

**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 10th, 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

**CPA2000-25
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
CPA2000-25**

☒

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 type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: March 16, 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 the Parks, Recreation and Open Space Element by amending the language of Goal 52, and adding a new Objective and Policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The request does not increase the required amount of open space. The allocation of open space in relation to preserving indigenous plant communities and large native trees is to be evaluated at the time of zoning review.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. REVISED STAFF RECOMMENDATION:** Planning staff recommends that Goal 52 and Objective 52.1 be amended as follows. Planning staff further recommends adding a new objective and policy under Goal 52 to specifically address open space in commercial and industrial developments.

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

OBJECTIVE 52.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

POLICY 52.2.1.: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments.

OBJECTIVE 52.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

POLICY 52.3.1: Any new development must with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Properties Any new development with existing native trees without associated native groundcover or understory must is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

POLICY 52.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.

POLICY 52.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

2. LPA RECOMMENDED LANGUAGE: The LPA recommends that the Board of County Commissioners transmit this proposed amendment with the following language:

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

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POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

3. ORIGINAL STAFF RECOMMENDATION: Planning staff recommends that Goal 52 and Objective 52.1 be amended as follows. Planning staff further recommends adding a new objective and policy under Goal 52 to specifically address open space in commercial and industrial developments.

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

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OBJECTIVE 52.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses. This objective and subsequent policies are to be implemented through the zoning process.

POLICY 52.3.1: Any new development must provide half of the required open space as existing native plant communities. Properties with existing native trees without associated native groundcover or understory must provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

POLICY 52.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.

POLICY 52.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

4. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Goal 52 of the Lee Plan, as it currently reads, could be interpreted as requiring open space for residential developments, but not for commercial or industrial developments.
- Section 10-415 of the Lee County Land Development Code (LDC) clearly contains open space requirements for commercial and industrial developments, although they are less than those for residential developments.
- The proposed Lee Plan Policies do not increase the amount of required open space.
- It has been the experience of Planning staff, through the planned development rezoning review process, that many applications are requesting deviations from the open space requirements for commercial and industrial developments, without sufficient justification.
- The LDC requires less open space for commercial and industrial developments than for residential developments, even though the intensity of use is generally higher for commercial and industrial projects.
- The importance of functional open space in commercial and industrial developments is equal to or more than in residential developments due to the impacts that commercial and industrial uses have on the land.
- Land containing large native trees without the associated understory do not meet the LDC definition of indigenous plant community, however, the preservation of large native trees within projects is important to the quality of development and provides a consistent quality of life for the community.
- Preservation of indigenous plant communities and native trees provides benefits to the general public as well as to wildlife.
- The proposed open space policies do not increase the cost of development, and can reduce the landscaping cost by using the existing native vegetation to meet the LDC required buffers and trees.

C. BACKGROUND INFORMATION

Goal 52 of the Lee Plan currently requires new developments to provide adequate open space for their future residents. By stating that the open space is for future residents, implies that open space is only encouraged in residential developments. The LDC requires open space in commercial and industrial developments, although the requirements are generally less than those for residential developments. It has become apparent to staff, through zoning deviation requests to reduce open space within commercial and industrial developments, that there is a need to clarify the purpose and importance of open space in nonresidential projects within the Lee Plan. While the open space requirements for commercial and industrial projects are less than for residential projects, the intensity of use for

commercial and industrial projects is much greater, potentially leading to more negative environmental impacts. The Lee Plan as currently worded does not emphasize the need for open space in non-residential projects to provide a sound basis for requiring open space during the rezoning process. This proposal does not increase the required amount of open space. The proposed amendment to Goal 52 seeks to provide clarification of open space design in all projects during the rezoning process to insure the quality of indigenous plant communities and/or native tree preservation within open space areas.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Currently, **Chapter V, Parks, Recreation and Open Space**, only addresses open space requirements of residential developments under Goal 52 and the associate objective and policies. It was likely unintended that Goal 52 of the Lee Plan does not directly address the importance of open space in non-residential developments because the issue is incorporated into other areas of the Lee Plan as well as in the LDC. It is important to revise Goal 52 to clearly state the importance that is placed on the provision of open space within commercial and industrial development.

The Lee Plan contains language within the land use policies of Goals 6, 7, and 77 that address design of projects to achieve visual harmony, screening, buffering, protection of natural resources, and maintaining water quality. These policies are as follows:

- Policy 6.1.3 requires commercial planned developments to arrange uses as an integrated and cohesive unit in order to provide visual harmony and screening and protect natural resources.
- Policy 6.1.6 requires land development regulations requiring commercial development to provide adequate and appropriate landscaping, open space, and buffering.
- Policy 7.1.1 requires that applications for industrial development be evaluated by staff with particular attention to buffering and screening, impacts and effects on environmental and natural resources, and impacts on water quality.
- Policy 7.1.2 requires industrial planned developments to arrange uses as an integrated and cohesive unit in order to promote compatibility and screening, and protect natural resources.
- Policy 7.1.8 requires land development regulations requiring industrial uses to be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.
- Policy 77.2.9 requires the county to maintain regulations, incentives, and programs for preserving and planting native plant species.

The provision of open space in non-residential developments is consistent with the policies listed above. Open space provides pervious land area for buffering, visual relief, landscaping, surface water

treatment, and preservation of existing native trees and plant communities. LDC Section 10-412 states the purpose and intent of LDC Division 6, Open Space, Buffering and Landscaping, is to improve the aesthetic appearance of commercial, industrial and residential developments through the requirement of minimum open space and landscaping in ways that compliment the natural and built environment. This section makes it clear that open space in commercial and industrial developments has the same importance as open space in residential developments.

The functions of open space in non-residential developments are many. In Urban Land Use Planning by Kaiser, Godschalk, and Chapin (4th Edition, 1995), the authors list examples of the services performed by open space including: water storage and purification, dispersal of atmospheric pollution, flood control, erosion control, topsoil accumulation, wildlife breeding and spawning, and wildlife and plant habitat (p. 295). The importance of these services is magnified in non-residential developments because they generally produce more negative environmental impacts than residential developments. Open spaces in non-residential developments also have a positive impact on surface water quality. Non-residential uses are generally located in the most urbanized areas with a high percentage of impervious surface. As areas of impervious surface increase, the volume of water infiltrating the soil is reduced and, consequently, more water flows off-site and unabated into natural surface waters. Open spaces can serve to filter the stormwater within the property and reduce the amount of off-site stormwater runoff. This function is particularly important in a coastal area such as Lee County, where there are greater possibilities for surface water contamination.

Many properties within Lee County contain large, native trees with pastureland as the only understory. These areas do not meet the LDC definition of indigenous vegetation community. However, it is important to preserve large, native trees even when the understory portion of the plant community is not present. Large trees provide visual relief and cooling in the urban environment that it would take decades for the code required trees to achieve. The LDC currently encourages the retention of native trees by offering protected tree credits for native trees retained on-site with a minimum four inch caliper. These credits apply toward meeting the general and buffer tree requirements. There is limited success at the time of local development order review to have the developer revise the site design to retain native trees.

Lee County has taken a number of steps to improve the aesthetics of developing areas and insure a consistent quality of life throughout the county. In December of 1998 the Board of County Commissioners (BOCC) adopted a revised landscape code and architectural standards. The landscape code revisions addressed buffering and landscape standards. Projects subject to these revisions are just beginning to be completed. The improvements to commercial and industrial sites are noticeable, and staff has received positive comments from citizens.

Additionally, the BOCC committed to a substantial street landscaping program in 1998 (advisory committee established 1996) to prioritize roadway corridors and establish landscaping designs. The LeeScape street-landscaping program has \$500,000 budgeted for the design and installation of landscaping each year along county maintained roadways. The first project completed was the landscaping of Daniels Parkway from Ben Pratt/Six Mile Cypress Parkway to the Southwest Florida International Airport. Lee County Department of Transportation has also planted native trees adjacent to the sidewalk along Gladiolus Parkway along Lakes Park to Summerlin Boulevard.

The County's Community Redevelopment Agency (CRA) efforts have resulted in additional landscaping on roadways in the community. The table below provides a summary of these projects:

Community	Amount Expended	Year Built	Project Location
Bonita Springs	\$3.5 million	1998-1999	Old 41
Tice/Ft. Myers Shore	\$462,673	2000	S.R. 80 (Phase I & II)
Tice/Ft. Myers Shore	\$240,580 (estimated)	2001	S.R. 80 (Phase III & IV)
Lehigh Acres	\$243,108	2000	Lee Boulevard
Lehigh Acres	\$280,000		Homestead Road
San Carlos Island	\$47,426	2000	
North Fort Myers	\$555,553	2000	Old 41 - N. Tamiami Trail
North Fort Myers	\$222,996	2001 (under Const.)	Bayshore Road

The proposed Lee Plan Objective 52.3 and subsequent policies are important to include in the Lee Plan to emphasize and clarify the county's commitment to insuring development occurs in an aesthetically pleasing manner while maintaining the natural character of Lee County as much as possible. The open space design objective and policies emphasize the importance of considering the natural features of the site in relation to preserving native trees and plant communities, providing visual relief, and buffering neighboring properties. The open space plan is most appropriately addressed at the zoning review stage instead of the development order review time since it is earlier in the design process and there is more flexibility to address the open space issues inherent to the specific property and development proposed. Addressing these issues at zoning review will enhance the final site designs submitted as local development orders, and increase the success of protecting Lee County's natural character. Additionally, in the case of Planned Development rezoning, the review process establishes a Master Concept Plan that establishes the permitted uses of the site as well as the location of open space and buffer areas.

The landscaping and architectural standards that were updated in 1998 did not address open space. It has become apparent through the rezoning process that it is necessary to clarify the importance of open space design. This proposal provides policies to clearly state open space design criteria. Some of the buffering and landscaping requirements may be met through designing the open space to preserve native trees and plant communities. The landscape, open space and architectural standards do not prohibit the development of the property nor do they eliminate uses.

Planning staff includes an attachment demonstrating the visual relief achieved by providing preserves retaining large, native trees along rights-of-way and within developments(see Attachment A).

Lee Plan Policy 110.6.1 directs county staff to generally assess the impact of any proposed regulation which potentially imposes new costs to taxpayers and private businesses. Currently open space needs to be factored in when the development order plan is designed, therefore, no additional cost should be generated by including the open space design on the Master Concept Plan. The proposed open space design criteria can reduce the landscaping costs through preserving existing native vegetation to meet the buffering and landscaping requirements. The required open space area remains as adopted in LDC Section 10-415. Additional lands are not required to be set aside as open space. Therefore the same amount of development area will be available on the parcel.

The BOCC established minimum open space requirements for residential, commercial and industrial developments per LDC Section 10-415. Residential developments are required to provide the greatest amount of open space at 35% for small projects and 40% for large projects to meet the needs of the residents. Commercial developments are required to provide slightly less open space at 20% for small projects and 30% for large projects to provide visual relief in the urban environment and sufficient surface water management areas. Industrial developments are required to provide the least amount of open space at 10% for small projects and 20% for large projects to provide adequate buffering and screening, as well as sufficient surface water management areas. These various open space requirements show that the LDC acknowledges the need and purpose of open space in non-residential developments. This amendment is meant to revise Goal 52 of the Lee Plan to be consistent with the existing LDC standards in terms of acknowledging the importance of open space in commercial and industrial projects. The amendment also provides the development community with guidance for designing open space within proposed projects.

B. CONCLUSIONS

The purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Open space in non-residential developments functions as it does in residential developments. Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space. This is not consistent with other provisions of the Lee Plan or with the LDC. Goal 52 of the Lee Plan should be modified to recognize the importance of open space in non-residential development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment as contained in Part I.B.1.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 26, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the proposed amendment to Goal 52 to include language clarifying open space within commercial and industrial developments; to add an objective regarding open space design to be addressed a zoning review; and to require preservation of large native trees within open space areas when native plant communities are not present. Staff noted that addressing open space and preservation requirements during zoning review allows more time to establish quality open space and preserves.

One LPA member was concerned with the language “we will continue to review or continue to require” under Objective 52.2 and Policy 52.1.2. The Department of Community Affairs wants objectives to be measurable. Staff concurred, but stated that the language reflects the County’s intention to keep the provisions in the land development code.

The LPA noted that the proposed amendment uses “encourage”, and wanted clarification on how the county encourages. Staff explained that some encouragement consists of credits given to preserve areas based on acreage and width to encourage larger preserve tracts.

Another issue raised was if the requirement to provide half of the open space as preservation area was consistent with the LDC. Staff verified that is the current LDC preservation requirement.

One member of the LPA was concerned that staff’s evaluation alluded to the need for more open space within commercial and industrial developments. Staff replied that the issue is not amount, but the quality of open space. Larger green areas with mature native trees provides more visual relief and cooling effect than the currently required 10-foot trees. Staff is asking for a critical evaluation of the site and adjacent uses to designate open space and preserve areas where they make the most impact.

A follow-up question by the LPA was how staff analyzed that the proposed policies would not adversely affect the cost of development. Staff replied that the recommended language does not increase the amount of open space required, and that preserved trees may be used to meet LDC landscape requirements actually reducing landscape costs.

One member had concern that the language should be in the LDC not the Lee Plan. Two members believed the policies should be in the Lee Plan to avoid problems during zoning review.

One LPA member noted that the preservation of trees is a good amendment, however, a standard should be established to determine which trees to preserve. It was suggested that the appropriate place for such standards is the LDC. Staff concurred, and stated that it was anticipated that LDC language would need to be amended to implement these open space and preservation policies.

The LPA had concerns over the use of “must” within the preservation policies. The main concern was that deviations or variances would not be granted. Discussion resulted in revision to the proposed language for Policy 52.3.1 to read as follows:

Any new development with existing indigenous vegetation ~~must~~ is encouraged to provide half of the required open space as existing native plant communities. ~~Properties with existing native trees without associated native groundcover or understory must~~ Any new development with existing native trees without associated native ground cover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged.

One member of the public supported the proposal. This person indicated that it was important for Lee County to remain special, and not turn into a “concrete jungle.” It was noted that people like to visit Sanibel where there is a strong tree ordinance. Also noted was the value of shade and percolation.

Another member of the public stated that originally he was opposed to the proposed language. However, he believes quality open space is important and the revised language addresses his concern over the ability to seek a deviation or variance from the preservation requirement. Additional concern was noted that the new requirement to preserve native trees should be separated from the indigenous preservation requirement, and incentives offered to preserve trees. It was recommended that the language requiring adequate widths to preserve and allow for continued growth and viability be deleted. Concern was also raised over encouraging preservation along rights-of-way. He believed that Policies 52.3.2 through 3.5 should be addressed in the LDC.

An LPA member asked for a legal opinion on where the language should be incorporated. The assistant county attorney summarized the importance of including open space and preservation policies in the Lee Plan. He indicated that without such policies attorneys and planners can argue that there’s no requirement in the plan to have open space in commercial areas. The county attorney added that “since the zoning process is a quasi-judicial process - substantial, competent evidence, et cetera - you get through that process and, you know, the judges across the street are going to agree. It’s not there; you can’t require it. So I think we need policies in the plan that make it clear what we’re trying to do...we have other policies in the plan that say you must submit TIS’s at certain times...That’s a submittal requirement. You must submit other things during the zoning process. Those are some other requirements that are in the plan. They’re general enough that they’re deemed appropriate and important enough that they’re deemed appropriate to be in the plan. I don’t truly believe that these policies are designed or will function as some additional burden that is not going to be able to be handled in the development community. I think they will be very beneficial in the long run.”

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommended transmittal of the amendment as revised below:

GOAL 52: DEVELOPMENT DESIGN REQUIREMENTS. To require new developments to provide adequate open space for their future residents for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

OBJECTIVE 52.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

OBJECTIVE 52.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

POLICY 52.2.1: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments.

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POLICY 52.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design.

POLICY 52.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The majority of the LPA members determined that Policies 52.3.2 through 52.3.5 would be more appropriately addressed in the LDC.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Opposed</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 - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: One Board member commented the staff proposed amendment defines what Lee County has been trying to accomplish with its open space regulations. He also stated that it was important to receive the open space assessment at time of rezoning. This amendment was transmitted as part of the administrative agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board approved transmittal of staff's revised recommendation to DCA for their review.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board supported staff's findings of fact.

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 had 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

**CPA2000-25
BoCC SPONSORED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Attachment A

March 21, 2001



Photo 1 - View of the Cypress Trace Plaza Eckerd from Cypress Lake Drive. The native vegetation along the road frontage provides visual relief without blocking the view of the store.



Photo 2 - View of Cypress Trace Plaza entrance from U.S. 41. The project identification sign is in clear view with the preserve area provided along the road frontage.



Photo 3 - Native vegetation preserved along Cypress Lake Drive.



Photo 4 - Cypress Trace Plaza large buffer area with native vegetation preserved along Cypress Lake Drive.



Photo 5 - Corner of Summerlin Road and Cypress Lake Drive. The pine flatwoods were removed from the commercial portion of the development.



Photo 6 - Commercial development along Cypress Lake Drive. Mature native vegetation was removed in favor of new planting adding to developer expense and reducing the function of the open space.