

**MINUTES REPORT
LOCAL PLANNING AGENCY
November 26, 2012**

MEMBERS PRESENT:

Noel Andress (Vice Chair)
Wayne Daltry
Ron Inge (Chair)

Ann Pierce
Roger Strelow

ABSENT

Jim Green
Mitch Hutchcraft

STAFF PRESENT:

Donna Marie Collins, Asst. Cty. Atty.
Andy Getch, DOT
Janet Miller, Recording Secretary
Paul O'Connor, Planning Director

Tony Palermo, Zoning
Rob Price, Zoning
Dan Rudge, Lee Tran

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 – October 8, 2012 and October 22, 2012

October 8, 2012

Mr. Andress referred to the bottom of Page 2 in the October 8, 2012 meeting minutes and revised the sentence to read, “Mr. Andress referred to Page 20 under Agricultural Communities and requested that Pine Island be included since they have more agricultural land ***in production*** than almost any community in the County.” **He made a motion to approve the October 8, 2012 meeting minutes as corrected, seconded by Mr. Daltry. The motion was called and passed 5-0.**

October 22, 2012

Ms. Pierce referred to Page 7 in the October 22, 2012 meeting minutes and revised the sentence to read, “

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.***”*

Mr. Address made a motion to approve the October 22nd meeting minutes with the above changes, seconded by Mr. Strelow. The motion was called and passed 5-0.

Agenda Item 5 – Land Development Code Amendments

Ms. Ebaugh and Mr. Palermo reviewed the LDC amendments to Chapter 32 and Chapter 33 of the Land Development Code implementing the Lehigh Acres Activity Centers and North Fort Myers Town Center which included a PowerPoint presentation.

Mr. Address expressed concern that the areas that are covered by the plan do not have adequate infrastructure to accommodate the plan. There is also the issue of who will pay for all the infrastructure that is needed. Another issue is that rents are currently very low in the commercial market in these targeted areas for existing buildings. The County will need to evaluate how to incentivize so that people will come in to the area and agree to do this type of development when the economics are not there for even the existing buildings to be occupied.

Mr. O'Connor stated the County was trying to accomplish this by revamping the Comprehensive Plan. Staff realizes it will take a new way for the County to do business in order to implement the new strategies of the plan. The Board of County Commissioners have already budgeted \$500,000.00 dollars to do a design study for the two Lehigh Acres area. Part of the result of this study will be to tell us exactly what the infrastructure deficit is and what it will cost the County. Staff realizes the market is not there right now, so they are trying to come up with every incentive possible. One big incentive to property owners is eliminating the public hearing process and following this plan in an administrative process. The Board of County Commissioners have also budgeted an additional \$1.5 million dollars towards the actual engineering for the improvements to be done to the road.

Mr. Daltry expressed support of this effort and noted this was the breakthrough moment in Lee County planning. He felt the County needed to be in the town planning business similar to the City of Fort Myers with their downtown area, Fort Myers Beach, and efforts by the cities of Cape Coral, and Bonita Springs. Town planning is proactive with a lot of participation. It means the County must take the lead with some infrastructure and their own dollars. The County will need to come up with some financial tools because the people of Pine Island do not want to pay for North Fort Myers and vice versa. This would be a better approach to help avoid the East Coast confusion of multiple towns and city halls in one county.

Ms. Pierce stated that one of the questions is how do you pay for this as you make it more attractive. It needs to be an appealing place for private investment. She agreed with the idea of town planning. Ms. Pierce stated she was most familiar with efforts in the Lehigh area and that she was very pleased with those efforts. She hoped in the long run that the Comprehensive Plan would be equally coordinated with an aggressive and proactive set of mechanisms to conserve rural and agricultural lands. She felt the two could support each other if the County develops serious mechanisms such as a sophisticated tiered mobility fee system and a TDR plan that will work with what is being presented today and in the long run preserve our rural and agricultural lands. She thanked staff for their work.

Mr. Strelow shared the sentiment expressed by other members and felt this effort was encouraging. He looked forward to hearing some reaction from property owners and potential developers who will make a lot of this happen on the private side. He commended the County because of this kind of active initiative that is essential in order for this to work.

Mr. Inge referred to Section 32-604 (a) on Page Two where it outlines that rezoning is not required as long as the proposed development complies with Chapter 32 of the LDC including Articles I, II, and VI.

Ms. Ebaugh explained what those articles were to give the LPA a better understanding of this section.

Mr. Inge referred to Page 3, paragraph (b). (1) b. under minor changes and asked if this would be flexible enough or if it meant there is no change of what the footprint shows even if it is a minor deviation. There is verbiage that says you cannot change the transect zones or increase allowable building heights.

Mr. O'Connor stated this was a learning process for staff. The code can be "tweaked" as we move through this process over time and understand the implications of applying this code in various areas of the County. Staff did not want to make it too open ended at this point. Mr. O'Connor felt there was a lot of flexibility evidenced by looking at the number of different block types allowed in each transect. There is a wide range of what can happen and still be in compliance with the code.

Mr. Inge realized this was an initial step to something that may need to be developed as time goes by, but asked that staff make sure there is enough flexibility to move forward with what appears to be great opportunities for each of these three areas of the community.

In response to a question by Ms. Pierce, Ms. Ebaugh reviewed how staff will handle planned developments that do not move forward as a whole, but proceed incrementally.

Mr. Inge asked if staff had enough flexibility in terms of the parking requirements. He noted staff had mentioned the big lots that are not at capacity. He asked if applicants would be able to deviate from the parking spaces per 1000 to allow the plan to go forward or if it would still require massive parking areas because of the building square footage footprint.

Ms. Ebaugh stated the parking was being re-evaluated as part of this effort. Staff has put in a number of structured parking that will happen over time as more building gets done. There will need to be an allowance for structured parking. She noted that all of these streets have on-street parking and that staff understands parking is a major need for these places.

Mr. Inge asked if shared parking would be evaluated as part of the analysis.

Ms. Ebaugh stated that shared parking is not only encouraged but that it would be a necessity as you cannot have mixed use development without shared parking.

Ms. Pierce referred to Page 5 where the transects are listed. She asked which of these would fully support a transit system, specifically, our BRT routes. In other words, which of these would provide enough density?

Ms. Ebaugh stated the issue of density/intensity is not one that is necessarily directed at any of these transects because they are all used at one point or another. She noted this was an issue that En-Site has struggled with because they feel Lehigh is best built at a lower profile than the current code would allow for when it comes to building height. En-Site believes what is currently allowed exceeds the capacity for Lehigh Acres. In terms of BRT, staff generally sees it in the core or center transect. However, she noted that these transects are flexible. The plans have a little bit of all of them.

Due to a questions by the LPA, Ms. Shellie Johnson from En-Site reviewed building heights as well as how staff views 4-story versus 8-story structures, the noise that is generated from the first floor of these structures, and how to incentivize it so that developers can build a 4-story structure.

Mr. Andress asked if staff consulted with the Lee Building Industry or the Real Estate Investment Society, which are groups that focus on development.

Ms. Johnson stated her firm and staff had not met formally with those organizations, but that there had been many meetings with realtors and business development people who have attended the Saturday meetings. However, she acknowledged this was a good suggestion.

Mr. Strelow referred to Page 3 B.1b. and asked that it be changed to read, “may not **significantly** change.” By adding the word “significantly,” it gives great discretion to the County because they will determine what is or is not significant.

Ms. Pierce asked if the Lehigh plan would still work if no one wanted to build anything taller than a 2-story building. She understood the idea of incentivizing with TIFs, but noted they only work if they are leading in the direction of where the market is already going.

Mr. O’Connor stated the plan would not work under that scenario. He noted staff could not guarantee that what they are proposing will actually happen. It will depend on the market, changes that the building industry is willing to make, and the Board’s willingness to stop approving development on the fringe. There are many factors that will help force and focus this. Staff will also look at the economics on the potential of what this can do. Staff is merely trying to enable something that is not currently enabled in our current rules and regulations.

Mr. Andress did not feel this plan was workable because in order to get taller buildings, you must have land costs that make it economical. This is a problem because in Lehigh someone can get all the residential units they want for an amount anywhere between \$1,500 to \$3,000. No one is going to be willing to build a multi-story building because the land costs are so undervalued.

Mr. O’Connor stated this was true for those who may want to simply construct an apartment building somewhere, but the people we are targeting are those who realize the value of having a streetscaped Boulevard with street parking and pedestrians in the area so that the retail part of their development will work.

Ms. Ebaugh noted there were many people in Lehigh who cannot wait for this to be adopted and they are very excited to see more opportunities. Although there are still many answers we do not yet have, we are continually looking for them. This plan is about incentives and spurring development in a fashion that does not currently exist. She gave examples.

Mr. Inge opened this item for public comment. Public input was received from Edd Weiner, and Paul Moreno.

Mr. Inge noted staff was looking for a motion to find these amendments consistent with the Comprehensive Plan and should include the change proposed by Mr. Strelow earlier with adding the word “significantly” to Page 3.

Mr. Strelow made a motion to find these amendments consistent with the Lee Plan and to include the word “significantly” to Page 3 (B.1.b.), seconded by Mr. Daltry. The motion was called and passed 5-0.

The LPA recessed the meeting for a brief break at 10:05 a.m. and reconvened at 10:12 a.m.

Agenda Item 6 – New Horizon 2035: Plan Amendments

A. CPA2011-00013 – Transportation Element

Mr. Andy Getch presented this item along with a PowerPoint presentation.

Mr. Inge opened this item for public comment. Public input was received from Richard Hayduk, Syndi Bultman, Diane Holm (representing the Lee County Health Department), Darla Letourneau, Dan Moser, Sally Jackson (representing Lee Memorial Health System), Steven Brodtkin, and Paul Moreno.

Due to a question by Mr. Address, Mr. Rudge noted that Lee Tran had been working with Lee County DOT and Community Development staff to recommend areas along certain transit routes that could accommodate additional density. These recommendations are part of the Character and Form and Land Use Elements.

Mr. Address asked if these added changes would help the transit system become more economically viable.

Mr. Rudge stated these changes would make it a much better system that would attract more riders. However, Mr. Rudge noted he did not know of any transit agency in the country that is completely self sufficient just as there are no roadway systems that are completely self sufficient. There are always massive public investment with roads as there is with transit.

Due to questions by Mr. Address, Mr. Rudge explained that the transit system does not run on a deficit as they get funds from both federal and local governments. The cost to ride the bus from the longest route is \$1.25 one way. The \$1.25 covers approximately 15% to 20% of the operating costs.

Mr. Address asked if there was any way to get that percentage higher.

Mr. Rudge stated they were working on that through efficiency measures. Due to efficiency measures, they have gone from 12% to 14% and 16% in the last three years so there have been improvements. To bring the percentage higher, it would involve making changes to the existing route structure, fee structure, or pass program. Currently, the fare is \$1.25 one-way, but a person can pay \$2.50 for an all day pass.

Mr. Address asked what might help Lee Tran as far as policies in the Plan to achieve greater efficiencies.

Mr. Rudge noted there were several policies within the Transportation Element that will help develop a transit level of service. One issue that is very important to this effort is the Complete Streets Initiative, which involves having adequate bicycling/walking facilities to access a bus stop. Although there are particular major roadways where a sidewalk network is being constructed, this is not taking place in many neighborhoods where people reside. Because of this, they are choosing to drive instead of taking public transit.

Mr. Andress asked if Lee Tran staff were satisfied with what is currently in the Transportation Element to help them accomplish their goals.

Mr. Rudge felt it was a massive step in the right direction from what has been done before. It probably does not include everything needed for transit, but considering the current economic conditions, everything needed would not be palatable to citizens and other people as well.

Mr. Daltry asked what the shortest route was in miles.

Mr. Rudge stated that up to 10:59 a.m., the free downtown trolley route would be the shortest. From 11:00 a.m. on would be either the 160 or 5. He did not know how long they were in miles, but noted that what was important to customers was how long they have to wait for a particular bus. On the 160 bus, there is approximately a 60 minute wait and on the 5 bus there is a 40 minute wait.

Mr. Daltry noted the current transit system is designed for fairly long distances of picking people up along the way and dropping them off along the way as well causing long wait times. This also causes more people to drive instead of taking transit because it's more convenient to drive themselves to and from a certain destination. He was in favor of having short range systems that would not need to be 33 passenger buses where some commercial links would be added to small service areas to give us better functionality when we get successful in linking the land use (commercial/residential) more tightly in smaller areas. He asked how open Lee Tran was to looking at these types of opportunities.

Mr. Rudge noted that a Transit Vision Plan had been compiled last year which looked at different types of transit options that are available including the one mentioned by Mr. Daltry. Lee Tran has also coordinated with Community Development and Lee County DOT to find out what kind of densities are needed to support transit in particular areas. This has been included in the Character and Form and Transportation Elements.

Mr. Andress noted that while in his last two years of college at Florida State University in Tallahassee, he had driven a bus. The bus route involved going to two particular parts of town, picking up all of the people who were maids by profession and dropping them off to the suburban area where they worked. In the afternoon, he would return to pick them up and take them back to their private homes. The private company that ran this route were called "Cities Transit" who saw a need for this kind of route and hired him to drive the bus for that route.

Mr. Rudge noted this was called "express service," which was included in the Vision Plan.

Mr. Daltry noted there had been a fair amount of transportation policy introduced into other elements. He asked for a summary sheet that outlines where those policies are in the other elements.

Staff felt they could assemble that in time for the December 10th meeting.

Mr. Andress asked that Mr. Getch discuss what they see for the future of impact fees for transportation.

Mr. Getch stated we currently have road impact fees. The Board of County Commissioners could re-evaluate the road impact fee study. As a component of that, they could have an evaluation of a mobility fee option. The logistics of that would involve initiating a study which would take about a year and bring that through the same committees that see the road impact fee.

Mr. Andress stated he was not comfortable in moving forward with an impact fee structure instead of a mobility fee noting there were areas such as Jacksonville that have already gone to a mobility fee, which is working great for their area. He felt it should be part of the evaluation to look at the most important part of a new transportation element which is the fee structure as opposed to being stuck in an old system.

Due to a question by Mr. Daltry, Mr. Getch stated the definition of Concurrency in the Statute is “pay and go.” “Pay and stop” is no longer an option.

Ms. Collins noted the County was pre-empted by the State in this area of regulation. This means the County cannot adopt a regulation that would amount to no development if road availability is not present. They must have an option where they pay something even if it is not enough to make the road improvement and proceed with development.

Mr. Getch stated we still must meet a level of service standard under the current Lee Plan.

Ms. Pierce asked if we have to maintain level of service in order to have a rational nexus.

Mr. Daltry stated we must have a measurable outcome that can then divide our demand into our cost to equal the fee or whatever charge we have.

Ms. Pierce asked if we could have performance standards instead and still achieve rational nexus in order to have mobility fees.

Mr. Getch stated he did not have this answer but knew we had to be able to translate that cost somehow into the fair share.

Ms. Pierce felt we needed this answer of whether or not we can drop level of service. She noted there were many experts that have said we can. We have been enabled to do this by the State. Staff needs to find out what types of performance measures would be sufficient to establish and maintain rational nexus. She noted everything had changed in terms of funding and the economic dynamics of the County. As such, we need a comprehensive mobility plan that pulls in the Economic Element and Character and Form Element that supports and intimately addresses the Future Land Use Element. All these things will be tied together by a thoughtful and sophisticated mobility plan as well as a tiered fee system. Ms. Pierce noted there was a rate of acceleration of change in the thinking of transportation in the rest of the country. If Florida does not come around, they could get left out of this mix as well as being left out of federal funding.

Mr. Andress noted we were talking about establishing these mixed use centers in areas where the level of service has already happened. He asked what the incentive would be for anyone to build in those areas if we still have an impact fee for roads that makes this effort so costly.

Mr. Getch noted one interesting fact about the mixed use center and form base code is that it is about the building form, not the use inside. Impact fees are based on the use. This will have to be re-evaluated along with the implementation of the mixed use centers.

Ms. Pierce referred to the timeline outlined in Ms. Darla Letourneau’s comments. She asked if this timeline was reasonable and feasible from Lee County DOT’s perspective.

Mr. Price reviewed this with the LPA because Community Development takes the lead on Land Development Code and Administrative Code changes and making them part of the Lee Plan.

The LPA discussed whether or not to take additional public input at the next LPA meeting on December 10, 2012.

Ms. Pierce noted someone from the Metropolitan Planning Organization would be in attendance and that she would want to hear what they have to say.

Mr. O'Connor noted someone from the Citizens Advisory Group for the Community Sustainability Committee asked to be able to speak at the December 10th meeting. They were unable to make comments today because they were unable to get a full vote by the entire committee on the proposed comments.

Ms. Ebaugh explained that the Sustainability Advisory Committee meets this Wednesday evening so their comments could not be stated at this time since they are only preliminary.

The LPA decided the Citizens Advisory Group for the Community Sustainability Committee as well as the representative from the Metropolitan Planning Organization would be considered county staff since they are county committees/organizations. However, public input from the general public would be considered completed as of today.

Mr. Andress made a motion to continue the Transportation Element to the December 10th meeting and that public comment from the general public be considered completed as of today, seconded by Mr. Daltry. The motion was called and passed 5-0.

Agenda Item 6 - Other Business

No topics were discussed.

Agenda Item 7 – Adjournment – Next Meeting Date: Monday, January 28, 2013

The meeting adjourned at 11:45 a.m.

The next Local Planning Agency meeting is scheduled for Monday, December 10, 2012, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.