

**RURAL LANDS
RARE & UNIQUE HABITAT PRESERVATION
BAYSHORE RANCH
Comprehensive Plan Text Amendment
(CPA2021-0005)**

**Lee County
Local Planning Agency
June 27, 2022**



Project Team

- **Applicant:**
 - Lennar Homes, LLC
- **Agents:**
 - RWA, Inc.:
 - Ken Gallander, AICP
 - Patrick Vanasse, AICP
 - David Plummer & Assoc.:
 - Stephen Leung, VP
- **Land Use Counsel:**
 - Pavese Law Firm:
 - Neale Montgomery, Partner
 - Passarella & Assoc., Inc.:
 - Shane Johnson, VP
 - Progressive Water Resources
A Div. of Respec Company, LLC
 - David Brown, P.G.

Presentation Overview:

- Comprehensive Plan Text Amendment Request
- Background & Specifics
- Discussion & Analysis
- Benefits & Application of Policy
 - Bayshore Ranch Residential Planned Development

Request:

- Comprehensive Plan Text Amendments:
 - *To provide specific criteria and allow incentives for the creation, preservation, and restoration of Rare and Unique upland habitats as applied to planned developments within the Rural Future Land Use category.*
 - *Ensure proper cross reference within Lee Plan.*

Request Background:

- Map amendment initially proposed.
- Coordination with Staff to explore different concepts.
- Evaluated Owl Creek Text Amendment as an appropriate avenue to achieve desired development and create environmental benefits.
- Revised request to a text amendment
 - Expanding on the Owl Creek petition (CPA2020-0005)
 - Owl Creek - applied to lands only within North Olga Community Plan Area

Request Details:

- Lee Plan - Conservation & Coastal Management Element:
 - Supports existing Goal 123, Objectives and Policies of resource protection.
 - ***New 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:*

Policy 123.2.17 - CRITERIA:

1. Development ~~shall~~ must ~~meet the Land Development Code definition of “Large Development.”~~ be a minimum of 10 acres.
2. Development ~~shall~~ must have direct access to an arterial road.
3. Development ~~shall~~ must 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.

Amended Policy 1.4.1:

- To ensure consistency with proposed Policy 123.2.17 and to provide language cross-referencing the potential for additional density being applied within the Rural areas.
- ***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)***

Lee Plan Consistency:

Policy 1.5.1 & 124.1.1 (amended CPA2020-0005): Wetland preservation encouraged to achieve density transfer, while still maintaining low density development.

Objective 2.1 & Policies 2.1.1, 2.1.2 & Objective 2.2: Promote contiguous and compact growth/contain urban sprawl. Amendment criteria ensures connection to public infrastructure, maintains low density levels, while providing housing opportunities.

Goal 5, Policies 5.1.1, 5.1.2, 5.1.3, & 5.1.5: Balance future residential needs via PD, while requiring clustered development to provide open space and preservation, enhancement, and restoration of rare and unique habitat.

Goal 77 & Policy 77.3.4: Requires min. open space and clustered design provides for “large, contiguous open spaces areas.”

Goal 123; Objectives 123.1 & 123.2; & Policies 123.1.1, 123.1.5, 123.2.2, 123.2.4, 123.2.6, 123.2.9, & 123.2.15: Consistency by applying standards for implementing the protection, preservation and creation of Rare and Unique upland habitats through creative site design.

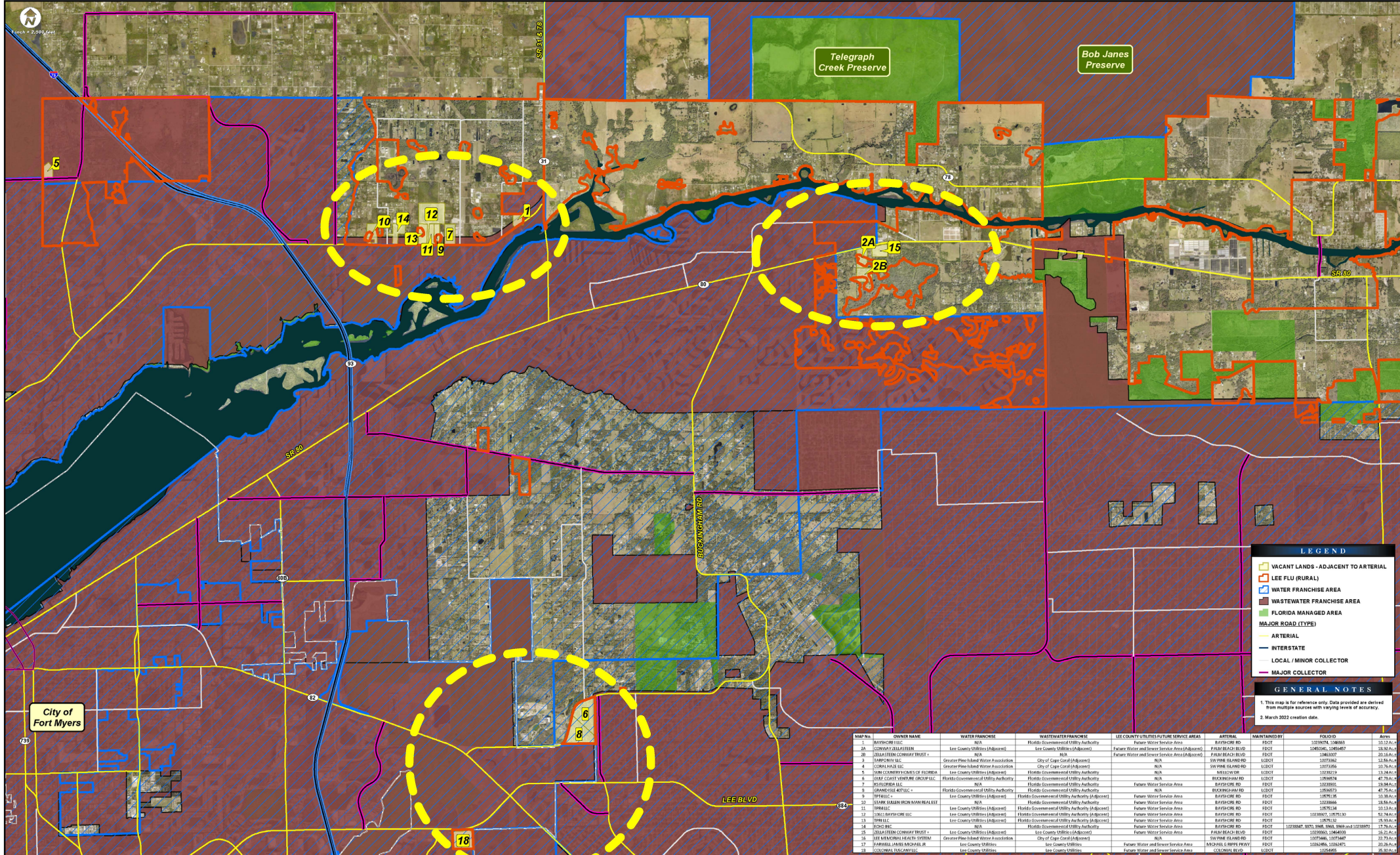
Goal 135, Objective 135.1 & Policy 135.1.9: Proposed amendments enable additional mixture of housing opportunities not currently available to address adequate future housing needs.

Impact Analysis within Rural FLU category:

- **Reasonable projection of no significant or negative impact to public services/facilities implementing proposed Policy 123.2.17**
- **Analysis:**
 - Undeveloped/vacant parcels;
 - “Large Development” / 10 acres or more individual parcels/common ownership;
 - Adjacent to arterial roads; and
 - Properties located within/adjacent to Future Water/Sanitary Sewer Service Areas & Franchise Areas

Impact Analysis Cont'd.:

- Approx. 1,355 parcels in Rural FLU category
 - 18 undeveloped/vacant properties of 10 acres or more (ave. size 22+/- acres)
 - Assumption: Max. 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) = 792 additional units in Rural lands.
 - More practicable: 1.11 du/acre (Owl Creek & Concurrent Bayshore Ranch RPD) = Approx. 440 additional units.
- More housing opportunities; Eliminates well and septic systems; Assures significant areas of open space and preserve.



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

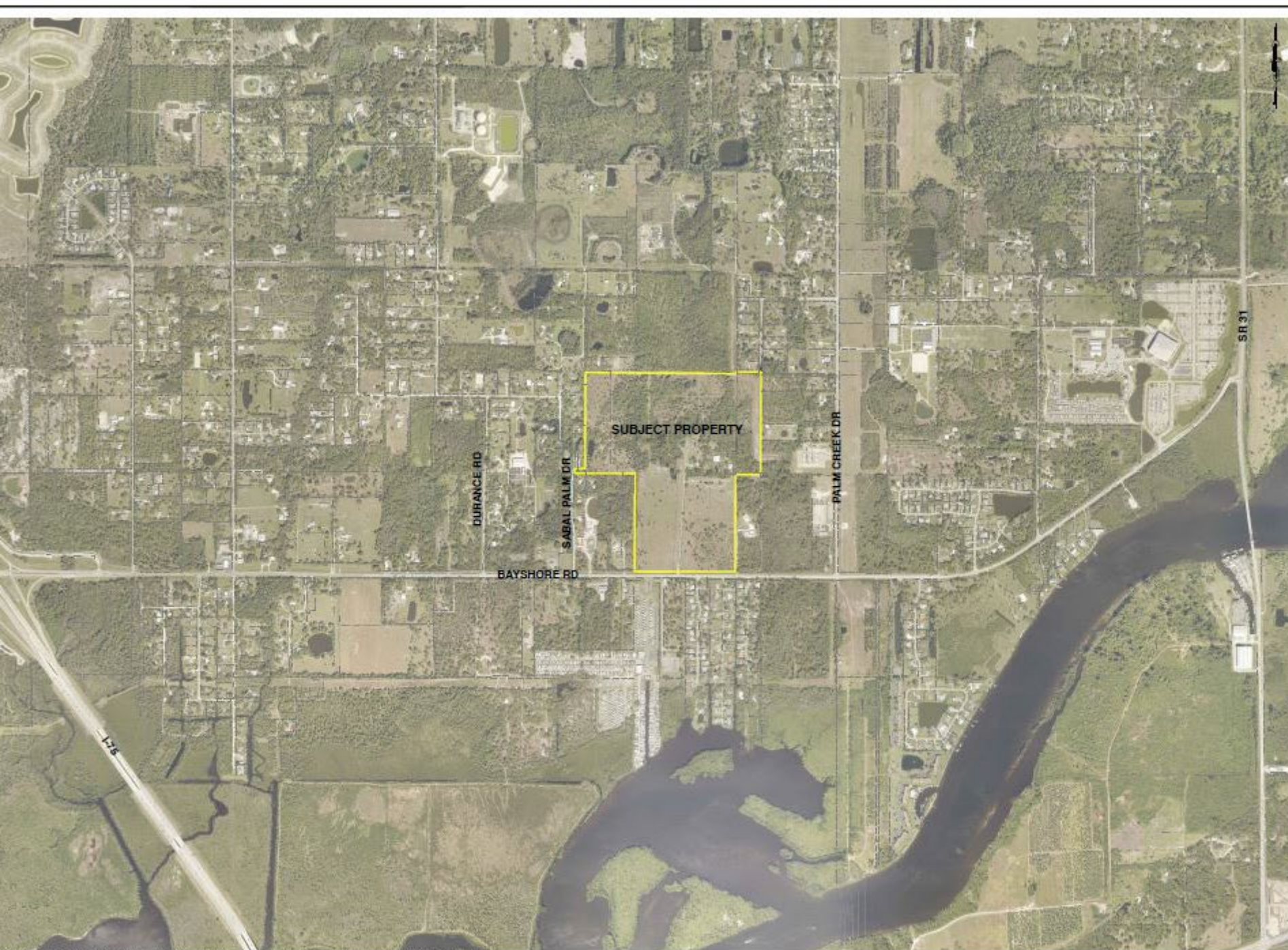
1. This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy.

2. March 2022 creation date.

MAP No.	OWNER NAME	WATER FRANCHISE	WASTEWATER FRANCHISE	LEE COUNTY UTILITIES FUTURE SERVICE AREAS	ARTERIAL	MAINTAINED BY	PERMITS	Area
1	RAYMOND LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	RAYMOND RD	FDOT	1079076, 1080063	10.12 A.C.
2A	CONTRACT DEVELOPMENT	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water and Sewer Service Area (Adjacent)	PAUL BEACH BLVD	FDOT	1080064, 1080407	18.90 A.C.
2B	JOHNATHAN COMPANY TRUST	N/A	N/A	Future Water and Sewer Service Area (Adjacent)	PAUL BEACH BLVD	FDOT	1080064, 1080407	20.10 A.C.
3	PARSONS INC.	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SUN FINE ISLAND RD	LOCAL	1077180	12.56 A.C.
4	CONRAD INC.	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	N/A	SUN FINE ISLAND RD	LOCAL	1077180	10.78 A.C.
5	LEE COUNTY FUTURE OF FLORIDA	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority	N/A	ARLINGTON DR	LOCAL	1078019	13.24 A.C.
6	LEE COUNTY FUTURE OF FLORIDA	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	RYAN ROAD RD	LOCAL	1080064	47.78 A.C.
7	WATERFRONT LLC	N/A	Florida Governmental Utility Authority	Future Water Service Area	RAYMOND RD	FDOT	1078019	19.88 A.C.
8	GRANDVIEW AUTOC	Florida Governmental Utility Authority	Florida Governmental Utility Authority	N/A	BUCKINGHAM RD	LOCAL	1078019	47.78 A.C.
9	TRIPLEC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	RAYMOND RD	FDOT	1078019	10.78 A.C.
10	PARSONS INC.	Greater Pine Island Water Association	City of Cape Coral (Adjacent)	Future Water Service Area	RAYMOND RD	FDOT	1078019	18.56 A.C.
11	TRIPLEC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	RAYMOND RD	FDOT	1078019	10.78 A.C.
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13	TRIPLEC	Lee County Utilities (Adjacent)	Florida Governmental Utility Authority (Adjacent)	Future Water Service Area	RAYMOND RD	FDOT	1078019	10.78 A.C.
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16	LEE COUNTY FUTURE OF FLORIDA	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water Service Area	PAUL BEACH BLVD	FDOT	1078019, 1080407	18.90 A.C.
17	LEE COUNTY FUTURE OF FLORIDA	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water Service Area	PAUL BEACH BLVD	FDOT	1078019, 1080407	20.10 A.C.
18	LEE COUNTY FUTURE OF FLORIDA	Lee County Utilities (Adjacent)	Lee County Utilities (Adjacent)	Future Water Service Area	PAUL BEACH BLVD	FDOT	1078019, 1080407	20.10 A.C.

Benefits of Proposed Text Amendment:

- Planned developments along arterial roadways
 - Arterial corridors with public services/infrastructure are within existing growth areas and logical extension of existing development patterns.
- Connection to public water and sewer/services
- Maintain desired low-density rural character - Less than 2 du/acre
- Accommodate future growth needs in a more environmentally sustainable manner.
- Without Policy 123.2.17:
 - Impacts from individual well and septic systems
 - No dedicated open space and preserve areas
 - Less efficient use of public infrastructure and services
- Win-win: Environmental protection while ensuring added housing opportunities through well designed planned developments.

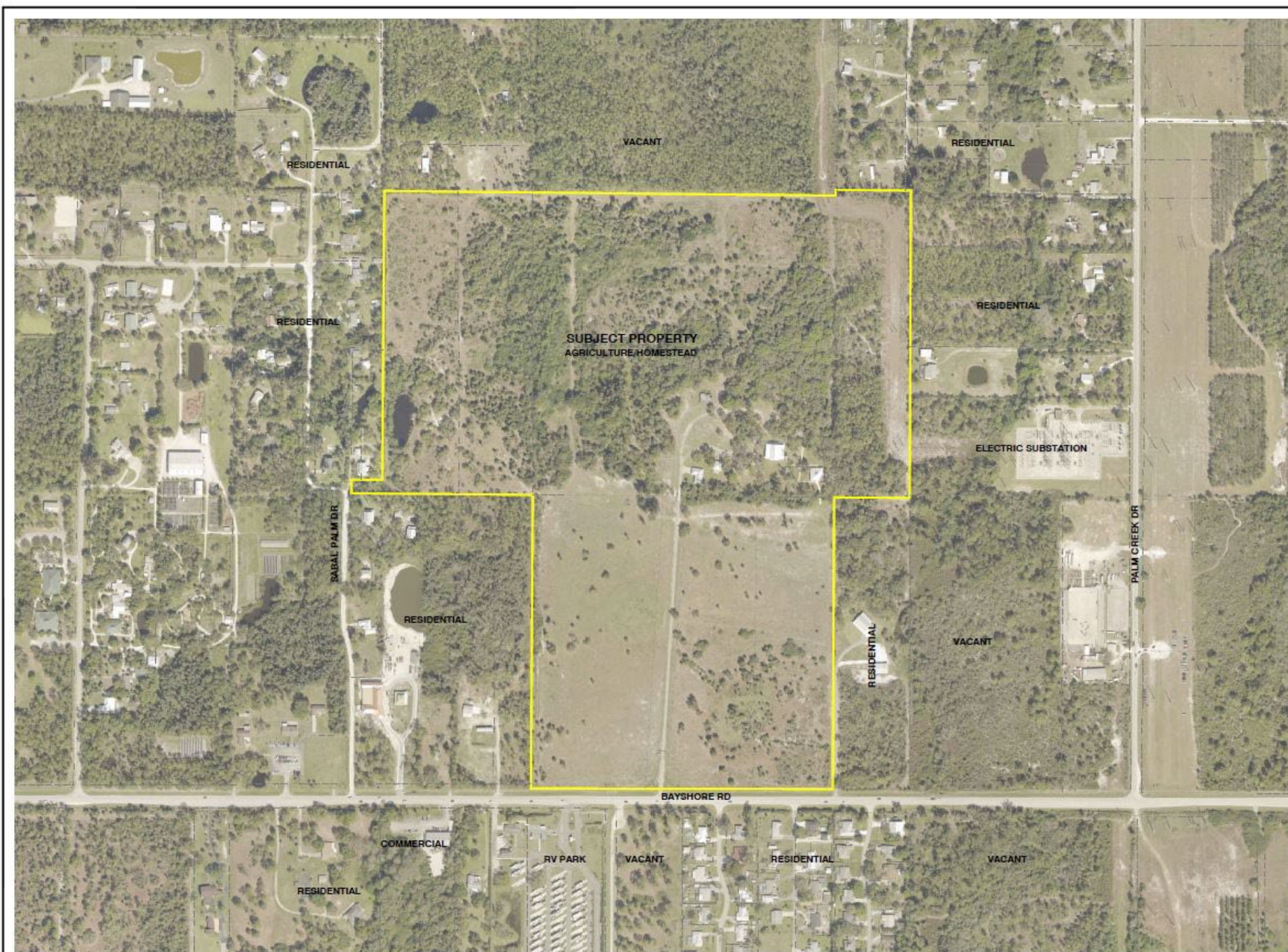


Subject Property:

- 8 Parcels; 109.67+/- acres
- Northside of Bayshore Road; West of Palm Creek Drive & East Sabal Palm Drive
- Proximate to I-75 & SR31 and a variety of uses
- Existing Use: Agriculture; Residential Homestead
- Future Land Use Map (FLUM) designation: RURAL & WETLANDS
- Zoning: AG-2
- Up to 104 dwelling units with septic and wells
- No open space or preserve requirement

Bayshore Ranch Residential Planned Development (RPD):

- Concurrent rezoning (DCI2021-0025) consistent with Ch. 164.3184(12) F.S.
- Significantly impacted agricultural use
- Infill development potential
- Opportunity to preserve, enhance, and restore ecosystem
- Clustered single-family detached residential community
- Up to 130 units (1.19 du/acre)



Application of Policy 123.2.17:

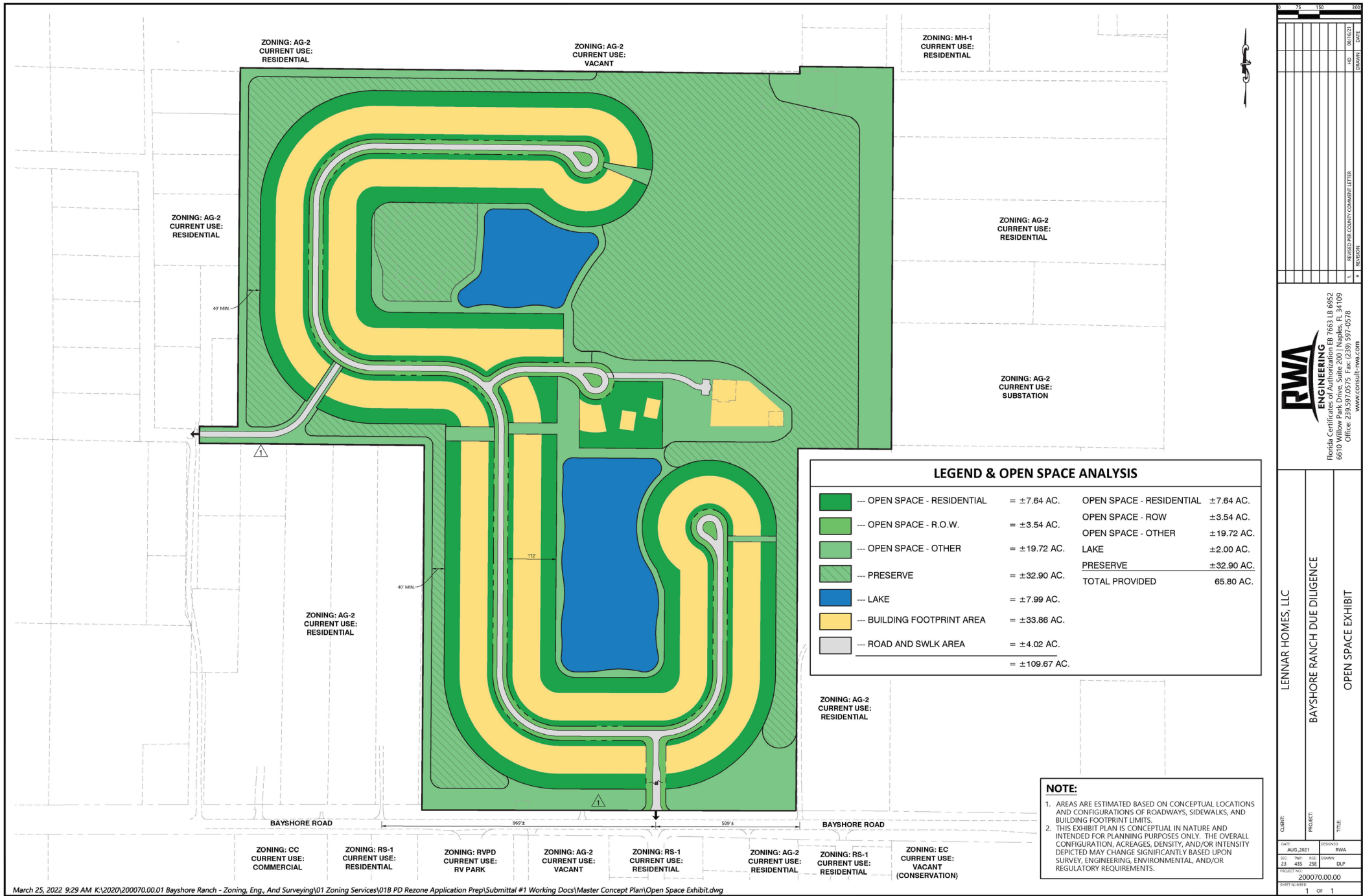
- Demonstrate consistency with criteria to obtain added density incentive (1 du/acre):
 - Planned Development
 - Greater than 10 acres (109.67 acres)
 - Bayshore Road Corridor:
 - Direct access to arterial roadway
 - Land Uses, Zoning and Density Context
 - Adjacent to utilities within Bayshore right-of-way
 - Clustered - large, contiguous tracts of open space and preserve
 - 60% open space of which 50% to be indigenous preserve

60% Open Space:

- Required = 65.8+/- acres
- Provided = 65.8+/- acres

50% Indigenous Preserve:

- Required = 32.9+/- acres
- Provided = 33.5+/- acres
 - Rare & Unique Uplands = 29.17+/- acres (added 29.17 dwelling units)
 - Preserved & Enhanced = 14.42+/- acres
 - Restored = 14.75+/- acres
 - Wetlands = 2.70+/- acres (added 2.70 dwelling units per Policy 124.1.1)
 - Preserved & Enhanced = 2.15+/- acres
 - Restored = 0.55+/- acres
 - Other Surface Waters/Flowways/Creeks/Nature Pathway
 - 1.64+/- acres



Conclusion:

- Consistency with the prior Lee Plan amendment (Owl Creek)
- Benefits to environmental stewardship and housing needs
- Overall Consistency with the Lee Plan
- Agreement with Staff Report and Recommendation
 - Amended Policy 1.4.1 to be included
- We respectfully request a recommendation by the LPA that Board of County Commissioners Transmit the proposed amendments as presented.

Questions?

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