

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
July 30, 2012**

**MEMBERS PRESENT:**

Noel Andress (Vice Chair)  
Wayne Daltry  
Jim Green

Mitch Hutchcraft  
Ron Inge (Chair)  
Ann Pierce  
Roger Strelow

**STAFF PRESENT:**

Peter Blackwell, Planning  
Donna Marie Collins, Asst. Cty. Atty.  
Terry Crawford, Library  
Kathie Ebaugh, Planning  
Dawn Huff, Lee County School District  
Janet Miller, Recording Secretary  
Matt Noble, Planning  
Paul O'Connor, Planning Director

Roland Ottolini, Natural Resources  
Tony Palermo, Zoning  
Rob Price, Development Services  
Mikki Rozdolski, Planning  
Lindsey Sampson, Solid Waste  
Heather Wallace, Asst. School Board Atty.  
Howard Wegis, Utilities

**Agenda Item 1 – Call to Order, Certificate of Affidavit of Publication**

Mr. Inge, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street in downtown Fort Myers.

Ms. Collins, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

**Agenda Item 2 - Pledge of Allegiance**

**Agenda Item 3 - Public Forum** - None

**Agenda Item 4 – Approval of Minutes – June 28, 2012**

**Mr. Andress made a motion to approve the June 28, 2012 meeting minutes, seconded by Mr. Green. The motion was called and passed 7-0.**

**Agenda Item 5 – Land Development Code Amendments**

**A. Billboard Amendment**

Mr. Bob Stewart, Building Official, presented this item and reviewed the proposed changes.

General questions and answers ensued.

Mr. Inge opened this item for public comment.

Public input was received from Mr. Chuck Basinait. He distributed an exhibit and reviewed it with the LPA. He stated this exhibit was provided to illustrate the limited affect this ordinance change would have and to ensure that the areas, for instance along Briarcliff, would not be affected by this because they are not in the proper land use classification.

**Mr. Andress made a motion to find the Billboard amendment consistent with the Lee Plan, seconded by Mr. Strelow. The motion was called and passed 7-0.**

### **B. Parking Regulation Amendments**

Ms. Mikki Rozdolski and Mr. Robert Price reviewed the proposed changes to the parking regulations along with a PowerPoint presentation.

General questions and answers ensued.

Ms. Pierce stated she viewed parking requirements as a hidden impact fee because the government is telling business owners how much parking they must provide for their customers and it is very expensive to provide parking. Although she is not against impact fees, she is against hidden fees. She felt it needed to be taken out and unbundled from the property development requirements so the real cost to the developer is known at all times as well as the real carrying cost to the community for free parking, which is sometimes 60% of the landmass of an urban area. She acknowledged that the current system for dealing with parking originally came from ITE and was based on faulty data that was developed on maximum parking needs. She stated the county had a chance to come up with something sensible to greatly reduce parking and to give more power to the business owners and developers to have common sense in supplying their customers with what they feel their customers and their businesses will need.

Mr. Green asked to what extent pervious parking was allowed.

Mr. Price stated staff had done an extensive review on pervious parking areas, but there are substantial concerns coming from the South Florida Water Management District because of our water table and soil characteristics. Natural Resources is involved in the review as well and the County, on a trial basis, is putting some pervious pavements in low turnover county facilities and attempting to file for grants to get some monitoring wells to see what kind of affect pervious pavement has on the groundwater table in those locations.

Ms. Rozdolski noted our code currently allows for pervious parking areas for low turnover parking lots such as churches and drive aisles and other situations where pervious pavement or stabilized surfaces is permitted.

Staff reviewed different types of pervious pavements and noted they also had been attending conferences and were looking at all types of pervious pavements that may be able to be used in the future.

Mr. Inge opened this item for public input. Input was received from Mr. Edd Weiner.

Mr. Weiner, representing the Lehigh Acres Community Planning Panel and the Lehigh Acres Economic Development Board, referred to item (b) on Page 3 under Section 10-260 and stated the word "*locating*" should be replaced with "*loading*." He referred to (c) under that same section dealing with storage areas/containers being adequately shielded along at least three sides. He noted that on several occasions he had designed dumpsters and requested to be able to place some shielding in front of the dumpsters or recycling bins so they are not visible by the public. He was told by "Choice" and "Waste Management"

that gates are not required by code and they did not want the gate installed. He also felt the document was confusing because some local planning communities are mentioned and others are not, so he was not sure if this document is significant to all the planning communities as opposed to it applying only to the ones mentioned. He referred to the three slides presented by Mr. Price and asked what would happen with the extra space that is left over. He suggested it be turned into green space. He gave an example of how you could put 14 foot grassed areas and have the cars overlap 2 feet so that you could have 10 feet of planting in the parking lots. He was told this was not permitted but he felt it was a serious problem because we are not using the extra space to absorb water. It would be the perfect place to have runoff and there would be extra landscaping in parking lots that are usually barren. He stated it was a disservice to the community to continue promoting parking lots without landscaping and shade. He also asked the LPA and staff to consider having this ordinance apply to existing parking lots and stated there needed to be heavy emphasis on landscaping and tree coverage in our parking lots.

Regarding Mr. Weiner's comment about the gates in front of the dumpsters, staff stated they would check with our Public Facilities Department to see if they have any concerns with changing that regulation.

Mr. Andress liked the idea of having more shading in our parking lots and asked staff to try and incorporate some language to allow it as it would be beneficial and more aesthetically pleasing.

Ms. Rozdolski stated they would work with Environmental Sciences staff to see if there was some type of language that could be included.

#### **(g) (2) (Page 14)**

Mr. Strelow referred to (g) (2) on Page 14 under Section 33-1573 and noted it was being deleted. He suggested something else be put in its place to address saving trees or that staff leave this portion back in.

Staff agreed to review (g)(2) further.

#### **Definition of Redevelopment (Page 23)**

Due to a question by Mr. Daltry, it was clarified that parking lots would not be considered a structure.

Mr. Daltry felt the definition of Redevelopment might need to be expanded because you are not replacing a structure or renovating a structure.

Mr. Hutchcraft and Mr. Daltry felt this section needed further updating/clarification.

Staff stated they would work on language to clarify this section.

#### **Tables (Pages 56-58)**

Ms. Pierce felt the list on these tables was ambitious and recommended getting rid of the tables. She stated staff was trying to be very precise based on parking generation studies that are inaccurate in their base data. It also causes a lot of work for builders, developers, and county staff that she felt was unnecessary. She suggested staff have meetings with a small working group of developers and business owners to come up with other options noting other cities have come up with clever systems and gotten rid of these parking requirements.

## Page 63

Ms. Pierce referred to Page 63 and stated we needed more trees in parking lots and she explained the benefits. She noted many cities have a percentage of tree canopy coverage that must be reached by a certain number of years that is outlined in their parking codes. They have a minimum number of trees that must be thriving within 5, 10, and 15 years.

Mr. Price stated staff was originally moving in that direction, but had received feedback from business owners who felt their visibility was lost because of all the trees and buffers in the parking lots. Staff recognizes the desire to put more trees in parking lots, but there are business owners who are complaining that the County is already requiring too much vegetation that hampers their visibility.

Ms. Rozdolski stated staff would forward these comments to Environmental Sciences staff to see what could be done to the dimensions of landscape islands and planting areas to accommodate trees.

### (f) (1) b. (Page 63)

Ms. Pierce recommended removing “*shrubs*” and “*ground covers*” as she felt they served no purpose. She noted they often succumb to accumulations of bad maintenance over the years. Instead, she recommended focusing on what it would take to have thriving trees. She noted one of the obstacles is that no matter what the developer does, they will not be given stormwater mitigation credits. She hoped the County could focus more collectively in that direction.

**Mr. Andress made a motion to find the parking regulation amendments consistent with the Lee Plan with the following changes: 1) Replace the word “*locating*” with “*loading*” on Page 3 (b); 2) staff will work with the Solid Waste Division on item (c) of Page 3 regarding the possibility of adding a 4<sup>th</sup> side to the garbage bins; 3) leave in the section on large trees in (g) (2) on Page 14 with the understanding that staff will take a look at that in terms of the reduction in parking that the site would already be receiving to make a decision, but make some effort to save heritage trees on site; 4) the definition of “structure” on Page 25 needs to be more complete and it needs to be stated that it does not include parking lots; 5) delete “*shrubs*” and “*ground covers*” on Page (1) b. on Page 63; and, 6) that the definitions starting with page 28 and the uses are included in the tables beginning on page 56, seconded by Mr. Hutchcraft. The motion was called and passed 7-0.**

The LPA convened at 9:40 a.m. and reconvened at 9:55 a.m.

### Agenda Item 6 – New Horizon 2035: Plan Amendments

#### A. CPA2011-00003 – Community Facilities and Services

Ms. Collins distributed a handout at the beginning of today’s proceedings related to this item. She explained that the Director of Solid Waste had an addendum he would like the LPA to consider when reviewing this item.

Mr. Peter Blackwell presented this item and reviewed the staff report.

General questions and answers ensued.

Due to a question by Mr. Daltry, staff stated they would provide the LPA with a copy of our current Concurrency Report.

Mr. Hutchcraft noted that he had previously requested a copy of any comments from the Attorney's office regarding upcoming amendments for review, but had not received anything.

Mr. O'Connor explained the process of how the elements are revised/changed. He noted there are several iterations of handwritten comments. They are public record, but it would be burdensome for the LPA to read all the iterations instead of reviewing the final completed staff report.

Mr. Inge suggested that perhaps the LPA could be provided with the County Attorney comments in cases where there are disagreements especially if it involves a statute or legal perspective on a policy or goal.

Mr. Inge opened this item for public comment.

Mr. Edd Weiner, representing the Lehigh Acres Community Planning Panel and the Lehigh Acres Economic Development Board, referred to Policy 1.1.2 on Page 8 of 57 where it states "*Suburban areas will receive lower levels of service and rural areas will receive the lowest levels of access to community facilities.*" Since Lehigh Acres is defined as a Suburban area in the "Communities" Element (CPA2011-00002), he was concerned with having the level of service reduced due to the size and scope of Lehigh Acres. He asked that staff look into this to see if there is a solution. He referred to Page 42 where it mentions water pressure of 40 pounds per square inch as the recommended flow rate. He felt this was very low when you have potable water being used by commercial and residential development as well as fire service. He asked staff to consider a minimum of 80 pounds per square inch to satisfy all the requirements of the people using that pressure.

There were no other public speakers so the public segment was closed.

The LPA made the following comments/changes:

**Objective 1.1: Sustainability on Page 7:** Mr. Strelow understood the intent of this section, but recommended alternative wording stating the current verbiage gives a false dichotomy between the needs of the public and addressing environmental. In addition to that, addressing the environmental issues is only a part of sustainability. He believed the County was trying to be very clear that sustainability involves economic and social issues as well. He proposed it read, "*Provide community facilities and services in a way that sustainably meets public needs including environmental protection and enhancement.*"

Mr. Hutchcraft noted that each of the proposed elements seem to have a definition for sustainability. He felt there needed to be one set definition that stays the same in all the elements so that there is consistency.

Lengthy discussion ensued on this issue as some members wanted a component of economic viability, healthy environmental and natural systems. Several versions of alternate verbiage was proposed by various members.

The final change to Mr. Strelow's proposed language was "*Provide community facilities and services in a way that sustainably meets public needs including environmental protection and enhancement of economic and social viability.*"

Mr. Inge suggested changing the title by removing the word "*Sustainability.*"

**Mr. Hutchcraft made a motion to change the word “Sustainability” in Objective 1.1 on Page 7 to “Provision of Services” and adopt the Objective as recommended by Mr. Strelow, seconded by Mr. Andress. The motion was called and passed 7-0.**

**Policy 1.1.1 on Page 7:** Mr. Hutchcraft had concerns with the way this language was written unless it is for guidance and not restrictive. He had seen similar language adopted by other communities where it became “cast in stone” making it difficult when trying to make necessary changes going forward.

Ms. Collins agreed that the way it is currently written could preclude future amendments to areas that are now classified as rural to create nodes because there is a possibility of being internally inconsistent with the plan. She suggested staff might want to redraft this so it is a guiding principal and not foreclose future urban or suburban nodes within rural areas if that is determined by the community or board to be a wise planning decision.

**Mr. Hutchcraft made a motion to delete the first sentence and change the second sentence to read, “The presence of community facilities will not be used as the sole justification for increasing levels of development in rural areas to urban or suburban levels.” The motion was seconded by Mr. Andress.**

Mr. Daltry asked that the word “sole” be replaced with “compelling.” The motioner and seconder agreed to the change. **The motion was called and passed 7-0.**

**Policy 1.1.2 on Page 8:** Mr. Daltry proposed changing the word “highest” to “the most intense.”

**Policy 1.1.4 on Page 8:** Mr. Hutchcraft suggested adding the words “where practicable” after the words “Incorporate sustainable practices” in the first sentence.

Mr. Strelow recommended changing the verbiage to “in so far as practicable” so it is not a binary choice.

Ms. Pierce referred to the second sentence in the same policy and made some suggested changes.

Mr. Hutchcraft felt the suggested changes were to a level of detail that would be better placed in the Land Development Code rather than the Comprehensive Plan. He suggested saying, “These facilities will implement green principles to the greatest extent possible.”

Ms. Pierce agreed to this suggestion.

Mr. Hutchcraft expressed concern with mentioning “scale and size” in several policies and objectives in rural areas. He felt this could affect someone wanting to put in a regional water facility in a rural area or a library.

Mr. Andress stated it could also affect someone trying to expand an existing sewer plant.

Mr. Inge suggested adding “where practical” to allow some flexibility.

Mr. Daltry felt staff would need to come up with some type of listing so the scaling issue does not conflict with the community designation itself when it comes to certain facilities such as: airports, prisons, sewer plants, libraries, etc.

**Objective 1.3 on Page 9:** Mr. Hutchcraft suggested changing the word “*character*” with “*function*” so that it reads, “...to enhance the community **function** of the urban, suburban, rural, and coastal contexts.”

Policy 1.3.2 on Page 10: Ms. Pierce suggested changing the verbiage as follows: “*Public facilities and services will be developed to provide flexibility of use and operation to maximize their service capacity and efficiency.*”

Mr. Daltry noted that throughout this document there are several references to a community facility which can be public, private, or county owned. He recommended staff be specific on which type of facility it is.

Staff agreed to look at that and possibly clarify it throughout the document.

**Policy 1.3.3 on Page 10:** Mr. Hutchcraft noted there was another scale issue in this policy and suggested the wording be changed to read, “*The cost and capacity of public facilities and services within the rural and coastal context will be designed with sensitivity to their community designation or the community function.*”

Ms. Terry Crawford, Deputy Director for the library system, explained the rationale for Policy 2.1.2 on Page 11 and Policy 2.2.3 on Page 12 due to questions posed by the LPA. After her explanation, no proposed changes were made.

**Policy 3.1.4 on Page 13:** Ms. Pierce wanted to add some verbiage at the end of the sentence so it reads, “...use and parcel data, and information regarding current and future multi-modal site accessibility.” Ms. Pierce felt we should coordinate with Lee Tran’s 2035 Vision as it is a great plan that people should be aware of.

**Policy 3.1.5 on Page 13:** Ms. Pierce suggested adding the word “*proactively*” in front of “*Coordinate.*”

Due to questions on Policy 3.2.7 on Page 15, Heather Wallace, Assistant School Board Attorney, stated the School District reviewed all changes ahead of time and coordinated with staff. All of the School Board’s changes were incorporated.

**Policy 3.2.7 on Page 15:** Ms. Pierce referred to the third item and wanted to add “*and maintain high visibility*” at the end of the sentence.

Mr. Daltry referred to the fifth item in that same policy and felt it should be deleted as it might be redundant.

Although Mr. Strelow expressed concern with prematurely removing that item, Mr. O’Connor stated he did not feel there would be an issue with removing it.

**School Concurrency on Page 19:** Mr. Hutchcraft referred to the last paragraph of this section where it says, “...positive planning aspects of the coordination of development approvals with the school district.” Although he agreed with this and felt there was a benefit to it, he believed it could be handled without a regulatory component of school concurrency. He also noted there could be hidden costs with this.

Mr. O’Connor explained the rationale behind it being regulatory versus non-regulatory and noted this section was reviewed with the school board staff. Mr. O’Connor noted it has never been an obstacle to development.

Mr. Hutchcraft stated that although it may not be an obstacle now, it could be in the future and there could be a cost associated with it.

Ms. Pierce suggested adding a line in there that it would be re-evaluated on an annual basis since this could change as the economy changes.

Mr. Hutchcraft made a motion that we clarify Policy 3.4.1 is **non**-regulatory but that we will implement an ongoing planning relationship between the county and the school district, seconded by Mr. Inge. The motion was called and failed 5-2. Mr. Hutchcraft and Mr. Inge were in favor. Mr. Strelow, Mr. Daltry, Mr. Andress, Ms. Pierce, and Mr. Green were opposed.

Due to questions by the LPA regarding Surface Water Management, Mr. Ottolini reviewed this item and the related policies.

**Policy 3.4.1 on Page 20:** Due to a question by Mr. Inge, staff clarified that this Policy would remain regulatory and that the **“non”** should not have been included in that policy.

**Policy 3.4.9 on Page 25:** Mr. Inge stated he did not object to this policy, but felt emphasis was needed for other things, such as economics, ethical education, and constitution of the republic system of government.

Ms. Dawn Huff of the Lee County School District stated the school district did not draft this document. She noted they did have a cooperative program where Mosquito Control provides a couple of faculty members to provide environmental education through a grant program.

Mr. Inge stated that economics is a land use related issue. He has heard comments from the Junior Achievement representatives that kids do not have any idea how that works so he felt there were other areas where we should place some emphasis.

**Objective 5.1: Basin Program on Page 26:** Ms. Pierce stated she had an issue with the part that says, *“as opposed to the current individual-site approach”* noting she is not opposed to site approach, but is opposed to **bad** site approach. Ms. Pierce stated we need to deal with quality water management on a macro and micro level (the water shed and the site).

Mr. Ottolini explained the rationale for the language, but stated he had no objection to revising it.

**Goal 5 on Page 26:** Mr. Daltry suggested adding the word *“Transportation”* in the title so that it reads, *“Coordination of Surface Water Management, Transportation, and Land Use Planning.”* He noted our biggest mover of water in this area is our road systems. If new roads are being brought in, people may not realize the side of every road is now your conveyance of water that could be a broader environmentally based system they could move and contribute towards.

**Item C. Water Quality on Page 30:** Mr. Strelow recommended adding language similar to *“take appropriate actions to help bring water bodies into compliance with the state and federal water quality standards, not just criteria as soon as feasible.”*

**Objective 6.1 on Page 31 and Objective 6.1 on Page 36:** Mr. Daltry noted that both Objective 6.1 (Page 31) and Objective 8.1 (Page 36) *“Water Supply Planning.”* He suggested staff somehow consolidate the two so it becomes a comprehensive water supply planning goal, objective, and policy set.



**Objective 6.1 on Page 31:** Ms. Pierce requested the word “*possible*” be removed because surface water runoff is a well known resource.

**Policy 6.1.1 on Pages 31 and 32:** Ms. Pierce referred to the top of Page 32 and noted she had a problem with item number 2. Ms. Pierce stated it seemed to be well addressed in the Reclaimed Water Section, so she did not see the reason for having it included under Stormwater.

**Policy 6.2.3 on Page 32:** Ms. Pierce noted this was another instance where staff delineates only a few of the low impact development principals. She felt they should either list them all or not list any of them. She also recommended the following changes to the verbiage because the portion on “reduction in impervious surfaces, etc. are part of Low Impact Development.

*Promote the reduction of stormwater impacts from new development and redevelopment through the use of low impact development principles ~~including: the reduction in impervious surfaces, use of swales, reduction of flow and volume of storm adherence to the principles of the Florida Yard and Neighborhood program.~~ to obtain reduction of flow and volume of stormwater,*

**Objective 7.1 (Page 33) and Policy 7.1.2 (Page 34):** Due to questions by Mr. Inge, Mr. Lindsey Sampson from Solid Waste, explained the rationale behind this objective and policy.

Mr. Inge asked if staff should separate recycling commodities rather than refer to a particular type.

Mr. Sampson stated he had no problem editing the language to be both general enough but still provide the understanding that we are going to take pragmatic activities for resources and use those resources as appropriate.

Mr. Strelow recommended inserting the word “*appropriate*” after “*other*” before recycling commodities it may cover the problem.

**Policy 7.2.3 on Page 35:** Mr. Strelow recommended changing the language to read, “*Pursue efforts to ensure compliance with state and federal hazardous waste treatment and disposal requirements.*”

**Policy 7.2.7 on Page 35:** Mr. Inge referred to a memorandum dated 7/27/12 from Solid Waste that was distributed at today’s proceedings regarding this particular policy. He noted that Solid Waste recommended striking the words “*and verify*” and to delete the second sentence.

**Policy 8.1.3 on Page 36:** Mr. Daltry recommended that everything after the first sentence be put in the glossary with the definition of the Integrated Water Resource Management because everything after the first sentence seems to be an explanation of what it is.

Ms. Pierce asked that staff expand the definition when they work on the Glossary because Integrated Water Management Resources is a very comprehensive policy, philosophy, and style. She did not feel the proposed language does it justice.

**Goal 9 on Page 40:** Mr. Strelow requested the word “*Sewer*” in the title be replaced with “*Sewage.*” He also recommended the words “*consistent with applicable state and federal standards*” after the word “*disposal.*” In addition, he wanted to add “*and treatment and disposal*” after “*sanitary sewer*” and before the word “*service*” so that it would read, “*sanitary sewer and treatment and disposal service, and wastewater treatment...*”

**Objective 9.1 on Page 40:** Mr. Strelow wanted to add “*and treatment and disposal*” after the words “*sanitary sewer*” and before the word “*service.*”

**Goal 9 on Page 40:** Ms. Pierce noted there was also decentralized water management that she would also like to see addressed in this document. The county should encourage innovative decentralized sanitation or wastewater treatment. She gave some examples.

**Policy 9.1.1 on Page 41:** Mr. Inge expressed concern with this policy because it is a mandate. The County specifically will challenge private utilities to get a Certificate of Operation from Florida Public Service Commission and reject any applications for county franchises in the service areas.

Mr. Wegis admitted staff will need to come up with some alternate language for this policy.

**Goal 10 on Page 48:** Mr. Daltry felt there were a couple of policies missing. For instance, the County is promoting the treatment of septage, but there is no policy in place to examine the volume of it as to whether it is economically feasible for it to become a county operation. There have been instances where people have walked away from package plants and the County usually gets stuck with it. Mr. Daltry felt it would be a good idea to have a policy in place where every package plant must keep a live report with the County. This would help staff know when someone might be getting ready to “pull the plug” as well as what it might take to keep the plant in operation. In addition there is the issue of the maintenance district for septic tanks. The State requires/promotes/encourages, but the County should be proactive in keeping up with how much tonnage is being pumped before these requirements are in place so they have a plan for handling it.

**Objective 10.1 on Page 48:** Mr. Strelow suggested deleting “*or exceed.*”

**Policy 10.1.7 on Page 50:** Mr. Daltry stated the County has been studying whether it is economically feasible given market places. He is looking for a policy that says the County will re-examine that study based on potential increases in land spreading that can occur with the implementation of the state law on septic tank inspections. There should be another policy that gets to the issue of package plants, aging, and deterioration. A policy is needed since the County is working with owners to make sure we do not receive an adverse or hostile abandonment of a package plant. A policy is needed for coordinating with or setting up these maintenance districts for septic tank inspections so there are assurances the program is ongoing and that septic tank residuals pumped out as a result of these inspections are appropriately managed.

**Policy 10.1.8 on Page 50:** Ms. Pierce wanted to encourage the use of innovative solutions such as co-generation both at large and small scale district type facilities that could handle septage also.

**Policy 11.1.3 on Page 51:** Mr. Hutchcraft requested staff better define the word “near” as it is subjective. There needs to be a radius/dimension. Staff agreed to better define it.

**Policy 11.1.4 on Page 51:** Ms. Pierce noted the word “near” is also in this policy as well.

**Policy 11.2.2 on Page 53:** Ms. Pierce noted there are some relatively inexpensive meters being researched and in trial that can tell a homeowner what they are using in every appliance and fixture. It is the best way to go as far as a public education program. It is the most effective way to reduce water use. Even if the County is unable to implement something like this, they could still have a policy in place so it can be recognized as a goal.

**Mr. Andress made a motion to transmit the CPA2011-03 Community Facilities and Services Element with all the changes outlined to staff, seconded by Mr. Strelow. The motion was called 7-0.**

It was clarified that this item would be brought back as part of the package as well.

The LPA took a lunch break at 1:00 p.m. and reconvened at 1:55 p.m.

**B. CPA2011-00002 – Communities Element**

Mr. Tony Palermo reviewed the staff report.

Mr. Matt Noble reviewed aspects of it as well and explained the Errata Sheet that was distributed at the meeting.

Mr. Inge opened this to public comment. Public input was received from Edd Weiner, Ruby Daniels, Jerry Murphy, Steve Brodtkin, Alexis Crespo, Richard Pringle, and Max Forgey.

Mr. Edd Weiner representing the Lehigh Acres Community Planning Panel and the Economic Development Board in Lehigh Acres, reiterated that he is concerned with Lehigh Acres being classified as Suburban as it is cross referenced in this document and there is mention of “limited services.” He noted Lehigh Acres Comprehensive Plan talks about a three tier system where 1 is the most densely populated and 3 is the least populated. However, tier 3 which is said to be the least densely populated and will be receiving the least amount of services turned out to be the most densely populated area. He acknowledged that staff had been diligent by eliminating the tier system from Lehigh Acres’ plan to concentrate on their neighborhood, community, and downtown community/activity centers.

Ms. Daniels, President of Alva Inc, and Jerry Murphy, Alva’s consultant outlined concerns with the document, which are outlined below:

**Policy 1.1.4 on Page 3:** Ms. Daniels noted that public participation had been pulled out of Alva’s plan and put in a general place where it applies to all the community plans. She requested a reference be placed back in the community plan for residents who read the plan on Alva’s website.

**Objective 8.7 on Page 53:** Mr. Murphy asked that a reference to Objective 1.2 and the policies that follow be placed at the end of Objective 8.7. It would give people sufficient direction to be able to locate that.

**Policy 1.2.2 on Page 4:** Ms. Daniels noted Alva had been left out of the list of communities to provide an on-line document clearing house.

**Policy 1.2.3 on Page 4:** Ms. Daniels requested development orders be added to the first bullet point. However, staff recommended that the more detail level of reviews be addressed in the Land Development Code rather than the Comprehensive Plan.

**Policy 1.1.4 on Page 3 and Goal 8 on Page 48:** Ms. Daniels stated that both Policy 1.1.4 and Goal 8 refer to boundaries but the references to boundaries and a map have been stricken have been stricken. They felt staff should reference the location that identifies the boundaries.

Ms. Ebaugh stated staff was working on all the Future Land Use maps. When the appropriate locations are identified, a reference will be put in the document.

Mr. Murphy asked that there be a place holder or some reference in the staff report indicating there is a hiatus period.

**Policy 8.2.2 on Page 49:** Ms. Daniels stated they would like to clarify the language that mentions supermajority so that the language would read *“no land use amendments to a more intensive category will be permitted unless a finding of overriding public necessity is made by 4 members of the BOCC.”*

Mr. Murphy suggested adding the word *“full”* in front of BOCC, which should clarify it as opposed to an exact number.

**Alva Vision on Page 46:** She requested the first sentence be changed to *“The mission of the Alva Community is to preserve and protect its unique heritage and leave all the rest.”*

Mr. Hutchcraft stated that although he did not object to the change he was concerned with the process of changing it. He believed it should most likely be reviewed by the Alva planning community and go through that process.

After further discussion, the LPA felt it best to leave the language as is until a later date when the community chooses to amend their plan.

**Policy 1.1.4 on Page 3:** Mr. Murphy asked to change the last sentence to read, *“The amendment process will be consistent with this plan and comply with the Lee County Administrative Code.”*

**Policy 1.1.9 on Page 4:** Mr. Murphy referred to the first sentence and suggested changing this sentence to read, *“Maintain, update and enforce an administrative code with procedures that include terms and conditions for use of county funds the organizational requirements.”* The rest of the paragraph will remain the same.

Ms. Ebaugh stated staff wanted to keep the verbiage *“guide community planning efforts”* as part of this policy to make sure everyone understands that the community planning efforts do actually have some guidance that is lead by the Administrative Code and by staff.

**Goal 11 on Page 61:** Mr. Murphy asked that there be a place holder here that will make reference to boundaries and a map in the future.

Mr. Steve Brodtkin, President of the Concerned Citizens of Bayshore Community, referred to Objective 6.1 on Page 38 and asked for the same language proposed by the Alva group regarding the “supermajority” as they had concerns about the clarity. He noted his group originally asked for this language and it had appeared in all the drafts except this one. He was not certain why the language was changed as it is different from what they asked for. He noted there were other outstanding issues with the language, but he was confident they would be worked out with staff.

Ms. Alexis Crespo from Waldrop Engineering representing North Olga Community Planning Panel, referred to the third bullet point on Page 2 and requested that Olga be changed to North Olga so that it is not confused with a community known as Olga which is located south of the area. She also requested that Alva and North Olga be separated so that they each have a bullet point instead of being clumped together.

Ms. Crespo also requested that Northeast Lee County be deleted because it was only approved as a planning community, not a community planning area. She referred to Policy 1.2.1 on Page 4 and noted that the references to Northeast Lee County should be removed. She asked it be handled the same as Policy 1.2.3 where there is a note that projects within Northeast Lee County must have two public informational sessions (one in Alva and one in North Olga). She referred to Page 5 under the "Rural" category and, again, requested that Alva, Olga, and Northeast separated out and North Olga listed properly versus it saying "Olga." Ms. Crespo mirrored Ms. Daniels' comments about Policy 1.1.4 and Goal 8 and requested that a map be included at some point with the same boundaries as were approved stating it was important for any community in Lee County to know where they are located and if a project or your land is subject to specific requirements of that community planning area. She referred to Goal 10 on Page 60 and felt it would be better placed at the beginning of the section as Goal 8. She recommended Alva be Goal 9 and North Olga could be Goal 10. She referred to the last three paragraphs on Page 60 regarding Northeast Lee County's Vision. She reviewed language that was a result of the approving ordinance. She recommended the first sentence should read, "*This planning community located generally in the northeast corner of the county east of State Road 31 and north of Lehigh Acres.*" The last sentence should be "*This planning community currently contains two identifiable areas: Alva and North Olga.*"

Mr. Richard Pringle, representing North Olga, referred to the second and third paragraphs out of the Northeast Lee County Vision Statement on Page 60. The second paragraph refers to Alva and the third paragraph refers to North Olga. He recommended putting the second paragraph in the Alva Goal at the beginning. The third paragraph could be placed in the North Olga goal at the beginning. He recommended a placeholder so that when the maps come in, it will be consistent with them. He agreed with comments by Ms. Crespo about separating the Alva and North Olga references. He referred to the first bullet point in Policy 1.2.3 on Page 4 and asked that the reference to Northeast Lee County be removed and put a note in parenthesis that would read, "*Note: Projects in the Northeast Lee County Planning Community.*" He referred to Page 5 and asked that Alva be on a separate line as well as North Olga. He recommended removing Northeast Lee County because it is not a community planning area.

Mr. Max Forgey, representing the Captiva Community Planning Panel, referred to the definition of Coastal Communities and noted there were two omissions. The first omission is a reference to the economics of coastal communities, hospitality industry, their uses, ecotourism and their value as employment engines. The other omission is a mention of coastal management which is beaches and shores and uplands. He asked that staff consider including both an economic reference and a coastal management reference. He referred to Policy 1.2.1 and asked that Captiva be added to the list.

Mr. Address asked for Pine Island to be added.

Mr. Daltry stated North Fort Myers is missing from Policy 1.2.3.

**Definition of Coastal Communities on Page 1:** Mr. Hutchcraft referred to the definition of Coastal Communities on Page 1 and wanted to add some language to it as follows: "*Located on the west coast of Lee County on the Gulf O Mexico. Each is an eclectic mix of rural, small-town urban centers, some agricultural uses – including fishing – and invaluable and attractive natural resources and natural features **(including coastal management), all contributing to the economic viability of each community.***"

Ms. Pierce suggested it say "*viability of Lee County*" instead of "*each community.*"

Mr. Hutchcraft referred to the second paragraph on Page 37 under Bayshore - Rural Communities. He read the second paragraph and noted that one unit per acre is currently a permitted use in this area. However, it is being precluded by this language because a subdivision up to those densities would be considered a suburban subdivision. He was also concerned with prohibiting new roads as it could be problematic in an entire area. It seems to preclude new roads in general.

Mr. Green stated he looked at this as a definition of rural quality of life as opposed to what is excluded. For instance, new roads to not add to a rural quality of life.

Mr. Noble stated it was a community vision, not necessarily regulatory. It is how the community identifies themselves and what their vision of the future is.

Alternate language was discussed that would not be so specific.

Ms. Collins recommended it read, "*Rural quality of life does not include urban levels of commercial activity and is distinctly different from urban and suburban areas.*"

Ms. Pierce did not agree with the deletion of new roads and felt those two words should remain.

Ms. Collins noted this would not preclude the state from putting in a road or widening a road. It would solely impact the four corners of the community. She was less concerned with the issue of roads because the BOCC could change this policy if they feel the need to. She was more concerned with their potential exposure if they preclude the development of a subdivision in a future land use category that is existing.

Mr. Daltry suggested changing the word "include" to "promote" so it reads, "Rural quality of life does not *promote* new suburban subdivisions.

Mr. Hutchcraft stated that if we leave in the words "new roads" he felt we should specify whether we are talking about public roads. He was concerned if it means all roads including private roads within a private piece of property as that would be a taking.

**Mr. Hutchcraft made a motion to change the language as follows: "*Rural quality of life does not include new suburban subdivisions, new roads, urban levels of commercial activity, and is distinctly different from urban and suburban areas.*" The motion was seconded by Mr. Address.**

Mr. Green did not think staff and the LPA should create a vision for the community. His alternate suggestion was to refer it back to staff to continue working with the Bayshore community in an effort to come up with alternate language.

**The motion was called and failed 3-4. Mr. Address, Mr. Inge, and Mr. Hutchcraft were in favor. Mr. Strelow, Mr. Daltry, Ms. Pierce, and Mr. Green were opposed.**

**Ms. Pierce made a motion to refer this back to staff and the community, seconded by Mr. Daltry. The motion was called and passed 7-0.**

Mr. Hutchcraft emphasized that his intention is to protect existing rights not trample the community's vision.

**Goal 12 on Page 64:** Mr. Hutchcraft referred to Goal 12 on Page 64 which relates to the DRGR area. He asked if staff had done any calculations or conversations on whether the incentives to locate TDRs are adequate. In addition, he asked if staff felt the TDR credits proposed are realistic and satisfactory to offset the impact on the landowners when they create TDRs. He did not believe the incentives were sufficient noting that the cost of implementing under the compact development is an increase. Density is put on top of that which is also an increase, so he felt it was a defacto moratorium. He referred to Policy 12.3.4 on Page 71 item e. where it limits someone to 2,000 dwelling units that can be placed on receiving parcels within the Southeast DR/GR Mixed-Use Communities through the TDR credit program. He was concerned because we are creating TDRs in Pine Island, Alva, and Olga where there may not be a demand for the TDRs. If you are only allowed to put 2,000 in the DRGR and the others have to go somewhere else, we are creating a defacto moratorium on those property rights.

Mr. Noble stated this was existing language in the plan that staff did not change because of ongoing litigation dealing with the DRGR areas. However, staff does plan to look into it in the future. Regarding the incentives, Mr. Noble felt it best to address those as part of the Land Development Code that was adopted along with this process of updating the Comprehensive Plan.

**Mr. Andress made a motion to recommend transmittal of CPA2011-02 with all of the changes discussed today, seconded by Mr. Green. The motion was called and passed 7-0.**

Mr. Hutchcraft asked that staff bring back the discussion point regarding the Bayshore Community changes on Page 37 once they have had a chance to work with the community further on revised language.

Mr. Inge stated staff could update the LPA later before they finalize the entire package.

### **C. General Overview – Land Use and Transportation**

Ms. Ebaugh reviewed the current schedule for the remaining elements and the whole packet.

The next meeting is August 27<sup>th</sup>.

### **Agenda Item 7 - Other Business**

#### **Planning Officials Workshop/APA Conference**

Mr. Inge referred to e-mails regarding a Planning Officials Workshop being held in Sarasota as well as an APA Conference in September. Ms. Ebaugh distributed a handout on the APA conference and, as Chair of the APA conference, gave a brief overview.

Mr. Noble provided some information on a Beach Trolley Tour.

#### **Research Diamond**

Due to a question by Mr. Andress, Mr. O'Connor gave an update on an RFP regarding a joint project with the Airport, FGCU, and the County on the Research Diamond project.

### **Surplus Land at Airport**

Due to a question by Mr. Andress, Mr. Noble discussed the approximate 1,000 acres of non-aviation development land at the Airport and why it was being developed in pieces rather as an entire view.

### **Mind Mixer**

Mr. O'Connor stated the County had recently purchased rights to a software package called "mind mixer" and are working with software developers to put together a website. If the public uses a search engine on any computer and types in "leecountytownhall," they will be directed to the site, which will go live on Wednesday. It will be an interactive website similar to twitter or facebook where you can answer questions simply or give reasons you think a proposal is good or bad. Several members of county staff will be monitoring their areas of the website and will be responding back to the public. Staff agreed they would send the LPA the mind mixer link.

### **Agenda Item 8 – Adjournment – Next Meeting Date: Monday, August 27, 2012**

The next Local Planning Agency meeting is scheduled for Monday, August 27, 2012, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 4:00 p.m.