

**LEE COUNTY**

SOUTHWEST FLORIDA

**PLANNING DIVISION**

M E M O R A N D U M

**to:** Board of County Commissioners  
**from:** *Paul C. Connor* Gov  
Paul C. Connor, AICP, Director, Division of Planning  
**subject:** Lee County's 2000/2001 Regular Comprehensive Plan Amendment Cycle  
**date:** December 21, 2001

Attached are the agenda and a portion of the staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 10<sup>th</sup>, 2001. This is an adoption hearing for the 2000/2001 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 12, 2001. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 21, 2001. The DCA did not pose any objections, recommendations, or comments on 22 of the 24 transmitted amendments. The two amendments that were objected to were PAM 98-06 and CPA2000-02.

The DCA offered objections to PAM 98-06, which is a privately-initiated request to amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban," and also, to amend Lee Plan Policy 1.1.6 and Table 1(a), Note 6. This amendment has been placed on the Administrative Agenda. Staff is still working with the applicant in their efforts to respond to the objections of DCA, although staff has not received any new information as of this writing that would change the original staff recommendation. The staff report and applicant's response to the objections of the DCA will be provided to the BoCC under a separate cover next week.

The DCA also offered an objection to CPA2000-00002, which is a privately-initiated amendment to amend Goal 15, Gasparilla Island, to limit commercial and industrial uses within those portions of the Boca Bay Community that contain the Port District zoning designation. Staff is currently working with representatives from DCA and the applicant to resolve this issue, and anticipates that the outstanding issues will be resolved to the satisfaction of the DCA. The staff report and response to DCA's objections will be provided to the BoCC under a separate cover next week.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. One of these, CPA2000-00019, is the amendment addressing the Estero Community Planning Effort. Representatives of the Estero Community Planning Panel submitted several proposed modifications to the transmittal language on December 21, 2001. Staff is still reviewing these modifications and will provide recommendations on them as part of the adoption staff report. The staff report for this amendment will be provided to the BoCC under a separate cover next week.

Another amendment that will require modification between the transmittal hearing and the adoption hearing is CPA2000-00027, which proposes to update the Capital Improvements Program (CIP) in

the Lee Plan. Planning staff will be receiving the latest CIP from Budget Services staff, and will incorporate this document into the Lee Plan. The staff report for this amendment will be provided to the BoCC under a separate cover next week.

The final amendment that might require modification from the transmittal stage is CPA2000-00015, which proposes to modify setbacks for golf course maintenance facilities from public roadways and adjacent residential properties in the Density Reduction/Groundwater Resource areas. Staff is still finalizing its recommendation on this amendment. The staff report and final recommendation will be provided to the BoCC under a separate cover next week.

Other than these 5 amendments that will require modifications as noted above, the remaining documents were simply updated to reflect that there were no objections, recommendations, or comments by the DCA. As stated previously, the staff reports and other background materials for these 5 amendments will be provided to the Board next week, and should be added to the materials received with this correspondence.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

cc:     *Donald Stilwell, County Administrator*  
          *Mary Gibbs, Director, Department of Community Development*  
          *Minutes*  
          *Lee Cares*  
          *Tim Jones, Assistant County Attorney*  
          *Janet Watermeier, Director, Economic Development*  
          *Dave Loveland, DOT*  
          *Diana Parker, County Hearing Examiner*

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

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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BoCC Public Hearing Document  
for the  
January 10<sup>th</sup> Adoption Hearing

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*Lee County Planning Division  
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November 21, 2001



**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"/>	<b>This Document Contains the Following Reviews:</b>
<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 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:**

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

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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