support the added expense of central water and sewer and also makes the clustered development approach feasible;
- Adjacent to arterial roads maintained by either Lee County or FDOT; and
- Located within or adjacent to the boundaries of the Lee Plan’s Future Water Service Areas (Map 4-A), Future Sanitary Sewer Service Areas (Map 4-B) and the Lee County Utilities Water and Sewer Franchise Maps.

Based on the latest parcel data set obtained from the Lee County Property Appraiser’s office, there are 1,355 parcels within the Rural Future Land Use Map (FLUM) category. Of the 1,355 parcels, there are 18 undeveloped/vacant properties (Average size: 22+/- acres) that meet the LDC definition of “large development.” See Attachment A: Applicable Rural Lands Dataset and Attachment B: Lee County Vacant Land Maps. This represents approximately 1.3% percent of the Rural lands in Lee County.

Theoretically, when applying a maximum potential density of 2 dwelling units/acre (base density of 1 du/acre plus an additional density of up to 1 du/acre for preserved rare and unique habit lands) pursuant to the proposed text amendment (Policy 123.2.17), approximately 792 additional home sites could be developed in the Rural lands. Based on two recent examples, achieving this maximum potential density

is very unlikely. The application of the proposed text amendment to the Bayshore Ranch project results in a density of 1.11 du/acre. Similarly, the Owl Creek Text Amendment (CPA2020-00005), of which proposed Policy 123.2.17 is derived, also results in a density of 1.11 du/acre. When applying a density of 1.11 du/acre to eligible Rural lands, the potential number of housing units decreases by approximately 44% to 440 additional units. Considering that Rural Lands account for 7,764 acres per *Lee Plan Table 1(b) Year 2045 Allocations* and could generate a total density of 7,764 units at 1du/acre, this proposed amendment when applying a probable density of 1.11 du/acre (440 units) represents a minor expansion of overall housing units needed to support the projected population growth within Lee County.

Based on this analysis, it can be reasonably projected that the implementation of the proposed text amendment (Policy 123.2.17) will not significantly or negatively impact public services/facilities. However, when applied, it will result in additional housing opportunities to address the anticipated population growth and provide public environmental benefits within the Rural lands of Lee County by eliminating individual well and septic systems, as well as providing assurances that significant areas of common open space and rare and unique habitat preserve will be provided.

Attachments:

- Attachment A: Applicable Rural Lands Dataset
- Attachment B: Lee County Vacant Land Maps.

EXHIBIT T5 SUPPLEMENTAL - ATTACHMENT A: APPLICABLE RURAL LANDS DATASET

MAP No.	OWNER NAME	WATER FRANCHISE	WASTEWATER FRANCHISE	LEE COUNTY UTILITIES FUTURE SERVICE AREAS	ARTERIAL	MAINTAINED BY	FOLIO ID	ACRES
1	BAYSHORE I LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10239074, 1046863	10.12 Ac.±
2A	CONWAY ZELLASTEEN	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water and Sewer Service Area (Adjacent)	PALM BEACH BLVD	FDOT	10450341, 10456457	18.92 Ac.±
2B	ZELLASTEEN CONWAY TRUST +	N/A	N/A	Future Water and Sewer Service Area (Adjacent)	PALM BEACH BLVD	FDOT	10463007	20.16 Ac.±
3	TARPON IV LLC	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	LCDOT	10073362	12.56 Ac.±
4	CORAL HAZE LLC	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	LCDOT	10073356	10.76 Ac.±
5	SUN COUNTRY HOMES OF FLORIDA	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority	N/A	MELLOW DR	LCDOT	10238219	13.24 Ac.±
6	GULF COAST VENTURE GROUP LLC	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LCDOT	10596574	47.78 Ac.±
7	KS FLORIDA LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238931	19.84 Ac.±
8	GRAND ISLE 407 LLC +	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LCDOT	10596573	47.75 Ac.±
9	TPT4 LLC +	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575135	10.38 Ac.±
10	STARK SULLEN IRON MAN REAL EST	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238666	18.56 Ac.±
11	TPR4 LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575134	10.13 Ac.±
12	10611 BAYSHORE LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10238927, 10575130	52.74 Ac.±
13	TPRI LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575132	15.93 Ac.±
14	ECHO INC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238847, 8870, 8965, 8968, 8969 and 10238970	17.76 Ac.±
15	ZELLASTEEN CONWAY TRUST +	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water Service Area	PALM BEACH BLVD	FDOT	10298860, 10464938	16.21 Ac.±
16	LEE MEMORIAL HEALTH SYSTEM	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	FDOT	10073446, 10073447	22.73 Ac.±
17	FARWELL JAMES MICHAEL JR	Lee County Utilities	Lee County Utilities	Future Water and Sewer Service Area	MICHAEL G RIPPE PKWY	FDOT	10262456, 10262471	20.26 Ac.±
18	COLONIAL TUSCANY LLC	Lee County Utilities	Lee County Utilities	Future Water and Sewer Service Area	COLONIAL BLVD	LCDOT	10254955	35.80 Ac.±

Average Size: 22.19 Ac.±



Telegraph Creek Preserve

Bob Jones Preserve

5

10 14 12 7 11 9

1

2A 15 2B

SR 80

SR 80

BUCKINGHAM RD

City of Fort Myers

739

82

6

8

LEE BLVD

884

18

LEGEND

- VACANT LANDS - ADJACENT TO ARTERIAL
- LEE FLU (RURAL)
- WATER FRANCHISE AREA
- WASTEWATER FRANCHISE AREA
- FLORIDA MANAGED AREA
- MAJOR ROAD (TYPE)
- ARTERIAL
- INTERSTATE
- LOCAL / MINOR COLLECTOR
- MAJOR COLLECTOR

GENERAL NOTES

- This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy.
- March 2022 creation date.

MAP No.	OWNER NAME	WATER FRANCHISE	WASTEWATER FRANCHISE	LEE COUNTY UTILITIES FUTURE SERVICE AREAS	ARTERIAL	MAINTAINED BY	FOLIO ID	Acres
1	BAYSHORE I LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10239074, 1046863	10.12 Ac.
2A	CONWAY ZELLASTEEN	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water and Sewer Service Area (Adjacent)	PAIM BEACH BLVD	FDOT	10450341, 10456457	18.92 Ac.
2B	ZELLASTEEN CONWAY TRUST +	N/A	N/A	Future Water and Sewer Service Area (Adjacent)	PAIM BEACH BLVD	FDOT	10463007	20.16 Ac.
3	TRAMPON IV LLC	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	LCDOT	10073362	12.56 Ac.
4	CORAL HAZE LLC	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	LCDOT	10073356	10.76 Ac.
5	SUN COUNTRY HOMES OF FLORIDA	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority	N/A	MELLOW DR	LCDOT	10238219	13.24 Ac.
6	GULF COAST VENTURE GROUP LLC	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LCDOT	10596574	47.78 Ac.
7	KS FLORIDA LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238931	19.84 Ac.
8	GRAND ISLE 407 LLC +	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LCDOT	10596573	47.75 Ac.
9	TPFL LLC +	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575135	10.38 Ac.
10	STARBUCK SULLEN IRON MAN REAL EST	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238666	18.56 Ac.
11	TPRL LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575134	10.13 Ac.
12	10611 BAYSHORE LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10238927, 10575130	52.74 Ac.
13	TPRI LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575132	15.93 Ac.
14	ICHO INC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238847, 8870, 8965, 8968, 8969 and 10238970	17.76 Ac.
15	ZELLASTEEN CONWAY TRUST +	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water Service Area	PAIM BEACH BLVD	FDOT	10238860, 10464938	16.21 Ac.
16	LEE MEMORIAL HEALTH SYSTEM	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	FDOT	10073446, 10073447	22.73 Ac.
17	FARWELL JAMES MICHAEL JR	Lee County Utilities	Lee County Utilities	Future Water and Sewer Service Area	MICHAEL G RIPPE PKWY	FDOT	10262456, 10262471	20.26 Ac.
18	COLONIAL TUSCANY LLC	Lee County Utilities	Lee County Utilities	Future Water and Sewer Service Area	COLONIAL BLVD	LCDOT	10254955	35.80 Ac.



LEE COUNTY VACANT LANDS

Aerial with Vacant and AG Parcels within "Rural" Lee FLU Area Map





MATLACHA PASS

Charlotte Harbor Preserve State Park

City of Fort Myers

Cape Coral

CALOOSAHATCHEE RIVER

LEGEND

- VACANT LANDS - ADJACENT TO ARTERIAL
- LEE FLU (RURAL)
- WATER FRANCHISE AREA
- WASTEWATER FRANCHISE AREA
- FLORIDA MANAGED AREA
- MAJOR ROAD (TYPE)
 - ARTERIAL
 - INTERSTATE
 - LOCAL / MINOR COLLECTOR
 - MAJOR COLLECTOR

GENERAL NOTES

- This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy.
- March 2022 creation date.

MAP No.	OWNER NAME	WATER FRANCHISE	WASTEWATER FRANCHISE	LEE COUNTY UTILITIES FUTURE SERVICE AREAS	ARTERIAL	MAINTAINED BY	FOLID ID	Acres
1	BAYSHORE LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10239074, 1046863	10.12 Ac.±
2A	CONWAY ZELASTEEN	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water and Sewer Service Area (Adjacent)	PALM BEACH BLVD	FDOT	10450341, 10456457	18.92 Ac.±
2B	ZELASTEEN CONWAY TRUST +	N/A	N/A	Future Water and Sewer Service Area (Adjacent)	PALM BEACH BLVD	FDOT	10463007	20.16 Ac.±
3	TARPON IV LLC	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	LCDOT	10073362	12.56 Ac.±
4	CORAL WAZE LLC	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	LCDOT	10073356	10.76 Ac.±
5	SUN COUNTRY HOMES OF FLORIDA	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority	N/A	MELLOW DR	LCDOT	10238219	13.24 Ac.±
6	GULF COAST VENTURE GROUP LLC	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LCDOT	10596574	47.78 Ac.±
7	KS FLORIDA LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238931	19.84 Ac.±
8	GRAND ISLE 407 LLC +	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LCDOT	10596573	47.75 Ac.±
9	TPFL LLC +	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575135	10.38 Ac.±
10	STARBUCK SULLEN IRON MAN REAL EST	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238966	18.56 Ac.±
11	TPR4 LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575134	10.13 Ac.±
12	10061 BAYSHORE LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10238927, 10575130	52.74 Ac.±
13	TPR1 LLC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	BAYSHORE RD	FDOT	10575132	15.93 Ac.±
14	ECHO INC	N/A	Florida Governmental Utility Authority	Future Water Service Area	BAYSHORE RD	FDOT	10238847, 8870, 8965, 8968, 8969 and 10238970	17.76 Ac.±
15	ZELASTEEN CONWAY TRUST +	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water Service Area	PALM BEACH BLVD	FDOT	10238960, 10464998	16.21 Ac.±
16	LEE MEMORIAL HEALTH SYSTEM	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SW PINE ISLAND RD	FDOT	10073446, 10073447	22.73 Ac.±
17	FARWELL JAMES MICHAEL JR	Lee County Utilities	Lee County Utilities	Future Water and Sewer Service Area	MICHAEL G RIPPE PKWY	FDOT	10262456, 10262471	20.26 Ac.±
18	COLONIAL TUSCANY LLC	Lee County Utilities	Lee County Utilities	Future Water and Sewer Service Area	COLONIAL BLVD	LCDOT	10254955	35.80 Ac.±



LEE COUNTY VACANT LANDS

Aerial with Vacant and AG Parcels within "Rural" Lee FLU Area Map





Comprehensive Plan Text Amendment (CPA)

EXHIBIT T6

Request Justification and Lee Plan Analysis Narrative

OVERVIEW OF REQUEST AND JUSTIFICATION

The proposed comprehensive plan text amendments seeks to add Policy 123.2.17 to the Conservation and Coastal Management Element to incentivize the creation, preservation and restoration of Rare and Unique upland habitats, and the preservation of flowways and creeks on lands within the Rural Future Land Use category. Through the creation, preservation and/or restoration of Rare and Unique uplands, flowways/creeks, and native plant communities, Policy 123.2.17 enables proposed developments, through the planned development process, to achieve one (1) additional dwelling unit for each acre of environmentally sensitive area that is retained or improved. Additionally, Future Land Use Element Policy 1.4.1 is amended to ensure consistency with Policy 123.2.17 and to provide language cross-referencing the potential for additional density being applied within the Rural areas.

The addition of Policy 123.2.17 supports an effort to balance future residential development needs in rural lands of Lee County while ensuring that native plant communities are enhanced and maintained in a planned and sustainable manner. Residential development within rural areas typically results in large lot (ranchette style) development pursuant to current regulations that require no common open space, no native indigenous preserve and no requirement mandating connection to adjacent public water and sanitary sewer utilities.

Allowing a slight increase in density in exchange for greater open space and preserve as well as reducing impacts from individual well and septic systems in Rural lands will provide environmental and public benefit without eliminating the option for large lot homesites desired in certain areas. Proposed Policy 123.2.17 encourages developments to utilize clustered site design and environmental resource protection measures, which are as follows:

- The project shall be developed as a unified planned development through a rezoning process.
- The project shall be a minimum of 10 acres consistent with the standards of a “Large development” as defined within the Land Development Code.
- The project shall have direct access to an arterial road.
- The project shall connect to public water and sewer services.

- The development shall be clustered to provide for contiguous tracts of open space, which can consist of created or restored wetlands, flowways, or created and/or restored Rare and Unique upland habitats.
- The land where creation and/or restoration of Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
- The land where Rare and Unique upland habitat is going to be created or restored must contain the soil(s) needed to support the establishment and success of Rare and Unique upland habitats.
- A minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of existing, created or restored wetlands, flowways/creeks, or Rare and Unique upland habitats.

An impact analysis (Exhibit T5 - Supplemental) of current Rural areas based on the criteria outlined in proposed Policy 123.2.17, indicates there are approximately 18 vacant “large development” (10 acres or more as defined per LDC Sec. 10.1) properties out of over 1,300 parcels within the Rural area. These properties are also located along an arterial roadway and able to connect to public water and sanitary sewer utilities due to the proximity to franchise utility areas or future utility service areas. These identified corridors and accessibility to water and sewer utilities represent growth areas for Lee County and are a natural extension of existing development patterns. These corridors also have the needed infrastructure to accommodate future growth, and larger properties along those corridors should be incentivized to develop in a more environmentally sustainable way, while maintaining the low-density rural character interface with existing development as described in their subject community plans.

The proposed policy would apply to a very limited number of “large development” properties located along major arterial growth corridors, which makes them attractive for immediate development as either large lot subdivisions or planned developments. The term “Large Development” is defined within the Lee County LDC. Utilizing this classification recognizes that parcels of 10 acres or more have the potential to produce greater impacts but also have sufficient scale to mitigate for those potential impacts and to absorb added regulatory costs due to the greater number of units within a larger project. Applying this standard is logical and justifiable as it provides sufficient size, and thus rooftops to support the added expense of central water and sewer and also makes the clustered development approach feasible. If not for the proposed policy, many of these parcels may develop without central water and sewer and without dedicated open space and preserves. The proposed density increase, while very limited, may provide a sufficient incentive for developers to include central water and sewer systems, invest in providing common open space and protect environmentally sensitive areas.

Proposed Policy 123.2.17 results in appreciable environmental and public benefits while also maintaining the desired lower-density rural character. Having a significant portion of a property devoted to open space and perpetually set aside as preserve, along with the reduction in well and septic systems, is a win-win for environmental protection efforts in Lee County as well as the landowner seeking a slight density increase that can make a well-designed planned development feasible.

LEE PLAN ANALYSIS

FUTURE LAND USE ELEMENT:

Under Policy 1.4.1, the maximum density allowed in the Rural category is 1 dwelling unit (du) per acre. The proposed text amendment to add Policy 123.2.17 will allow for an additional one (1) dwelling unit for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats, flowways and creeks if approved and developed as a unified planned development meeting specific criteria as outlined previously. The proposed text amendment also provides language under Policy 1.4.1 clarifying an applicant's ability to exceed the base density of 1 du/acre in Rural areas by cross-referencing proposed Policy 123.2.17.

Proposed Policy 123.2.17 is consistent with Objective 1.5 (Wetlands) and supporting applicable policies outlining the necessary protections and delineation of such environmentally sensitive areas. Policy 1.5.1 and Policy 124.1.1, as amended under CPA2020-00005, indicate the maximum density allowed is 1 dwelling unit per 20 acres, unless otherwise provided in Table 1(a) and Chapter XIII of the Lee Plan for wetland preservation. Proposed Policy 123.2.17 further encourages wetland preservation and thus, enables utilization of the density transfer of 1 du/acre in accordance with Policy 1.5.1 and amended Policy 124.1.1 when adjacent to the Rural Future Land Use Map category.

Growth Management

The request is consistent with Objective 2.1 (DEVELOPMENT LOCATION), and the applicable Policies 2.1.1 and 2.1.2, which outline the intent to promote contiguous and compact growth patterns and contain urban sprawl. As previously stated, although within a Rural FLU category, adequate urban services exist for development to occur without negatively affecting natural resources or requiring additional infrastructure. The proposed criteria provided in the text amendment will not result in urban sprawl, which is defined in the Lee Plan as *"The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into out-lying, non-urban areas."* The availability of urban services provides supporting evidence for properly managed and controlled development to take place in the area. Future developments adhering to Policy 123.2.17 and the planned development process will deliver quality and more sustainable development throughout Rural areas of Lee County.

The request is consistent with Objective 2.2 (DEVELOPMENT TIMING), which outlines the intent to direct new growth to future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. The criteria provided within proposed Policy 123.2.17 maintain low-density development, ensures that projects connect to urban services, and help fulfill housing needs in Lee County.

General Development Standards

The request is consistent with Standard 4.1.1 (WATER), AND 4.1.2 (SEWER), and 4.1.4 (ENVIRONMENTAL FACTORS). Future development in Rural areas meeting the criteria under proposed Policy 123.2.17 are limited to a potential maximum density of 2 du/acre. Developments under this density level would not be required to connect to a public water system as required by Standard 4.1.1. Proposed Policy 123.2.17, however, requires future development seeking any additional density to connect to water services, and thus is consistent with the intent of Standard 4.1.1.

Additionally, future development in Rural areas meeting the criteria under proposed Policy 123.2.17 will be required to connect to a sanitary sewer system consistent with the intent of Standard 4.1.2.

Consistent with Standard 4.1.4, an Environmental Impact Analysis Report will have to be provided to ensure consistency with the criteria outline in proposed Policy 123.2.17. Future development will be consistent with the proposed text amendment (Policy 123.2.17) by utilizing a clustered development pattern ensuring the planned development is well-integrated, properly designed, functionally interconnected, and not impacting, but preserving the natural and most environmentally sensitive areas of the site.

Residential Land Uses

Goal 5 (RESIDENTIAL LAND USES) outlines the need to “provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.” According to the Bureau of Economic and Business Research (BEBR), the medium range population projection for Lee County anticipates a population increase from 735,148 in 2020 to 904,700 by 2030. This influx of an additional 169,552 residents further emphasizes the need to provide housing to accommodate the projected population growth for the area. The utilization of lands that are able to adhere to proposed Policy 123.2.17 for some additional housing will assist in achieving this goal.

The proposed text amendment request requires a rezoning to a planned development consistent with Policy 5.1.1. Furthermore, in alliance with Policy 5.1.3, which emphasizes directing residential developments to locations near employment and shopping centers, parks, and schools, the proposed developments will be proximate to arterial corridors that are or will likely be experiencing growth and relatively accessible to commercial goods and services, public parks and public schools to serve its residents.

The request is consistent with Policy 5.1.2, which outlines the intent to prohibit residential development where physical constraints or hazards exist. When adhering to the criteria in the proposed text amendment and the Planned Development process, the resulting clustered developments will provide the necessary environmental, historical, water quality, and infrastructure enhancement measures needed to ensure proper functionality and design.

Policy 5.1.5 of the Lee Plan, was adopted to “protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment.” Proposed Policy 123.2.17 incentivizes sustainable development patterns by requiring a minimum of 60% open space; a minimum of 30% preserve (50% of open space requirement); and clustered development design. When implemented, these qualities will help to ensure the residential uses within these planned developments are not “destructive to the character and integrity of the residential environment” that is existing or proposed around them.

TRANSPORTATION ELEMENT

Consistent with Policies 39.2.3, 39.6.1, 39.6.2, and 39.6.3, future development adhering to the criteria provided under proposed Policy 123.2.17, will at the time of a rezoning to Planned Development and development order, ensure all necessary motor vehicle transportation support, traffic management infrastructure, and pedestrian/bicycle connections are in place.

COMMUNITY FACILITIES & SERVICES ELEMENT

Potable Water

The proposed text amendment requires future development within the Rural lands to connect to water services. This requirement ensures consistency with Policies 53.1.5 and 53.1.9.

Sanitary Sewer

The proposed text amendment requires future development within the Rural lands to connect to sewer services. This requirement ensures consistency with Policies 56.1.4, 56.1.7, Objective 56.2, and Policy 56.2.1.

Surface Water Management

Through the utilization of clustered development and criteria laid out per the proposed text amendment, the proposed future developments will ensure preservation of existing waterways and wetland habitats consistent with Policy 60.1.2.

Objective 60.4 outlines the intent to incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief. Future development throughout the Rural lands utilizing Policy 123.2.17 will provide preserved wetlands, flowways/creeks, and Rare and Unique upland habitat. Preserving these areas provides opportunities to design surface water management system that will incorporate the existing wetland systems and natural flow ways; thus, complying with policies 60.4.1, 60.4.2, and 60.4.3.

PARKS, RECREATION & OPEN SPACE ELEMENT

Through the criteria under the proposed text amendment projects will provide a significant amount of land area for open space. Additionally, proposed Policy 123.2.17 requires a minimum 60% open space. These open spaces will likely encompass preserve areas, passive recreational areas, lakes, and areas of separation from adjacent properties along the development perimeter, ensuring consistency with Goal 77 – requiring new development to provide open space for “improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.” The clustered design required of Policy 123.2.17 also provides consistency with Policy 77.3.4 by incorporating “large, contiguous open spaces areas.”

CONSERVATION & COASTAL MANAGEMENT ELEMENT

The proposed text amendment is consistent with Policy 123.1.1 by ensuring that standards are in place for development that will “protect and integrate wetlands and Rare and Unique upland habitats.” Consistent with Policy 123.1.5, proposed Policy 123.2.17 and the criteria to ensure lands are restored with Rare and Unique habitat are supportive of the effort to “encourage private restoration of natural habitats” in Lee County. Additionally, the text amendment is consistent with Policy 123.1.7 as future clustered planned developments will provide designated preserve easement areas for potential future area-wide conservation efforts. These preserves will protect high quality wetlands, plant communities, and indigenous uplands, while addressing restoration and management of non-indigenous/invasive areas of the property that have been typically impacted by cattle grazing and agricultural use.

Future planned developments adhering to Policy 123.2.17 will be subject to a long-term plan, as approved by Lee County, to ensure no plantings of exotic species occur and any existing exotics are removed through appropriate management and maintenance of the preservation areas that are placed under conservation easements to SFWMD in accordance the Environmental Resource Permit (ERP) requirements. Thus, the proposed text amendment is consistent with the intent of Policies 123.2.8 and 123.2.11.

Under proposed Policy 123.2.17, additional land area may be created or restored and then preserved as Rare and Unique upland habitat further ensuring these environmentally critical areas are protected from surrounding development as required under Policy 123.2.15.

Overall, the proposed text amendment creating policy 123.2.17 establishes further incentives to ensure the preservation, enhancement, and restoration of Rare and Unique upland habitats, and preservation of flowways/creeks on land within the Rural Land Use category. This policy, when approved, will be consistent with and will further implement Objective 123.2 and the overarching Goal 123 of resource protection of wetlands, critical upland ecosystems, habitat diversity, and natural resources in Lee County.

Policy 123.8.1 provides for methods to address the protection of Gopher Tortoises. Proposed Policy 123.2.17, ensures consistency with Policy 123.8.1 by providing an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitat beneficial to Gopher Tortoises.

Lee Plan Goal 124 provides overarching language to ensure adequate maintenance and enforcement for any development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. Future developments will abide by the criteria outlined in the proposed text amendment to reduce any negative impacts to high quality wetlands and no development impacts will occur until the ERP permit has been issued by the state or SFWMD. Developments, as they move through the permitting process, will be reviewed by the South Florida Water Management District and as a result will be consistent with overall Goal 124, and Policies 124.1.1 and 124.1.2.

HOUSING ELEMENT

Goal 135 outlines the need to provide adequate housing for existing and future residents of Lee County. Objective 135.1 requires the county to work with private and public housing providers to ensure that the additional dwellings needed by 2025 are provided in a variety of types, costs, and locations. According to this objective, the county will need an additional 114,927 units by 2025, of which 39,637 will be needed in unincorporated Lee County. The proposed comprehensive plan amendment could reasonably provide 440 new housing units to help reach Objective 135.1. Consistent with Policy 135.1.9.

EFFECT ON POPULATION

The proposed text amendment will not negatively affect the population projections for Lee County. Based on the United States Census Bureau's Quick Facts database, there are 2.64 persons per household and an overall population of 618,754 (2010 Census) in Lee County. Pursuant to analysis provided in Exhibit T5, the proposed policy could reasonably result in the potential for an additional 440 units within Rural lands. When applying a factor of 2.64 persons per household, these 440 units would house approximately 1,162 people.

According to the University of Florida's College of Liberal Arts & Sciences - Bureau of Economic and Business Research, the projected 2030 population in Lee County will be 904,700 and 1,010,900 in the year 2040. Considering these projections and the previously stated housing needs from Objective 135.1, over 100,000 dwelling units will be needed within the next 5 to 10 years. The proposed text amendment and potential future development utilizing the density allotment could reasonably provide up to 440 additional residential dwelling units to support the future population growth in Lee County.