

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
2010/2011 REGULAR LEE PLAN AMENDMENTS
CONTINUATION OF ADOPTION HEARING FOR PINE TARR, LLC CPA2010-06**

**COMMISSION CHAMBERS
2120 MAIN STREET**

**DECEMBER 14, 2011
9:30 A.M.**

AGENDA


- 1. Call to Order; Certification of Affidavit of Publication**
- 2. [Continuation of CPA2010-06: Pine Tarr, LLC](#). Amend policy 14.1.5 to permit clearing of wetlands in accordance with an approved Environmental Resource Permit for a planned development on Pine Island.
 - a. Public Comment**
 - b. Consideration and Motion**
 - c. Adopt Individual Ordinance****
- 3. Motion to Adjourn**

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: December 7, 2011

TO: Board of County Commissioners

FROM: 
Brandon Dunn, Senior Planner
Division of Planning

**RE: Public Hearing for Comprehensive Plan Amendment
CPA2010-06, Pine Tarr, LLC**

This amendment was part of the 2010/2011 Regular Amendment Cycle, which was originally heard for adoption on September 28, 2011. The Board has continued the amendment twice based on testimony at each public hearing. During the last public hearing on October 19, 2011, the Board directed the interested parties to find a mutually agreeable resolution.

Staff has continued to work with the applicant, representatives from Little Pine Island Mitigation Bank, Greater Pine Island Civic Association, and the Conservancy of Southwest Florida. After several meetings, the five parties involved have reached agreement for the proposed amendment to Policy 14.1.5 (attached). However, the Little Pine Island Mitigation Bank believes that the proposed language should apply to a broader area. The attached language will allow the applicant to develop their property consistent with already approved state and federal permits, respects the natural environment in the rural areas of Pine Island, will provide the same opportunity for other development in the Urban Community future land use category in Pine Island Center, and is consistent with the Lee Plan and future vision for Pine Island.

Limiting development to the Urban Community future land use category is consistent with the Pine Island Plan. The proposed language is specifically consistent with Policy 1.4.7, Policy 14.4.1, and Policy 14.4.6 of the Lee Plan. Policy 14.4.1 identifies the future urban areas in Pine Island Center (the Urban Community future land use category) as targeted for most future commercial and industrial uses on Pine Island. Policy 1.4.7, the descriptor policy for the Coastal Rural future land use category, limits uses to: agriculture, fill-dirt extraction, conservation uses, residential uses, and minimal non-residential uses to provide basic commercial services. Policy 14.4.6 further limits commercial uses in the Coastal Rural future land use category to 5,000 square feet of total building floor area, and two acres of impervious area. Because of the development limitations that are placed on the Coastal Rural future land use category, it is not appropriate to introduce language into the Lee Plan that would permit additional wetland impacts in these areas. It is more appropriate to permit the wetland impacts in Pine Island Center where new development on Pine Island is directed.

If you have any questions about the proposed amendments or the attached materials, please contact me at 533-8585.

Attachments

Proposed Amendment to Lee Plan Policy 14.1.5
CPA 2010-06
December 14, 2011 BoCC Adoption Hearing

Policy 14.1.5:

POLICY 14.1.5: New development, including "planned development" zoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

- will be implemented through the notice-of-clearing process in chapter 14 of the Land Development Code;
- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

The placement and width of the 50 foot vegetated buffer can be modified to accommodate development; however, the development must meet all of the following criteria:

- impact less than 1.5 acres of the associated wetlands; and,
- the impacted area must consist primarily of exotic vegetation; and,
- avoid all impacts to mangrove swamps and tidal flats (FLUCCS Code 612 and 651); and,
- be in the Urban Community Future Land Use Category; and,
- be a Planned Development.

In addition to the listed criteria, the development must create an onsite wetland area. The created wetland area must meet the following:

- must be a minimum of 1.5 square feet for each square foot of impacted associated wetlands; and,
- consist of 100 % native wetland species; and,
- consist of 6' wetland trees to be planted 15' on center and 3 gallon wetland shrubs planted 3' on center; and,
- maintain a hydrologic connection with the remaining preserved associated wetlands; and,
- the wetland creation area may be comprised of planted dry detention, filter marsh or other similar green infrastructure techniques; and,
- the created wetlands are not intended to replace any state or federal required offsite mitigation for permitted impacts to wetlands.