



**CPA2000-13
BoCC SPONSORED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

January 10, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-13**

☒

Text Amendment

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Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 24, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend Policy 16.8.12(2) to include a minimum acreage and width for on-site indigenous preserves and for receiving a 2:1 credit for preserving existing indigenous areas on-site within private recreational facilities in the Density Reduction/Groundwater Recharge Land Use Category (DR/GR).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on-or-off-site~~. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

2. ORIGINAL RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1.. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres on or off site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species per Objective 16.5.
- Private Recreational Facilities must be designed to minimize environmental impacts per Objective 16.6.

- Large, contiguous indigenous preserves better maintain their natural functions.
- Preservation of existing indigenous plant communities on-site receive a 2:1 credit for the required 200 acres of indigenous preserve per Policy 16.8.12(2).
- Proposed large projects may receive indigenous preservation credits up to 150% when minimum width and acreage are met per Land Development Code (LDC) Section 10-415(b)(2) as follows:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

C. BACKGROUND INFORMATION

The Board of County Commissioners adopted Goal 16: Private Recreational Facilities in the DR/GR amendment in November 1999 (effective January 2000). This was a privately initiated amendment with the main objective to allow the development of stand-alone golf courses within the DR/GR.

The Policies associated with Goal 16 are more detailed than other portions of the Lee Plan due to the sensitivity of the DR/GR. Such details are necessary to insure certain standards are achieved with every private recreational facility that is developed within the DR/GR.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Goal 16 was adopted by the BOCC with the understanding that the private recreational facilities would be designed to preserve and improve native plant communities in the DR/GR. The proposed developments would preserve the high quality existing indigenous areas capable of sustaining wildlife and take into consideration improvements to flow-ways. The applicant requesting the Private Recreational Facilities within the DR/GR confirmed this intent in their response regarding PAT 98-08 dated January 14, 1999 stating "Our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal at some point in time."

A minimum 200 acres of indigenous preservation are required for each proposed 18-hole golf course with no less than 100 actual acres of indigenous plant communities preserved on-site. In order to achieve the intent of the preserve requirement of Policy 16.8.12, minimum area and width standards need to be included within the Policy statements.

Planning staff have evaluated the Lee Plan and the LDC in relation to indigenous preservation and credit allowance. The Lee Plan emphasizes the need for well planned preservation and protection of natural resources in the following:

- Objective 16.5: Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species.

- Objective 16.6: Private Recreational Facilities must be designed to minimize environmental impacts.
- Policy 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.
- Objective 40.4: The county will maintain existing regulations to protect the unique environmental and water resource values of the DR/GR.
- Objective 77.1: The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetland and uplands function as a productive unit resembling the original landscape.
- Policy 77.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.
- Policy 77.2.6: Avoid needless destruction of upland vegetation communities including interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.
- Policy 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.
- Policy 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

LDC Section 10-415 establishes minimum criteria for open space and preserve areas. This standard is applied to development proposals through the Development Order Review process. Staff also utilizes this standard in the rezoning process. The minimum area to be counted toward open space requirements is 180 square feet with an average 10-foot minimum width. Indigenous preserve open space must be a minimum of 400 square feet with a minimum 20-foot width.

LDC Section 10-415(b)(2) provides incentive for preserving large, upland indigenous areas through the following credits to meet native plant community preservation requirements:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

The Private Recreational Facilities within the DR/GR have development requirements that are stricter than other Land Use Categories that allow development due to the sensitivity and importance of the DR/GR. Therefore, Planning staff believe that it is important to establish minimum indigenous preservation criteria and credit allowance that exceeds the criteria already available outside of the DR/GR.

Staff have been reviewing three golf course proposals within the DR/GR. It has taken more than two sufficiency reviews to achieve the preservation intent of the Lee Plan. Establishing minimum standards and providing a means for a sliding credit scale will clarify the minimum design standards for indigenous preservation within the DR/GR golf course developments. This will reduce the time involved in obtaining the zoning required to proceed forward with a local development order to construct the private recreational facility.

B. CONCLUSIONS

The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 4, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the proposal to amend the DRGR golf course preservation requirements to include minimum acreage and credits. During reviews of proposed DRGR golf courses, staff realized the need to include size and credit standards for indigenous preserves to meet the understanding that these courses would achieve higher standards than other less sensitive areas within the County. Staff indicated that LDC language would need to be submitted this fall as a follow-up to this Lee Plan amendment.

One LPA member asked for clarification if the recommended credit ratios were based on the current LDC credit table. Staff replied that the LDC standards were used as a basis for the recommendation. The current Lee Plan language allows for 2:1 credit for any on-site preservation. Staff believes that the recommended standards will result in golf course designs that concentrate the indigenous in large tracts as was originally intended.

Another LPA member asked if staff received any comments from the development community. Staff indicated that no comments were received. However, the original applicants stated in a review response letter "our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal." This means preserves would consist of large tracts providing habitat for sustaining wildlife, not just cover for animals to cross through the property.

Two LPA members had questions regarding how the proposed preservation standards compare to existing DRGR golf courses or proposals currently under review. Staff informed the LPA that no golf courses have been developed in the DRGR to date. Additionally, staff has been working with the applicants to insure the proposed courses meet the intent of the regulations, and therefore the current proposals will not be adversely affected by the proposed standards. Staff noted that the proposed indigenous credit standards will better guide the applicants in the initial design of their projects, and thus reduce the time involved in the zoning review process.

One member of the public requested clarification on acres of indigenous vegetation versus actual indigenous acreage. Staff explained the difference in regard to on-site credits. An additional question arose as to the appropriateness of the reference to 100 acres on or off site. Staff concurred that this statement should not apply to off site.

One member of the public asked if an area with more than seventy-five (75%) percent exotic vegetation would count toward the required preserves. Staff clarified that the preserves would consist of existing native plant communities with less than 75% exotic vegetation. If native plant communities are not present on a site, then the applicant may provide the required preserves through on-site restoration or off-site.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommend transmittal of CPA 2000-13 as presented by staff with the change in the next to last sentence, deleting the words, "or off" as follows:

Policy 16.8.12: Golf Site Requirements.

6. No Change

7. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on or off site~~. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

8. No Change

9. No Change

1.0. No Change

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The proposed amendment to establish preservation standards in regard to size and credits within DRGR golf courses was found to be consistent with the Lee Plan, current LDC standards, and the intent of the original approval of the DRGR golf courses.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Aye</u>
BARRY ERNST	<u>Aye</u>
RONALD INGE	<u>Aye</u>
GORDON REIGELMAN	<u>Aye</u>
VIRGINIA SPLITT	<u>Aye</u>
GREG STUART	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: The Board provided no discussion concerning this amendment. This proposal was transmitted as part of the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board approved transmittal to DCA for their review.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board concurred with staff and the LPA's findings.

C. VOTE:

JOHN ALBION

Aye

ANDREW COY

Aye

BOB JANES

Aye

RAY JUDAH

Aye

DOUG ST. CERNY

Aye

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA has no objections, recommendations or comments concerning this amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW: The Board of County Commissioners provided no discussion on the amendment. The item was considered as part of the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to adopt the amendment as previously transmitted. This item was voted on as part of the Board's consent agenda.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION

Aye

ANDREW COY

Absent

BOB JANES

Aye

RAY JUDAH

Aye

DOUG ST. CERNY

Aye

**CPA2000-13
BoCC SPONSORED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
January 10th Adoption Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

November 21, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-13**

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Text Amendment

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Map Amendment

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STAFF REPORT PREPARATION DATE: May 24, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend Policy 16.8.12(2) to include a minimum acreage and width for on-site indigenous preserves and for receiving a 2:1 credit for preserving existing indigenous areas on-site within private recreational facilities in the Density Reduction/Groundwater Recharge Land Use Category (DR/GR).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

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1. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on-or-off-site~~. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

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3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species per Objective 16.5.
- Private Recreational Facilities must be designed to minimize environmental impacts per Objective 16.6.

- Large, contiguous indigenous preserves better maintain their natural functions.
- Preservation of existing indigenous plant communities on-site receive a 2:1 credit for the required 200 acres of indigenous preserve per Policy 16.8.12(2).
- Proposed large projects may receive indigenous preservation credits up to 150% when minimum width and acreage are met per Land Development Code (LDC) Section 10-415(b)(2) as follows:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
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C. BACKGROUND INFORMATION

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The Policies associated with Goal 16 are more detailed than other portions of the Lee Plan due to the sensitivity of the DR/GR. Such details are necessary to insure certain standards are achieved with every private recreational facility that is developed within the DR/GR.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Goal 16 was adopted by the BOCC with the understanding that the private recreational facilities would be designed to preserve and improve native plant communities in the DR/GR. The proposed developments would preserve the high quality existing indigenous areas capable of sustaining wildlife and take into consideration improvements to flow-ways. The applicant requesting the Private Recreational Facilities within the DR/GR confirmed this intent in their response regarding PAT 98-08 dated January 14, 1999 stating "Our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal at some point in time."

A minimum 200 acres of indigenous preservation are required for each proposed 18-hole golf course with no less than 100 actual acres of indigenous plant communities preserved on-site. In order to achieve the intent of the preserve requirement of Policy 16.8.12, minimum area and width standards need to be included within the Policy statements.

Planning staff have evaluated the Lee Plan and the LDC in relation to indigenous preservation and credit allowance. The Lee Plan emphasizes the need for well planned preservation and protection of natural resources in the following:

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- Objective 16.6: Private Recreational Facilities must be designed to minimize environmental impacts.
- Policy 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.
- Objective 40.4: The county will maintain existing regulations to protect the unique environmental and water resource values of the DR/GR.
- Objective 77.1: The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetland and uplands function as a productive unit resembling the original landscape.
- Policy 77.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.
- Policy 77.2.6: Avoid needless destruction of upland vegetation communities including interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.
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Staff have been reviewing three golf course proposals within the DR/GR. It has taken more than two sufficiency reviews to achieve the preservation intent of the Lee Plan. Establishing minimum standards and providing a means for a sliding credit scale will clarify the minimum design standards for indigenous preservation within the DR/GR golf course developments. This will reduce the time involved in obtaining the zoning required to proceed forward with a local development order to construct the private recreational facility.

B. CONCLUSIONS

The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 4, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the proposal to amend the DRGR golf course preservation requirements to include minimum acreage and credits. During reviews of proposed DRGR golf courses, staff realized the need to include size and credit standards for indigenous preserves to meet the understanding that these courses would achieve higher standards than other less sensitive areas within the County. Staff indicated that LDC language would need to be submitted this fall as a follow-up to this Lee Plan amendment.

One LPA member asked for clarification if the recommended credit ratios were based on the current LDC credit table. Staff replied that the LDC standards were used as a basis for the recommendation. The current Lee Plan language allows for 2:1 credit for any on-site preservation. Staff believes that the recommended standards will result in golf course designs that concentrate the indigenous in large tracts as was originally intended.

Another LPA member asked if staff received any comments from the development community. Staff indicated that no comments were received. However, the original applicants stated in a review response letter "our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal." This means preserves would consist of large tracts providing habitat for sustaining wildlife, not just cover for animals to cross through the property.

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One member of the public requested clarification on acres of indigenous vegetation versus actual indigenous acreage. Staff explained the difference in regard to on-site credits. An additional question arose as to the appropriateness of the reference to 100 acres on or off site. Staff concurred that this statement should not apply to off site.

One member of the public asked if an area with more than seventy-five (75%) percent exotic vegetation would count toward the required preserves. Staff clarified that the preserves would consist of existing native plant communities with less than 75% exotic vegetation. If native plant communities are not present on a site, then the applicant may provide the required preserves through on-site restoration or off-site.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommend transmittal of CPA 2000-13 as presented by staff with the change in the next to last sentence, deleting the words, "or off" as follows:

Policy 16.8.12: Golf Site Requirements.

6. No Change

7. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on-or-off~~ site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

8. No Change

9. No Change

1.0. No Change

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The proposed amendment to establish preservation standards in regard to size and credits within DRGR golf courses was found to be consistent with the Lee Plan, current LDC standards, and the intent of the original approval of the DRGR golf courses.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Aye</u>
BARRY ERNST	<u>Aye</u>
RONALD INGE	<u>Aye</u>
GORDON REIGELMAN	<u>Aye</u>
VIRGINIA SPLITT	<u>Aye</u>
GREG STUART	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: The Board provided no discussion concerning this amendment. This proposal was transmitted as part of the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board approved transmittal to DCA for their review.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board concurred with staff and the LPA's findings.

C. VOTE:

JOHN ALBION

Aye

ANDREW COY

Aye

BOB JANES

Aye

RAY JUDAH

Aye

DOUG ST. CERNY

Aye

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA has no objections, recommendations or comments concerning this amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

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STAFF REPORT PREPARATION DATE: May 24, 2001

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A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend Policy 16.8.12(2) to include a minimum acreage and width for on-site indigenous preserves and for receiving a 2:1 credit for preserving existing indigenous areas on-site within private recreational facilities in the Density Reduction/Groundwater Recharge Land Use Category (DR/GR).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on-or-off-site~~. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

2. ORIGINAL RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1.. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres on or off site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species per Objective 16.5.
- Private Recreational Facilities must be designed to minimize environmental impacts per Objective 16.6.

- Large, contiguous indigenous preserves better maintain their natural functions.
- Preservation of existing indigenous plant communities on-site receive a 2:1 credit for the required 200 acres of indigenous preserve per Policy 16.8.12(2).
- Proposed large projects may receive indigenous preservation credits up to 150% when minimum width and acreage are met per Land Development Code (LDC) Section 10-415(b)(2) as follows:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>	-
110%	½ acre	50 feet	
125%	1 acre	75 feet	
150%	3 acre	150 feet	

C. BACKGROUND INFORMATION

The Board of County Commissioners adopted Goal 16: Private Recreational Facilities in the DR/GR amendment in November 1999 (effective January 2000). This was a privately initiated amendment with the main objective to allow the development of stand-alone golf courses within the DR/GR.

The Policies associated with Goal 16 are more detailed than other portions of the Lee Plan due to the sensitivity of the DR/GR. Such details are necessary to insure certain standards are achieved with every private recreational facility that is developed within the DR/GR.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Goal 16 was adopted by the BOCC with the understanding that the private recreational facilities would be designed to preserve and improve native plant communities in the DR/GR. The proposed developments would preserve the high quality existing indigenous areas capable of sustaining wildlife and take into consideration improvements to flow-ways. The applicant requesting the Private Recreational Facilities within the DR/GR confirmed this intent in their response regarding PAT 98-08 dated January 14, 1999 stating "Our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal at some point in time."

A minimum 200 acres of indigenous preservation are required for each proposed 18-hole golf course with no less than 100 actual acres of indigenous plant communities preserved on-site. In order to achieve the intent of the preserve requirement of Policy 16.8.12, minimum area and width standards need to be included within the Policy statements.

Planning staff have evaluated the Lee Plan and the LDC in relation to indigenous preservation and credit allowance. The Lee Plan emphasizes the need for well planned preservation and protection of natural resources in the following:

- Objective 16.5: Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species.

- Objective 16.6: Private Recreational Facilities must be designed to minimize environmental impacts.
- Policy 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.
- Objective 40.4: The county will maintain existing regulations to protect the unique environmental and water resource values of the DR/GR.
- Objective 77.1: The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetland and uplands function as a productive unit resembling the original landscape.
- Policy 77.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.
- Policy 77.2.6: Avoid needless destruction of upland vegetation communities including interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.
- Policy 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.
- Policy 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

LDC Section 10-415 establishes minimum criteria for open space and preserve areas. This standard is applied to development proposals through the Development Order Review process. Staff also utilizes this standard in the rezoning process. The minimum area to be counted toward open space requirements is 180 square feet with an average 10-foot minimum width. Indigenous preserve open space must be a minimum of 400 square feet with a minimum 20-foot width.

LDC Section 10-415(b)(2) provides incentive for preserving large, upland indigenous areas through the following credits to meet native plant community preservation requirements:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

The Private Recreational Facilities within the DR/GR have development requirements that are stricter than other Land Use Categories that allow development due to the sensitivity and importance of the DR/GR. Therefore, Planning staff believe that it is important to establish minimum indigenous preservation criteria and credit allowance that exceeds the criteria already available outside of the DR/GR.

Staff have been reviewing three golf course proposals within the DR/GR. It has taken more than two sufficiency reviews to achieve the preservation intent of the Lee Plan. Establishing minimum standards and providing a means for a sliding credit scale will clarify the minimum design standards for indigenous preservation within the DR/GR golf course developments. This will reduce the time involved in obtaining the zoning required to proceed forward with a local development order to construct the private recreational facility.

B. CONCLUSIONS

The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 4, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the proposal to amend the DRGR golf course preservation requirements to include minimum acreage and credits. During reviews of proposed DRGR golf courses, staff realized the need to include size and credit standards for indigenous preserves to meet the understanding that these courses would achieve higher standards than other less sensitive areas within the County. Staff indicated that LDC language would need to be submitted this fall as a follow-up to this Lee Plan amendment.

One LPA member asked for clarification if the recommended credit ratios were based on the current LDC credit table. Staff replied that the LDC standards were used as a basis for the recommendation. The current Lee Plan language allows for 2:1 credit for any on-site preservation. Staff believes that the recommended standards will result in golf course designs that concentrate the indigenous in large tracts as was originally intended.

Another LPA member asked if staff received any comments from the development community. Staff indicated that no comments were received. However, the original applicants stated in a review response letter "our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal." This means preserves would consist of large tracts providing habitat for sustaining wildlife, not just cover for animals to cross through the property.

Two LPA members had questions regarding how the proposed preservation standards compare to existing DRGR golf courses or proposals currently under review. Staff informed the LPA that no golf courses have been developed in the DRGR to date. Additionally, staff has been working with the applicants to insure the proposed courses meet the intent of the regulations, and therefore the current proposals will not be adversely affected by the proposed standards. Staff noted that the proposed indigenous credit standards will better guide the applicants in the initial design of their projects, and thus reduce the time involved in the zoning review process.

One member of the public requested clarification on acres of indigenous vegetation versus actual indigenous acreage. Staff explained the difference in regard to on-site credits. An additional question arose as to the appropriateness of the reference to 100 acres on or off site. Staff concurred that this statement should not apply to off site.

One member of the public asked if an area with more than seventy-five (75%) percent exotic vegetation would count toward the required preserves. Staff clarified that the preserves would consist of existing native plant communities with less than 75% exotic vegetation. If native plant communities are not present on a site, then the applicant may provide the required preserves through on-site restoration or off-site.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommend transmittal of CPA 2000-13 as presented by staff with the change in the next to last sentence, deleting the words, "or off" as follows:

Policy 16.8.12: Golf Site Requirements.

6. No Change

7. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on-or-off~~ site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

8. No Change

9. No Change

1.0. No Change

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The proposed amendment to establish preservation standards in regard to size and credits within DRGR golf courses was found to be consistent with the Lee Plan, current LDC standards, and the intent of the original approval of the DRGR golf courses.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Aye</u>
BARRY ERNST	<u>Aye</u>
RONALD INGE	<u>Aye</u>
GORDON REIGELMAN	<u>Aye</u>
VIRGINIA SPLITT	<u>Aye</u>
GREG STUART	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: The Board provided no discussion concerning this amendment. This proposal was transmitted as part of the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board approved transmittal to DCA for their review.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board concurred with staff and the LPA's findings.

C. VOTE:

JOHN ALBION

Aye

ANDREW COY

Aye

BOB JANES

Aye

RAY JUDAH

Aye

DOUG ST. CERNY

Aye

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

CPA2000-13
BoCC SPONSORED
AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BOCC Public Hearing Document
for the
August 29th, 2001 Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

August 1, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-13**

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Text Amendment

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Map Amendment

✓	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

STAFF REPORT PREPARATION DATE: May 24, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend Policy 16.8.12(2) to include a minimum acreage and width for on-site indigenous preserves and for receiving a 2:1 credit for preserving existing indigenous areas on-site within private recreational facilities in the Density Reduction/Groundwater Recharge Land Use Category (DR/GR).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on-or-off~~ site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

2. ORIGINAL RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1. No Change

2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres on or off site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. No Change

4. No Change

5. No Change

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species per Objective 16.5.
- Private Recreational Facilities must be designed to minimize environmental impacts per Objective 16.6.

- Large, contiguous indigenous preserves better maintain their natural functions.
- Preservation of existing indigenous plant communities on-site receive a 2:1 credit for the required 200 acres of indigenous preserve per Policy 16.8.12(2).
- Proposed large projects may receive indigenous preservation credits up to 150% when minimum width and acreage are met per Land Development Code (LDC) Section 10-415(b)(2) as follows:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

C. BACKGROUND INFORMATION

The Board of County Commissioners adopted Goal 16: Private Recreational Facilities in the DR/GR amendment in November 1999 (effective January 2000). This was a privately initiated amendment with the main objective to allow the development of stand-alone golf courses within the DR/GR.

The Policies associated with Goal 16 are more detailed than other portions of the Lee Plan due to the sensitivity of the DR/GR. Such details are necessary to insure certain standards are achieved with every private recreational facility that is developed within the DR/GR.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Goal 16 was adopted by the BOCC with the understanding that the private recreational facilities would be designed to preserve and improve native plant communities in the DR/GR. The proposed developments would preserve the high quality existing indigenous areas capable of sustaining wildlife and take into consideration improvements to flow-ways. The applicant requesting the Private Recreational Facilities within the DR/GR confirmed this intent in their response regarding PAT 98-08 dated January 14, 1999 stating "Our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal at some point in time."

A minimum 200 acres of indigenous preservation are required for each proposed 18-hole golf course with no less than 100 actual acres of indigenous plant communities preserved on-site. In order to achieve the intent of the preserve requirement of Policy 16.8.12, minimum area and width standards need to be included within the Policy statements.

Planning staff have evaluated the Lee Plan and the LDC in relation to indigenous preservation and credit allowance. The Lee Plan emphasizes the need for well planned preservation and protection of natural resources in the following:

- Objective 16.5: Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species.

- Objective 16.6: Private Recreational Facilities must be designed to minimize environmental impacts.
- Policy 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.
- Objective 40.4: The county will maintain existing regulations to protect the unique environmental and water resource values of the DR/GR.
- Objective 77.1: The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetland and uplands function as a productive unit resembling the original landscape.
- Policy 77.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.
- Policy 77.2.6: Avoid needless destruction of upland vegetation communities including interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.
- Policy 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.
- Policy 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

LDC Section 10-415 establishes minimum criteria for open space and preserve areas. This standard is applied to development proposals through the Development Order Review process. Staff also utilizes this standard in the rezoning process. The minimum area to be counted toward open space requirements is 180 square feet with an average 10-foot minimum width. Indigenous preserve open space must be a minimum of 400 square feet with a minimum 20-foot width.

LDC Section 10-415(b)(2) provides incentive for preserving large, upland indigenous areas through the following credits to meet native plant community preservation requirements:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

The Private Recreational Facilities within the DR/GR have development requirements that are stricter than other Land Use Categories that allow development due to the sensitivity and importance of the DR/GR. Therefore, Planning staff believe that it is important to establish minimum indigenous preservation criteria and credit allowance that exceeds the criteria already available outside of the DR/GR.

Staff have been reviewing three golf course proposals within the DR/GR. It has taken more than two sufficiency reviews to achieve the preservation intent of the Lee Plan. Establishing minimum standards and providing a means for a sliding credit scale will clarify the minimum design standards for indigenous preservation within the DR/GR golf course developments. This will reduce the time involved in obtaining the zoning required to proceed forward with a local development order to construct the private recreational facility.

B. CONCLUSIONS

The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 4, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the proposal to amend the DRGR golf course preservation requirements to include minimum acreage and credits. During reviews of proposed DRGR golf courses, staff realized the need to include size and credit standards for indigenous preserves to meet the understanding that these courses would achieve higher standards than other less sensitive areas within the County. Staff indicated that LDC language would need to be submitted this fall as a follow-up to this Lee Plan amendment.

One LPA member asked for clarification if the recommended credit ratios were based on the current LDC credit table. Staff replied that the LDC standards were used as a basis for the recommendation. The current Lee Plan language allows for 2:1 credit for any on-site preservation. Staff believes that the recommended standards will result in golf course designs that concentrate the indigenous in large tracts as was originally intended.

Another LPA member asked if staff received any comments from the development community. Staff indicated that no comments were received. However, the original applicants stated in a review response letter "our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal." This means preserves would consist of large tracts providing habitat for sustaining wildlife, not just cover for animals to cross through the property.

Two LPA members had questions regarding how the proposed preservation standards compare to existing DRGR golf courses or proposals currently under review. Staff informed the LPA that no golf courses have been developed in the DRGR to date. Additionally, staff has been working with the applicants to insure the proposed courses meet the intent of the regulations, and therefore the current proposals will not be adversely affected by the proposed standards. Staff noted that the proposed indigenous credit standards will better guide the applicants in the initial design of their projects, and thus reduce the time involved in the zoning review process.

One member of the public requested clarification on acres of indigenous vegetation versus actual indigenous acreage. Staff explained the difference in regard to on-site credits. An additional question arose as to the appropriateness of the reference to 100 acres on or off site. Staff concurred that this statement should not apply to off site.

One member of the public asked if an area with more than seventy-five (75%) percent exotic vegetation would count toward the required preserves. Staff clarified that the preserves would consist of existing native plant communities with less than 75% exotic vegetation. If native plant communities are not present on a site, then the applicant may provide the required preserves through on-site restoration or off-site.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommend transmittal of CPA 2000-13 as presented by staff with the change in the next to last sentence, deleting the words, "or off" as follows:

Policy 16.8.12: Golf Site Requirements.

6. No Change

7. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres ~~on or off~~ site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

8. No Change

9. No Change

10. No Change

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The proposed amendment to establish preservation standards in regard to size and credits within DRGR golf courses was found to be consistent with the Lee Plan, current LDC standards, and the intent of the original approval of the DRGR golf courses.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Aye</u>
BARRY ERNST	<u>Aye</u>
RONALD INGE	<u>Aye</u>
GORDON REIGELMAN	<u>Aye</u>
VIRGINIA SPLITT	<u>Aye</u>
GREG STUART	<u>Aye</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**CPA2000-13
BoCC SPONSORED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
for the
June 4th, 2001 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

May 24, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-13**

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Text Amendment

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Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input type="checkbox"/>	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
<input type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 24, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend Policy 16.8.12(2) to include a minimum acreage and width for on-site indigenous preserves and for receiving a 2:1 credit for preserving existing indigenous areas on-site within private recreational facilities in the Density Reduction/Groundwater Recharge Land Use Category (DR/GR).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to include a minimum acreage and width for indigenous preserves and credits under Policy 16.8.12: Golf Site Requirements of Goal 16: Private Recreational Facilities in the DR/GR as follows:

Policy 16.8.12: Golf Site Requirements.

1. No Change
2. Two hundred (200) acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on-site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the Land Development Code. However, the indigenous vegetation preserve requirement must be met with a minimum of one hundred (100) actual indigenous acres on or off site. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.
3. No Change
4. No Change
5. No Change

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species per Objective 16.5.
- Private Recreational Facilities must be designed to minimize environmental impacts per Objective 16.6.
- Large, contiguous indigenous preserves better maintain their natural functions.
- Preservation of existing indigenous plant communities on-site receive a 2:1 credit for the required 200 acres of indigenous preserve per Policy 16.8.12(2).
- Proposed large projects may receive indigenous preservation credits up to 150% when minimum width and acreage are met per Land Development Code (LDC) Section 10-415(b)(2) as follows:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

C. BACKGROUND INFORMATION

The Board of County Commissioners adopted Goal 16: Private Recreational Facilities in the DR/GR amendment in November 1999 (effective January 2000). This was a privately initiated amendment with the main objective to allow the development of stand-alone golf courses within the DR/GR.

The Policies associated with Goal 16 are more detailed than other portions of the Lee Plan due to the sensitivity of the DR/GR. Such details are necessary to insure certain standards are achieved with every private recreational facility that is developed within the DR/GR.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Goal 16 was adopted by the BOCC with the understanding that the private recreational facilities would be designed to preserve and improve native plant communities in the DR/GR. The proposed developments would preserve the high quality existing indigenous areas capable of sustaining wildlife and take into consideration improvements to flow-ways. The applicant requesting the Private Recreational Facilities within the DR/GR confirmed this intent in their response regarding PAT 98-08 dated January 14, 1999 stating "Our intent is to save real, viable habitat, not property that could be viable habitat and that may be used by some animal at some point in time."

A minimum 200 acres of indigenous preservation are required for each proposed 18-hole golf course with no less than 100 actual acres of indigenous plant communities preserved on-site. In order to achieve the intent of the preserve requirement of Policy 16.8.12, minimum area and width standards need to be included within the Policy statements.

Planning staff have evaluated the Lee Plan and the LDC in relation to indigenous preservation and credit allowance. The Lee Plan emphasizes the need for well planned preservation and protection of natural resources in the following:

- Objective 16.5: Private Recreational Facilities are required to be designed to incorporate preservation that restricts the unnecessary loss of wildlife habitat or impact on listed species.
- Objective 16.6: Private Recreational Facilities must be designed to minimize environmental impacts.
- Policy 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.
- Objective 40.4: The county will maintain existing regulations to protect the unique environmental and water resource values of the DR/GR.
- Objective 77.1: The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetland and uplands function as a productive unit resembling the original landscape.
- Policy 77.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.
- Policy 77.2.6: Avoid needless destruction of upland vegetation communities including interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.

- Policy 77.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.
- Policy 77.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

LDC Section 10-415 establishes minimum criteria for open space and preserve areas. This standard is applied to development proposals through the Development Order Review process. Staff also utilizes this standard in the rezoning process. The minimum area to be counted toward open space requirements is 180 square feet with an average 10-foot minimum width. Indigenous preserve open space must be a minimum of 400 square feet with a minimum 20-foot width.

LDC Section 10-415(b)(2) provides incentive for preserving large, upland indigenous areas through the following credits to meet native plant community preservation requirements:

<u>Credit Provided</u>	<u>Minimum size</u>	<u>Minimum width</u>
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	150 feet

The Private Recreational Facilities within the DR/GR have development requirements that are stricter than other Land Use Categories that allow development due to the sensitivity and importance of the DR/GR. Therefore, Planning staff believe that it is important to establish minimum indigenous preservation criteria and credit allowance that exceeds the criteria already available outside of the DR/GR.

Staff have been reviewing three golf course proposals within the DR/GR. It has taken more than two sufficiency reviews to achieve the preservation intent of the Lee Plan. Establishing minimum standards and providing a means for a sliding credit scale will clarify the minimum design standards for indigenous preservation within the DR/GR golf course developments. This will reduce the time involved in obtaining the zoning required to proceed forward with a local development order to construct the private recreational facility.

B. CONCLUSIONS

The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: June 4, 2001

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

SUSAN BROOKMAN

BARRY ERNST

RONALD INGE

GORDON REIGELMAN

VIRGINIA SPLITT

GREG STUART

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

