



CITY OF LABELLE, FLORIDA
Staff Report
100 North Lee Street
Variance and Tree Removal

TYPE OF CASE: Variance and Tree Removal Permit Requiring City Commission Approval

STAFF REVIEWER: Patty Kulak

DATE: September 10, 2026

APPLICANT: Matthew Velentine; N Lee ST Holding LLC

REQUEST: Variance from the Downtown Center Zoning District Build-to Line and Frontage Percentage Requirements and Significant Oak Tree Removal at 100 N. Lee Street.

LOCATION: 100 N. Lee Street

PROPERTY SIZE: 1.09+/- acres

STAFF NARRATIVE:

The subject property consists of approximately 1.09 acres located at 100 North Lee Street, at the southwest corner of North Lee Street and East Yeomans Avenue. The property is currently vacant and undeveloped and is located within the Downtown Business District (DBD), Downtown General. Surrounding development includes an office use to the north, single-family residential uses across North Lee Street to the east, restaurant uses to the south and west, and a mix of commercial and residential development throughout the surrounding downtown area. The site contains a number of mature oak trees that have been established for approximately 35 years and significantly influence the developable area of the property.

The Applicant proposes to develop the vacant property with the Heritage Oaks Professional Center, consisting of an approximately 10,000-square-foot flex office building with associated parking, landscaping, stormwater management, access, and other site improvements.

To accommodate the proposed site design, the Applicant is requesting variances from LDC Sections 4-71.12.2.1 and 4-71.13.3 related to the Downtown Center build-to line and frontage percentage requirements. The Downtown Center requires buildings to be located within 0 to 10 feet of the right-of-way and occupy 80% to 100% of the lot frontage. While the LDC allows administrative exceptions to these standards to avoid Significant Oak Trees greater than 12 inches in caliper, the proposed site design requires relief beyond the scope of that exception to accommodate the building, parking, required site improvements, and preservation of the existing mature tree canopy.

The Applicant proposes to locate the building approximately 29 feet from the eastern property line along North Lee Street and approximately 46 feet from the most restrictive point along the East Yeomans Avenue frontage. As proposed, the building would therefore be located outside the required build-to line and would not meet the required frontage percentage. The requested variances would also allow parking to be located between the building and North Lee Street. According to the Applicant, the proposed layout is intended to balance the Downtown Center development standards with the functional needs of the site, including parking, circulation, stormwater management, and preservation of existing mature trees. A detailed analysis of the applicable variance criteria is provided within this staff report.

In conjunction with the variance request, the Applicant is requesting approval to remove 16 Significant Oak Trees. The proposed site plan preserves 12 existing trees and identifies 19 new Live Oak trees to be planted on-site. The Applicant proposes to satisfy the required tree mitigation through a combination of on-site replacement trees and payment of a fee in lieu of planting as permitted by the City.

Variance Review Criteria:

The following is Staff's analysis of the Applicant's request in relation to LDC Section 3-22, which sets forth the review criteria for a variance.

- a. Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures in the same district.

The subject property is not considered unique based on its size, shape, or location within the Downtown Center. However, the site contains a substantial number of existing mature oak trees, including healthy trees that warrant consideration as part of the redevelopment of the property. The location of these trees creates site-specific constraints that affect the overall site design. The Applicant's requested variance allows for a site layout that differs from the standard Downtown Center build-to and frontage requirements but provides greater flexibility to preserve existing healthy oak trees while also accommodating new and replacement trees required as part of the development. Staff finds that the existing tree canopy and the effort to maximize tree preservation and mitigation while maintaining a functional site constitute circumstances that support the requested variance

- b. The strict and literal enforcement of the zoning section of the land development regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.

Strict application of the Downtown Center build-to line and frontage percentage requirements would require substantial modification of the proposed site layout and could result in the removal of additional healthy, mature oak trees to accommodate the site improvements. The existing tree canopy already limits the developable portions of the property, and additional tree removal would also increase the Applicant's mitigation obligations and associated costs, potentially creating an undue hardship rather than a mere inconvenience.

Staff finds that strict enforcement could also result in an unnecessary loss of mature tree canopy that contributes to the landscaped character of the Downtown Business District. The requested relief allows the site to remain functional while preserving a greater number of existing healthy trees and providing adequate area for required replacement and new trees. Accordingly, Staff finds that the proposed layout provides a reasonable balance between compliance with the intent of the Downtown Center regulations and preservation of the site's established tree canopy.

- c. The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.

Staff finds that the requested variance will not be injurious to or incompatible with surrounding properties. The proposed professional office use is consistent with the commercial character of the Downtown Business District, and the requested relief is limited to building and parking placement. The proposed layout also allows for greater preservation of the existing mature tree canopy and additional landscaping, which will help maintain the character of the site and surrounding area.

- d. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.

The conditions supporting the variance are primarily related to the location and extent of the existing mature oak trees, which predate the Applicant's proposed development and were not created by the current property owner. While alternative site layouts may be possible, strict compliance with the build-to and frontage requirements could require removal of additional healthy trees and increase required mitigation. Staff finds that the proposed layout reasonably responds to the existing site conditions while allowing functional development and greater preservation of the existing tree canopy.

- e. The requested variance is the minimum modification of the regulation at issue that will afford relief.

Staff finds that the requested variance is limited to the build-to line and frontage requirements necessary to accommodate a functional site design while preserving healthy mature oak trees. The proposed layout balances building placement, parking, circulation, and required site improvements with tree preservation and mitigation and does not request relief from other applicable development standards.

- f. The variance granted will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions.

Staff finds that approval of the variance would not confer a special privilege, as the requested relief is based on the site-specific constraints created by the existing mature tree canopy and the desire to preserve healthy trees while maintaining a functional site. Properties with similar conditions may seek variance relief through the same review and approval process.

TREE REMOVAL:

The Applicant is requesting City Commission approval to remove 16 Significant Oak Trees pursuant to LDC Section 4-80.16.4.2. The site contains 27 existing trees, of which 11 are proposed to remain and 16 are proposed for removal to accommodate the building, parking, circulation, stormwater management, and other required site improvements.

Section 4-80.16.5 of the Land Development Code requires mitigation for the removal of Significant Oak Trees. Replacement Live Oak trees must meet the City's minimum planting standards, and mitigation is calculated on an inch-for-inch basis using the diameter at breast height (DBH) of the trees approved for removal. Where the full mitigation requirement cannot reasonably be accommodated on-site, the City Commission may authorize payment of a fee in lieu of planting in accordance with the Land Development Code.

The applicant requests to remove a total of 399 DBH inches. Of this amount, 67 inches are exempt from mitigation pursuant to allowances provided by the LDC, resulting in a required mitigation of 332 DBH inches. The Applicant proposes to provide 152 inches of mitigation on-site through the planting of 19, 8-inch, Live Oak trees. The remaining 180 inches would be satisfied through a fee in lieu of planting at the required rate of \$150 per inch, resulting in a total payment of \$27,000.

Section 4-80.16.4.2 authorizes the City Commission to approve the removal of Significant Oak Trees upon a finding that the trees prevent reasonable development of the property, reasonable alternatives to removal have been considered, the removal will not adversely impact adjacent properties, and the required mitigation will be provided.

STAFF RECOMMENDATION

Staff recommends APPROVAL subject to the following conditions:

1. The variance and Significant Oak Tree removal approval shall apply only to the subject property described in Exhibit "A."
2. Development of the property shall be substantially consistent with the site plan and tree removal/mitigation plan approved as part of this petition.
3. The principal building may be located outside the build-to line and frontage percentage requirements of LDC, as generally depicted on the approved site plan. No additional relief from the Downtown Business District development standards is granted by this approval.
4. Parking may be located between the principal building and North Lee Street as generally depicted on the approved site plan.
5. Approval is granted for the removal of no more than sixteen (16) Significant Oak Trees. All existing trees identified for preservation on the approved site plan shall be retained and protected during site development and construction.
6. The Applicant shall provide 152 DBH inches of tree mitigation on-site through the planting of nineteen (19) eight-inch DBH Live Oak trees in accordance with the Tree Mitigation Analysis provided with the application
7. The remaining 180 DBH inches of required tree mitigation shall be satisfied through payment of a fee in lieu of planting at the rate established by the Land Development Code, totaling \$27,000. The fee shall be paid to the City

prior to issuance of the applicable Site Construction Permit or Building Permit.

8. Any proposed modification to the approved site plan that results in the removal of an additional Significant Oak Tree, reduction in the number or size of required mitigation trees, or additional relief from the build-to line or frontage percentage requirements shall require further review and approval in accordance with the Land Development Code.
9. All remaining provisions of the City of LaBelle Land Development Code, Building Code, and other applicable local, state, and federal requirements shall be met.

SUGGESTED MOTION(S)

APPROVAL:

I make a motion to approve the requested variance and tree removal permit, subject to above mentioned staff conditions.

DENIAL:

I make a motion to deny the requested variance and tree removal permit.

The request does not meet the intent of the Comprehensive Plan and Land Development Code.

- 1) Why?

EXHIBIT A
LEGAL DESCRIPTION

COMMENCE AT THE SOUTHEAST CORNER OF BLOCK 43, LABELLE SUBDIVISION IN SECTION 4, TOWNSHIP 43 SOUTH, RANGE 29 EAST, HENDRY COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 47, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°21'34" WEST ALONG THE EAST LINE OF BLOCK 43, A DISTANCE OF 400.00 FEET TO THE SOUTHEAST CORNER OF TRACT AND NORTH LINE OF YEOMANS AVENUE FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 0°21'34" WEST, A DISTANCE OF 272.35 FEET; THENCE SOUTH 88°41'00" WEST, A DISTANCE OF 185.00 FEET; THENCE SOUTH 0°21'34" EAST, A DISTANCE OF 111.84 FEET; THENCE SOUTH 88°41'00" WEST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 0°21'34" EAST, A DISTANCE OF 160.51 FEET TO THE NORTH RIGHT OF WAY OF YEOMANS AVENUE; THENCE NORTH 88°41'00" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 0°21'34" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH 88°41'00" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 0°21'34" EAST, A DISTANCE OF 70.00 FEET TO THE NORTH RIGHT OF WAY OF YEOMANS AVENUE; THENCE NORTH 88°41'00" EAST, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

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LOCATED IN HENDRY COUNTY, FLORIDA

The map displays the proposed site location in Henry County, Georgia. The site is marked with a black square and labeled 'SITE'. The map includes the Georgia-Florida border, the Atlantic Ocean, and surrounding counties: Spalding, Lee, Collier, and Palm Beach. A north arrow is present in the bottom right corner.

PROJECT SUMMARY:

ZONING/REZONING
DOWNTOWN BUSINESS DISTRICT

PROJECT ACREAGE
1.09 ACRES (46,0784 SF)

PARKING
CODE REQUIRED:
0.3 SPACE EVERY 360 SF. FOR DOWNTOWN GENERAL
PROJECT REQUIRED: 10,088 SF / 360 * 0.6 = 15 SPACES
PROJECT PROVIDED: 44 SPACES

TREE PRESERVATION
TREES TO BE PRESERVED = 12 TREES.
TREES TO BE REMOVED = 16 TREES.
TREE TO BE PLANTED = 19 TREES

LEGEND:

	2	→	TREE SURVEY / ID	LIVE OAK TO BE PRESERVED
	10	→	TREE SURVEY / ID	LAUREL O. TO BE PRESERVED
				TREE TO BE REMOVED
				M-14
				MITIGATION TREE ID
				LIVE OAK TO BE PLANTED



Dated 6/25/2026

