MEMBERS PRESENT:

Noel Andress (Vice Chair)	Mitch Hutchcraft
Wayne Daltry	Ann Pierce
Jim Green	Roger Strelow

ABSENT
Ron Inge (Chair)

STAFF PRESENT:

Donna Marie Collins, Asst. Cty. Atty.	Tessa LeSage, Director of Sustainability
Kathie Ebaugh, Planning	Janet Miller, Recording Secretary
Andy Getch, DOT	Paul O'Connor, Planning Director

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

Mr. Andress, Vice 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 – September 24, 2012

Mr. Daltry made a motion to approve the September 24, 2012 meeting minutes, seconded by Mr. Strelow. The motion was called and passed 6-0.

Agenda Item 4 – New Horizon 2035: Plan Amendments

A. CPA2011-00007 – Character and Form

The LPA began their comments with Page 17 as Pages 1-16 were discussed as part of the October 8th LPA meeting.

Ms. Pierce referred to the second sentence in Item a. under Policy 1.3.1 on Page 17 where it states, *"...promoting redevelopment of older neighborhoods."* She asked for specifics on what type of redevelopment (i.e. mixed use, infill). She also asked if the intent was to stop a decline that may be present in older neighborhoods.

Ms. Ebaugh noted that this Character and Form Element was not meant to supply a high level of detail. Staff is trying to establish a high level of concepts that will worked out as part of either other elements in the Plan, or Land Development Code amendments. Even though the redevelopment will include both mixed use and infill, the verbiage is written vaguely on purpose.

Ms. Pierce referred to Item d. on the bottom of Page 17 and asked how large an area would determine the context.

Ms. Ebaugh stated that the reason we use "area" and not "neighborhood" is a neighborhood would define it strictly to the neighborhood its adjacent to as opposed to area which provides it as a larger community.

Mr. O'Connor stated this was more of a visionary document as opposed to regulatory. Although we want to support the revitalization of neighborhoods, this item is not prescribing what it should be. It is directing staff to take these things into consideration as we move forward in making changes to the Land Development Code.

Mr. Daltry referred to Item a. under Policy 1.3.1 on Page 17 and suggested removing the word *"suburban"* as it is redundant. He also noted that a glossary would be helpful because it could clarify terms like *"redevelop"* and *"revitalize."* He stated that *"redevelop"* means develop again while *"revitalize"* give you more flexibility. He recommended using the word *"revitalize"* or *"revitalization."*

Ms. Ebaugh agreed that was better terminology that staff would consider.

Mr. Andress suggested replacing the word *"older"* with *"aging."* He reiterated that the suggestions made were to: 1) delete the word *"suburban"* in item a.; 2) add the words *"revitalization"* and *"aging;"* and, 3) Remove the word *"redevelopment."*

Mr. Hutchcraft referred to the word *"convert"* being used in Item c. under Policy 1.3.1 on Page 17 and asked if that term meant that the County would handle the conversion or if they would support the private sector's effort in converting something.

Mr. O'Connor stated the County could provide the infrastructure to allow those conversions to take place. The plan is now instructing the County to do what is necessary to make the vision of the plan happen.

Ms. Ebaugh stated that staff could remove the word *"convert"* and replace it with *"promote conversion."*

Ms. Pierce referred to item g. on Page 18 and asked to add *"in the context of developing a healthy urban forest canopy."*

Discussion took place between the LPA and staff regarding Item b. under Policy 1.3.3 which states, *"Improve the definition between urban and suburban and suburban and rural places through more defined separation of densities, intensities, and height standards, use of greenspace and parks to transition from one character area to another, and development of suburban mixed-use places;"* Discussion included: 1) how the County would prevent these spaces from filling in with fast food, 711, and Raceway Gas Station type facilities; 2) tools such as incentivizing that are available; and, 3) there being a higher distinction between the urban areas than the suburban areas.

Mr. Hutchcraft referred to a comment made by staff that there would be a higher distinction between the urban areas than the suburban areas. He noted there was a policy within this document that said the opposite. He recommended staff delete it.

Mr. Daltry stated that somewhere in this document staff will need to detail how it is perceived that existing neighborhoods and growing areas will have this done. How will we see a coherent comprehensive system of linking between and through neighborhoods.

Mr. Strelow referred to Item f. under Policy 1.3.2 on Page 18 where it states, *"… provide services in proximity to work and home in order to reduce vehicular miles traveled."* He asked if staff meant to say *"provide"* as opposed to *"encourage."* He asked if this would be the County's responsibility or that of the developer.

Mr. O'Connor stated this was directed at Park and Ride mass transit, not land use such as a neighborhood store.

After further discussion, staff felt it best to add *"transportation"* or *"transportation services"* in the verbiage for that item.

Mr. Hutchcraft noted there were a number of items in this document dealing with visual appeal, building form, site layout, building form standards, and something being well designed. He felt these were subjective things. He asked how this would be implemented and how someone could demonstrate compliance without having architectural drawings for their building.

Mr. O'Connor stated that due to recent changes in the Land Development Code regulations, staff is looking to more of a form based code as opposed to a zoning type of approach. The form of development is one of the ways to have multi-modal, pedestrian, and bicycle accessibility. This effort will need to be a joint venture. Some things that were acceptable in the past will no longer be acceptable going forward. The rules and regulations will change. Through the guidance of the new plan and the amendments that will come forward through as part of the Land Development Code will help us design regulations that will get us more to where we want to be and stop the vast expansion into the green spaces and the total reliance on lane miles to get from Point A to Point B.

Mr. Hutchcraft referred to Item c. under Policy 1.3.2 where it states, *"Introduce and expand trails and greenways to provide connections between neighborhoods, mixed use centers, economic areas, natural areas, and parks."* Although this is a great concept, he asked how it would not fall on the developer when it is to everyone's benefit and there are liability issues. How will it be implemented so that it is fair and the County is living up to their part of the bargain?

Mr. O'Connor stated he did not have an answer to that question at this point. It is a long process that will be addressed as staff implements these statements into the Land Development Code regulations. It is not staff's intent to put this full burden on the developer.

Mr. Hutchcraft noted there was a lot of faith and confidence being asked of the consumers of these regulations. This has to be implemented with the right type of regulations. At some point, these specifics will need to be addressed.

Mr. Daltry discussed the possibility of utilizing the community planning process to help map and identify potential linkages between neighborhoods.

Mr. Hutchcraft referred to Item e. under Policy on Page 19 and recommended it be changed as follows: *"Provide for ~~highly effective and valued~~ public utility service system through well connected, well developed, and interconnected suburban communities"* as it would still say the same thing only more efficiently. He referred to Items c. and d. under Policy 1.3.4 on Page 19 which mention regulating plans. Although he was in agreement with the end goal, he encouraged staff to make it a bonus development plan or vision plan. If it is a regulating plan, it will mean that someone wins and someone loses.

Mr. O'Connor stated the County would not come at developers with a regulating plan. They would bring everyone to the table such as citizens, property owners, utilities, etc. and develop the plan.

Mr. Hutchcraft referred to Item d. under Policy 1.3.4 on Page 19 which talks about protecting lands near essential transportation centers. He hoped this would be through incentives. He talked about having a visual component.

Ms. Pierce agreed with Mr. Hutchcraft's comments about a visual component stating it was very important that these ideal locations be clearly and visually identified to avoid conflict.

Staff stated they were working on this with Seth Harry who prepared some of the visuals for the Evaluation and Appraisal Report. It was noted that Mr. Harry would put together some visuals for the Land Use Element as well.

Mr. Hutchcraft referred to Objective 1.4 on Pages 19 and 20 that discuss Rural Lands. He noted that much of those lands are privately owned with ample wooded areas and open spaces. Although many people feel they should be protected, it is not their property. He referred to Item b. on Page 20 that mentions protecting the rural lands and maintaining the farm lands. He asked how the farm lands would be protected especially when the industry is not supported. Although these lands provide environmental services and aesthetic benefit, they are private lands. This needs to be reflected in the regulations. Mr. Hutchcraft referred to the second bullet point on Page 21 where it talks about live/work opportunities that support agricultural industries. He pointed out that there might be a fair amount of business that are perfectly appropriate in rural communities that do not necessarily link to agricultural industries. He felt a broader interpretation was appropriate.

Mr. Strelow referred to Item e. under Policy 1.4.1 on Page 22 that states, *"Discourage the permitting and provision of private and independent infrastructure systems and utilities."* He suggested adding *"inconsistent with this policy"* at the end.

After further discussion on this from the LPA, staff said they would work on this section further.

Mr. Green talked about encouraging clustering within the allowed density on rural lands.

Mr. Hutchcraft expressed concern over phrases like *"rural character"* or *"rural way of life"* because people have different perceptions of what that is. How will these definitions be determined? There is mention of building form standards as it relates to agricultural operations, which he did not think the County could legally do as agriculture is exempt. He stated there was a conflict between the Comprehensive Plan and what agriculture is. Instead of protecting agriculture, the County restricts what can be placed on agricultural lands to the point that it is not economically viable to go forward.

Mr. Hutchcraft made the following comments on Items e. f., g., h., and i. outlined on Page 22:

- Item c. – Mr. Hutchcraft agreed with Mr. Green's idea about clustering.
- Item e. – If the County wants to cluster, they will have to allow for that infrastructure to take place. He noted staff was putting provisions in the Comprehensive Plan that preclude agriculture from being successful and flexible in a changing market.
- Item f. – Although there is mention of promoting and supporting agricultural communities, Mr. Hutchcraft noted that he has never seen the government successful in this and had only seen it restricted and regulated.
- Item g. – There is mention in this section about supporting the continued economic viability of agricultural and rural lands, but the language says "must use and reflect agricultural best management practices." This industry is unbelievably regulated by the state and federal government. If the County begins to say "more best management practices," it will be an additional layer of governmental regulation that adversely impacts the ability for agriculture to do what it does best
- Item h. – It says the County wants to encourage commercial agricultural in the most appropriate places by developing a set of planning tools that supports their continued viability. Other than TDRs, what can the County do to promote commercial agriculture? The verbiage seems as if the County is going to strip away all other potential uses so that agriculture is the only use on the property.
- Item i. – There is mention of promoting local food production through community gardens. Although this sounds fine, it only involves an insignificant amount of acreage. He was in favor of the statement and intent, but felt there only seemed to be looming regulations that are ultimately going to restrict agriculture's ability from doing what they legally should be able to do.

Staff agreed they needed to re-evaluate this portion and make it more general.

Mr. Strelow referred to Item a. on Page 22 and recommended removing the word *"existing"* so it reads, *"Protect the ~~existing~~ rural character and economic viability of the area and thereby ensure that rural way of life is maintained for existing and future residents."* He noted it is hard to know or foresee if the best agriculture 20 years from now will look like it does now. He stated there was nothing inherently sacred about what is existing now. He appreciated the term *"economic viability"* because it is a good balance point to ensure that we are not trying to make agriculture impossible.

Ms. Pierce referred to Goal 2 on Page 23 where the first word is *"Promote."* She suggested replacing it with the word *"Achieve."* She referred to the list under Design Character and asked to add *"transportation"* to the list.

Mr. Hutchcraft referred to Item d. in Policy 1.4.3 on Page 23 where it mentions *"a variety of techniques to reduce density."* He felt deed restrictions should be added.

Ms. Pierce referred to Objective 2.1 and suggested deleting almost the first 6 lines from *"Ensure the County"* through *"throughout the County."* The sentence should begin with *"Establish mixed-use places that are located…"* She felt that any verbiage before that is not necessary.

Staff agreed to this revision and noted their consultant, Francis Moreno, will send the LPA's notes and comments along with other notes and comments and use *"word edit"* which has been requested.

Ms. Pierce referred to the 9th line of Objective 2.1 on Page 24 where there is a list such as employment, socializing, and transportation. She wanted to add *"multi-modal"* before the word *"transportation."* Regarding Item a. Regional Centers, she noted they were primarily the municipalities. She felt this section should mention the need for timely and viable inner jurisdictional agreements. Although staff has attempted these types of agreements, she felt the effort should be increased.

Mr. Daltry talked about warehouse centers and asked how warehousing would take place in these groups.

Mr. Andress could foresee them in places like the Sky Plex at the airport and Hendry County. He asked why those areas attract this type of business, but not Lee County.

Mr. O'Connor thought it might be because they have cheaper prices for land.

Mr. Andress felt Lee County should evaluate what they could do to attract warehouse centers.

Mr. Hutchcraft referred to Policy 2.1.1 on Page 26 which mentions targeting appropriate locations for mixed use centers on the conceptual county framework. He asked if there would be a map to show where these would be located.

Mr. O'Connor stated staff has been struggling with this issue. There is concern with putting it on paper because it could be construed as being the Future Land Use Map. Although staff is experimenting with this, it has not yet come together.

Mr. Hutchcraft noted that in Policy 2.1.1 on Page 26 there is mention of a Compact Communities Code. He felt the vision should be broader than that. He noted that in Policy 2.1.2 on Page 26 there is mention of a balance with mixed-use places, but then it also says *"where compatible with surrounding neighborhoods."* If this is not clarified by listing the permitted areas, we will never get there. Also, is it a balance from a project, neighborhood, or community perspective? Regarding Policy 2.1.3 on the same page, he asked how this Policy would be accomplished. Is it community or project wide?

Ms. Pierce referred to Policy 2.1.2 on Page 26. She stated her concern with this policy is that in order to establish appropriate mixed-use densities and intensities they need to be located in areas that are compatible and most efficient with the multimodal network of transportation both on the long range planning and the infrastructure as opposed to neighborhood designations or being led by neighborhoods. The planned transportation infrastructure should be the County's skeletal system around which we establish these mixed use centers.

Mr. Hutchcraft referred to Item a. under Policy 2.2.1 on Page 27 dealing with architectural designs. He asked that the County not get into a position where they are regulating architectural designs and components as something should be said for professionals. He referred to Policy 2.2.3 on Pages 27 and 28 and requested that staff remove the word *"seamless"* as you cannot *"seamlessly"* do anything.

Ms. Pierce referred to Item d. under Policy 2.2.1 on Page 27 and asked for more specificity by adding *"safe access between residential, schools, services and businesses."*

Mr. Hutchcraft referred to the top of Page 28 where it talks about transition. Although he understood it from a site perspective, he requested this be removed. He reviewed scenarios where other items work fine.

Ms. Ebaugh stated staff was aware this would not work internal to the neighborhoods. It needs to be on the edge of the center of neighborhoods. She stated staff would re-work this section.

Mr. Hutchcraft referred to Item b. under Policy 2.2.4 on Page 28 where it addresses streetscaping. He felt this was more of a Land Development Code regulation. He noted that currently the Land Development Code regulation limits how much hardship you can count as open spaces, which he felt needed to be fixed. He referred to Policy 2.2.5 on Page 28 and stated it should be removed as it is not needed and everyone would interpret it differently.

Ms. Pierce referred to Policy 2.3.1 on Page 29 and asked for the following changes to the verbiage: *"Incorporate context sensitive, mixed-use design features that reflect the urban, suburban, or rural character of the surrounding area **by designing streets that unify communities through an emphasis on street grids and networks**."*

Ms. Ebaugh stated she would not have a problem with this in an urban or suburban area, but she did have a problem with it if it were located in a rural area. She was in favor of it being addressed in Policy 2.3.2.

Mr. Hutchcraft referred to Policy 2.3.2 on Page 29 which talks about requirements on the building design, so he did not feel it was transportation oriented. In the middle of the paragraph, it talks about streetscape. He asked it this would be vertically or horizontally connected. He hoped it would not be interpreted to mean that in order to meet this policy you must have multiple uses in the same building.

Ms. Pierce asked to add *"schools"* to the list under Policy 2.3.2. She referred to Page 31 and suggested adding a policy. The policy would say *"recognize and leverage the economic, social, and environmental value of a healthy and well maintained urban forest canopy of not less than 20% coverage and ideally achieving 40% coverage."*

Ms. Ebaugh stated that even though there is language in this document for urban forests, it is not meant to be detailed. That sort of detail would be more appropriate in the Parks Element. She stated staff could find a place already existing within one of these policies to recognize urban forest in the mixed use area or take the rest of that policy and move it to the Parks or Conservation Element.

Mr. Hutchcraft referred to Policy 2.5.3 on Page 31 that mentions focusing investments in the right locations. However, it also says *"spend the dollars where the majority of the citizens live."* He did not feel it should be based on where the most people live. It should be based on the location where you want to invest in future economic development. He referred to Policy 2.5.4 on Pages 31 and 32 where it mentions *"screening public infrastructure."* Public infrastructure has been discussed including roads, waterfronts, parks, etc. He did not feel the County should screen these types of items. The County should screen the service areas associated with those uses, not public infrastructure.

Ms. Pierce referred to Policy 2.5.1 and stated that it was better to have residential units above the types of offices mentioned in this policy versus any kind of retail. The emphasis for the live/work and the mixed-use always seems to be retail and residential; however, residences over offices are a better mix due to the hours those entities keep. Many times the retail uses start out as high end boutiques that go out of business and are replaced with food and drink establishments that are incompatible with residential uses.

Ms. Pierce referred to Policy 2.6.4 on Page 33 and stated there was a typo since TIF is mentioned twice. She also made an overall comment regarding Page 34 that she felt it was redundant.

Mr. Hutchcraft referred to Page 34 and stated there were many big visionary components throughout this page and he had concerns with how it would be accomplished. He was not sure it had been demonstrated that it would be cost effective.

Ms. Pierce referred to Item f. under Policy 3.1.2 on Page 34 and asked to change the verbiage as follows: *"Designing streets that support/entrance access between neighborhoods and to neighborhood-based commercial developments **through promotion of effective street gridding and networks**; and"*

Mr. Daltry noted that at the last LPA meeting he talked about a watershed planning concept. He suggested introducing it here between Objective 3.1 and Objective 3.2 and then reintroduce the topic of urban suburban and rural. He noted we followed that theme for the first two goal areas; therefore, he felt it was appropriate for it to be in Goal 3. Mr. Daltry clarified that he was asking that staff look in this section for how watershed level planning is a component of the Character and Form. Staff could also look at how the toolbox differs from the urban, suburban, and rural. In our capital budgeting and regulatory framework we could start distinguishing between those areas so we pull out the right tools.

Ms. Pierce referred to Item c. under Policy 3.1.4 on Page 35 and suggested adding *"when practical"* at the end. She referred to Item a. under Policy 3.1.5 on Page 35 and asked why "weatherization" is the only technique mentioned. She suggested removing *"weatherization"* and using a global term in its place such as *"high performance,"* *"renovation,"* or *"energy efficiency"* techniques. She referred to Policy 3.1.6 on Pages 35 and 36 and felt staff should mention and strive for a very high walkability score as it makes a difference when companies are looking to relocate and consider where their employees will want to live. She referred to Item e. at the top of Page 36 and noted the word *"on-site"* was too specific. Some counties use county-wide composting. She recommended deleting the word *"on-site."* She referred to Item a. under Policy 3.1.8 on Page 36 and suggested changing the verbiage as follows: *"Fix-it-first county practices that prioritizes upgrading existing facilities over construction of new facilities, **infrastructure over construction of new**;"* She referred to Policy 3.2 at the bottom of Page 36 and suggested changing the verbiage as follows: *"Promote resource efficient building, site planning, and development practices that reduce capital ~~assets~~ **costs, operational, maintenance, and life cycle costs**, maximize energy resources, and protect natural systems."*

Mr. Strelow referred to Item d. under Policy 3.2.2 on Page 37 where it mentions *"minimum use of chemicals."* He noted that chemicals are neither good nor bad. There are times when we will want the use of chemicals so he felt this was an unwise provision. He referred to Policy 3.2.3 on Page 37 where it mentions *"chemical and toxic free."* There are many materials that can be toxic if you are exposed to them in the wrong way, but we should not discourage the use of these materials. Instead, he suggested staff could say *"minimize potentially harmful exposures to toxic chemicals."*

Mr. Hutchcraft felt all these policies go too far and he did not know how the County would be able to show compliance with them. He felt it was overstep of the government.

Ms. Pierce referred to Item a. under Policy 3.2.1 on Page 37 and wanted to change the verbiage as follows: *"Compact development **and integrated street grid and networks** that minimizes the need to drive and less impact on the environment."* She referred to Item h. under Policy 3.2.2 on Page 37 and recommended the verbiage be changed as follows: *"Develop and utilize innovative energy practices and resources **and incentivize innovative practices in resourcing**."* She felt the County needed to incentivize innovation in building practices, energy use, and in natural resource acquisition.

Mr. Hutchcraft referred to the top of Page 38 where it mentions Landscape Design Standards. From an agricultural perspective, if someone modifies their Water Management District Permit to implement more efficient irrigation systems, the Water Management District will take away allocations from them. This is a disincentive to be efficient. He referred to Item g. dealing with impervious paving materials. He noted there was a conflict because the County is saying they want to do this; however, they are not ready to use these materials yet. Applicants are not yet allowed to use these materials even though they would like to.

Staff stated they could re-work this section to make it sound more visionary.

Ms. Pierce referred to Policies 3.2.4 and 3.2.5 on Page 38 dealing with drought tolerant plant materials. She felt this might be an example of how being too specific could precludes some options that the County may want to have. For instance, islands in parking lots could be recessed instead of raised. All roof and surface water could go into the parking lot swales and planting areas. We could then move to water obligate. She also suggested adding green and blue roofs which are a very viable way to control site water runoff. Ms. Pierce referred to Item b. under Policy 3.2.7 on Page 38 and suggested adding "digester systems."

This concluded the LPA's comments on the Character and Form Element.

Agenda Item 6 - Other Business

Element Schedule

Ms. Ebaugh reviewed the element schedule for the remaining items.

Agenda Item 7 – Adjournment – Next Meeting Date: Monday, November 26, 2012

Mr. Green made a motion to adjourn, seconded by Mr. Daltry. The motion passed 6-0.

The next Local Planning Agency meeting is scheduled for Monday, November 26, 2012, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.