

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
April 22, 2013**

**MEMBERS PRESENT:**

Noel Andress  
Steve Brodtkin  
Wayne Daltry  
Jim Green (Chair)

Mitch Hutchcraft  
Ann Pierce (Vice Chair)  
Roger Strelow

**STAFF PRESENT:**

Rick Burris, Planning  
Donna Marie Collins, Chief Asst. Cty. Atty.  
Kathie Ebaugh, Planning

Janet Miller, Recording Secretary  
Paul O'Connor, Planning Director  
Matt Noble, Planning

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

Mr. Green, Chair, called the meeting to order at 8:30 a.m. in the Administration Conference Room of the County Administration Building, 2115 Second 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 – March 25, 2013**

**Mr. Andress made a motion to approve the March 25, 2013 meeting minutes, seconded by Mr. Hutchcraft. The motion was called and passed 7-0.**

**Agenda Item 5 – Recognition of Ron Inge’s Contributions**

Mr. O'Connor stated it was an honor to recognize the contributions made by Ron Inge, a dedicated citizen of Lee County who served on the Local Planning Agency for 20 years. Mr. O'Connor noted that Mr. Inge's input was invaluable and that he brought much insight, excellent discussion, and debate within our meetings. He presented Mr. Inge with a plaque that read *"In Appreciation of your 20 Years of Service, Presented to Ron Inge in Recognition to your Service and Commitment to the Lee County LPA 1993-2012."*

Mr. Inge thanked everyone for this recognition and stated he had learned a great deal during the 20 years spent serving on the Local Planning Agency. Discussion and ideas are not uniform. Everyone has a perspective and it is worthwhile to hear those other perspectives and try to find a common ground in order to move forward. Having been an applicant for Comprehensive Plan Amendments and Zoning cases, Mr. Inge stated he appreciated the thoroughness and professionalism of Lee County staff. He encouraged the LPA as they move forward and make future decisions, to consider how they would respond, feel, or think if it were their property being discussed as property rights are always the key.

Mr. Green stated he knew all the LPA members would join him in thanking Mr. Inge for his work. He stated it was a pleasure working with him. Even though he did not always vote the same, he felt Mr. Inge always gave everyone a fair shot at sharing their opinions while he was serving as Chairman. He was also excellent at keeping score as the LPA went through some very complicated issues.

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

### **A. CPA2011-00008 – Future Land Use Element**

Although no formal presentation was conducted, Ms. Ebaugh had the Draft Future Land Use Map displayed on screen for discussion.

Mr. Noble stated that he, Kathie Ebaugh and Tony Palermo had been meeting with a variety of citizens on the Future Land Use Element. As a result, they have received a great deal of good input that has caused staff to re-evaluate some things. He noted staff was looking forward to receiving input from the Local Planning Agency as well as input from the public present at today's proceeding. Mr. Noble also covered the general themes of the EAR.

Ms. Ebaugh noted that as a result of meeting with several committees, additional meetings were requested. She believed staff would be able to summarize the comments in time for the June LPA meeting.

Mr. O'Connor stated staff was not expecting any formal action today until staff comes back with the entire packet. The objective is to receive community input.

Mr. Andress stated that when the entire package comes back to the LPA, he hoped staff would include some alternatives to achieving the goal of getting growth to go into the infill areas instead of on the margins. So far, he had not seen anything that gives a pathway to get development into the infill areas. He stated there needed to be some incentives in order to achieve results. He also hoped that during the two year reduction in impact fees, the County will look into a funding mechanism that is sustainable and fair to growth into the future. This two year period gives the County an opportunity to do that. He felt it would be a shame if nothing was gained after the two years.

General discussion ensued and then this item was opened for public input.

Public input was received from William Redfern, Dr. Margaret Banyan (representing BikeWalkLee), Damon Shelor (representing the Community Sustainability Advisory Committee), Nicholas Poulus, Calvin Meyers, Holly Atkins (representing the Blessed Pope John XXIII Church), Ruby Daniels (representing Alva Inc.), Ed Kimball (representing Caloosahatchee Shores Planning Community and the East Lee County Council), Julianne Thomas (representing the Conservancy of SW FL).

Several members of the public (noted above) addressed an area off of Daniels Parkway (the Appaloosa Lane area), seeking increased density. The LPA generally discussed the area and the request.

The LPA took a 10 minute break at 10:30 a.m. and reconvened at 10:40 a.m.

When the LPA reconvened, discussion began regarding the Draft Future Land Use Map.

Mr. Andress referred to an area on Lee Boulevard and Leonard Boulevard where the City of Fort Myers is on the two sides of that property. There is a square on the south side of the road. This map indicates that staff will increase the density in certain areas within that little square. He asked if the County should increase the density within the entire square area because it is currently Industrial. He noted there were different types of commercial already developed along Lee Boulevard. It seemed to be a great future employment center.

Mr. Noble stated that area is being reserved for future industrial use. It is non-residential.

Mr. Green referred to Section 10. Although he understood the commercial/industrial hub concept, he wondered if it would make sense to limit residential in there.

Ms. Ebaugh stated the problem with residential in Lehigh is that while there are a lot of single family lots, this is an effort to look for employment centers. She reviewed three regulating plans developed as of today. Residential has been included in all of the three proposals because the County is looking at different types of residential such as townhouses and multi-family uses.

Mr. Andress referred to another area along Highway 82 on the north side. There is increased density all along Gunnery Road. The problem is that all of those lots front on Meadow Lane and there is no access on any of those because of the limited access capability on Highway 82. Mr. Andress stated that he had discussed this with Lee County DOT and felt they needed to develop an access plan that would allow these lots to have better access to Gunnery Road and Joel Boulevard especially since those lots are all zoned commercial. If such a plan is conducted, he believed it would expand the commercial opportunities along that corridor.

Mr. Noble noted that before the market changed and the County had funds they had a CIP project designated for improvements for Meadow Road. He assumed that once the revenues became available that the County would once again pursue that.

Mr. Green referred to Section 10 and noted staff had mentioned putting restraints on residential. He asked if there was a way to cap it to something significantly less than the green color indicates. Mr. Green stated the buildout is currently 350,000 and this proposal increases it to 400,000 if they were to follow the density that we are permitting with this change. He asked if we were looking for more residential in Lehigh.

Mr. O'Connor stated we are looking for alternative housing opportunities as opposed to the single family lots that completely surround the area. He did not feel we wanted to preclude apartment buildings and mid and high rise residential buildings.

Mr. Green asked if the real focus of Section 10 was to have a Commerce and Industrial Center so that there is a place to work in Lehigh.

Mr. O'Connor stated this was correct and that it would be in conjunction with residential densities along with it in order to have a true mixed use rather than make it a center that everyone has to drive to. We are seeking a situation where people can walk to work, walk to shopping, etc. He noted staff could look at some additional language to make some kind of a ratio requirement. Mr. O'Connor further indicated that this is a unique piece of property in Lehigh Acres since it is the only square mile in Lehigh Acres that is not platted.

At this point, Mr. Burris distributed his "*Density Changes Map*" and reviewed it with the LPA.

Mr. Daltry referred to the pink area in Waterway Estates. He felt there should be a broader pink area to enable the density increases to go in the places we have discussed in the planning for North Fort Myers.

Mr. Burris agreed with Mr. Daltry's statement. Regarding the pink area, Mr. Burris noted he had looked at all the subdivisions in that area. Some of the areas in Waterways Estates may have exceeded 4 units an acre so they are not classified as Suburban 4. However, some of the other areas are not within an actual plat. They may still have AG zoning. He noted that a plat does not necessarily mean you cannot further subdivide your property.

Mr. Daltry referred to Waterways Estates and noted that it is 4 units per acre, it is a plat, it is built out, and has no vacant lots on the site.

Mr. Burris stated that area could possibly be changed to Suburban 4.

Mr. Hutchcraft referred to Section 10 and talked about mixed use and residential. He noted there were drainage challenges in Lehigh Acres. In conjunction with providing any additional density and rights within Section 10, he requested Natural Resources be involved to see if there is an opportunity to increase storage or improve flows out through the Greenbriar area so that we are also providing a natural resource water quality/water storage benefit in conjunction with those increased end items.

Mr. Brodtkin referred to the Suburban land use categories. He expressed concern that, for instance, Suburban 6 has an incentive of 10 dwelling units per acre. This might be appropriate in some areas but not others. Once this document goes through, the County, in essence, is granting something. He noted there are several places where a Suburban 6 category bumps up to Rural, so it was a concern that they could potentially construct 10 dwelling units per acre. He also had concerns about the base. All Suburban land use categories had a base of 1, which is now being changed to 2.

Ms. Ebaugh stated there was a Definitions Policy (Policy 1.1.5) which explains that base density is the suggested minimum, but that it can go lower. The standard density is the most density you can get by right. You are not prohibited from going under the base. This is a suggested base.

Mr. Brodtkin brought up TDRs. To him, the primary focus should be to try and move out of Rural areas not within Rural areas. He felt a lot of Rural land has already been sacrificed over time. Because of this, he did not believe we should sacrifice more in order to do something with the density. The price has to be high enough that someone would want to sell their development rights and yet the price has to be low enough that someone would want to purchase them and gain a benefit from it. Otherwise, they would have no interest in pursuing it. He referred to a study on TDRs that is taking place. He suggested part of that study should include looking into this dilemma so that some of the density can be moved from Rural areas to Urban areas instead of from Rural to Rural. Another area of concern is Fort Myers Shores which also has a Suburban 6 listing. He noted in North Fort Myers there were a lot of areas where the Suburban 6 (allowing 10 units per acre) borders on either Rural or Preserve. He was not certain it was appropriate for higher density as we get further out from the core area especially as it goes north and east and bumps into Preserves and Rural. He also questioned the fact that the incentive density of 10 units per acre is greater than the standard density for Urban neighborhoods.

Mr. Daltry stated his concern was how high the guarantee would be for the base as you do not typically go below the base in these categories. We need to have meaningful bases. As far as something that looks dense on an edge next to a preserve, an open space area, Mr. Daltry noted this is what the County has been doing with clustering all along. They have been trying to create open space by clustering. How

much someone gets as a right versus how much they get if they do the appropriate steps to get these densities, is a matter of discussion. The neighbors and community will be involved in that. If we are setting bases, the County needs to realize that we are not septic and well. We must have infrastructure. We also will not have any open ditches. If you start getting that density, you will start enclosing those drainage ways at least in the residential areas because that is now increasing the amount of runoff and public hazard. You end up increasing the intensity and cost of infrastructure. Mr. Daltry stated he was not for or against the base numbers, but he was certain our community investment schedule at the county level does not recognize what this is really going to cost.

Mr. Brodtkin referred to Mr. Daltry's comments and stated he was concerned with granting additional potential density rights in some of these areas above the 6 where some of these areas could actually have a greater density than the standard density for an Urban Neighborhood.

Ms. Pierce reiterated that she had a hard time discerning all of the green colors on the map, so she asked for an expanded pallet.

Mr. Brodtkin suggested a portable key because the key is on one side of the map and the colors are on the other side, so it would be easier if there was a portable key to use.

Due to a question by Mr. Green, staff clarified that the focus of next month's meeting will be to review the text portion of this amendment.

Ms. Pierce noted she would not be present at the June 24<sup>th</sup> LPA meeting, so she hoped this item could be concluded during the May 20<sup>th</sup> LPA meeting.

Mr. Green gave a summary of comments made by the public as follows: 1) Dr. Banyan's comments about walkability and tourist areas along I75; 2) the question about Rail and whether it is something that should be considered or not prohibited by the plan; 3) the comments about agriculture in Urban areas which should not be excluded; and, 4) the definition of "*sprawl*."

Mr. O'Connor noted the former Department of Community Affairs had a definition of "*Urban Sprawl*" in 9J5. There were 13 factors/criteria used to evaluate whether or not it was "*sprawl*."

Mr. Hutchcraft did not feel it was necessary to re-write a definition for "*sprawl*" but that we could use the current definition on the records.

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

The LPA had no other business to discuss.

### **Agenda Item 8 – Adjournment**

**Mr. Andress made a motion to adjourn, seconded by Mr. Strelow. The motion was called and passed 7-0.**

The meeting adjourned at 11:55 a.m.