



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

Wednesday, October 5, 2022

9:30AM

CPA2022-00005

Pine Island Preserve at Matlacha Pass - **ADOPTION**

CPA2021-00005

Bayshore Ranch - **ADOPTION**

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

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, October 5, 2022. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

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

CPA2022-00005 Pine Island Preserve at Matlacha Pass: Amend Lee Plan Policy 24.4.4 to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

and

CPA2021-00005 Bayshore Ranch: Amend the Lee Plan to provide criteria and allow incentives for the creation, preservation and restoration of Rare and Unique upland habitats on land within the Rural future land use category and rezoned to a planned development.

Copies of this Notice and the proposed ordinances are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendments. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

CPA2022-00005

Pine Island Preserve
at
Matlacha Pass

SUMMARY SHEET
CPA2022-00005, PINE ISLAND PRESERVE AT MATLACHA PASS
ADOPTION HEARING

REQUEST:

Amend Lee Plan Policy 24.4.4 to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

SUMMARY:

The request is to amend Policy 24.4.4 to accommodate a 229± acre nature preserve and restoration area with improved amenities consisting of driveway(s), a parking lot, picnic and educational pavilions, a single restroom facility, boardwalk, kayak launch, and nature trails.

PUBLIC INPUT:

There was no public input concerning the proposed amendment at the BoCC Transmittal Hearing.

TRANSMITTAL HEARING:

At the August 3, 2022 Transmittal Hearing a motion was made to **transmit** CPA2022-00005 as recommended by staff and the LPA. The motion passed 4 to 0.

VOTE:

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
RAY SANDELLI	<u>ABSENT</u>

STATE REVIEW:

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

STAFF RECOMMENDATION:

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

LEE COUNTY ORDINANCE NO. _____
Pine Island Preserve at Matlacha Pass
(CPA2022-00005)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE PINE ISLAND PRESERVE AT MATLACHA PASS TEXT AMENDMENT (CPA2022-00005) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on June 27, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 3, 2022. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Pine Island Preserve at Matlacha Pass Text Amendment (CPA2022-00005) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 3, 2022 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on October 5, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Pine Island Preserve at Matlacha Pass Text Amendment Ordinance (CPA2022-00005)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Policy 24.4.4 to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

The Comprehensive Plan amendment is known as Pine Island Preserve at Matlacha Pass Text Amendments Ordinance (CPA2022-00005).

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

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

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

SECTION EIGHT: EFFECTIVE DATE

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

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

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this _____ day of _____ 20__.

ATTEST:
KEVIN C. KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L Pendergrass, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A: Adopted revisions to Pine Island Preserve at Matlacha Pass (Adopted by BOCC October 5, 2022)

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EXHIBIT A

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

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 24.4.4: In the Coastal Rural future land use category, ~~non-residential commercial~~ development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

STAFF REPORT FOR CPA2022-00005: PINE ISLAND PRESERVE AT MATLACHA PASS



Privately Initiated Text Amendments to the Lee Plan

Recommendation:

Adopt

Applicant:

Conservation Foundation of
the Gulf Coast

Representatives:

Veronica Martin
TDM Consulting

Amended Element(s):

Future Land Use

Hearing Dates:

LPA: 6/27/2022
BoCC #1: 8/3/2022
BoCC #2: 10/5/2022

Attachment(s):

1: Text Amendments
2: CPA2008-17 Staff Report

REQUEST

Amend Lee Plan Policy 24.4.4 to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

SUMMARY

Lee Plan Policy 24.4.4 limits non-residential development within the Coastal Rural future land use category to minor commercial development. The request is to amend Policy 24.4.4 to accommodate a 229± acre nature preserve and restoration area with improved amenities consisting of driveway(s), a parking lot, picnic and educational pavilions, a single restroom facility, boardwalk, kayak launch, and nature trails. To allow development of this non-residential use, the applicant is requesting the following amendment to Policy 24.4.4:

POLICY 24.4.4: In the Coastal Rural future land use category, ~~non-residential commercial~~ development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

BACKGROUND

Policy 24.4.4¹ was adopted into the Lee Plan by Ordinance 10-17, the adopting ordinance of CPA2008-17: Coastal Rural Commercial Uses, on March 3, 2010. The stated request of CPA2008-17, a publicly initiated Lee Plan amendment, was to: "Evaluate and incorporate into the Coastal Rural future land use category appropriate Lee Plan policy modifications to incorporate and clarify permitted commercial uses in the Coastal Rural future land use category."

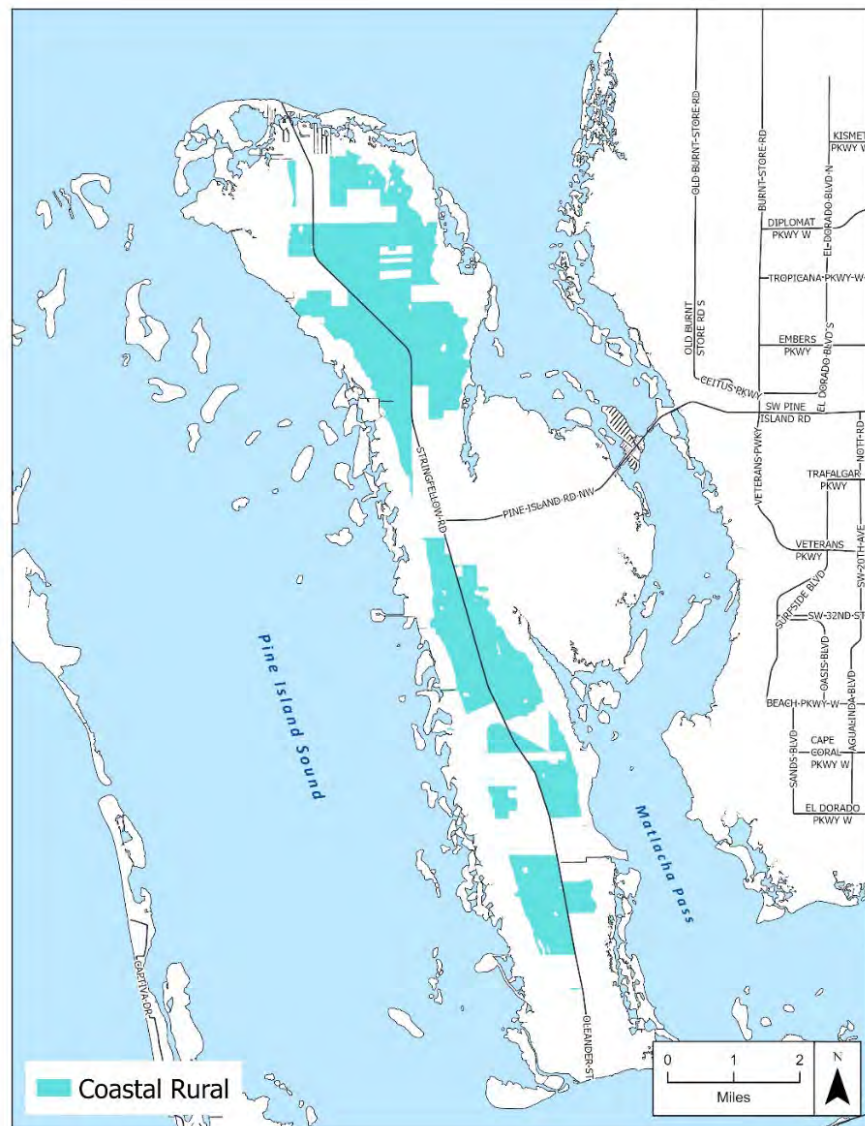
¹ Ord. 16-07 renumbered Policy 14.4.6 to Policy 14.4.5; Ord. 18-18 renumbered Policy 14.4.5 to Policy 24.4.4.

On March 16, 2016, as part of CPA2015-13: Pine Island Community Plan, minor revisions were made to this Policy by Ordinance 16-07. The primary change was to allow for additional commercial square footage (over the 5,000 square foot limitation) if the proposed use and intensity could be found compatible with adjacent uses and have a “positive impact on traffic patterns.”

PART 1 STAFF DISCUSSION AND ANALYSIS

LEE PLAN ANALYSIS – FUTURE LAND USE

Lee Plan **Policy 1.4.7** describes the Coastal Rural future land use category, a category that is only designated on land in the Greater Pine Island Planning District (see map below). The Coastal Rural future land use category was established “to address the area’s predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone.”



Permitted land uses within the Coastal Rural future land use category include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses, that serve island residents and visitors (as set forth in Policy 24.4.4), and low density residential uses.

LEE PLAN ANALYSIS – COMMUNITY PLANNING

Lee Plan **Objective 17.3** and **Policy 17.3.2** require a public information meeting for privately-initiated applications that propose a text change within a community plan. As provided in the application materials, the applicant held a public information meeting within the established Greater Pine Island Community Plan area boundary on March 1, 2022. A meeting summary as required by **Policy 17.3.4** is provided in the application materials.

Lee Plan **Goal 24**, the Greater Pine Island Community Plan, is to:

“Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent.”

Similarly, **Policy 24.1.6** encourages the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting sites and archaeological and historic sites.

As currently required by Policy 24.4.4, a planned development rezoning is required for standalone, non-commercial uses including preserve uses. Amending Policy 24.4.4 in a way that makes it easier for property owners, including Lee County, to preserve and protect the island's unique natural resources, rural character, and coastal environment is **consistent with Goal 24 and Policy 24.1.6**.

Objective 24.4: COMMERCIAL LAND USES addresses commercial land uses within the Greater Pine Island Community Plan area and states: “County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.” The amendments as proposed will not affect the approval process for establishing commercial uses in areas designated Coastal Rural within the Community Plan area. The proposed amendments shift the applicability of the Policy 24.4.4 from all “non-residential” development to only “commercial.” **This is consistent with Objective 24.4.**

As previously stated, Policy 24.4.4 was adopted into the Lee Plan as part of CPA2008-17: Coastal Rural Commercial Uses. The stated request of CPA2008-17 was to: “Evaluate and incorporate into the Coastal Rural Future Land Use Category appropriate Lee Plan policy modifications to **incorporate and clarify permitted commercial uses in the Coastal Rural future land use category** [emphasis added].” Although the term “non-residential” is the adopted Policy language, within the staff report for CPA2008-17 (Attachment 2) only commercial uses were addressed including in the request language, all analysis and findings, and attachments.

Additionally, Policy 24.4.4, is a policy intended to implement **Objective 24.4: COMMERCIAL LAND USES**. As the title of the Objective implies, the applicability of the Objective and subsequent Policies is only to commercial uses. This is further confirmed in the third bullet of Policy 24.4.4 which only lists commercial uses. Finally, Policy 24.4.4 as written is internally inconsistent with Policy 2.1.3 which allows certain public and civic “non-residential” uses in all future land uses categories, to apply the commercial design and use standards set forth in Policy 24.4.4 prevents consideration of these uses in the Coastal Rural future land use category within the Community Plan area.

The proposed amendment does not change the number of residential dwelling units or the types of non-residential development that may be approved within the Coastal Rural future land use category. Appropriate uses within the Coastal Rural future land use category will continue to be determined by Policy 1.4.7, and commercial uses will continue to be specifically addressed by Policy 24.4.4, as was the original intent.

PUBLIC FACILITIES AND INFRASTRUCTURE AVAILABILITY ANALYSIS

The proposed amendments will have no impacts to public facilities and infrastructure, including EMS, fire, sheriff, schools, transit, solid waste, utilities and transportation infrastructure.

CONCLUSIONS

The Lee Plan, with the proposed amendment to Policy 24.4.4, will continue to provide appropriate guidance for development of commercial uses within the Coastal Rural future land use category. As required by Objective 17.3 the applicant discussed the proposed amendments to the Lee Plan at a meeting within the Greater Pine Island Community Plan area on March 1, 2022. The proposed amendment is consistent with the Coastal Rural future land use category as described in Policy 1.4.7 as well as the Greater Pine Island Community Plan, Goal 24. In addition the proposed amendment helps to eliminate a potential internal inconsistency within the Lee Plan between Policy 24.4.4 and Policy 2.1.3.

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

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 27, 2022

A. LOCAL PLANNING AGENCY REVIEW

Applicant and staff each provided a brief presentation addressing reasons for the amendment, consistency with the Lee Plan, and staff recommendation.

Members of the LPA had questions about what types of uses would be subject to Policy 24.4.4 based on the amendments proposed. Staff explained that, as was originally intended, only commercial uses would be subject to the provisions of Policy 24.4.4 and that it would no longer be applicable to civic-type uses such as, preserves, fire or ems stations, and water treatment facilities.

There was no public comment concerning the proposed amendment at the LPA Hearing.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2022-00005. The motion passed 5 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>AYE</u>
ALICIA OLIVO	<u>ABSENT</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUDE	<u>AYE</u>
HENRY ZUBA	<u>ABSENT</u>

C. STAFF RECOMMENDATION

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

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: August 3, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, Lee Plan consistency, and staff recommendation.

The applicant was available for questions, but did not provide a presentation.

B. BOARD ACTION:

A motion was made to ***transmit*** CPA2022-00005 as recommended by staff and the LPA. The motion passed 4 to 0.

VOTE:

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

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

Comments from the State Reviewing Agencies were due to Lee County by September 3, 2022.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- Florida Department of Economic Opportunity
- Florida Department of Agriculture and Consumer Services
- Florida Department of Education
- South Florida Water Management District
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Environmental Protection

There were no objections concerning the proposed amendments. Technical assistance comments were received from the South Florida Water Management District.

B. STAFF RECOMMENDATION

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

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 24.4.4: In the Coastal Rural future land use category, ~~non-residential commercial~~ development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

ATTACHMENT 2

**CPA2008-17
COASTAL RURAL COMMERCIAL USES
BoCC INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Initiated Application
and Lee County Staff Analysis

BoCC Public Hearing Document
For the
March 3, 2010 Adoption Hearing

*Lee County Planning Division
1500 Monroe Street
P. O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

February 17, 2010

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2008-17**

✓	Text Amendment		Map Amendment
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This Document Contains the Following Reviews:

✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

Original Staff Report Preparation Date: June 12, 2009

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

Lee County Board of County Commissioners
Represented by Lee County Division of Planning

2. REQUEST:

Evaluate and incorporate into the Coastal Rural Future Land Use Category appropriate Lee Plan policy modifications to incorporate and clarify permitted commercial uses in the Coastal Rural Future Land Use category.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit the proposed amendment, as follows:

Staff recommends that the Lee Plan Policy 1.4.7 be amended as follows:

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.

NOTE: This policy is placed here for reference purposes only.

POLICY 14.4.2: Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and ~~uses to serve~~ island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- Development must not exceed two acres of impervious area;
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.

POLICY 14.4.7: During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

OBJECTIVE 14.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners initiated this amendment to provide clarification regarding appropriate commercial uses permitted within the Coastal Rural Future Land Use category.
- Historically, limited commercial uses serving the needs of the surrounding residents have been permitted in rural areas such as restaurants, gas stations, food stores, some retail and other basic necessities.
- In recognition of the uniqueness of Pine Island and the desire to maintain the rural character of the Island, the Board adopted a Comprehensive Plan Amendment, CPA2001-00018, in 2003 incorporating a new Vision Statement, a revised Goal 14, to reclassify all “Rural” designated land to “Coastal Rural”.
- There are 23 conventionally commercial zoned parcels, 18 of which are currently vacant, located within the Coastal Rural Future Land Use Category including Community Commercial (CC), Commercial (C-1), Commercial (C-1A), General Commercial (CG) and Tourist Commercial (CT). Five of the 23 parcels are currently developed with commercial uses. Nineteen of the parcels are located along Stringfellow Road with 18 in St. James City and five in Bokeelia. There are four parcels, purchased by Lee County on March 9, 2009, located on York Street.
- Staff recognizes the need to provide limited commercial uses to provide services in support of the rural community and visitors to the island.
- Appropriate distribution of minor commercial land uses will provide services to the island residents and visitors resulting in reduction of off island trips through Matlacha.

C. BACKGROUND INFORMATION

In 1989 the first Pine Island Commercial Study was initiated to research, analyze, and quantify commercial zoning needs for Pine Island, and to identify suitable locations for potential future development. This study was conducted in response to a directive by the Board of County Commissioners to develop a means to identify future commercial sites throughout Lee County and also in direct response to issues emerging from the review of two specific commercial zoning cases on Pine Island.

This study acknowledged the existing commercial zoned parcels, the concentration of commercial uses in Pine Island Center, St. James City and Bokeelia, and the possibility of the designation of potential commercial nodes. Much of the developed area of Pine Island is concentrated in Pine Island Center, with smaller developed areas (villages) at the north and south ends of the island (Bokeelia and St. James City). The remainder of the island contains smaller, scattered areas of limited development with a small urban area at Pineland.

This study resulted in the adoption of Lee Plan Policies 16.4.1, 16.4.2, and 16.4.3 by the Board of County Commissioners on June 24, 1991 (Case number PAM 89-21). These Policies were later superceded by existing Lee Plan Objective 14.4, Policies 14.4.1, and 14.4.2. Twenty years later, the Board has again directed staff to address clarification of applicable commercial uses in Pine Island; however, in this case, the amendment is specific to the Coastal Rural future land use category due to issues raised during the rezoning case to legitimize an existing business, Carl's Automotive Repair (Z-08-014) located at 8336 and 8360 Stringfellow Road.

In 2001, Lee County Staff started working with the Greater Pine Island Community, who had developed a new Pine Island Plan to address planning needs specific to Pine Island. Their plan reflected their vision for Pine Island's future growth and development. In 2003, as a result of a two-year long planning process and upon receipt of no objections, recommendations, or comments concerning the proposed amendment from the Florida Department of Community Affairs, proposed Lee Plan amendment CPA2001-00018 was adopted by the Board of County Commissioners. This amendment: adopted a new Vision Statement; a revised Goal 14; amended subsequent policies specific to Greater Pine Island; amended Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category; and, amended the Future Land Use Map series to reclassify 157 acres of agricultural land between Bokeelia and September Estates from "Outlying Suburban" to "Coastal Rural" and reclassified all land from "Rural" to the new "Coastal Rural" category.

On October 12, 2005, the Board of County Commissioners again amended the Lee Plan with an amendment known as the Pine Island Community Plan Compromise. Among other things, this plan amendment restored the 157 acres back to the Outlying Suburban future land use category and, in an effort to maintain flexibility within the Coastal Rural future land use category, added agriculture as a means of regaining density.

This amendment is intended to further the goal of capturing trips on the island by clarifying the allowable uses in the Coastal Rural future land use category by defining permitted, minor commercial uses intended to serve island residents and visitors.

Policy 1.4.7 of the Lee Plan specifically defines the Coastal Rural Future Land Use Category as follows:

POLICY 1.4.7: *The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1 DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agricultural fill-dirt extraction, conservation uses, and residential uses up to the following densities.*

<i>Percentage of the on site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland</i>	<i>Maximum density if undeveloped land will be permanently preserved or restored as native habitats</i>	<i>Maximum density if undeveloped land will be continued in agricultural use on existing farmland</i>
0%	1 DU/10 acres	1 DU/10 acres
5%	1 DU/9 acres	
10%	1 DU/8 acres	1 DU/9 acres
15%	1 DU/7 acres	
20%	1 DU/6 acres	1 DU/8 acres
30%	1 DU/5 acres	1 DU/7 acres
40%	1 DU/4 acres	1 DU/6 acres
50%	1 DU/3 acres	1 DU/5 acres
60%	1 DU/2 acres	1 DU/3 acres
70%	1 D/1 acre	1 DU/2 acres

Existing farmland is depicted on Map 21. Areas for buffers, lakes and utilities may consist of up to 10% of the upland preserve areas. (Added by Ordinance No. 03-03, Amended by Ordinance No. 05-21)

This policy was implemented in support of Policy 14.1.8 to allow for the return to Rural densities of one dwelling unit per acre subject to preservation or restoration of native habitat or agricultural activities.

Subsequent to the adoption of Comp Plan Amendment CPA2001-18, Staff has continued to work with the Greater Pine Island Civic Association to provide for property development parameters for Pine Island. The most recent amendment was Ordinance Number 07-19 adopted by the Board of County Commissioners on May 23, 2007. This Ordinance adopted Land Development Code (LDC), Article III. Greater Pine Island, Sections 33-1001 through 33-1088, whereby establishing regulations such as architectural standards, parking, lighting and design standards for development on Pine Island.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

BACKGROUND:

Pine Island is comprised of five distinctive communities: Matlacha, Bokeelia, Pineland, Pine Island Center and St. James City. Matlacha, an historic fishing village, is the gateway to Pine Island and consists of waterfront cottages, small motels, shops, art galleries and restaurants.

Bokeelia supports several marinas, tropical fruit, and palm tree farms. Pineland is the location of the Randell Research Center and many historic buildings as well as one of the largest marinas on the island. St. James City is the most developed area and houses the majority of the island's population. Most of the homes are located along direct access canals leading to the Gulf of Mexico. The existing commercial zoned parcels within the Coastal Rural future land use category are scattered among Bokeelia, Pineland, and St. James City. The majority appear to be located between Pine Island Center and St. James City, which is the most heavily populated residential area. Thus, commercial uses would provide services to the residents, resulting in a reduction of on and off island trip generations.

There are an estimated 23 existing conventionally, commercial zoned properties in Pine Island that are not located within the designated Pine Island Center (located at the intersection of Stringfellow and Pine Island Roads). These parcels, ranging in area from 0.25 acres to 74 acres, the C-1A portion of a 332-acre residential development with a combination of commercial and AG-2 zoning. Most of these properties were zoned to commercial zoning districts prior to the 1984 adoption of the Lee Plan, and certainly prior to the adoption of the Coastal Rural future land use designation. Some of these parcels have approved development orders for residential and commercial development.

DISCUSSION:

The proposed language is the result of a Board of County Commission initiated amendment recognizing the need to clarify permitted commercial uses within the Coastal Rural Future Land Use Category. This issue arose when the Board was reviewing a rezoning case intended to legitimize a commercial use on a property in the Coastal Rural area that had existed for many years. The provision of basic commercial services will limit the number of trips off and onto the island.

Currently, there are no available or economic options for adding significant road capacity to Pine Island. There are also no options to widen the existing bridges without serious economic or environmental impacts. Thus, limited commercial uses will serve to negate detrimental traffic flow in Matlacha.

Some types of commercial uses would have minor or even positive effects on traffic flow in Matlacha. A small convenience store in St. James City could serve local residents and those passing by and would attract no new trips through Matlacha. A food store in St. James City would attract shoppers from a larger area, possibly reducing traffic on Pine Island Road. A proper distribution of commercial uses within the Coastal Rural future land use along Stringfellow Road will serve to reduce trips on the island as well. Staff recognizes that most commercial uses can and should be located in the urban designated portions of Pine Island, but some flexibility to shorten trip lengths on the island represents good planning.

Staff finds that limited minor commercial development is required on Pine Island to provide services to residents, which ultimately reduces trip generation to and from the island. Staff further recognizes the benefits of distributing commercial services at different locations on Pine Island to encourage the support and utilization by residents to reduce on island trip lengths.

Staff finds that minor commercial uses could be appropriately located within the Coastal Rural future land use such as bait and tackle shops, restaurants, animal clinics, lawn and garden supply stores, food stores, farm and feed supply stores, roadside/produce stands, specialty retail, and plant nurseries. These uses are typically approved in rural settings when a commercial zoning exists and requires development order review and approval. The category should also be flexible to address future conditions and proposals that cannot be anticipated today.

Commercial development standards have been implemented in the Land Development Code (LDC) to insure compatibility with existing, adjacent uses. The proper location of these minor commercial uses can provide services and goods to the population and visitors of Pine Island while maintaining the character and culture of the community.

There are potential commercial nodes located along Stringfellow Road within the Coastal Rural future land use. One of these locations is at the intersection of Stringfellow Road and Gulf Shores Road. There are parcels currently zoned Commercial Planned Development (CPD), Special Commercial Office District (CS-1) and Commercial General (CG). The CPD, approved in Resolution Z-08-14 for 8336 Stringfellow Road, legitimized an existing automotive repair and service business that provides services to island residents. The CS-1 zoned parcel located at 10191 Stringfellow Road houses general and medical offices. The property located at 8288 Stringfellow, zoned CG, has an approved development order under Case Number DOS2005-00264 for general office space.

Goal 14, and its subsequent objectives and policies recognizes the need for commercial uses to provide services to the residents and visitors of Pine Island thereby capturing trips on the island. There are conventionally zoned commercial properties located on Pine Island which would not

require a rezoning prior to their development. However, the uses are limited in accordance with the future land use designation of Coastal Rural. Clarification is necessary to avoid uncertainties and provide adherence to the provisions of the Lee Plan and the LDC. Minor commercial uses, services and activities are necessary on Pine Island to prevent additional trip generations off the island. Staff finds that minor commercial uses may be appropriate in the Coastal Rural future land use. However, these uses should be limited to those that provide basic services for the rural community. The Greater Pine Island commercial policies are stated below:

OBJECTIVE 14.4: COMMERCIAL LAND USES. *County regulations, policies and discretionary actions will recognize certain unique characteristics of Greater Pine Island, which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 14.4.1: *The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.*

POLICY 14.4.2: *Commercial development at other locations on Greater Pine Island should be limited to marinas, fish houses, **minor commercial uses to serve local residents and uses to serve island visitors**. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22) (Bold type added by Staff for emphasis)*

Policy 14.4.2 demonstrates the contemplation of permitting minor commercial uses to serve local residents and island visitors on Pine Island. The policy also requires that these developments of commercial uses be located so that they do not negatively impact abutting, adjacent land uses. The Land Development Code (LDC,) Section 33-1003 through 33-1088, establishes regulatory standards for the Greater Pine Island Planning Community intended to implement the goals and objectives established in Lee Plan Goal 14. The standards represent an effort to manage future growth based on the remaining traffic capacity and reasonable hurricane evacuation. The development of commercial uses must be respectful of the vision and culture of the Greater Pine Island Planning Community.

Along with the addition of minor commercial uses in the Coastal Rural descriptor policy, staff is recommending an amendment to Policy 14.4.2 clarifying that it pertains to other urban locations in Greater Pine Island. Policies 14.4.6, 14.4.7, and 14.4.8 should be added to give specific direction to the allowable non-residential development in the Coastal Rural category and to encourage communication between island residents and applicants for rezoning cases. These policies should limit the development to Minor Commercial development with a maximum size of two acres of impervious surface with a maximum building square footage of 5,000 square feet. This proposed area will accommodate appropriate minor commercial uses; however, will prohibit the development of large commercial centers or uses that are not consistent with the vision of Pine Island and the intent of the Coastal Rural category.

Staff is recommending that all new commercial rezoning requests on Greater Pine Island be established through the Planned Development zoning process. Further recommended, is the requirement of a public information meeting to provide interested citizens with an overview of the proposed project. This will encourage open communication, insure compatibility, and the reduction of potential detrimental impact to adjacent land uses.

The Land Development Code (LDC) Section 33-1003 through 33-1088 adopted by Ordinance No. 07-19 sets forth commercial development standards for property in Greater Pine Island. These regulations ensure consistency and compatibility of commercial uses on the island. As such, there are existing measures in place to regulate the development of minor commercial uses on Pine Island and to minimize disruptive influences to the unique character of the island. In addition, the area (square footage) of properties will limit the amount of square footage permitted for commercial uses to provide compliance with minimum development standards such as setbacks, landscaped buffers, parking and other requirements.

Commercial development regulations contained in the Land Development Code limit the floor area of new commercial buildings to 10,000 square feet unless a larger size is approved by variance or by deviation in a commercial planned development. Architectural standards, parking lot design and landscaping requirements are also established in the LDC Section 33-1003 through 33-1088.

Staff has additional review capabilities and options when reviewing a request for a Commercial Planned Development within the Coastal Rural future land category. Uses may be limited for compatibility purposes and conditions will be recommended to provide an enhanced development consistent with the character of the island.

Staff has included “ecotourism” within the appropriate commercial uses for the Coastal Rural future land use category. Ecotourism is defined as responsible travel to natural areas which conserves the environment and improves the welfare of the local people. Ecotourism further includes travel to natural destinations, minimizes impact, builds environmental awareness, provides for conservation, and respects local culture.

B. CONCLUSION:

Staff finds that properly conditioned minor commercial development within the Coastal Rural future land use category is appropriate. Commercial development should be permitted and encouraged near population centers on Pine Island. Staff’s research indicates that St. James City is the most populated community in Pine Island developed with two-thirds of the population. The majority of the existing conventionally commercial zoned parcels are located on Stringfellow Road between Pine Island Center and St. James City.

An increase in minor commercial development on parcels with existing commercial zoning and located in the Coastal Rural future land use category will enhance the lifestyle of the community by providing local employment and services to island residents and visitors, resulting in the reduction of trip generations through Matlacha and off the island.

Staff's recommendation of limited commercial uses in the Coastal Rural future land use category is reflective of uses permitted in the Rural Commercial zoning district. The purpose of this district is to designate and facilitate the proper development and use of land in non-urban areas of the county. In addition to the neighborhood scale provision of basic goods and services, it is the intent of the Rural Commercial district to provide other goods and services, specific to rural productive activities, such as farming or ranching and for the rural lifestyle in general. The standard of physical development shall be or closely approximate that of Minor Commercial as established in the Lee Plan. It is staff's intent to mirror these uses in the Coastal Rural future land use category to provide minimal services to the residents and visitors of Pine Island.

Staff understands the culture of Pine Island and the limitation of commercial uses in this rural setting. There are some existing commercial uses located within the Coastal Rural future land use category that are currently enjoyed by the island population such as restaurants, food stores, and specialty retail. Thus, the proposed amendment will permit these uses to continue offering services to island residents and visitors and provide for consistency with the Lee Plan. To an extent, residential and commercial development is restricted within the Coastal Rural future land use category to protect natural habitat and wildlife species. Development standards for commercial uses are established in the LDC, Chapter 33, which sets forth parameters designed to complement the character of the existing community.

Limited minor commercial uses in the Coastal Rural future land use category will serve to capture on and off-island trip generation as well as serve the residents and visitors of Pine Island.

Staff recognizes that commercial uses on Pine Island should reflect the unique character and ambience of the island. It is not staff's intent to change the view of commercial uses within the designated urban areas, only to clarify appropriate commercial uses within the Coastal Rural future land use category, specifically those existing commercial zoned properties. Staff further understands the significance and consideration of all interested parties of Pine Island including the Associations representative of the Greater Pine Island Civic Association, Bokeelia, St. James City, Matlacha, and the Pine Island Ag and Land Owners.

It is important to maintain the rural environment that is characteristic of Pine Island; however, Minor Commercial uses should not be prohibited whereby limiting reasonable uses of existing, commercial property. Staff agrees that the majority of commercial uses belong in Pine Island center; however, there is a need for flexibility, specifically for those properties with existing, conventional commercial zoning.

Staff proposes to analyze impacts of these policy changes during the Comprehensive Plan Evaluation and Appraisal Report process mandated by the Growth Management Act. This review is conducted every seven years and affords an opportunity to re-analyze the policy changes recommended in this report and propose modifications as needed.

C. STAFF RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as shown in Part 1, Section B.1. of this staff report.

ATTACHMENTS:

1. Table describing the 23 existing commercial zoned parcels located within the Coastal Rural future land use category
2. Map depicting the 23 existing commercial zoned parcels
3. Future Land Use Map for Pine Island

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA PUBLIC HEARING: June 22, 2009

A. LOCAL PLANNING AGENCY REVIEW

At the June 22, 2009 LPA public hearing, staff introduced CPA2008-00017 stating that the proposed amendment is a Board initiated Lee Plan amendment to clarify appropriate commercial uses within the Coastal Rural future land use category in Pine Island. Staff further requested that the Local Planning Agency (LPA) table the proposed plan amendment to provide time for additional review and discussion with interested parties.

Mr. Phil Buchanan, representing the Greater Pine Island Civic Association (GPICA), addressed the LPA requesting that they table discussion and consideration of the amendment to permit the GPICA and staff an opportunity to continue review of the proposed amendment. Following brief discussion, the LPA voted unanimously to table consideration of the amendment until their next meeting scheduled for July 27, 2009.

DATE OF LPA PUBLIC HEARING: July 27, 2009

B. LOCAL PLANNING AGENCY REVIEW CONTINUED:

Staff provided a brief overview of the proposed amendment noting that the intent is to evaluate and incorporate appropriate, limited minor commercial uses within the Coastal Rural future land use category. There are currently 23 existing conventionally, commercial zoned parcels in the Coastal Rural future land use category, some of which are developed with a real estate office, auto repair, storage, and restaurants. Staff further explained that the Land Development Code (LDC), Section 33 regulates commercial development in Pine Island. The proposed amendment focuses on properties located within the Coastal Rural future land use category. Staff stressed that the proposed amendment was directed by the Board of County Commissioners to provide direction in the Lee Plan relative to appropriate commercial uses in the Coastal Rural future land use category.

Staff stated that the proposed amendment represents a balance between the more intense urban areas and the rural areas on Pine Island. Staff further explained the changes to the staff report regarding the difference between Minor Commercial and commercial uses. Staff explained that there are existing commercial uses in the urban areas which exceed the definition of Minor Commercial. Staff recommends transmittal of the proposed amendment to the Board of County Commissioners.

Nine members of the public spoke regarding the proposed plan amendment. Six of those spoke in support of the amendment and three spoke in opposition. Those who spoke in support of the amendment expressed concern regarding further restrictions to property use and rights. They agreed with staff's recommendation which provides for equitable use of commercial property within the Coastal Rural future land use category. The public who spoke in opposition relayed concerns that the proposed amendment will permit intense commercial uses in rural areas and does not reflect the unique character and quality of Pine Island. Eight of the speakers were residents of Pine Island as

well as members of the Pine Island Ag Landowners Association, the Greater Pine Island Civic Association, and the Bokeelia Civic Association.

Following questions and comments from members of the LPA, the LPA voted unanimously to continue consideration until the August 24, 2009 LPA hearing to allow further review and discussion.

DATE OF LPA PUBLIC HEARING: August 24, 2009

C. LOCAL PLANNING AGENCY REVIEW CONTINUED:

Staff presented an overview of the changes following the July 27, 2009 LPA hearing. Those changes incorporated amendments to Policy 14.4.2 to better identify and clarify the commercial uses appropriate in the urban areas of Pine Island (Bokeelia, Pineland, Matlacha, and St. James City) intended to serve the day to day needs of local residents and island visitors. Policy 14.4.6 was amended to clarify that commercial uses in the Coastal Rural future land use category were minor commercial and all new commercial zoning requests must be established through the planned development zoning process.

Staff further added Policy 14.4.7 defining a review, analysis and assessment of commercial needs and development in the entirety of the Greater Pine Island Community during the Comprehensive Plan Evaluation and Appraisal Report process.

Staff has also included a defining Objective and Policy to require applicants for rezoning actions to conduct a public informational meeting within the Greater Pine Island Community to provide an overview of a proposed project for interested citizens and for receipt of comments.

Staff noted that the provision for variances or deviations from the required standards had been removed from the proposed policy language. The standards and regulations of the Department of Community Affairs does not provide for variances or deviations from the Lee Plan. The Plan must establish a definitive “ceiling” for incorporation into policies.

Mr. Matt Uhle, representing the AG Landowners in Pine Island, spoke in opposition to the removal of the provision for a variance or deviation and requested additional uses be included such as Personal Services, Group I, Business Services, Group I and repair shops. Mr. Uhle also addressed a zoning case (Resolution number Z-06-085 for Carl’s Automotive Repair and Service) that preceded the Board initiated amendment, noting inconsistencies with the approved uses and development parameters contained in staff’s current proposal.

Mr. Michael Dreikorn, representing the Bokeelia Civic Association, spoke in opposition to the removal of the variance and deviation language, expressed concern relative to the proposed square footage, and stressed the importance of reviewing requests on a case by case basis. The Association supports the remainder of the proposed amendment.

Mr. Phil Buchanan, representing the Greater Pine Island Civic Association (GPICA), spoke in support of staff’s recommendation, noting that staff had addressed the unique culture of Pine Island

by differentiating between the type of commercial uses permitted in the urban and Coastal Rural future land use categories and the limitations for commercial development.

Staff responded to Mr. Uhle's discussion regarding Z-06-065 noting that staff's recommendation included limited uses specific to legitimizing an existing business and in recognition of the Coastal Rural future land use category. The Hearing Examiner recommended additional uses that were ultimately adopted by the Board of County Commissioners at which time staff was directed to clarify and designate appropriate commercial uses within the Coastal Rural future land use category.

The LPA engaged in lengthy discussion regarding the provision for variances and deviations, the maximum 5,000 square foot building area, and the inclusion of additional uses such as Personal Services, Group I, Business Services, Group I, and repair shops. The members addressed the feasibility of permitting a maximum 7,500 square foot building area through the planned development zoning process, subject to justification of a compelling need to the community.

Staff noted that commercial studies of the Greater Pine Island community have indicated a surplus of commercial uses and properties based on existing conditions and population growth. Staff further noted that numerous communications had been received regarding this Plan amendment and that the majority oppose an increase in commercial development on Pine Island. Staff stressed that the intent of this amendment was to clarify the type of minor commercial uses that should be permitted in the Coastal Rural future land use category, specifically for existing commercial zoned parcels. Staff is recommending that any new commercial development be considered through the Planned Development zoning process.

D. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT:

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by staff, with the following change to Policy 14.4.6 provided in double-underline format :

Total building floor area may not exceed 5,000 square feet; provided however, a maximum of 7,500 square feet may be achieved through the Planned Development public hearing process if the applicant demonstrates a compelling need;

Staff does not concur with the proposed additional language.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff with the additional language to permit a maximum square footage of 7,500 square feet through the Planned Development rezoning process subject to demonstration of a compelling need within the community.

3. **VOTE:**

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARIE CALL	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	NAY
RONALD INGE	NAY
CARLA JOHNSTON	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 23, 2009

A. BOARD REVIEW:

Staff provided an overview of the proposed Plan amendment highlighting the changes to existing policies and proposed new objective and policy including the distinction between commercial and minor commercial uses, property development parameters, future evaluation and assessment of commercial uses in the Greater Pine Island Community, and public participation to improve the provision of information and communication with the entirety of the Pine Island community.

The differences between staff's recommendation and the LPA recommendation were explained. Staff's recommendation is for a maximum building area of 5,000 square feet for commercial development and the LPA recommended a maximum of 7,500 square feet if approved through the public hearing process and if the applicant demonstrates a compelling need.

A member of the public, representing the Greater Pine Island Civic Association (GPICA) spoke in support of the proposed amendment, noting that the proposal is consistent with the culture and character of the island.

A member of the public, representing the Pine Island Chamber of Commerce, spoke in opposition to the proposed amendment requesting that the item be tabled until the entirety of the Lee Plan Goal 14 could be reviewed and amended.

A member of the public, representing the Pine Island Ag and Landowners Association spoke in opposition to the proposed amendment in its current form, specifically referencing the proposed uses, square footage, and the need for a deviation and variance process.

An additional member of the public spoke in support of the proposed amendment stating that it is consistent with the Plan and will maintain the integrity of Pine Island.

The Board discussed the square footage and questioned staff in regards to protecting the existing commercial buildings that exceed 5,000 square feet or that have approved zoning in excess of 5,000 square feet. There was discussion regarding an approved zoning permitting a maximum of 7,500 square feet of commercial development in the Coastal Rural future land use category.

During discussion, staff reiterated that the proposed amendment and defining policies are relative to minor commercial uses exclusive to the Coastal Rural future land use category in Pine Island. This amendment does not affect other planning communities in Lee County.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board voted to transmit the proposed amendment as part of the consent agenda. The Board voted to transmit the 2008/2009 plan amendment cycle to the Department of Community Affairs.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of facts as advanced by the staff report, the LPA, and as amended. The following language was approved for transmittal:

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan. **NOTE: This policy is placed here for reference purposes only.**

POLICY 14.4.2: Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and ~~uses to serve~~ island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- Development must not exceed two acres of impervious area;
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing and or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

POLICY 14.4.7: During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

OBJECTIVE 14.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

C. VOTE:

BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	ABSENT
RAY JUDAH	AYE
FRANK MANN	AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 15, 2010

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Florida Department of Community Development did not offer any objections, recommendations, or comments concerning this proposed amendment.

B. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners Adopt this amendment, incorporating the recommended language of staff, the LPA and Board of County Commissioners as proposed below:

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.

NOTE: This policy is placed here for reference purposes only.

POLICY 14.4.2: Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and uses to serve island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- Development must not exceed two acres of impervious area;
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing and or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

POLICY 14.4.7: During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

OBJECTIVE 14.4.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: March 3, 2010

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW	
TAMMARA HALL	
BOB JANES	
RAY JUDAH	
FRANK MANN	



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Pine Island Preserve at Matlacha Pass

Project Description: Amend Policy 24.4.4 to read as follows: In the Coastal Rural future land use category, commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

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)333-8585.

1. **Name of Applicant:** Conservation Foundation of the Gulf Coast, Christine P. Johnson, President

Address: PO Box 902

City, State, Zip: Osprey, FL 34229-0902

Phone Number: 941-918-2100

E-mail: Pam@conservationfoundation.com

2. **Name of Contact:** Veronica Martin, TDM Consulting, Inc.

Address: 43 Barkley Cir, Suite 200

City, State, Zip: Fort Myers, FL 33907

Phone Number: 239-433-4231

E-mail: vmartin@tdmconsulting.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. See attached analysis.

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.

☐ Public Acquisition
[Map 1-D]

☐ Agricultural Overlay
[Map 1-G]

☐ Airport Mitigation Lands
[Map 1-D]

☐ Airport Noise Zones
[Map 1-E]

☐ Southeast Lee County Residential
Overlay [Map 2-D]

☐ Mixed Use Overlay
[Map 1-C]

☐ Community Planning Areas
[Map 2-A]

☐ Urban Reserve [Map 1-D]

☐ Water-Dependent Overlay
[Map 1-H]

☐ Private Recreational Facilities
Overlay [Map 1-F]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> N/A | <input type="checkbox"/> Bayshore [Goal 18] | <input type="checkbox"/> Boca Grande [Goal 19] | <input type="checkbox"/> Buckingham [Goal 20] |
| <input type="checkbox"/> Caloosahatchee Shores [Goal 21] | <input type="checkbox"/> Olga [Goal 22] | <input type="checkbox"/> Captiva [Goal 23] | <input checked="" type="checkbox"/> Greater Pine Island [Goal 24] |
| <input type="checkbox"/> Lehigh Acres [Goal 25] | <input type="checkbox"/> North Captiva [Goal 26] | <input type="checkbox"/> NE Lee County [Goal 27] | <input type="checkbox"/> Alva [Goal 28] |
| <input type="checkbox"/> North Olga [Goal 29] | <input type="checkbox"/> North Fort Myers [Goal 30] | <input type="checkbox"/> Page Park [Goal 31] | <input type="checkbox"/> San Carlos Island [Goal 32] |
| <input type="checkbox"/> Southeast Lee County [Goal 33] | <input type="checkbox"/> 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):**

- Sanitary Sewer
- Potable Water
- Surface Water/Drainage Basins
- Parks, Recreation, and Open Space
- 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

- 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.
- 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.
- Describe how the proposal affects adjacent local governments and their comprehensive plans.
- 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)
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10)



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PINE ISLAND PRESERVE AT MATLACHA PASS

Pre-Application Meeting

Exhibit – T3

A pre-application meeting was held with Lee County staff on January 10, 2022. Lee County staff included Anthony Rodriguez and Brandon Dunn. The applicant's team included Pam Brownell, Chief of Staff with the Conservation Foundation of the Gulf Coast, and Veronica Martin, Senior Planner with TDM Consulting. Lee County staff recommended the Applicant withdraw the previously submitted CPA – Map Amendment and file a CPA – Text Amendment in order to simplify the process.

Lee County staff reminded the applicant that review would require a presentation to the Local Planning Agency plus two Board of County Commissioner hearings. In addition, the applicant would be required to present the request at a Public Information Meeting with the Greater Pine Island Planning Community.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Proposed Text Changes**

Exhibit – T4

POLICY 24.4.4: In the Coastal Rural future land use category, ~~non-residential~~ commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic pattern within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

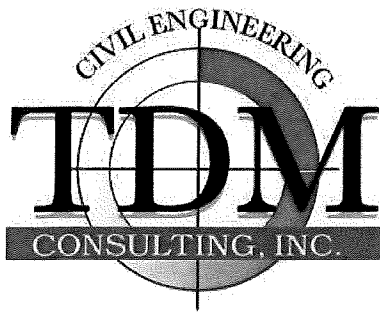


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**PINE ISLAND PRESERVE AT MATLACHA PASS
Analysis of Impacts from Proposed Changes – Public Facilities Impacts
Exhibit – T5**

Amending Policy 24.4.4 to specify “commercial development” instead of “non-residential development” will not have any impacts to public facilities as outlined in Policy 95.1.3. As currently written, Policy 24.4.4 limits uses permitted in the Coastal Rural future land use category to “those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.”

In addition, all commercial developments must utilize the planned development rezoning process. A planned development application is reviewed for consistency with the Land Development Code and the Lee Plan, including traffic and access impacts, screening and buffering, availability and adequacy of services and facilities, impact on adjacent land uses and surrounding neighborhoods, proximity to other similar centers, and environmental considerations. The County has a comprehensive review process and sufficient safeguards in place, especially for a planned development rezoning application, that any potential impacts to public facilities such as traffic, sanitary sewer, potable water, surface water/drainage basins, parks, recreation and open space, and public schools, will be analyzed at that time.



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PINE ISLAND PRESERVE AT MATLACHA PASS

Lee Plan Analysis

Exhibit – T6

The proposed text amendment is specific to Article II Future Land Use Element, Section B Community Planning, Goal 24 Greater Pine Island, Objective 24.4 Commercial Land Uses, Policy 24.4.4. The proposed text amendment is provided below, using the strike-thru and underline method.

POLICY 24.4.4: *In the Coastal Rural future land use category, ~~non-residential~~ commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:*

- *Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.*
- *Development must not exceed two acres of impervious area.*
- *Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.*
- *Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.*

Policy 24.4.4 only applies to development in the Coastal Rural future land use category in the Greater Pine Island Planning Community. **Lee Plan Map 1-B** identifies the Planning Districts and **Lee Plan Map 1-A** Future Land Use Map identifies land with a future land use classification of Coastal Rural. Per Lee Plan Map 1-A, the Coastal Rural future land use classification is a non-urban area. In addition, it is specific to the Greater Pine Island Planning District.

POLICY 1.4.7: *The Coastal Rural future land use category is established for the Greater Pine Island Planning District to address the area's predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone.*

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres). Maximum densities will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C.

Residential developments containing ten or more dwelling units must be approved through the planned development rezoning process and, as part of the planned development process, must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

*Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal nonresidential land uses, limited to marinas, fish houses, and minor commercial uses, that serve the island residents and visitors as set forth in **Policy 24.4.4**, and low density residential uses. Bonus densities are not allowed in this land use category.*

As stated above, permitted uses in the Coastal Rural future land use district include agriculture, fill-dirt extraction, conservation areas, and minimal non-residential land uses that are limited to marinas, fish houses, and minor commercial uses that serve the island residents and visitors as set forth in Policy 24.4.4. As stated in Lee Plan Policy 1.4.7, and re-stated in Objective 24.4, Policy 24.4.4 applies to "Commercial" uses. The Lee Plan Glossary defines "Commercial Development", but not "Non-residential Development". Amending the text clarifies the intent of the Lee Plan to limit and condition commercial uses and development in the Coastal Rural future land use category. At this time, Lee Plan Policy 24.4.4 may be interpreted to include municipal public services such as fire stations, police departments, etc., which contradicts Goal 24 and the Lee Plan in general, which is to protect the public health, safety, and welfare of residents and visitors.

OBJECTIVE 17.1: COMMUNITY PLANS. *To create community plans that address specific conditions unique to a defined area of the county. A community plan is a Goal in the Lee Plan specific to a defined area of the county with long term community objectives and policies.*

OBJECTIVE 17.3: PUBLIC INPUT. *To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

POLICY 17.3.2: *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

A Public Information Meeting was held with the Greater Pine Island Civic Association (GPICA) via Zoom on May 4, 2021. A second in-person meeting with GPICA was held on March 1, 2022. A meeting summary is included with this application. This is consistent with **Objective 17.3** and **Policy 17.3.2**.

As previously stated, Policy 24.4.4 is specific to commercial development in the Coastal Rural future land use category within the Greater Pine Island Planning Community. The Lee Plan and Lee County Land Development Code provide a comprehensive review process for new

development and redevelopment within unincorporated Lee County. As required by Policy 24.4.4, all zoning requests for commercial projects in the Coastal Rural future land use category MUST utilize the Planned Development rezoning process. All planned development rezoning applications will be reviewed for consistency with the Lee Plan, including natural resources, public services, infrastructure, surface water and drainage basins, environmental concerns, and all other requirements of the Lee Plan. The text amendment does not affect any other specific goal, objective, or policy of the Lee Plan. Nor does it affect any Lee Plan Maps or Tables.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Environmental Impacts Analysis**

Exhibit – T7

Lee Plan Goal 24 is specific to the Greater Pine Island Planning Community and Objective 24.4 addresses Commercial Land Uses. Policy 24.4.4 specifically addresses development in the Coastal Rural future land use category, requiring ALL zoning requests for commercial projects in the Coastal Rural future land use category to utilize the planned development rezoning process. The planned development rezoning process requires compliance with the Land Development Code and the Lee Plan, which provides sufficient safeguards to protect the natural environment. All planned development rezoning applications require environmental maps (topography, environmentally sensitive lands, FLUCCS map, rare and unique upland habitat, etc.) plus major planned developments also require a Protected Species Survey. Amending Policy 24.4.4 of the Comprehensive Plan to specify “commercial” development instead of “non-residential” development clarifies the Policy and will not have any environmental impacts.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Historic Impacts Analysis
Exhibit -T8**

Lee Plan Goal 24 is specific to the Greater Pine Island Planning Community and Objective 24.4 addresses Commercial Land Uses. Policy 24.4.4 specifically addresses development in the Coastal Rural future land use category, requiring ALL zoning requests for commercial projects in the Coastal Rural future land use category to utilize the planned development rezoning process. The planned development rezoning process requires a narrative demonstrating compliance with the Lee Plan and all attending goals, objectives, and policies. Amending Policy 24.4.4 of the Comprehensive Plan to specify "commercial" development instead of "non-residential" development clarifies the Policy and will not significantly impact any historic resources within the Greater Pine Island Planning Community.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
State Policy Plan Analysis
Exhibit – T9**

Florida Department of Economic Opportunity – Comprehensive Plan - Text

There are no State Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Strategic Regional Policy Plan Analysis**

Exhibit – T10

Southwest Florida Regional Planning Council (SWFRPC)

There are no Regional Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Public Information Meeting Summary**

Exhibit – T11

A Public Information Meeting was conducted on March 1, 2022 with the Greater Pine Island Civic Association (GPICA) at the Pine Island United Methodist Church, 5701 Pine Island Road, St. James City. The Applicant, Conservation Foundation of the Gulf Coast, presented the Comp Plan Text Amendment, Rezoning Application, and DO Application for their proposed development Pine Island Preserve at Matlacha Pass.

The proposed amendment to Policy 24.4.4 (replacing the word “non-residential” to “commercial”) was presented to the assembled group. A power point of the entire Policy was provided so the group could see the actual text using the strike-thru and underline method. It was explained that:

- Lee County’s Comprehensive Plan includes an entire Section regarding development within the Pine Island Planning Community (Goal 24);
- Objective 24.4 is specific to Commercial Land Uses on Pine Island;
- Policy 24.4.4 is specific to commercial land uses in the Coastal Rural future land use category;
- Replacing the word “non-residential” with “commercial” provides consistency within the Policy since the Policy relates to commercial land uses only.
- No other changes to Policy 24.4.4 are proposed; and
- The policy limits commercial uses in the Coastal Rural future land use category to animal clinics, bait and tackle shops, farm and feed supply stores, lawn and garden supply stores, restaurants excluding fast food, specialty retail, and plant nurseries.

Questions and Comments:

1. Does the change allow the applicant to develop the land for commercial use? No. The Applicant is not requesting to rezone the property for commercial use. The rezoning is to CFPD, with proposed uses of park and preserve.
2. What uses are considered non-residential? Community facility uses such as fire stations, police stations, libraries, parks, churches, etc.
3. Are you saying a fire station could be built on this property? No. The only uses we’re proposing in our rezoning application is park and preserve.

Summary

A copy of the News-Press Notice of Meeting and sign-in sheet is attached to this exhibit. Although not required, the GPICA took a vote to support or not support. The proposed text amendment had a majority support from the group.

LEGAL NOTICE

NOTICE OF PUBLIC MEETING: TDM Consulting, Inc. and the Conservation Foundation of the Gulf Coast is presenting a development project at the Greater Pine Island Civic Association's regular meeting on March 1, 2022 at 6:30 p.m. at the Pine Island United Methodist Church, 5701 Pine Island Rd, Bokeelia. The Foundation intends to develop the 229± acres located at 7746 Stringfellow Road for limited passive recreation use and conservation area. The applicant will be applying for a Rezoning Application, Comprehensive Plan Amendment, and Development Order.

AD #5129428 2/15/22

The News-Press | Notice of Meetings

LEGAL NOTICE NOTICE OF PUBLIC MEETING: TDM Consulting, Inc. and the Conservation Foundation of the Gulf Coast is presenting a development project at the Greater Pine Island Civic Association's regular meeting on March 1, 2022 at 6:30 p.m. at the Pine Island United Methodist Church, 5701 Pine Island Rd, Bokeelia. The Foundation intends to develop the 229± acres located at 7746 Stringfellow Road for limited passive recreation use and conservation area. The applicant will be applying for a Rezoning Application, Comprehensive Plan Amendment, and Development Order. AD #5129428 2/15/22

[Click for less text](#)



PINE ISLAND PUBLIC MEETING SIGN-IN SHEET

Meeting Date:

March 1st, 2022

Place/Room:

Pine Island United Methodist Church,

[illegible]

PINE ISLAND PUBLIC MEETING SIGN-IN SHEET			
Meeting Date:	March 1 st , 2022	Place/Room:	Pine Island United Methodist Church,

Meeting Date:

March 1st, 2022

Place/Room:

Pine Island United Methodist Church,

[illegible]

PINE ISLAND PUBLIC MEETING SIGN-IN SHEET

Meeting Date:

March 1st, 2022

Place/Room:

Pine Island United Methodist Church,

First name	Last name	Address	Number	E-Mail
Michael	Greatchus	PO Box 902 Osprey, FL 34229	941-918-2100	michael@conservationfoundation.com
Veronica	Martin	43 Barkley Cir #200	239-433-4231	vmartin@tdmconsulting.com
Mike	Sweeney	1102 Capri Ln. Boker	267-625-4051	MSWEENEY1010@gmail.com
Shari	Perkins	PO Box 583	740-707-9004	perkshari@hotmail.com
Helen	Fox	7418 Grande Pine	734-834-2346	hfox@umich.edu
Deborah	Swisher Hicks	5395 Anchorage Dr	916-990-4186	Deborah.Schwish1970@yahoo.com
Chris & Nancy	Rogge	8072 Barrancas Ave Boca Raton	239-282-0602	crogge@udel.edu
Deana	Klosterman	5431 Martin Cnc.	763-238-9077	d.klosterman9@gmail.com
Diane	Braun	7533 Captains Cove	514-662-2937	Myshe526@aol.com
HANK	BRAUN	" "	" "	" "
Tedd	Darnell	Lehigh Acres, FL 1219 Foggia St	701-335-9537	Tedd.Darnell@gmail.com
Richard + Ida	Cabral	5618 Judith Rd. Boca Raton	239-454-9196	ICC9@LIVE.COM
Bob Sofranko	Sofranko	805 Barrancas Ave	239-671-9425	rssofrankob@gmail.com
Robert	Scarpantonio	15191 Homestead Rd Lehigh Acres	239-644-2174	Scarpantonio@kncd.org
Melanie	Giangrant	9412 Treasure Lake	302-270-7841	mgiangrant@verizon.net

CPA2021-00005

Bayshore Ranch

**SUMMARY SHEET
CPA2021-00005, BAYSHORE RANCH
ADOPTION HEARING**

REQUEST:

Amend the Lee Plan to provide criteria and allow incentives for the creation, preservation and restoration of Rare and Unique upland habitats on land within the Rural future land use category and rezoned to a planned development.

SUMMARY:

The proposed amendments incentivize the creation, preservation, and/or restoration of Rare and Unique upland habitats by allowing 1 additional dwelling unit per acre based on criteria established in proposed Policy 123.1.17 (See Attachment 1 to the Staff Report). This policy supports an effort to balance future residential development needs in Rural areas within Lee County while incentivizing preservation and creation of Rare and Unique upland habitats with requirements for provision of open space, indigenous preserve and connection to public potable water and sanitary sewer facilities.

CONCURRENT APPLICATION REVIEW:

A companion rezoning application (DCI2021-00025) to rezone approximately 109.7 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 130 dwelling units and residential amenities is being concurrently reviewed with these proposed Lee Plan amendments.

PUBLIC INPUT:

There was no public input concerning the proposed amendment at the BoCC Transmittal Hearing.

TRANSMITTAL HEARING:

At the August 3, 2022 Transmittal Hearing a motion was made to **transmit** CPA2021-00005 as recommended by staff and the LPA. The motion passed 4 to 0.

VOTE:

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
RAY SANDELLI	<u>ABSENT</u>

STATE REVIEW:

The State Reviewing Agencies had **no objections** to the amendments.

STAFF RECOMENDATION:

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

LEE COUNTY ORDINANCE NO. _____

Bayshore Ranch
(CPA2021-00005)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE BAYSHORE RANCH MAP AMENDMENT (CPA2021-00005) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on June 27, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 3, 2022. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Bayshore Ranch Map Amendment (CPA2021-00005) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 3, 2022 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on October 5, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Bayshore Ranch Map Amendment Ordinance (CPA2021-00005)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the Lee Plan to provide criteria and allow incentives for the creation, preservation and restoration of Rare and Unique upland habitats on land within the Rural future land use category and rezoned to a planned development.

The Comprehensive Plan amendment is known as Bayshore Ranch Map Amendment Ordinance (CPA2021-00005).

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

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

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

SECTION EIGHT: EFFECTIVE DATE

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

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

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this _____ day of _____ 20__.

ATTEST:
KEVIN C. KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L Pendergrass, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A: Adopted revisions to Bayshore Ranch (Adopted by BOCC October 5, 2022)

EXHIBIT A

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

PROPOSED TEXT AMENDMENTS

Please Note: The amendments that are part of this request will expand the applicability of amendments under consideration by CPA2020-00005: Owl Creek. The Owl Creek amendments were transmitted to the State Reviewing Agencies on April 20, 2022 and are anticipated to be adopted into the Lee Plan at the August 17, 2022 Zoning and Comprehensive Plan Amendment Hearing.

If the BoCC adopts these amendments (CPA2021-00015, Bayshore Ranch), Policy 29.2.4 (from Owl Creek) will be removed and replaced by Policy 123.2.17. This is necessary to avoid redundancy and maintain internal consistency within the Lee Plan.

FUTURE LAND USE ELEMENT

POLICY 1.4.1: The Rural future land use category are areas that 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 future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

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 must be a minimum of 10 acres.
2. Development must have direct access to an arterial road.
3. Development 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.

STAFF REPORT FOR CPA2021-00005: BAYSHORE RANCH



Privately Initiated Lee Plan Text Amendments

Recommendation:

Adopt

Applicant:

Lennar Homes, LLC

Representatives:

Kenrick Gallander, AICP
RWA Engineering

Hearing Dates:

LPA: 6/27/2022
BoCC #1: 8/3/2022
BoCC #2: 10/5/2022

Attachments:

- 1: Proposed Amendments
- 2: Applicant Materials

REQUEST

Amend the Lee Plan to provide criteria and allow incentives for the creation, preservation and restoration of Rare and Unique upland habitats on land within the Rural future land use category and rezoned to a planned development.

SUMMARY

The request expands the applicability of amendments under consideration by CPA2020-00005: Owl Creek (transmitted to the State Reviewing Agencies on April 20, 2022) which, in part, propose incentives to create, preserve or restore Rare and Unique upland habitats in the North Olga Community Plan area. The amendments proposed with this request will make the incentive available to lands in the Rural future land use category within unincorporated Lee County that are 10 acres or more, have access to public potable water and sanitary sewer service, and are suitable to the survival of Rare and Unique upland habitats.



RECOMMENDATION

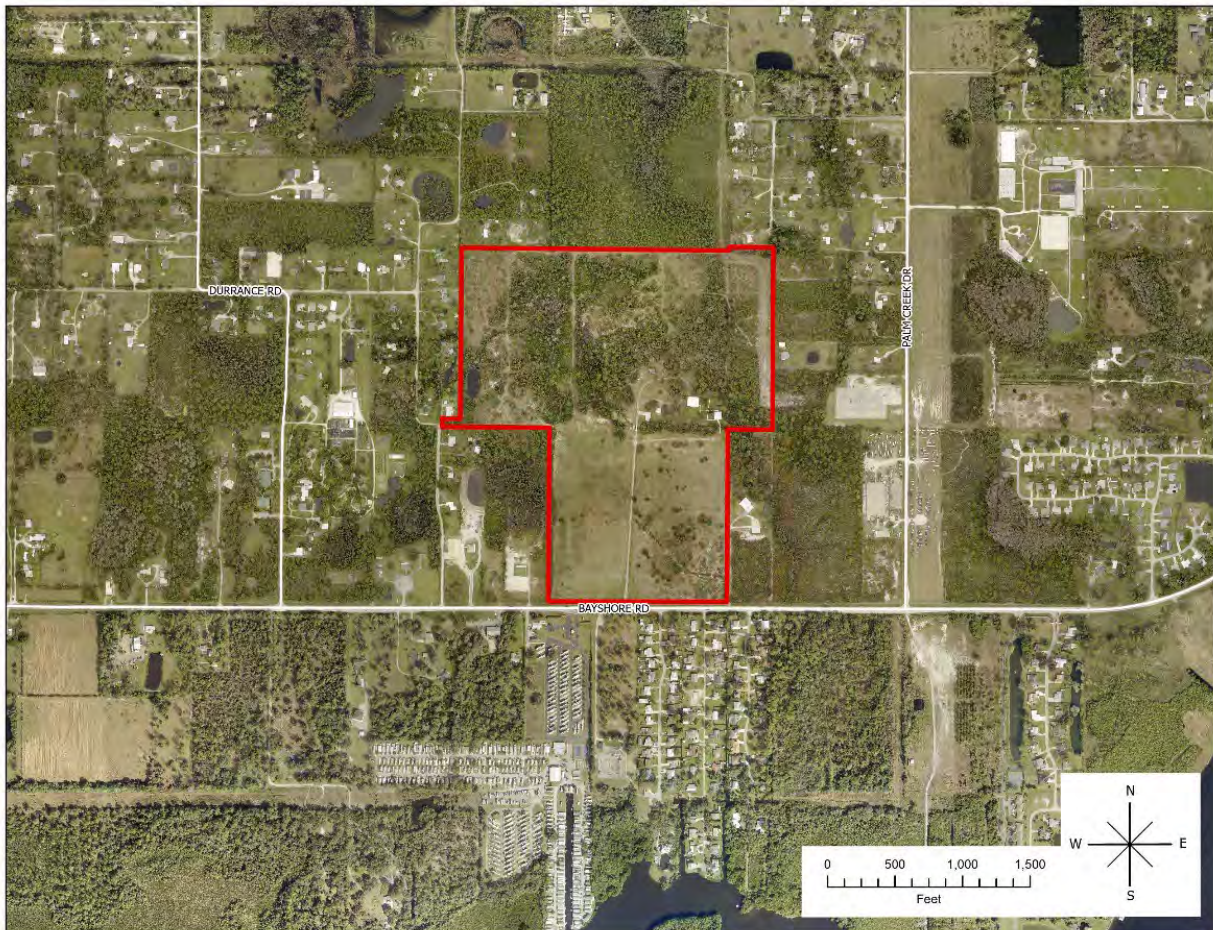
Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as provided in Attachment 1, based on the analysis and findings provided in this staff report.

PART 1 - STAFF DISCUSSION AND ANALYSIS

CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2021-00025) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The concurrent rezoning request is to rezone approximately 109.7 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 130 dwelling units and residential amenities.



If the Board of County Commissioners amends the Lee Plan to incorporate the proposed changes discussed in this report, the applicant **MUST** demonstrate consistency with the Lee Plan, as amended, prior to rezoning approval.

DISCUSSION AND ANALYSIS – Lee Plan Consistency

The intent of the text amendments is to provide an incentive to preserve, enhance, and restore Rare and Unique upland habitats in the Rural future land use category within unincorporated Lee County.

Rare and Unique Upland Habitats

The proposed text amendments for preserving, enhancing and restoring Rare and Unique upland habitats are specific to property designated Rural on the Future Land Use Map.

The Rural future land use category, is described in **Policy 1.4.1:**

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).

The Rural future land use category is a designation found primarily within the Alva, Bayshore, Caloosahatchee Shores, and North Olga Community Planning areas. The Rural future land use category designation can also be found in south Fort Myers along Briarcliff Road and along Penzance Boulevard, between the Six-Mile Cypress Slough and Interstate 75; and properties near Cape Coral, which include Burnt Store and the Royal Tee residential development.

Rare and Unique upland habitats such as sand scrub, tropical hardwood hammock, live oak hammock, and cabbage palm hammocks are indigenous to Lee County with the most prevalent areas being in Northeast Lee County. These upland habitats are often easier to develop (than wetlands) as mitigation for impacting the upland communities is not required. The definition of Rare and Unique upland habitats is provided in the Lee Plan Glossary which is being amended by CPA2020-00005 as shown below.¹

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation, ~~as identified by the Lee County Coastal Study (Godschalk and Associates, 1988).~~ These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) ~~which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation;~~ slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

Goal 123 of the Lee Plan addresses resource protection, and provides that Lee County will “manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.”

¹ Amendments to the definition of Rare and Unique upland habitats are being proposed to clarify what qualifies as “high-quality” as part of CPA2020-00005 (Owl Creek). The definition shown here includes the amendments to the definition shown in strike-thru and underline formatting.

Goal 123 contains objectives and policies to describe how Lee County is to achieve the Goal. **Objective 123.1** provides that Lee County will “implement resource management policies and regulations that ensure the long-term protection and enhancement of the natural upland and wetland habitats;” and **Policy 123.1.1** provides that Lee County will “maintain standards for development...that will protect and integrate wetlands and Rare and Unique uplands habitats as defined in this plan.” **Policy 123.1.5** is to “encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.”

Objective 123.2 specifically addresses plant communities and provides that Lee County will “maintain and enhance natural plant communities within Lee County to create a more resilient and sustainable ecosystem.” Within Objective 123.2, **Policy 123.2.2** and **Policy 123.2.9** provide that Lee County will maintain regulations and incentives for preservation, protection and planting native plant species and environmentally sensitive lands.

Additional policies within Objective 123.2, including **Policies 123.2.4, 123.2.6, and 123.2.15**, either require or encourage protection of sensitive or high-quality plant communities, including Rare and Unique upland habitats, within developments, through site design.

While the Policies set by the Lee Plan require or encourage protection of Rare and Unique upland habitats, the Lee County Land Development Code only specifically addresses Rare and Unique upland habitats through Section 10-415(b)(3)(b). LDC 10-415(b)(3)(b) incentivizes the preservation of rare and unique habitat by granting a ten percent open space credit (reduction) if the proposed preservation area includes Rare and Unique upland habitat. These incentives are often not enough to result in the preservation of Rare and Unique Habitat because, unlike development that impacts wetlands, state agencies that review impacts to land do not require mitigation for impacts to Rare and Unique Habitats. Therefore, upland habitats are often easier to develop. The proposed text amendment will provide another incentive for the protection of Rare and Unique upland habitat consistent with Policy 123.2.15.

Future developments that are required to have open space and within the Rural future land use category may choose to preserve Rare and Unique upland habitat to take advantage of either the LDC open space incentive or the density incentive provided in the proposed text amendment. The 60 percent open space requirement of the proposed density incentive would negate the need for reduced open space needed to be consistent with the LDC. Therefore, applicants could utilize only one of the incentives on a proposed project. The proposed text amendment will encourage the creation and restoration of Rare and Unique upland habitat in addition to preservation, which is incentivized currently in the LDC.

The text amendments below, as provided by the applicant, are intended to provide a density incentive for the preservation, creation, and/or restoration of Rare and Unique upland habitats:

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.

While staff is generally in support of the proposed amendments there are some minor changes needed for internal consistency with the Lee Plan. Portions of the proposed amendments to be modified are identified below:

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.

These modifications aim to avoid different interpretations of the proposed Policy staff by replacing “shall” with “must”; this is consistent with policy wording throughout the Lee Plan. In addition, Section 10-1 of the Land Development Code defines Large Development as “*a project of ten acres or more in land area or two acres or more in impervious area.*” Staff supports the limitation of properties that may utilize the incentive to a minimum of 10 acres, however prefers to not include a cross reference to a definition in the Land Development Code that could be modified without regard to how the change impacts application of the Policy.

The proposed amendments as modified by staff will ensure the success and protection of the Rare and Unique upland habitats being preserved, created and/or restored by requiring evidence of appropriate soils to support the plant community where habitat restoration or creation is proposed and by requiring an ecological restoration plan containing long-term monitoring requirements. In addition, the amendments ensure that projects implementing this policy provide a minimum of 60% open space of which 50% must be indigenous preserve.

Standards intended to protect water quality and quantity are also proposed as part of the proposed language. These include requirements that developments utilizing the proposed incentives will connect to public water and sewer.

Additionally, developments must be a minimum of 10 acres. Parcels of 10 acres or more have the potential to produce greater benefits from the incentives. Parcels that are 10 acres or greater will also have sufficient number of dwelling units to share the costs associated with the environmental enhancements and ongoing maintenance requirements to assure long term success of the project. Without the proposed policy and with current development pressures for residential uses, many of these parcels may develop without central water and sewer and without dedicated 60 percent open space of which 50 percent will be indigenous preserves.

The proposed amendments, as modified by staff and included in Attachment 1, are consistent with Goal 123; Objectives 123.1 and 123.2; and, Policies 123.1.1, 123.1.5, 123.2.2, 123.2.4, 123.2.6, 123.2.9, and 123.2.15 by providing standards for implementing the protection, preservation and creation of Rare and Unique upland habitats through creative site design.

DISCUSSION AND ANALYSIS – Density and Growth Management

The proposed text amendments incentivize the creation, preservation and/or restoration of Rare and Unique upland habitats by allowing one additional dwelling unit for each acre that is preserved or restored based on the criteria provided in the Policy. The County’s analysis finds that the proposed incentive could

benefit the development of at least 92 parcels, consisting of approximately 4,059 acres.² If it is assumed that all of the acreage within the indigenous preserve areas (50% of the minimum required open space) will qualify for the incentive, a maximum of 1,218 dwelling units could be created by using the incentive on the estimated 4,059 qualifying acres. While this analysis provides that it may be possible to generate 1,218 dwelling units using the proposed incentive, it is highly unlikely based on the developer-built public utility system improvements needed for property to qualify for the incentive.

Proposed Policy 123.2.17 supports an effort to balance future residential development needs in rural lands of Lee County, consistent with Lee Plan **Goal 5**, while incentivizing the preservation and creation of Rare and Unique upland habitats. Based on the density allowed in the Rural future land use category and the minimum lot size allowed in the AG-2 zoning district, residential development within rural areas typically results in large lot (1 acre or greater) development that require no common open space, no native indigenous preserve and no requirement mandating connection to adjacent public water and sanitary sewer utilities.

Objective 2.1 of the Lee Plan states that “Contiguous and compact growth patterns will be promoted to... contain urban sprawl... [and] conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.” The proposed amendments allow for increases in density for properties in the Rural future land use category as an incentive to preserve, create, or restore Rare and Unique upland habitats. In addition, by allowing more dwelling units to accommodate more population on the same amount of land where public facilities are available, minimizes the cost of public services and will delay or forgo the need to develop lands more distant from existing public services. Implementation of the proposed amendments will not detract from the distinction between future non-urban areas and future suburban or future urban areas as envisioned by the Lee Plan. Policies that encourage both the continued use of the Rural future land use categories in appropriate areas and the protection of wetlands and other natural resources and systems are consistent with Objective 2.1 and 163.3177(6)(a)9 of the Florida Statutes.

Between 2010 and 2021 Lee County’s population has grown from 618,754 in 2010 and 782,579 in 2021, an increase of 26.4 percent, or an average yearly increase of 2.4 percent. Goals 5 and 135, and Policy 135.1.9 generally provide that Lee County will accommodate the projected populations in safe and attractive neighborhoods with a range of housing types and prices. These Lee Plan provisions are consistent with and based upon Florida Statute 163.3177(1)(f)3, which provides “The Plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research...” As Lee County approaches buildout of land areas, accommodating population growth will require balancing increases in density with protecting the character of existing and planned residential areas and natural resources. Density incentives for lands in Lee County’s non-urban areas, such as the one included in proposed Policy 123.2.17, helps to balance the need to accommodate a growing population of future residents with the need to protect the existing character of residential areas and natural resources that are essential to attracting new residents. The proposed amendments are consistent with Goals 5 and 135, and Policy 135.1.9 of the Lee Plan and will help Lee County maintain consistency with Florida Statute 163.3177(1)(f)3.

²Analysis is based on the following criteria: 1) located in the Rural future land use category; 2) having at least 10 acres in size; and, having direct access to an arterial roadway. The analysis does not provide for the number of parcels/acreage that do not have access to public water/sewer sources or lands unsuitable to survival of Rare and Unique upland habitat.

Requiring developments that utilize the proposed incentive be located on an arterial roadway and connect to public water and sanitary sewer utilities will assure there are adequate public facilities to serve those developments, and will help to balance the need for additional residential dwelling units. Additionally, Policy 2.2.1 requires that rezoning proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities.

CONCLUSIONS

The amendments are consistent with the Lee Plan:

- The proposed amendment provides standards for development that incentivizes long term protection and creation of Rare and Unique upland habitats, consistent with Objective 123.1 and 123.2 of the Lee Plan.
- The proposed amendments are consistent with Goals 5 and 135, and Policy 135.1.9 of the Lee Plan and will help Lee County maintain consistency with Florida Statute 163.3177(1)(f)3 by accommodating anticipated residential needs.
- Requiring developments that utilize the proposed incentive be located on an arterial roadway and connect to public water and sanitary sewer utilities will assure there are adequate public facilities to serve those developments

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment as shown in Amendment 1.

PART 2 LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 27, 2022

A. LOCAL PLANNING AGENCY REVIEW

Applicant and staff each provided a presentation addressing reasons for the amendment, consistency with the Lee Plan, and staff recommendation.

Members of the LPA had questions about: definition of Rare and Unique Habitat; soils needed to support Rare and Unique Habitat; criteria for Rare and Unique Habitat creation, preservation or restoration, requirements for implementation and habitat survival; how these amendments will impact previously transmitted amendments for Owl Creek; location of flowways on the property; impact of the project on water flow on adjacent properties; appropriateness of density being proposed, and amount of open space required as result of the amendments. Staff and the applicant addressed questions raised by the LPA.

Members of the LPA expressed support for the proposed amendments, stating they were environmentally responsible, collaborative, and represented public-private partnership in planning.

There was public comment from one person concerning the proposed amendment at the LPA Hearing. Comments were made regarding history of community planning efforts in Bayshore and concerns

about how the rezoning being considered concurrent with this application is consistent with Policy 5.1.2 and Goal 18.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2021-00005. The motion passed 5 to 0.

RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	AYE
JAMES M. INK	AYE
ALICIA OLIVO	ABSENT
DON SCHROTENBOER	AYE
STAN STODER	AYE
HENRY ZUBA	ABSENT

C. STAFF RESPONSE TO LPA “OTHER BUSINESS”

In other business, the LPA made a motion to request the Board direct staff to create and adopt success criteria for projects like these into the LDC.

While staff wants to assure the success of Rare and Unique upland habitats, it should be noted that the LDC currently contains success criteria for restored indigenous areas. The planned development that is needed in order to utilize the proposed incentive is required to have an Indigenous Management Plan meeting the criteria and planting requirements set forth in the LDC. Therefore, additional success criteria is not needed that is specific to this incentive.

D. STAFF RECOMMENDATION

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

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: August 3, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, Lee Plan consistency, and staff recommendation.

The applicant was available for questions, but did not provide a presentation.

B. BOARD ACTION:

A motion was made to ***transmit*** CPA2021-00005 as recommended by staff and the LPA. The motion passed 4 to 0.

VOTE:

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
RAY SANDELLI	<u>ABSENT</u>

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

Comments from the State Reviewing Agencies were due to Lee County by September 3, 2022.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Education
- South Florida Water Management District
- Florida Department of Agriculture and Consumer Services

There were no objections concerning the proposed amendments. Technical assistance comments were received from the Florida Fish and Wildlife Conservation Commission and the South Florida Water Management District.

B. STAFF RECOMMENDATION

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

ATTACHMENT 1 PROPOSED TEXT AMENDMENTS

Please Note: The amendments that are part of this request will expand the applicability of amendments under consideration by CPA2020-00005: Owl Creek. The Owl Creek amendments were transmitted to the State Reviewing Agencies on April 20, 2022 and were adopted into the Lee Plan at the September 7, 2022 Zoning and Comprehensive Plan Amendment Hearing.

If the BoCC adopts these amendments (CPA2021-00015, Bayshore Ranch), Policy 29.2.4 (from Owl Creek) will be removed and replaced by Policy 123.2.17. This is necessary to avoid redundancy and maintain internal consistency within the Lee Plan.

FUTURE LAND USE ELEMENT

POLICY 1.4.1: The Rural future land use category are areas that 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 future land use category is one dwelling unit per acre (1 du/acre). See Policy ~~29.2.4~~ 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

~~**POLICY 29.2.4:** As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats 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 habitats if approved and developed as a unified planned development that meets all the following criteria:~~

- ~~1. 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 preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, 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.~~
- ~~2. 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.~~

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 must be a minimum of 10 acres.
2. Development must have direct access to an arterial road.
3. Development 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.



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.

☐ Public Acquisition
[Map 1-D]

☐ Agricultural Overlay
[Map 1-G]

☐ Airport Mitigation Lands
[Map 1-D]

☐ Airport Noise Zones
[Map 1-E]

☐ Southeast Lee County Residential
Overlay [Map 2-D]

☐ Mixed Use Overlay
[Map 1-C]

☐ Community Planning Areas
[Map 2-A]

☐ Urban Reserve [Map 1-D]

☐ Water-Dependent Overlay
[Map 1-H]

☐ Private Recreational Facilities
Overlay [Map 1-F]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- ☒ N/A ☐ Bayshore [Goal 18] ☐ Boca Grande [Goal 19] ☐ Buckingham [Goal 20]
☐ Caloosahatchee Shores [Goal 21] ☐ Olga [Goal 22] ☐ Captiva [Goal 23] ☐ Greater Pine Island [Goal 24]
☐ Lehigh Acres [Goal 25] ☐ North Captiva [Goal 26] ☐ NE Lee County [Goal 27] ☐ Alva [Goal 28]
☐ North Olga [Goal 29] ☐ North Fort Myers [Goal 30] ☐ Page Park [Goal 31] ☐ San Carlos Island [Goal 32]
☐ Southeast Lee County [Goal 33] ☐ Tice [Goal 34]

Public Facilities Impacts

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

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):**

- Sanitary Sewer
- Potable Water
- Surface Water/Drainage Basins
- Parks, Recreation, and Open Space
- 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

- 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.
- 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.
- Describe how the proposal affects adjacent local governments and their comprehensive plans.
- 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

EXHIBIT T2

Filing Fee

Text Amendment: **\$2,500.00**

Prior Map Amendment >20 acres	= \$2,000.00
Plus \$20 x (109.67/10)	= <u>\$219.34</u>
Subtotal	= \$2,219.34 paid and credited toward text amendment.

TOTAL FEE: \$2,500.00 - \$2,219.34 = \$280.66 per email from Ms. Mikki Rozdolski dated 1/25/22.



Comprehensive Plan Text Amendment

EXHIBIT T3

Pre-application Meeting

Date: December 9, 2021

County Staff: David Loveland, Mikki Rozdolski, Brandon Dunn, Tyler Griffin, Hunter Searson and Michael Jacob

Applicant and Representatives: Barry Ernst, Neale Montgomery, Patrick Vanasse, and Ken Gallander

Summary: The meeting was requested to discuss the status of an existing comprehensive plan map amendment. During the meeting it was determined that an alternative approach to addressing future residential development opportunities in the Rural areas would be more appropriate. The proposed approach would be to seek a Comprehensive Plan Text Amendment applicable to the Rural Future Land Use category. Further discussion centered on the text amendment application and the need to focus on specific increased protections to the environment while allowing for some increase in additional residential density.



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.

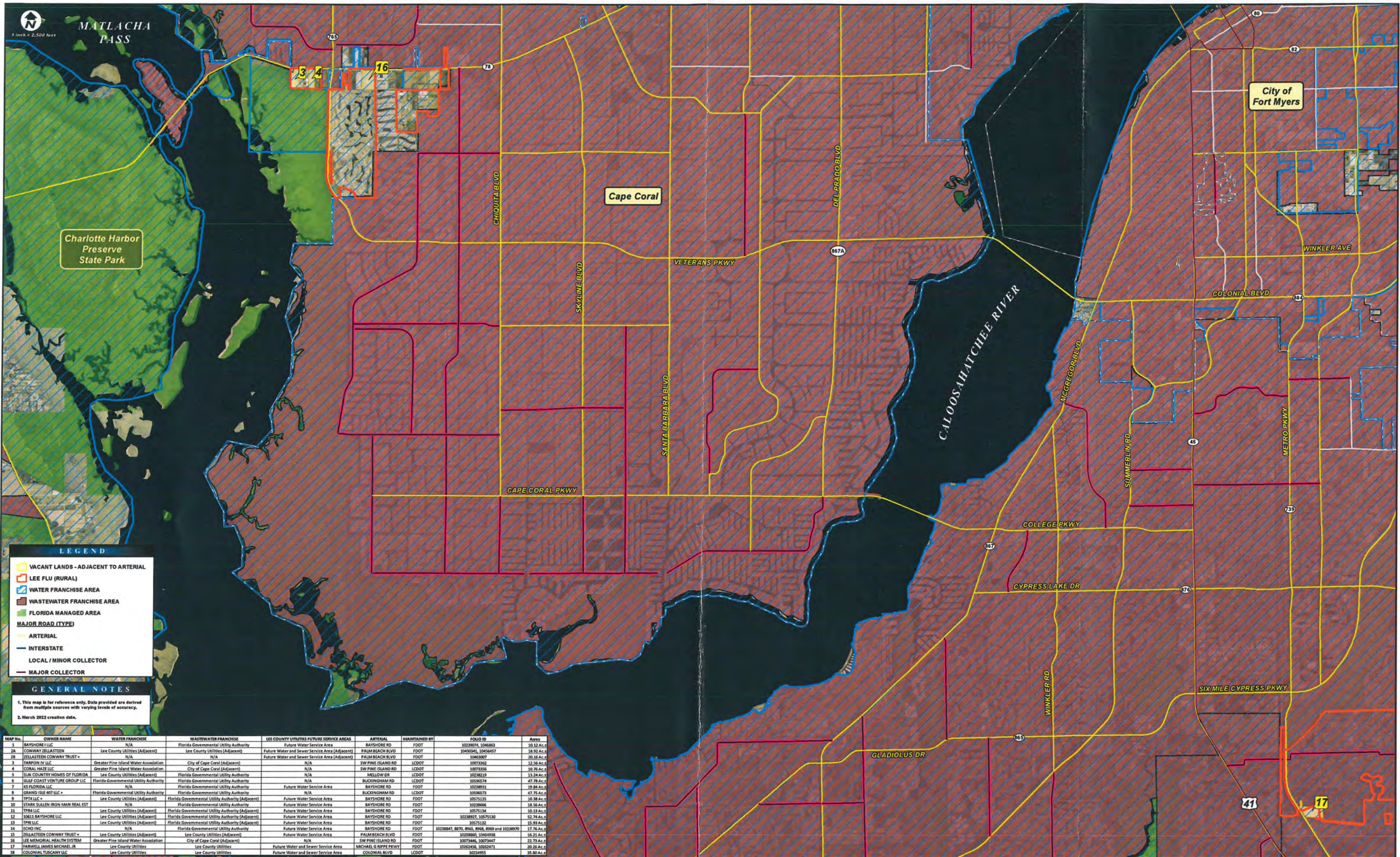
Attachments:

- 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.±



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 (ENIRONMENTAL 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.



Comprehensive Plan Text Amendment

EXHIBIT T7

Environmental Impacts Analysis

The proposed comprehensive plan text amendment application seeks to add Policy 123.2.17 to the Conservation & 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 limited additional residential density.

The addition of Policy 123.2.17 supports an effort to balance future residential development needs in rural lands of Lee County with environmental protection measures 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 open space, no native indigenous preserve and no 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 desire in certain areas. The proposed policy does, however, encourage developments to utilize desired alternative site design to enable positive impacts on the surrounding environment and resource protection measures that are outlined in Policy 123.2.17:

- Be developed as a unified planned development through a rezoning process;
- The project shall be a minimum of 100 acres;
- Development is 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 flowways and creeks are preserved must include a 25-foot buffer to protect the flowway or creek, and the buffer will be included in the density incentive acreage.
- Any preserved, enhanced, restored or created flowway must be designed to maintain conveyance for a 25 year, 3 day storm event;
- Have direct access to an arterial road;
- Provide a connection to public water and sewer services;
- 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 conservation or restoration easement must be dedicated to a maintenance entity, consistent with the LDC requirements, with third party enforcement rights. The conservation or restoration easement must be recorded for areas used towards the density incentive. The conservation or restoration easement will permit cleaning and snagging in any flowways or creeks. All Conservation or restoration Easements required as part of the planned development for the density incentive must be recorded within 5 years from the date of issuance of the first development order.
- A minimum of 40% open space is required, of which 30% must be indigenous preserve, wetlands, and creeks or flowways and buffers associated therewith. The indigenous preserve may consist of existing, created or restored wetlands, flowways, native plant communities, and/or Rare and Unique upland habitats.

An analysis of current Rural areas based on the criteria outlined in proposed Policy 123.2.17, indicates that there are limited undeveloped 100 acre parcels within the Rural area that are located along an arterial roadway and able to connect to existing public water and sanitary sewer utilities. Pursuant to a preliminary mapping analysis, only those properties within the Rural category and located along the Bayshore Road, SR 31, and SR 80 would be subject to Policy 123.2.17. These identified corridors represent growth areas for Lee County and are a natural extension of existing development patterns. These corridors have the needed infrastructure to accommodate future growth, and these larger properties along those corridors should be incentivized to develop in a more environmentally sustainable way, while maintaining the low-density rural character described in various community plans.

While the proposed policy would apply to a limited number of parcels, these parcels are larger in size and located along growth corridors, which makes them attractive for immediate development as either large lot subdivisions or planned developments. 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 limited, may provide a sufficient incentive for developers to build modern utilities, invest in providing common open space and protect environmentally sensitive areas. The minimum project size of 100 acres provides sufficient size and rooftop potential to justify the added expense of central water and sewer, and make the clustered development approach feasible.

Proposed Policy 123.2.17 results in appreciable environmental and public benefits while also maintaining the desired low-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.

The following Bayshore Ranch Environmental Assessment, dated June 2021, is again provided to document the land use and environmental aspects of the property, while also specifically identifying those areas of that are rare and unique habitat, jurisdictional wetlands and flowways. These rare and unique habitats, wetlands, and flowways are those components of the property, which under the proposed text amendment are incentivized to be enhanced, restored, and preserved to ensure a continued effort of furthering environmental resource protection in Lee County.

**BAYSHORE RANCH
ENVIRONMENTAL ASSESSMENT**

June 2021

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INTRODUCTION

An environmental assessment was conducted on Bayshore Ranch (Project) to document existing land uses and vegetative cover; document the presence of state jurisdictional wetlands; research potential utilization by wildlife and plant species listed by the Florida Fish and Wildlife Conservation Commission (FWCC), the Florida Department of Agriculture and Consumer Services (FDACS), and the U.S. Fish and Wildlife Services (USFWS) as Threatened, Endangered, or Species of Special Concern; and document listed species utilization within the Project site. The assessment included field surveys to map vegetation communities, an office review of agency records for documented occurrences of listed species on the property, and field surveys to document listed species utilization within the Project. This report summarizes the results of the environmental assessment.

The Project totals 109.63± acres and is located in Section 23, Township 43 South, Range 25 East, Lee County (Figure 1). More specifically, the site is bordered to the north, east, and west by undeveloped land and single-family residences; and to the south by Bayshore Road (Exhibit 1).

The property consists of indigenous and non-indigenous upland and wetland habitats and ditches.

LAND USES AND VEGETATION ASSOCIATIONS

Vegetation and land cover mapping for the Project was conducted using Lee County 2020 rectified aerials. Groundtruthing of the vegetative communities was conducted on November 3, 2020 utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. “E” codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*), melaleuca (*Melaleuca quinquenervia*), and bamboo (*Bambusa vulgaris*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS and Wetlands Map for the Project (Exhibit 2). An aerial photograph of the property with an overlay of the FLUCFCS and Wetlands Map is provided as Exhibit 3.

A total of 23 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project site. The site contains disturbed native wetland systems including mixed wetland hardwoods, wetland shrub, and freshwater marsh. The on-site wetland habitats have been disturbed by ditching and exotic infestation. Additionally, one rare and unique upland habitat exists in the northeast portion of the Project site and is mapped as Upland Scrub/Pine and Hardwoods, Disturbed (FLUCFCS Code 4369 E1). This area contains scrub plant species including Chapman oak (*Quercus chapmanii*) and sand live oak (*Quercus geminata*). A summary of the FLUCFCS codes with acreage breakdown and description of each FLUCFCS is presented in Exhibit 4.

SOILS

The soils for the property, per the Natural Resources Conservation Service (formerly the Soil Conservation Service), are shown on Exhibit 5. A brief description for each soil type per the Soil Survey of Lee County, Florida (U.S. Department of Agriculture 1984 & 2020) is presented in Exhibit 6.

JURISDICTIONAL WETLANDS

The jurisdictional wetlands and “other surface waters” (OSWs) by FLUCFCS code are summarized in Table 1. South Florida Water Management District (SFWMD) jurisdictional wetlands constitute a total of 8.89± acres or approximately 8.1 percent of the Project site. SFWMD jurisdictional OSWs constitute a total of 3.34± acre or approximately 3.0 percent of the Project site.

Table 1. SFWMD Wetland and OSW Acreages by FLUCFCS Code

FLUCFCS Code	Description	Acreage
Wetlands		
262	Low Pasture, Hydric	1.31
514H	Ditch, Hydric	0.27
6179 E3	Mixed Wetland Hardwoods, Disturbed (50-75% Exotics)	3.96
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	2.06
6149 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	1.29
Wetlands Total		8.89
OSWs		
510	Stream	0.26
514	Ditch	2.64
520	Pond	0.44
OSWs Total		3.34

The prominent wetland feature consists of mixed wetland hardwood area in the northwestern portion of the Project site in addition the OSWs mapped on the property include a natural stream in the northeastern portion of the site which is a tributary of the Caloosahatchee River. A U.S. Geological Survey quadrangle map is provided as Exhibit 7. This map shows the location of some of the wetland systems within the Project.

LISTED SPECIES

Listed wildlife species as listed by the FWCC and the USFWS that have the potential to occur on the Project site are listed in Table 2 (FWCC 2016 and USFWS 1999). Listed plant species as listed by the FDACS and the USFWS (FDACS Chapter 5B-40) that have the potential to occur on the Project site are listed in Table 3. Information used in assessing the potential occurrence of these

species included the Lee County Land Development Code, Field Guide to the Rare Plants of Florida (Chafin 2000), Atlas of Florida Vascular Plants (Wunderlin 2004), and professional experience and knowledge of the geographic region. In addition, FWCC and USFWS records for documented listed species were reviewed for listed species records on or adjacent to the property (Exhibit 8).

Table 2. Listed Wildlife Species That Could Potentially Occur Within the Project

Common Name	Scientific Name	Designated Status		Potential Habitats (FLUCFCS Code)
		FWCC	USFWS	
Reptiles				
American alligator	<i>Alligator mississippiensis</i>	FT(S/A)	FT(S/A)	262, 510, 514, 520, 6419
Eastern indigo snake	<i>Drymarchon corais couperi</i>	FT	FT	3219, 4119, 4159
Gopher tortoise	<i>Gopherus polyphemus</i>	ST	*	211, 213, 3219, 4119, 4159, 4349, 4369, 743
Birds				
Crested caracara	<i>Caracara cheriway</i>	FT	FT	211, 213, 3219
Everglade snail kite	<i>Rostrhamus sociabilis plumbeus</i>	FE	FE	262, 514, 520, 6419
Florida burrowing owl	<i>Athene cunicularia floridana</i>	ST	-	211, 213
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST	-	211, 213, 262, 3219, 6419
Little blue heron	<i>Egretta caerulea</i>	ST	-	262, 510, 514, 520, 6179, 6319, 6419
Red-cockaded woodpecker	<i>Picoides borealis</i>	FE	FE	4119, 4159
Roseate spoonbill	<i>Ajaia ajaja</i>	ST	-	262, 510, 514, 520, 6419
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST	-	3219, 4119, 4159, 4369
Tri-colored heron	<i>Egretta tricolor</i>	ST	-	262, 510, 514, 520, 6179, 6319, 6419
Wood stork	<i>Mycteria americana</i>	FT	FT	
Mammals				
Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	ST	-	4119, 4159, 4349, 6179
Florida black bear	<i>Ursus americanus floridanus</i>	**	-	3219, 4119, 4159, 4349, 438, 6179
Florida bonneted bat	<i>Eumops floridanus</i>	FE	FE	4119, 4159

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

FE – Federally Endangered

FT – Federally Threatened

FT(S/A) – Federally Threatened due to similarity of appearance

ST – State Threatened

*The gopher tortoise is currently listed as a candidate species by the USFWS.

**No longer listed by the FWCC; however, certain protection measures still apply

Table 3. Listed Plant Species That Could Potentially Occur Within the Project

Common Name	Scientific Name	Designated Status		Potential Location (FLUCFCS Code)
		FDACS	USFWS	
Cardinal airplant	<i>Tillandsia fasciculata</i>	E	-	4119, 4159, 4349, 4369, 6179
Giant wild pine	<i>Tillandsia utriculata</i>	E	-	4119, 4159, 4349, 4369, 6179
Twisted airplant	<i>Tillandsia flexuosa</i>	T	-	4119, 4159, 4349, 4369, 6179
Butterfly orchid	<i>Encyclia tampensis</i>	CE	-	4119, 4159, 4349, 4369, 6179
Curtiss' milkweed	<i>Asclepias curtissii</i>	E	-	4369
Beautiful pawpaw	<i>Deeringothamnus pulchellus</i>	E	E	4119, 4159

FDACS – Florida Department of Agriculture and Consumer Services

USFWS – U.S. Fish and Wildlife Service

CE – Commercially Exploited

E – Endangered

T – Threatened

American Alligator (*Alligator mississippiensis*)

The American alligator could potentially occur within the ditches, stream, pond, and native herbaceous wetlands within the site.

Eastern Indigo Snake (*Drymarchon corais couperi*)

The Eastern indigo snake could potentially occur within the native uplands on the Project site. The Eastern indigo snake is typically found in association with populations of gopher tortoise (*Gopherus polyphemus*).

Gopher Tortoise (*Gopherus polyphemus*)

Potential habitat for gopher tortoise on the Project site includes pasture areas, upland pine (*Pinus* sp.) forest, palmetto prairies, scrub, and spoil piles.

Crested Caracara (*Caracara cheriway*)

Potential foraging habitat for the crested caracara on the Project site includes pasture areas and palmetto prairies. Its primary habitat in Florida is the native prairie with associated marshes, cabbage palm (*Sabal palmetto*), and cabbage palm/live oak (*Quercus virginiana*) hammocks (Rodgers et al. 1996).

Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*)

Potential foraging habitat for the Everglade snail kite includes ditches, ponds, low pasture, and freshwater marsh.

Florida Burrowing Owl (*Athene cunicularia floridana*)

Potential Florida burrowing owl habitat exists within the upland pastures on the Project site.

Florida Sandhill Crane (*Grus canadensis pratensis*)

Potential foraging habitat for the Florida sandhill crane may exist within the Project's upland pastures, palmetto prairies, freshwater marsh, and low pasture. Preferred sandhill crane habitat

includes prairies and shallow marshes dominated by pickerelweed (*Pontederia cordata*) and maidencane (*Panicum hemitomon*).

Little Blue Heron (*Egretta caerulea*) and Tri-Colored Heron (*Egretta tricolor*)

Potential foraging habitat for state-listed wading birds within the Project site includes the forested and herbaceous wetlands, as well as the ditches, stream, and pond.

Red-Cockaded Woodpecker (*Picoides borealis*)

Potential habitat for the red-cockaded woodpecker on the Project site includes the pine and pine/cypress/cabbage palm habitats.

Roseate Spoonbill (*Ajaia ajaja*)

Potential habitat for the roseate spoonbill on the Project site includes freshwater marsh habitat, as well as the ditches, stream, and pond.

Southeastern American Kestrel (*Falco sparverius paulus*)

Potential foraging habitat for the Southeastern American kestrel on the Project site may exist within the pine, upland scrub, and palmetto prairie. Since 1980, observations of Southeastern American kestrel in Florida have occurred primarily in sandhill or sand pine (*Pinus clausa*) scrub areas of North and Central Florida (Rodgers *et al.* 1996).

Wood Stork (*Mycteria americana*)

Potential wood stork foraging habitat within the Project site includes forested and herbaceous wetlands, as well as the ditches, stream, and pond. Almost any wetland depression where fish tend to become concentrated, either through local reproduction by fish or as a consequence of area drying, may be good for feeding habitat (Rodgers *et al.* 1996).

Big Cypress Fox Squirrel (*Sciurus niger avicennia*)

Potential nesting and foraging habitat on the Project site for the Big Cypress fox squirrel includes the pine, hardwood/conifer, and mixed wetland hardwoods. Dense interiors of mixed cypress-hardwood strands seem to be avoided by fox squirrels (Moler 1992).

Florida Black Bear (*Ursus americanus floridanus*)

Potential habitat for the Florida black bear includes the native upland and wetland forested habitats on the Project site.

Florida Bonneted Bat (*Eumops floridanus*)

Florida bonneted bats could potentially roost within the forested upland and wetland habitats on the Project site, and/or forage over the herbaceous wetlands and open water areas. The Florida bonneted bat is known to occur in cities and forested areas on both the east and west coasts of South Florida from Charlotte County to Palm Beach County (Marks and Marks 2006; Humphrey 1992).

A Lee County protected species survey (PSS) was conducted on the Project site on March 18, 2021. A total of 51 gopher tortoise burrows, one Florida sandhill crane, and one American alligator were observed on the Project site during the PSS. The gopher tortoise and sandhill crane are listed

as threatened by the FWCC (2018). The American alligator is listed as threatened by the FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*). No listed species nests or nesting activity were observed on the property during the PSS.

No Lee County protected plant species were observed on the property during the PSS. However, one giant wild pine (*Tillandsia utriculata*) was documented on the site. The giant wild pine is listed as endangered by the FDACS.

A summary of the listed wildlife species, their sign (i.e., burrow), and listed plant species observed and documented within the Project are provided in Tables 4, 5. The locations of the observed listed species are depicted in Exhibit 9.

Table 4. Listed Wildlife Species Observed

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FWCC	USFWS	
American alligator	<i>Alligator mississippiensis</i>	ST (SA)	FT (SA)	520
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST	-	211

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

FT – Federally Threatened

ST – State Threatened

SA – Similar Appearance

Table 5. Listed Plant Species Observed

Common Name	Scientific Name	Designated Status		Observed Location (FLUCFCS Code)
		FDACS	USFWS	
Giant wild pine	<i>Tillandsia utriculata</i>	E	-	110

FDACS – Florida Department of Agriculture and Consumer Services

USFWS – U.S. Fish and Wildlife Service

E – Endangered

SUMMARY

A total of 23 vegetative and land cover types (i.e., FLUCFCS codes) were identified within the Project site. One rare and unique upland habitat exists in the northeast portion of the Project site and is mapped as Upland Scrub/Pine and Hardwoods. This area contains scrub plant species including Chapman oak and sand live oak. SFWMD jurisdictional wetlands constitute a total of 8.89± acres or approximately 8.1 percent of the Project site. SFWMD jurisdictional OSWs constitute a total of 3.34± acre or approximately 3.0 percent of the Project site. The OSW acreage includes a natural stream in the northeastern portion of the site which is a tributary of the Caloosahatchee River.

A Lee County PSS was conducted on the Project site on March 18, 2021. A total of 51 gopher tortoise burrows, one Florida sandhill crane, and one American alligator were observed on the Project site during the PSS. The gopher tortoise and sandhill crane are listed as threatened by the FWCC (2018). The American alligator is listed as threatened by FWCC due to similarity of appearance to the American crocodile. No listed species nests or nesting activity were observed on the property during the PSS.

No Lee County protected plant species were observed on the property during the PSS. However, one giant wild pine was documented on the site. The giant wild pine is listed as endangered by the FDACS.

REFERENCES

- Chafin, Linda G. 2000. Field Guide to the Rare Plants of Florida. Florida Natural Areas Inventory. Tallahassee, Florida.
- Florida Department of Agriculture and Consumer Services. Florida's Federally Listed Plant Species. Chapter 5B-40, F.A.C.
- Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.
- Florida Fish and Wildlife Conservation Commission. 2018. Florida's Endangered Species, Threatened Species and Species of Special Concern. Official Lists. Florida Fish and Wildlife Conservation Commission. Tallahassee, Florida.
- Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, Florida. 392 pages.
- Marks, C.S. and G.E. Marks. 2006. Bats of Florida. University Press of Florida, Gainesville, Florida.
- Moler, P.E. 1992. Rare and Endangered Biota of Florida. Volume III. Amphibians and Reptiles. University Press of Florida, Gainesville, Florida.
- Rodgers, J.A, H.W. Kale, and H.T. Smith. 1996. Rare and Endangered Biota of Florida. Volume V. Birds. University Press of Florida, Gainesville, Florida.
- U.S. Department of Agriculture, Soil Conservation Service. 1984. Soil Survey of Lee County, Florida.
- U.S. Department of Agriculture, Soil Conservation Service. 2020. Soil Survey of Lee County, Florida.

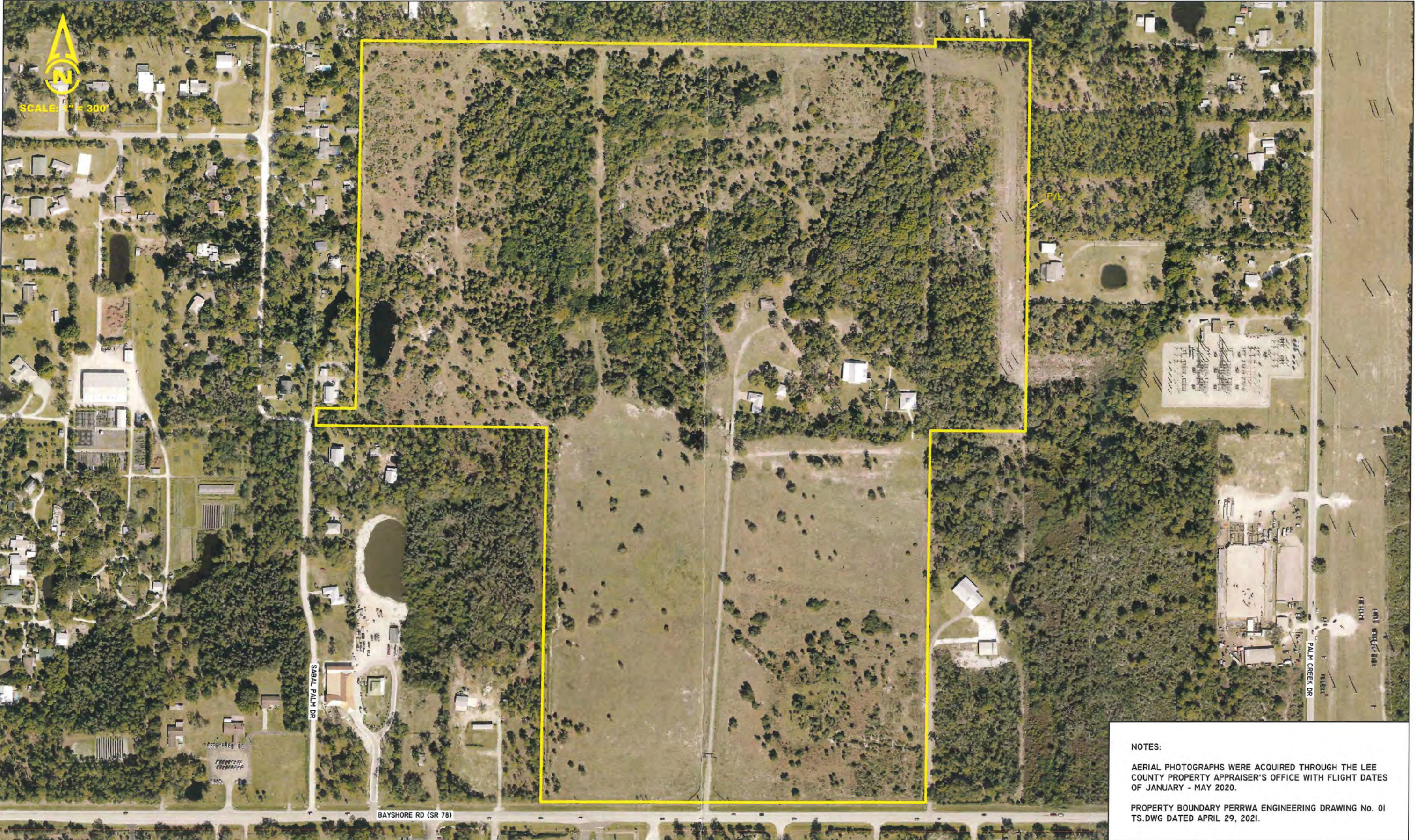
U.S. Fish and Wildlife Service. 1999. Multi-Species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants*. (<http://www.plantatlas.usf.edu/>.) Institute for Systematic Botany, University of South Florida, Tampa.

EXHIBIT 1

AERIAL WITH BOUNDARY

J:\2020\20LL3353\2021\ENVIRONMENTAL ASSESSMENT\EXHIBIT 1 AERIAL WITH BOUNDARY.DWG TAB: 17X11-C JUN 17, 2021 - 12:59PM PLOTTED BY: REID



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MAY 2020.

PROPERTY BOUNDARY PERRWA ENGINEERING DRAWING No. 01 TS.DWG DATED APRIL 29, 2021.

REVISIONS	DATE	DRAWN BY	DATE	13620 Metropolis Avenue Suite 200 Ft. Myers, FL 33912 Phone (239) 274-0067 Fax (239) 274-0069	 PASSARELLA Consulting Ecologists & ASSOCIATES	BAYSHORE RANCH AERIAL WITH BOUNDARY		DRAWING No.
		R.F.	06/14/21					20LL3353
		DESIGNED BY	DATE					SHEET No.
		B.T.	06/14/21					EXHIBIT 1
		REVIEWED BY	DATE					
		S.J.	06/14/21					

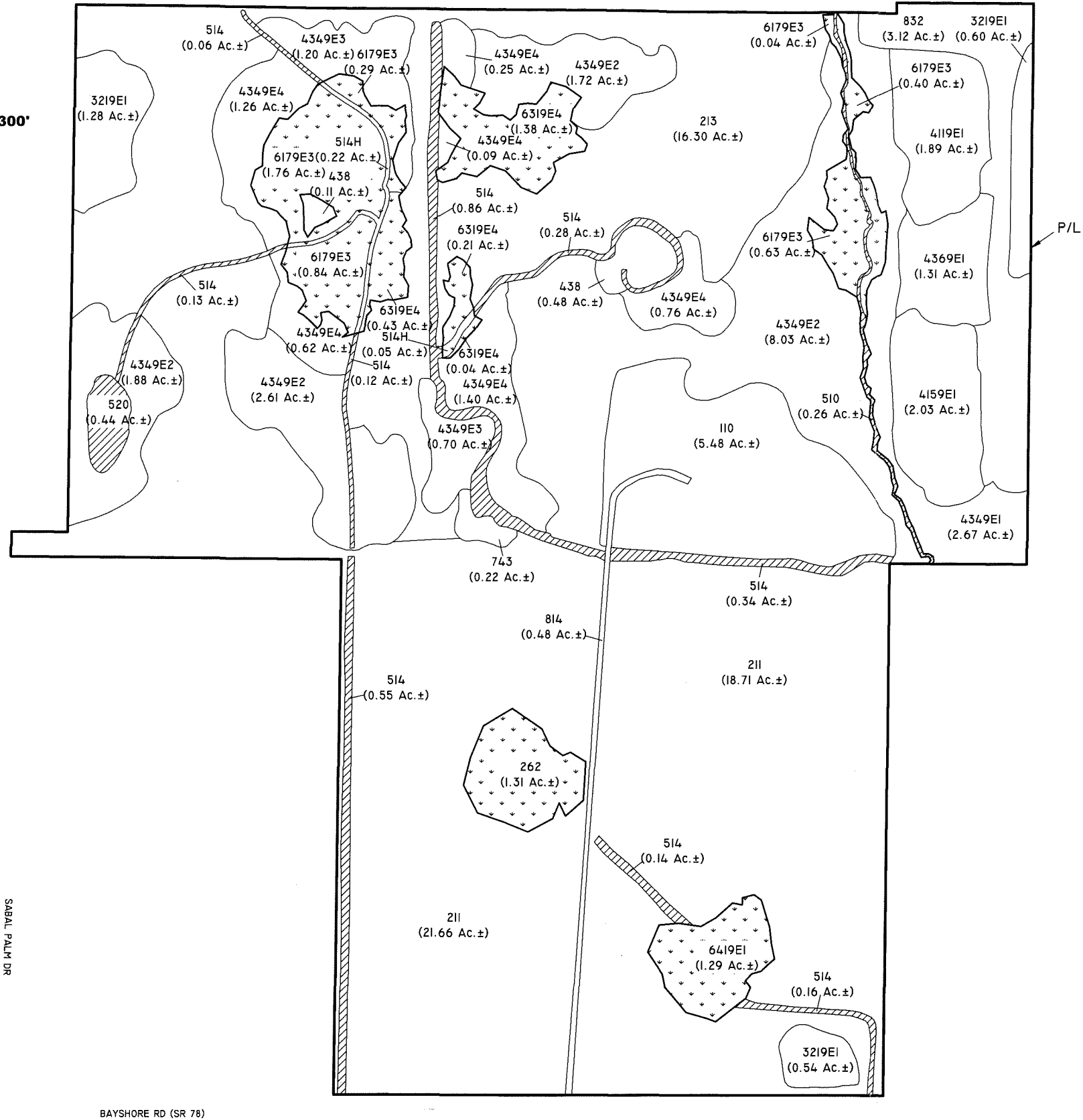
EXHIBIT 2

FLUCFCS AND WETLANDS MAP

J:\2020\20LL3353\2021\ENVIRONMENTAL ASSESSMENT\EXHIBIT 2 FLUCFCS AND WETLANDS 050321.DWG Tab: 17XII-M JUN 17, 2021 - 1:00PM PLOTTED BY: REID



SABAL PALM DR



LEGEND:

SFWMD WETLANDS
(8.89 Ac.±)

SFWMD "OTHER SURFACE WATERS"
(3.34 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	5.48 Ac.±	5.0%
211	IMPROVED PASTURE	40.37 Ac.±	36.8%
213	WOODLAND PASTURES	16.30 Ac.±	14.9%
262	LOW PASTURE, HYDRIC	1.31 Ac.±	1.2%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	2.42 Ac.±	2.2%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.89 Ac.±	1.7%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	2.03 Ac.±	1.9%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.67 Ac.±	2.4%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	14.24 Ac.±	13.0%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	1.90 Ac.±	1.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	4.38 Ac.±	4.0%
4369 E1	UPLAND SCRUB/PINE AND HARDWOODS, DISTURBED (0-24% EXOTIC	1.31 Ac.±	1.2%
438	MIXED EXOTICS	0.59 Ac.±	0.5%
510	STREAM	0.26 Ac.±	0.2%
514	DITCH	2.64 Ac.±	2.4%
514 H	DITCH, HYDRIC	0.27 Ac.±	0.2%
520	POND	0.44 Ac.±	0.4%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	3.96 Ac.±	3.6%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	2.06 Ac.±	1.9%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.2%
743	SPOIL AREA	0.22 Ac.±	0.2%
814	ROAD	0.48 Ac.±	0.4%
832	ELECTRICAL POWER TRANSMISSION LINES	3.12 Ac.±	2.8%
TOTAL		109.63 Ac.±	100.0%

NOTES:

PROPERTY BOUNDARY AND WETLAND LINES PER
RWA ENGINEERING DRAWING No. 01 TS.DWG DATED
APRIL 29, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL
PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

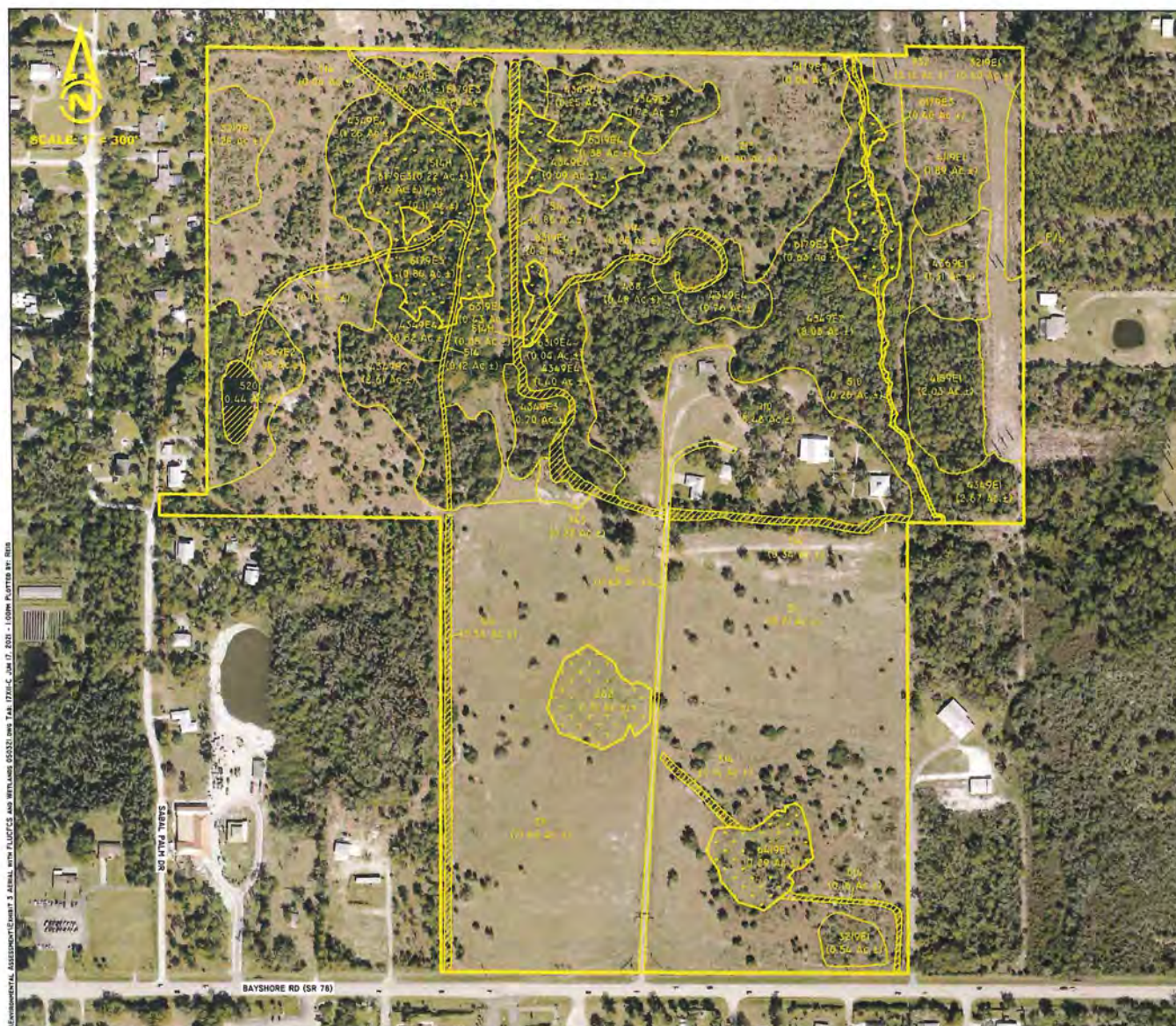
FLUCFCS PER FLORIDA LAND USE, COVER AND
FORMS CLASSIFICATION SYSTEM (FLUCFCS)
(FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN
REVIEWED BY ANY REGULATORY AGENCY AND
ARE SUBJECT TO CHANGE.

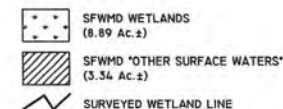
REVISIONS	DATE	DRAWN BY P.F., R.F.	DATE 06/14/21	13620 Metropolis Avenue Suite 200 Ft. Myers, FL 33912 Phone (239) 274-0067 Fax (239) 274-0069		BAYSHORE RANCH FLUCFCS AND WETLANDS MAP	DRAWING No. 20LL3353
		DESIGNED BY B.T.	DATE 06/14/21				SHEET No.
		REVIEWED BY S.J.	DATE 06/14/21				EXHIBIT 2

EXHIBIT 3

AERIAL WITH FLUCFCS AND WETLANDS MAP



LEGEND:



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	5.48 Ac.±	5.0%
211	IMPROVED PASTURE	40.37 Ac.±	36.8%
213	WOODLAND PASTURES	16.30 Ac.±	14.9%
282	LOW PASTURE, HYDRIC	1.31 Ac.±	1.2%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	2.42 Ac.±	2.2%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.89 Ac.±	1.7%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	2.03 Ac.±	1.9%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.87 Ac.±	2.4%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	14.24 Ac.±	13.0%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	1.90 Ac.±	1.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	4.38 Ac.±	4.0%
4369 E1	UPLAND SCRUB/PINE AND HARDWOODS, DISTURBED (0-24% EXOTIC	1.31 Ac.±	1.2%
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6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.2%
743	SPOIL AREA	0.22 Ac.±	0.2%
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TOTAL		109.63 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MAY 2020.

PROPERTY BOUNDARY AND WETLAND LINES PER RWA ENGINEERING DRAWING No. 01 TS.DWG DATED APRIL 29, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

2/18/2021 10:13:53 AM Environmental Assessment Unit 2 Aerial with FLUCFCS and Wetlands 033531.DWG TAD 1771-C JUN 17 2021 - LIDAR PROVIDED BY RWA

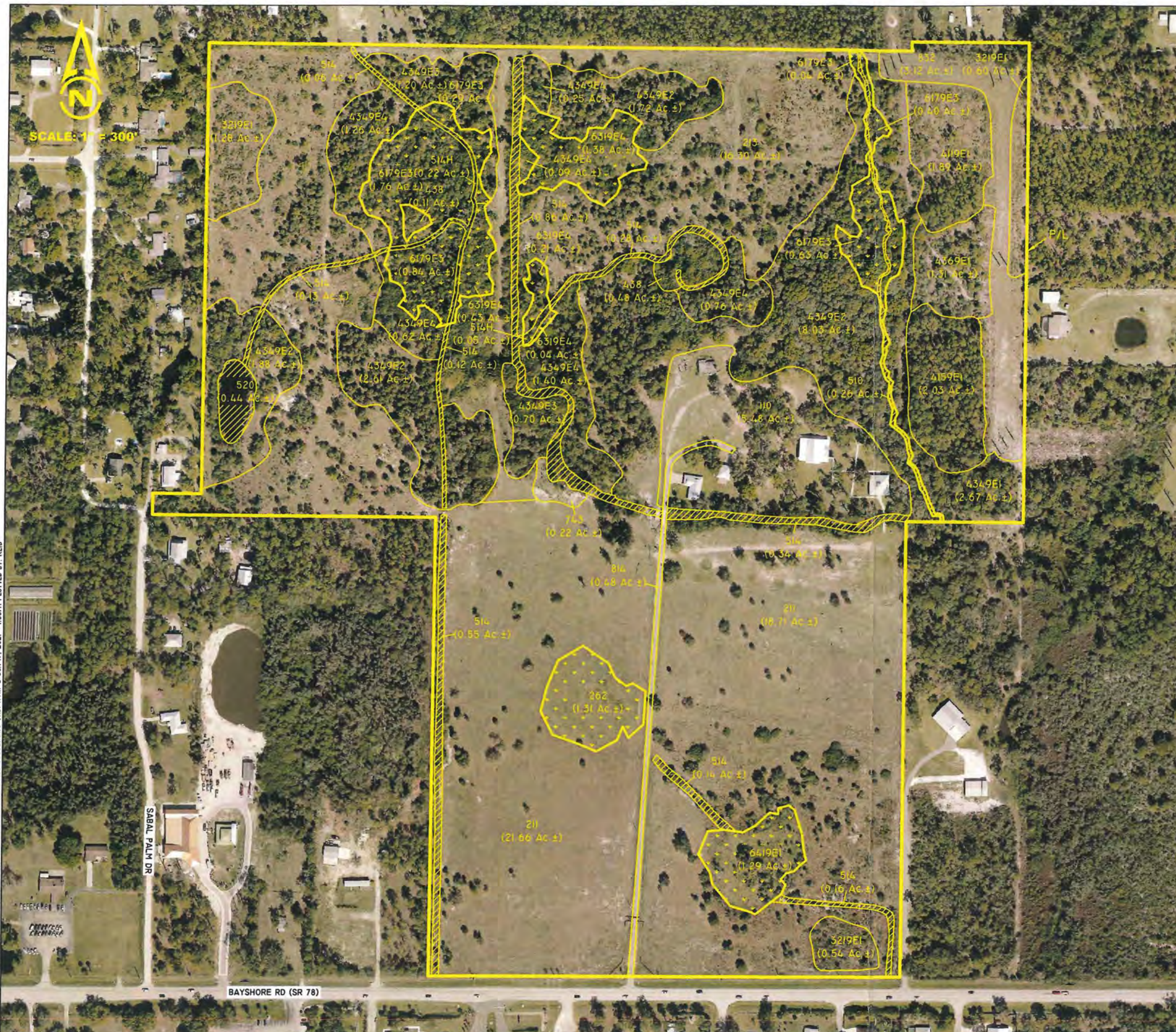
REVISIONS	DATE	DRAWN BY	DATE	13620 Metropolis Avenue
		P.F. R.F.	06/14/21	Suite 200
		DESIGNED BY	DATE	Ft. Myers, FL 33912
		B.T.	06/14/21	Phone (239) 274-0067
		REVIEWED BY	DATE	Fax (239) 274-0069
		S.J.	06/14/21	






BAYSHORE RANCH AERIAL WITH FLUCFCS AND WETLANDS MAP

DRAWING No.	20LL3353
SHEET No.	EXHIBIT 3

J:\2020\20LL3353\2021\ENVIRONMENTAL ASSESSMENT\EXHIBIT 3 AERIAL WITH FLUCFCS AND WETLANDS 050321.DWG TAB: 17XII-C JUN 17, 2021 - 100PM PLOTTED BY: REID



LEGEND:

-  SFWMD WETLANDS
(8.89 Ac.±)
-  SFWMD "OTHER SURFACE WATERS"
(3.34 Ac.±)
-  SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
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4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.89 Ac.±	1.7%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	2.03 Ac.±	1.9%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.67 Ac.±	2.4%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	14.24 Ac.±	13.0%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	1.90 Ac.±	1.7%
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4369 E1	UPLAND SCRUB/PINE AND HARDWOODS, DISTURBED (0-24% EXOTIC	1.31 Ac.±	1.2%
438	MIXED EXOTICS	0.59 Ac.±	0.5%
510	STREAM	0.26 Ac.±	0.2%
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514 H	DITCH, HYDRIC	0.27 Ac.±	0.2%
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TOTAL		109.63 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MAY 2020.

PROPERTY BOUNDARY AND WETLAND LINES PER RWA ENGINEERING DRAWING No. 01 TS.DWG DATED APRIL 29, 2021.

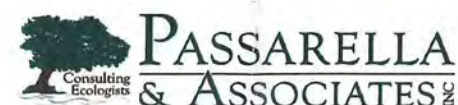
FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE	DRAWN BY	DATE
		P.F., R.F.	06/14/21
		DESIGNED BY	DATE
		B.T.	06/14/21
		REVIEWED BY	DATE
		S.J.	06/14/21

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069



BAYSHORE RANCH
AERIAL WITH FLUCFCS AND WETLANDS MAP

DRAWING No.	20LL3353
SHEET No.	EXHIBIT 3

EXHIBIT 4

**EXISTING LAND USE AND COVER SUMMARY TABLE AND
FLUCFCS DESCRIPTIONS**

**BAYSHORE RANCH
EXISTING LAND USE AND COVER SUMMARY TABLE
AND FLUCFCS DESCRIPTIONS**

June 2021

Table 1 provides a summary and an acreage breakdown of the existing land use and habitat cover types (i.e., Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes) found on the Project site, while a description of each of the FLUCFCS classifications follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage	Percent of Total
110	Residential, Low Density	5.48	5.0
211	Improved Pasture	40.37	36.8
213	Woodland Pasture	16.30	14.9
262	Low Pasture, Hydric	1.31	1.2
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	2.42	2.2
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	1.89	1.7
4159 E1	Pine, Disturbed (0-24% Exotics)	2.03	1.9
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	2.67	2.4
4349 E2	Hardwood/Conifer Mixed, Disturbed (25-49% Exotics)	14.24	13.0
4349 E3	Hardwood/Conifer Mixed, Disturbed (50-75% Exotics)	1.90	1.7
4349 E4	Hardwood/Conifer Mixed, Disturbed (76-100% Exotics)	4.38	4.0
4369 E1	Upland Scrub/Pine and Hardwoods, Disturbed (0-24% Exotics)	1.31	1.2
438	Mixed Exotics	0.59	0.5
510	Stream	0.26	0.2
514	Ditch	2.64	2.4
514H	Ditch, Hydric	0.27	0.2
520	Pond	0.44	0.4
6179 E3	Mixed Wetland Hardwoods, Disturbed (50-75% Exotics)	3.96	3.6
6319 E4	Wetland Shrub, Disturbed (76-100% Exotics)	2.06	1.9
6419 E1	Freshwater Marsh, Disturbed (0-24% Exotics)	1.29	1.2
743	Spoil Area	0.22	0.2
814	Road	0.48	0.4
832	Electrical Power Transmissions Lines	3.12	2.8
Total		109.63	100.0

Residential, Low Density (FLUCFCS Code 110)

This land use includes existing single-family residences located in the center of the Project area.

Improved Pasture (FLUCFCS Code 211)

This upland land use is used primarily to support cattle grazing activities. The canopy and sub-canopy strata are mostly open with scattered cabbage palm (*Sabal palmetto*), Brazilian pepper, and live oak (*Quercus virginiana*). The ground cover consists of bahiagrass (*Paspalum notatum*), Bermuda grass (*Cynodon dactylon*), carpetgrass (*Axonopus* sp.), broomsedge (*Andropogon virginicus*), dog fennel (*Eupatorium capillifolium*), spermacoce (*Spermacoce verticillata*), frog-fruit (*Phyla nodiflora*), sweetbroom (*Scoparia dulcis*), black root (*Pterocaulon pycnostachyum*), Mexican clover (*Richardia brasiliensis*), and caesarweed (*Urena lobata*).

Woodland Pastures (FLUCFCS Code 213)

This upland land use type consists of moderately forested lands that are used to support cattle grazing operations. The canopy and sub-canopy include scattered slash pine (*Pinus elliottii*), live oak, cabbage palm, earleaf acacia (*Acacia auriculiformis*), and Java plum (*Syzygium cumini*). The ground cover includes bahiagrass, Mexican clover, ringworm senna (*Senna alata*), and caesarweed.

Low Pasture, Hydric (FLUCFCS Code 262)

This wetland land use includes a low area within the existing cattle pasture. The canopy is primarily open with widely scattered laurel oak (*Quercus laurifolia*). The sub-canopy is open. The ground cover includes water lily (*Nymphaea* sp.), torpedograss (*Panicum repens*), primrose willow (*Ludwigia repens*), scattered dog fennel, many-flower marsh pennywort (*Hydrocotyle umbellata*), Asiatic pennywort (*Centella asiatica*), and scattered dotted smartweed (*Persicaria punctata*).

Palmetto Prairie, Disturbed, (0-24% Exotics) (FLUCFCS Code 3219 E1)

The canopy of this upland community is open. The sub-canopy includes scattered live oak, gallberry (*Ilex glabra*), Brazilian pepper, and slash pine. The ground cover is composed primarily of saw palmetto (*Serenoa repens*), muscadine grapevine (*Vitis rotundifolia*), and gallberry.

Pine Flatwoods, Disturbed, (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy and sub-canopy of this upland community are comprised of slash pine and cabbage palm. The ground cover includes saw palmetto, muscadine grapevine, caesarweed, spermacoce, and greenbrier (*Smilax* sp.).

Pine, Disturbed, (0-24% Exotics) (FLUCFCS Code 4159 E1)

The canopy of this upland community is composed of slash pine and cabbage palm. The sub-canopy includes cabbage palm, hog plum (*Ximenia americana*), and beautyberry (*Callicarpa americana*). The ground cover consists of caesarweed, scattered saw palmetto, greenbrier, and muscadine grapevine.

Hardwood/Conifer Mixed, Disturbed, (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this upland community is comprised of slash pine, cabbage palm, live oak, laurel oak, and Java plum. The sub-canopy consists of cabbage palm, beautyberry, Brazilian pepper, and Surinam cherry (*Eugenia uniflora*). The ground cover includes dog fennel, muscadine grapevine, spermacoce, caesarweed, greenbrier, wild coffee (*Psychotria nervosa*), air potato (*Dioscorea bulbifera*), sword fern (*Nephrolepis* spp.), and Guinea grass (*Panicum maximum*).

Hardwood/Conifer Mixed, Disturbed, (25-49% Exotics) (FLUCFCS Code 4349 E2)

This land use type is similar to FLUCFCS Code 4349 E1, but with higher concentrations of Brazilian pepper in canopy and sub-canopy.

Hardwood/Conifer Mixed, Disturbed, (50-75% Exotics) (FLUCFCS Code 4349 E3)

This land use is similar to FLUCFCS Code 4349 E2, but with higher concentrations of exotics in the sub-canopy and ground cover.

Hardwood/Conifer Mixed, Disturbed, (76-100% Exotics) (FLUCFCS Code 4349 E4)

This land use type is similar to FLUCFCS Code 4349 E3, but with higher concentrations of exotics in the canopy, sub-canopy, and ground cover.

Upland Scrub/Pine and Hardwoods, Disturbed, (0-24% Exotics) (FLUCFCS Code 4369 E1)

The canopy of this upland community consists of slash pine, live oak, Chapman oak (*Quercus chapmanii*), and sand live oak (*Quercus geminata*). The sub-canopy includes Chapman oak, sand live oak, saw palmetto, hog plum, and rusty lyonia (*Lyonia fruticosa*). The ground cover is comprised of saw palmetto, blazing star (*Liatris* sp.), greenbrier, muscadine grapevine, gopher apple (*Licania michauxii*), running oak (*Quercus pumila*), and spermacoce.

Mixed Exotics (FLUCFCS Code 438)

The canopy and sub-canopy of this land use type are comprised of Brazilian pepper and bamboo. The ground cover consists of Boston fern (*Nephrolepis exaltata*).

Stream (FLUCFCS Code 510)

The canopy of this surface water feature contains live oak, laurel oak, cabbage palm, and Java plum along the edges. The sub-canopy is comprised of cabbage palm and wild coffee along the edges. The ground cover includes swamp fern (*Telmatoblechnum serrulatum*) and chain fern (*Woodwardia virginica*).

Ditch and Ditch, Hydric (FLUCFCS Code 514 and 514H)

The canopy of this surface water feature includes melaleuca, laurel oak, cabbage palm, and Java plum along the edges. The sub-canopy consists of wax myrtle (*Morella cerifera*), Carolina willow (*Salix caroliniana*), and wild coffee. The ground cover is primarily open with scattered West Indian marsh grass (*Hymenachne amplexicaulis*), spikerush (*Eleocharis interstincta*), and swamp fern.

Pond (FLUCFCS Code 520)

The canopy of this surface water feature is comprised of melaleuca and Brazilian pepper on the edge. The sub-canopy consists of wax myrtle, Brazilian pepper, and melaleuca on the edge. The ground cover is primarily open with widely scattered pickerelweed (*Pontederia cordata*), maidencane (*Panicum hemitomon*), and cattails (*Typha* sp.).

Mixed Wetland Hardwoods, Disturbed, (50-75% Exotics) (FLUCFCS Code 6179 E3)

The canopy of this wetland habitat cover type includes red maple (*Acer rubrum*) and melaleuca. The sub-canopy includes wax myrtle, Brazilian pepper, scattered Carolina willow, and red maple.

The ground cover consists of swamp fern, chain fern, many-flower marsh pennywort, Asiatic pennywort, and swamp flatsedge (*Cyperus ligularis*).

Wetland Shrub, Disturbed, (76-100% Exotics) (FLUCFCS Code 6319 E4)

The canopy of this wetland habitat is open. The sub-canopy includes Peruvian primrose willow (*Ludwigia peruviana*), Carolina willow, wax myrtle, and Brazilian pepper. The ground cover consists of red ludwigia (*Ludwigia repens*), air potato, muscadine grapevine, many-flower marsh pennywort, Asiatic pennywort, and dog fennel.

Freshwater Marsh, Disturbed, (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this wetland habitat is composed of widely scattered laurel oak and cabbage palm. The sub-canopy includes widely scattered red maple, wax myrtle, and melaleuca. The ground cover contains swamp fern, pickernelweed, swamp flatsedge, torpedograss, and many-flower marsh pennywort.

Spoil Area (FLUCFCS Code 743)

The canopy of this disturbed land use contains widely scattered Australian pine (*Casuarina equisetifolia*). The sub-canopy is open. The ground cover includes widely scattered caesarweed.

Road (FLUCFCS Code 814)

This land use includes a paved road running through the center of the property.

Electrical Power Transmission Lines (FLUCFCS Code 832)

This land use includes an electrical power line on the northeast side of the property.

EXHIBIT 5
SOILS MAP



PROJECT LOCATION

LEGEND

BAYSHORE RANCH

0 200 400
Feet

Soil Unit	Description
14	Valkaria fine sand, 0 to 2 percent slopes
17	Daytona sand, 0 to 5 percent slopes
27	Pompano fine sand, frequently ponded, 0 to 1 percent slopes
28	Immokalee sand, 0 to 2 percent slopes
33	Oldsmar sand, 0 to 2 percent slopes
34	Malabar fine sand, 0 to 2 percent slopes
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes
40	Anclote sand, frequently ponded, 0 to 1 percent slopes

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MAY 2020.

PROPERTY BOUNDARY PER RWA ENGINEERING DRAWING No. 01 TS.DWG DATED APRIL 29, 2021.

ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

SOILS MAPPING WAS ACQUIRED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE APRIL 2021.

EXHIBIT 5. SOILS MAP BAYSHORE RANCH

DRAWN BY	DATE
R.F.	06/14/21
REVIEWED BY	DATE
B.T.	06/14/21
REVISED	DATE



PASSARELLA
& ASSOCIATES INC.

EXHIBIT 6

SOILS SUMMARY TABLE AND DESCRIPTIONS

**BAYSHORE RANCH
SOILS SUMMARY TABLE AND DESCRIPTIONS**

June 2021

Table 1. Soils Listed by the Natural Resource Conservation Service on the Project

Mapping Unit	Description
14	Valkaria Fine Sand, 0 to 2 percent slopes
17	Daytona Sand, 0 to 5 percent slopes
27	Pompano Fine Sand, frequently ponded, 0 to 1 percent slopes
28	Immokalee Sand, 0 to 2 percent slopes
33	Oldsmar Sand, 0 to 2 percent slopes
34	Malabar Fine Sand, 0 to 2 percent slopes
36	Immokalee Sand-Urban Land Complex, 0 to 2 percent slopes
40	Anclote Sand, frequently ponded, 0 to 1 percent slopes

14 – Valkaria Fine Sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is about 2 inches of dark grayish brown fine sand. The subsurface layer is 5 inches of very pale brown fine sand. The subsoil is loose fine sand to a depth of 80 inches or more. The upper 9 inches is yellow, the next 4 inches is brownish yellow, the next 6 inches is yellowish brown, and the lowermost 54 inches is pale yellow, yellow, brown, and very pale brown. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for about 6 months and recedes to a depth of more than 40 inches for about 3 months. During periods of high rainfall, the soil is covered by slowly moving water for periods of about 7 to 30 days or more.

17 – Daytona Sand, 0 to 5 percent slopes

This is a nearly level to gently sloping, moderately well drained soil on low ridges on the flatwoods. Slopes are smooth to convex and are 0 to 5 percent. Typically, the surface layer is dark gray sand about 4 inches thick. The subsurface layers are light gray and white sand about 39 inches thick. The subsoil is sand to a depth of 80 inches or more. The upper 7 inches is mixed black and dark reddish brown, and the lower 30 inches is dark brown. In most years, under natural conditions, the water table is at a depth of 24 to 40 inches for about 1 to 4 months. It is at a depth of 40 to 60 inches for 8 months.

27 – Pompano Fine Sand, frequently ponded, 0 to 1 percent slope

This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The substratum is fine sand to a depth of 80 inches or more. The upper 32 inches is light brownish gray with few, fine, faint yellowish brown mottles. The lower 45 inches is light gray. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months and stands above the surface for about 3 months. It is 10 to 40 inches below the surface for more than 5 months.

28 – Immokalee Sand, 0 to 2 percent slope

This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very pale brown sand to a depth of 80 inches or more. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

33 – Oldsmar Sand, 0 to 2 percent slope

This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods.

34 – Malabar Fine Sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 5 inches thick. The next 12 inches is light gray and very pale brown fine sand. Below this is a 16-inch layer of light yellowish brown fine sand with yellow mottles and a 9-inch layer of brownish yellow fine sand. The subsoil layer is gray loamy fine sand about 9 inches thick with large yellowish-brown mottles. The next 8 inches is gray fine sandy loam with large brownish yellow mottles. Below is light gray loamy fine sand with yellowish brown mottles to a depth of 80 inches or more. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more.

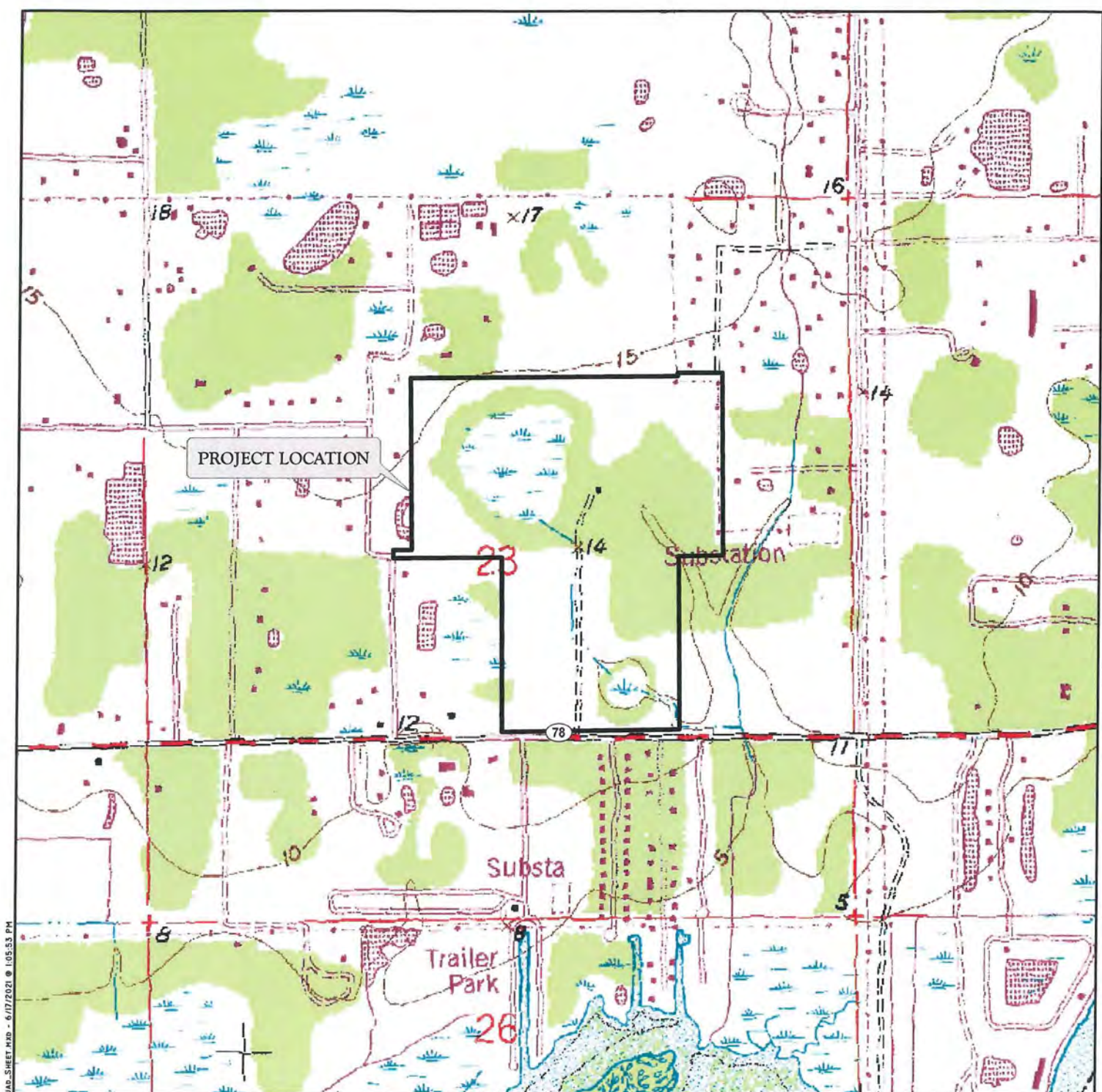
36 – Immokalee Sand – Urban Land Complex, 0 to 2 percent slopes

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is very dark gray fine sand about 6 inches thick. The subsurface layer is light gray fine sand about 31 inches thick. The subsoil is fine sand about 33 inches thick. The upper 4 inches is black and friable, the next 6 inches is dark reddish brown, and the lower 23 inches is dark brown. The substratum is brown fine sand that extends to a depth of more than 80 inches. In undrained areas, the water table is within 10 inches of the surface for 1 to 4 months in most years. It recedes to more than 40 inches below the surface during the dry season.

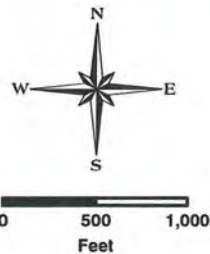
40 – Anclothe Sand, frequently ponded, 0 to 1 percent slopes

This is a nearly level, very poorly drained soil in isolated depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is about 22 inches thick. The upper 8 inches is black sand, and the lower 14 inches is black sand with common light gray pockets and streaks throughout. The substratum is sand to a depth of 80 inches or more. The upper 18 inches is light brownish gray, and the lower 40 inches is light gray. Included with this soil in mapping are small areas of Pompano and Floridana soils. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the soil is ponded for more than 6 months.

EXHIBIT 7
QUAD SHEET



LEGEND
 BAYSHORE RANCH



NOTES:

COUNTY INFORMATION AND ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

DIGITAL RASTER GRAPHIC USGS TOPOGRAPHIC QUADRANGLES WERE ACQUIRED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) WEBSITE JULY 2007.

**EXHIBIT 7. QUAD SHEET
 BAYSHORE RANCH**

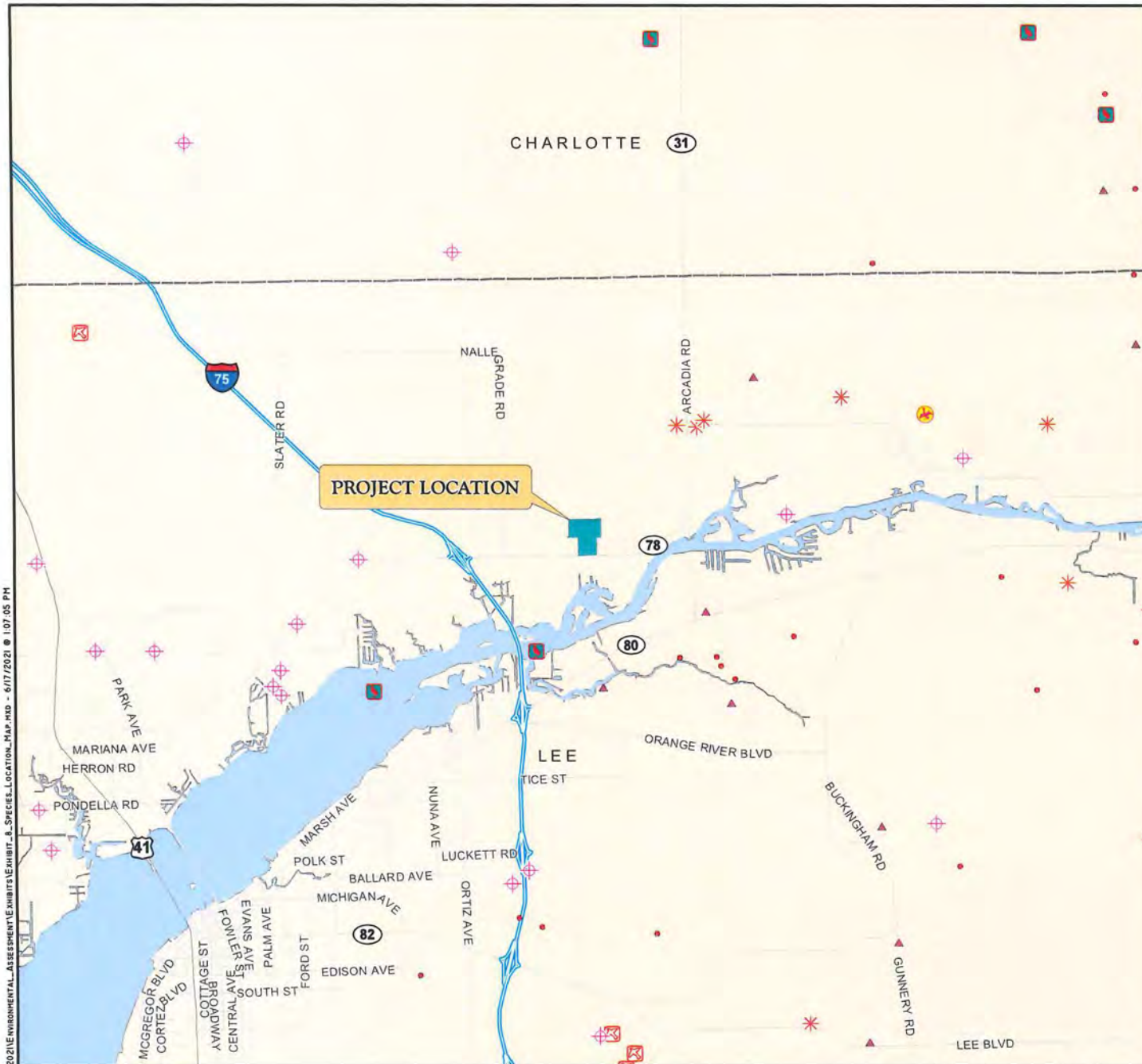
DRAWN BY	DATE
R.F.	06/14/21
REVIEWED BY	DATE
B.T.	06/14/21
REVISED	DATE



**PASSARELLA
 & ASSOCIATES INC**

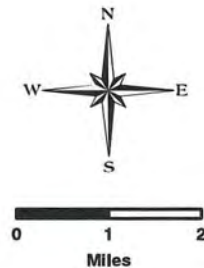
EXHIBIT 8

DOCUMENTED OCCURRENCES OF LISTED SPECIES



LEGEND

- BAYSHORE RANCH
- ✕ BALD EAGLE NEST LOCATION
- CRESTED CARACARA LOCATION
- FLORIDA PANTHER TELEMTRY
- ▲ BLACK BEAR LOCATION
- RED COCKADED WOODPECKER LOCATION
- WADING BIRD LOCATION
- ✱ SCRUB JAY LOCATION



NOTES:

EAGLE NEST LOCATIONS WERE ACQUIRED FROM THE FWCC AND AUDUBON EAGLEWATCH ON NOVEMBER 2020 AND ARE CURRENT TO 2020.

BLACK BEAR LOCATIONS WERE ACQUIRED FROM THE FWCC ON DECEMBER 2020 AND ARE CURRENT TO 2007.

CRESTED CARACARA LOCATIONS WERE ACQUIRED FROM THE USFWS ON AUGUST 2017 AND ARE CURRENT TO 2016.

PANTHER TELEMTRY WAS ACQUIRED FROM THE FWCC ON MAY 2021 AND IS CURRENT TO JUNE 2020.

RED COCKADED WOODPECKER LOCATIONS WERE ACQUIRED FROM THE FWCC ON DECEMBER 2020.

SCRUB JAY LOCATIONS WERE ACQUIRED FROM THE USFWS FTP SITE ON OCTOBER 2019.

WADING BIRD ROOKERIES WERE ACQUIRED FROM THE FWCC DECEMBER 2020 AND ARE CURRENT TO 1999.

**EXHIBIT 8. DOCUMENTED OCCURRENCES OF LISTED SPECIES
BAYSHORE RANCH**

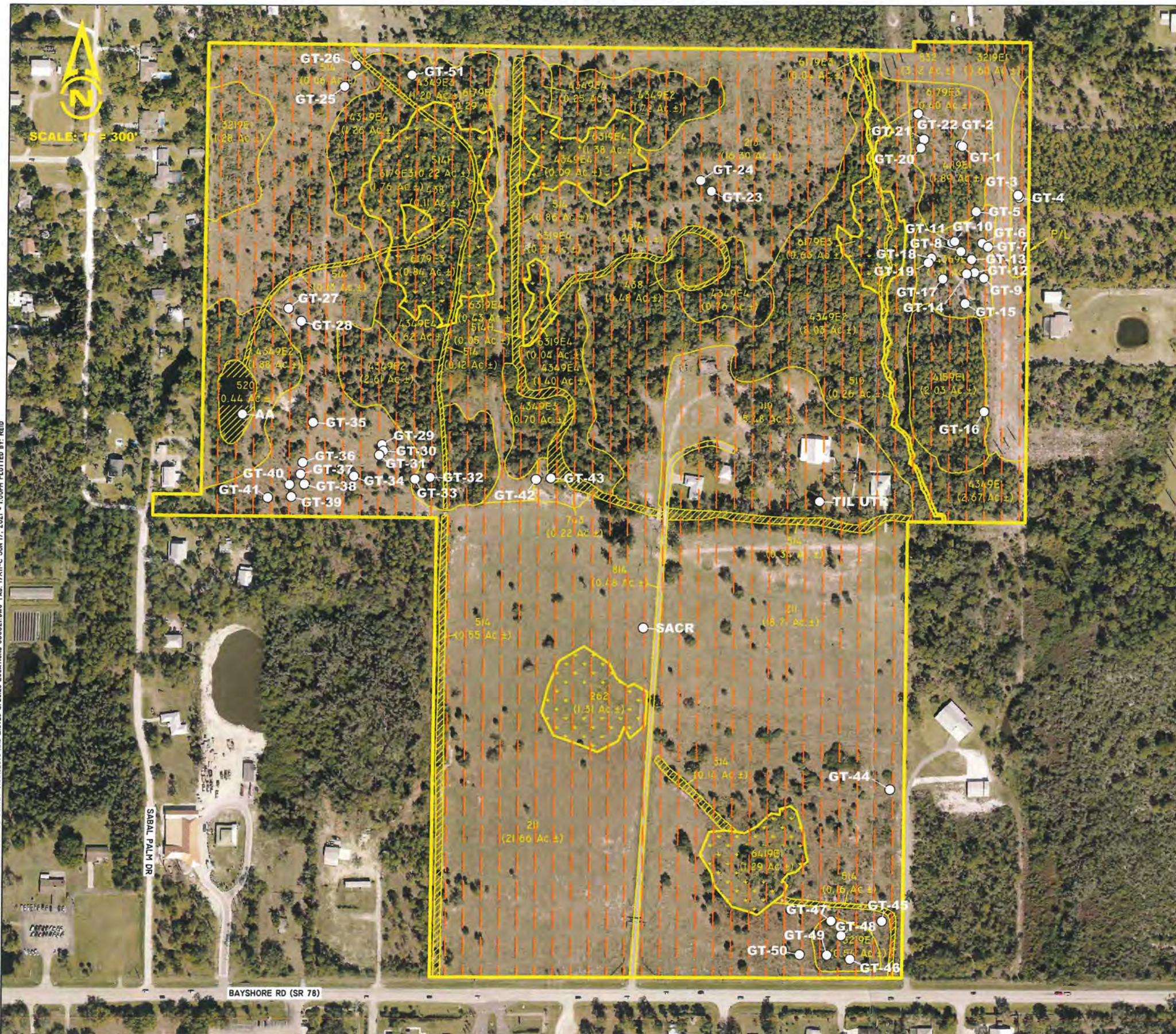
DRAWN BY	DATE
R.F.	06/14/21
REVIEWED BY	DATE
B.T.	06/14/21
REVISED	DATE



EXHIBIT 9

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND LISTED SPECIES LOCATIONS MAP

J:\2020\20LL3353\2021\ENVIRONMENTAL ASSESSMENT\EXHIBIT 9 AERIAL WITH FLUCFCS SURVEY TRANSECTS AND LISTED SPECIES LOCATIONS 050321.DWG TAB: 17XII-C JUN 17, 2021 - 100PM PLOTTED BY: REID



- LEGEND:
- SFWMD WETLANDS (8.89 Ac.±)
 - SFWMD "OTHER SURFACE WATERS" (3.34 Ac.±)
 - SURVEYED WETLAND LINE
 - APPROXIMATE LOCATION OF WALKED TRANSECTS
 - AA AMERICAN ALLIGATOR
 - GT-1 GOPHER TORTOISE BURROW (TYP.)
 - SACR SANDHILL CRANE
 - TIL UTR GIANT WILD PINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	5.48 Ac.±	5.0%
211	IMPROVED PASTURE	40.37 Ac.±	36.8%
213	WOODLAND PASTURES	18.30 Ac.±	14.9%
262	LOW PASTURE, HYDRIC	1.31 Ac.±	1.2%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	2.42 Ac.±	2.2%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	1.89 Ac.±	1.7%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	2.03 Ac.±	1.9%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.67 Ac.±	2.4%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	14.24 Ac.±	13.0%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	1.90 Ac.±	1.7%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	4.38 Ac.±	4.0%
4369 E1	UPLAND SCRUB/PINE AND HARDWOODS, DISTURBED (0-24% EXOTIC	1.31 Ac.±	1.2%
438	MIXED EXOTICS	0.59 Ac.±	0.5%
510	STREAM	0.26 Ac.±	0.2%
514	DITCH	2.84 Ac.±	2.4%
514 H	DITCH, HYDRIC	0.27 Ac.±	0.2%
520	POND	0.44 Ac.±	0.4%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	3.96 Ac.±	3.6%
6319 E4	WETLAND SHRUB, DISTURBED (76-100% EXOTICS)	2.06 Ac.±	1.9%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	1.29 Ac.±	1.2%
743	SPOIL AREA	0.22 Ac.±	0.2%
814	ROAD	0.48 Ac.±	0.4%
832	ELECTRICAL POWER TRANSMISSION LINES	3.12 Ac.±	2.8%
TOTAL		109.63 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MAY 2020.

PROPERTY BOUNDARY AND WETLAND LINES PER RWA ENGINEERING DRAWING No. 01 TS.DWG DATED APRIL 29, 2021.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISIONS	DATE	DRAWN BY	DATE
		P.F., R.F.	06/14/21
		DESIGNED BY	DATE
		B.T.	06/14/21
		REVIEWED BY	DATE
		S.J.	06/14/21

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069



BAYSHORE RANCH
AERIAL WITH FLUCFCS, WETLANDS, SURVEY TRANSECTS,
AND LISTED SPECIES LOCATIONS MAP

DRAWING No.	20LLL3353
SHEET No.	EXHIBIT 9



Comprehensive Plan Text Amendment

EXHIBIT T9 & T10

State Policy Plan and Regional Policy Plan

State Comprehensive Plan

With the sweeping changes to Florida's growth management laws resulting from the Community Planning Act of 2011 (HB 7207), the State's focus in terms of Growth Management and Land Use regulation was narrowed to matters of critical State concern. As a result, the consistency requirement between local comprehensive plans and the state comprehensive plan was eliminated. The following lists goals, strategies, action, and policies of the State's Comprehensive Plan relevant to the proposed plan amendment.

(4) HOUSING.

(a) Goal.—The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

(b) Policies.—

1. Eliminate public policies which result in housing discrimination, and develop policies which encourage housing opportunities for all Florida's citizens.
3. Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs.
4. Reduce the cost of housing construction by eliminating unnecessary regulatory practices which add to the cost of housing.

(7) WATER RESOURCES.

(a) Goal. Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.—

5. Ensure that new development is compatible with existing local and regional water supplies.

8. Encourage the development of a strict floodplain management program by state and local governments designed to preserve hydrologically significant wetlands and other natural floodplain features.
9. Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives.
10. Protect surface and groundwater quality and quantity in the state.
11. Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended.
12. Eliminate the discharge of inadequately treated wastewater and stormwater runoff into the waters of the state.

(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.

(a) Goal. Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies.—

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
3. Prohibit the destruction of endangered species and protect their habitats.
4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.
6. Encourage multiple use of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.
7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

(12) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE

(a) Goal. All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(14) PROPERTY RIGHTS.

(a) Goal. Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

(15) LAND USE.

(a) Goal. In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) Policies.—

1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.
2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

(17) PUBLIC FACILITIES

(a) Goal. - Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies. —

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.
2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.
3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.

Southwest Florida Regional Planning Council Strategic Regional Policy Plan (SRPP)

The proposed amendment can contribute to or further the following Goals and related Strategies of the SRPP:

Economic Development Element

Strategy: Maintain the physical infrastructure to meet growth demands

Affordable Housing Element

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

Natural Resources Element

Goal 3: The Florida Department of Environmental Protection, Water Management Districts, and local governments must have programs based on scientific modeling to protect surface water, potable wells, wellfields and contributing areas from contamination.

Livable Communities - Natural Resources

Goal 2: Livable communities designed to improve quality of life and to provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life ... support implementation where possible development concepts put forth by Cross Streets, Low Impact Design, Fit-Friendly Southwest Florida, Climate Prosperity, Food Systems Planning, and other initiatives consistent with the mission of the SWFRPC.

Livable Communities - Affordable Housing

Goal 4: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Affordable Housing Element

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.