

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
June 24, 2013**

**MEMBERS PRESENT:**

Steve Brodkin	Mitch Hutchcraft
Wayne Daltry	Roger Strelow
Jim Green (Chair)	

**MEMBERS ABSENT:**

Noel Address  
Ann Pierce (Vice Chair)

**STAFF PRESENT:**

Rick Burris, Planning	Janet Miller, Recording Secretary
Donna Marie Collins, Chief Asst. Cty. Atty.	Matt Noble, Planning
Brandon Dunn, Planning	Paul O'Connor, Planning Director
Tessa LeSage, Director of Sustainability	

**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 – May 20, 2013**

Mr. Daltry referred to the top of Page 2 of the Minutes under Agenda Item 5 - Capital Improvement Program and noted that he had distributed a handout that at least two members had commented on it, yet there was no mention of it in the Minutes. He also referred to the second paragraph which outlined a variety of topics discussed by the LPA but it did not detail staff's responses. Mr. Daltry stated he normally would not care, but this information led to the motion, particularly issues of how the gas tax was used, how the road is improved, and how that factors into what the developer contributes if it is determined that there will be a contribution from the developer.

Staff stated they would review the recordings a second time and make some changes for the LPA's review at their next meeting.

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

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

Mr. Ron Hamel, Executive Vice President of the Gulf Citrus Growers Association, representing the citrus growers in the five county region including Lee County, complimented staff on several initial meetings

they have had with the community. As a result of these meetings, he noted that staff had addressed some of their initial concerns in the staff report. His comments were as follows:

- His group felt that the initial drafts of the land use part of the plan were too restrictive. They want to be assured that the County's growers, farmers, and ranchers will maintain some flexibility in order to remain economically viable as they make their living off the land. He noted several of their concerns have been addressed.
- He referred to Objective 3.6 Agricultural Standards and Practices. There are concerns by the agricultural land owners with the terms such as "protecting" and "preserving." The other portion that addresses water quality and surface water management references the "Lee Soil and Water Conservation District." Mr. Hamel stated he had never worked with that agency before and was unfamiliar with their role. He had always worked with the Water Management District and other agencies to address AG Water Management.
- Mr. Hamel noted he had met with the Horizon Council Business Issues Task Force and staff last week. He wanted to make sure the Economic Element and the Land Use Element were synergistic and positive to the Comp Plan because staff is in the process of drafting some language in the Economic Element relating to agriculture and agricultural rural lands.

No other public comment was received so the public portion was closed.

The LPA decided to work with the staff report for their comments instead of Attachment 1.

Mr. Hutchcraft referred to Page 6 and noted that specific policies address coastal areas, yet "*coastal*" is not part of the preamble language. He suggested the following language "*...through land use practices that support urban, suburban, coastal, and rural places...*" He further stated that agriculture is an important part of the community yet it is not mentioned in this paragraph. He felt the County should recognize there is value and benefit to agriculture, although he was not certain that agriculture and rural are necessarily synonymous.

Mr. Daltry referred to Goal 1 on Page 7 and believed that Ann Pierce had wanted to add "*protection and enhancement of*" in the second line so that it would read, "*...development, defined urban and rural areas, protection and enhancement of natural resources,...*" In her absence, he proposed staff make that change.

Mr. Daltry referred to Item 3 under Policy 1.1.1 (Economic Development Land Use Categories) on Page 7. He felt there should be a different term used besides "*Economic Development Land Uses*" stating that the entire Future Land Use Map is an economic development tool that guides the intensity and density of infrastructure that is put in to support uses. However, you need all the uses to have a more balanced/complete community. It seemed to him as if the purpose is more for subsidized public investment as opposed to Economic Development. A possible term would be "*Public Investment Land Uses.*" Other suggestions were "*Employment Based Land Use Categories*" or "*Job Centers Categories.*"

The LPA asked staff to look into this further to come up with a more appropriate term.

Mr. Hutchcraft referred to the table on Page 8 and asked that staff clean up the language on “*base*” and “*minimum*,” which needs to be consistent throughout. He referred to the “*Commercial Intensities*” column and noted there was no commercial floor area ratio for Tradeport, Rural, Rural Communities, Outer Islands, Open Lands, and DRGR, yet Commercial is a permitted use in those land use categories. Mr. Hutchcraft stated that several notes were deleted under this table, but he felt staff needed to define in the notes section how they are going to calculate density and intensity in a mixed-use situation. He noted there used to be certain assurances and he hoped that by deleting notes and changing the tables the County would not undermine rights that were previously secured. He suggested that staff might want to add some language to the Administration Section to indicate that if you had secured rights through Comprehensive Plan Amendment changes or Development Orders prior to the adoption of this that you are protected.

Mr. O’Connor stated staff was working on a draft of the Procedures and Administration Element. One of the primary themes of the element is putting language in the Plan that assures that previous approvals are going to be honored.

Mr. Strelow referred to Item e. under Policy 1.1.2 e. on Page 9 and noted a typo. The word “*connect*” should be made plural - “*connects*.”

Mr. Daltry asked if we were connecting urban areas or providing connections to uses within urban areas.

Mr. O’Connor stated it was staff’s intent to have strongly connected internal urban areas and also strong connections between urban areas and urban centers.

Mr. Daltry felt the word “*connect*” should be replaced with the word “*complete*.”

Mr. Hutchcraft referred to item c. under Policy 1.1.2 on Page 9 where it says, “*...to foster compatibility...*” He did not want the County to focus too much on compatibility because there are going to be instances where you are going to encourage density next to places that do not have that same density. He was concerned with language addressing that transition where if you are adjacent to low density uses you will be required to scale it down. This would erode the whole intent of directing development to those urban areas.

Mr. Hutchcraft referred to Item f. under Policy 1.1.2 on Page 9 and expressed concern over who might be responsible for providing a greater level of public service. He stated that minimum density and infrastructure go hand in hand. If the developer is the one who has to provide the infrastructure, then there should be some flexibility in that density. He stated it was unfair for the County to establish a minimum density and then require the developer to put in the infrastructure. To him, this shifted the intent of the entire Comprehensive Plan.

Mr. Hutchcraft referred to Item g. under Policy 1.1.2 on Page 9 where it mentions “*Facilitate higher levels of employment*” and stated he was not sure how the County proposes to accomplish that.

Mr. Brodtkin referred to Mr. Hutchcraft’s comments about Item f. under Policy 1.1.2 on Page 9. He stated that if a development has an impact on infrastructure, the County must decide who is going to pay to improve that infrastructure since it is a demand created by a particular development. He was not certain that it should be passed onto the general public. He noted there are places in the Lee Plan that seem to indicate this. He also referred to Item e. under Policy 1.1.2 on Page 9 and suggested the word “*transportation*” be replaced with the word “*system*.”

Mr. Daltry voiced support for Mr. Hutchcraft’s statement on having a density floor.

Mr. O'Connor stated this issue had been discussed with many groups yet a simple solution has not been devised. He explained the challenges the County faces with this issue. Regarding minimum densities, Mr. Strelow suggested having a presumptive level where if a developer can show a burden of proof that something is not commercially viable and that they have shown a good faith effort, then the County would have the discretion to back off of the regulation a bit.

Mr. Brodtkin referred back to comments about who pays for the infrastructure. He asked if a certain amount of the cost goes to proportionate share depending upon how much impact a development has on the infrastructure.

Mr. O'Connor stated that is common practice but that there are all kinds of new development such as green development and redevelopment. Lee County is experiencing both kinds of those developments.

Mr. Hutchcraft stated that no one is suggesting that the developer not pay for their impacts. The problem is that often times a developer is supposed to be able to have 8 units per acre, but they only get approved for 4 units per acre. They are going to be expected to provide infrastructure with no level of assurance. There needs to be some kind of agreement between the developer and the public that at certain levels you will get certain entitlements. He also clarified that the only places he is talking about the minimum density concept is in those areas where the County wants to have an urban area. Those areas are where the infrastructure will be needed. It does not apply anywhere else.

Mr. O'Connor gave some examples of how the County is moving in that direction.

Mr. Daltry referred to Item a. under Policy 1.1.4 on Page 10 and stated that the Conservancy wanted to add the words *"to urban areas"* at the end of the sentence. The sentence should read, *"Identify and evaluate opportunities to sell or transfer development rights from Non Urban areas within Rural and Conservation Land Use Categories to urban areas."*

Mr. Brodtkin referred to Policy 1.1.4 on Page 10 and wondered what the status was of transferring development rights from Conservation land use categories. He believed we would end up with more sending areas and not enough receiving areas for TDRs. He was not supportive of selling TDRs off of Conservation land use categories.

Mr. O'Connor stated there was a current purchase order with Dr. James Nicholas who would be submitting a report with recommendations on several TDR issues. Staff was given assurance that Dr. Nicholas would be completing his scope of work over the next few weeks, so staff was hopeful that they would be getting several questions answered with the data and analysis from the report.

Ms. Collins clarified that there was a distinction between transfer of density from conservation lands and the Conservation land use category because there is no density associated with conservation land use categories. She suggested this be clarified with some careful wording.

Mr. O'Connor agreed that Conservation lands may not be Conservation 20/20 lands.

Mr. Brodtkin clarified that he was referring to Conservation 20/20 land not the others. He saw it as diluting the potential for transferring development rights out of rural areas.

Mr. Hutchcraft referred to Item a. under Policy 1.1.4 and expressed concern with the TDR programs as they have been established for the DRGR and Pine Island areas. He stated they were not equitable as they do not sufficiently compensate land owners. He stated this was particularly problematic in those two areas. One possibility that is not mentioned in the document is incentivizing this program.

Mr. Strelow referred to Mr. Daltry's added language to Item a., which was adding the words "**to urban areas**" at the end of the sentence. He did not believe this would preclude or limit the possibility of transferring development rights within particular rural areas. He felt there should be a small outlet for the people who have development rights in a fairly restrictive area as an alternative.

Mr. Brodtkin stated the County's preference should be to try to transfer development rights where possible from rural to urban areas. It will need to work on both ends meaning the seller has to get enough to want to sell and the buyer has to pay little enough to make it worth their while. In order to protect our rural lands, there should be language in here to encourage the transfers from rural areas to urban areas and to include Suburban 6.

Mr. Hutchcraft suggested the following verbiage change for Item a. under Policy 1.1.4 on Page 10. The sentence should read, "**Identify, evaluate, and incentivize opportunities to sell or transfer development rights from Non Urban areas within Rural and Conservation Land Use Categories to appropriate locations.**"

Mr. Hutchcraft referred to Policy 1.1.3 on Page 10 where it says, "**...will not be used as the sole reason to lower the proposed project's density and intensity of use.**" He felt it should say, "**...will not be used as a basis to lower the project's density.**"

Mr. Hutchcraft referred to Policy 1.1.5 on Page 10 where it mentions "**suggested base,**" which is a new term. He felt the County should use the same terms throughout. He was not clear what the suggested base would be. For instance, would it mean minimum?

Mr. Hutchcraft referred to Item d. under Policy 1.1.5 where it says, "**Discourage the expansion of public services, public utilities, and transportation services to Non Urban Areas.**" He was not in favor of this because there might be a place where it is appropriate, for instance, farmworker housing. There needs to be some flexibility.

Mr. Hutchcraft referred to Policy 1.1.6 where it mentions generating incentive density units. In an earlier version of the Community Character element, the LPA talked about LEED designation. If staff incorporates components of LEED, it might be appropriate to generate some incentive densities.

Mr. Brodtkin referred to Policy 1.1.3 and felt it was appropriate as written. He referred to Item d. under Policy 1.1.4 and asked for clarification. There might be situations where a bus service that runs between urban areas might pass through a non-urban area. He did not want to discourage a possible bus stop somewhere along the line if it happens to pass through an area on its route that might collect people from a particular non-urban area.

Mr. O'Connor stated this was not his interpretation and he explained how staff envisioned it working.

Mr. Daltry referred to Policy 1.1.5 where it talks about incentive density. He noted there are service workers that live on Pine Island, San Carlos, and Boca Grande and the population is growing. Service workers are critical and they typically have to travel for work. He felt there should be some provisions for these areas particularly if their community plans indicate some small areas that would be suitable for service worker housing, bonus densities, or the mother-in-law type situations. This type of housing reduces traffic and would not add substantially to any evacuation issues. It would help provide for a better balanced community.

Mr. Brodtkin asked if this concept had been discussed specifically with the community groups and businesses.

Mr. O'Connor stated these discussions take place often. It is a mute point in Boca Grande because of the Special Act that controls development on Boca Grande. In the Greater Pine Island area, not only can you not get into bonus density, but with the 810/910 rule in place, you can only get 1/3 of the maximum allowable densities. Regarding mother-in-law suites, the County will need to come up with something creative on that because these suites are not always being constructed/handled "above board."

Mr. Hutchcraft referred to the top of Page 11 where it talks about "*minimum density range.*" Again, he felt staff should be consistent with the terminology.

Mr. Brodtkin referred to Policy 1.3.1 on Page 13 where it talks about Suburban 6 and intensive density such as 10 units per acre. He felt that some Suburban 6 areas on the proposed map are appropriate for 10 units per acre, but was concerned with other areas that are currently 6 units per acre and will be increased to 10 units per acre. This would change the face of the neighborhoods as well as people's expectations of what they purchased in those areas. The areas closer to the urban centers might be appropriate, but not the areas that go further out. He was not certain if there could be a way to have some Suburban 6 areas where they could keep it at 6 units per acre and have other Suburban 6 areas that would allow 10 units per acre. He expressed concerns with increased development on Corkscrew Road, North Fort Myers east of Slader Road and north of the Del Prado Extension on US 41, and Bayshore Road. Mr. Brodtkin also mentioned a meeting where Kathie Ebaugh stated 25 units per acre was an important target for transit in order to make it cost effective.

Mr. Noble stated staff was looking closely at all the areas Mr. Brodtkin mentioned. The Estero community is concerned with the subdivisions along Corkscrew Road. Staff has also heard from Tice, Alva, and North Fort Myers communities. Staff needs to re-evaluate all of these designations and their specific locations. Regarding bus rapid transit, the goal is to have about 15 units per acre. With the modifications that the Tice community is seeking, this would still be consistent with that and the functioning BRT system. He acknowledged staff still had a lot of work to do.

Mr. Hutchcraft referred to Policy 1.3.4 on Page 14 on Coastal Suburban. He noted that the narrative does not acknowledge that supporting commercial uses are permitted. There is a floor area ratio for it, so the narrative should reference supporting commercial uses.

Mr. Daltry referred to Objective 1.4 on Page 14 which states there are five Economic Development land use categories, but it lists six. He reiterated earlier comments about the need to find other terminology besides "*economic development*" such as "*Job Center.*" Although Commercial is a standalone category, he noted there is not much of it.

Mr. Noble stated there is some Commercial in North Fort Myers along Pine Island Road as well as between Orchid and Barrett Road. There is also a piece on Summerlin and on SR 80.

Mr. Daltry stated most of the commercial is subsumed in the urban categories or is the adjunct of suburban categories.

Mr. Noble stated commercial uses are allowed in many land use categories but there is also an actual Commercial category that is focused solely on commercial uses. This originally came about due to a private request to do some commercial use in a coastal high hazard area. The state had a problem with the request because the category the applicant was seeking would allow for increased density. The applicant was only interested in commercial uses, not the increased density. The County created a category that did not have density associated with it. There have been other applicants since then that have sought this category as well.

Mr. Daltry stated that since there were relatively few locations for this category, he felt it should be folded into one of the existing categories that has the same floor/area ratio. There are categories such as Industrial, Tradeport, University Community, and Interstate. He noted the most intensive job centers are not shown on the map such as the Lee Memorial Complex on Bass Road, Edison State College, and Hodges. He did not feel some of the categories were capturing enough job centers that would support us in terms of our infrastructure investments and other public money investments.

Mr. Daltry referred to Policy 1.4.3 dealing with Tradeport. He noted this category was mainly created for the Airport. He stated there was another zone contractually established in the City of Fort Myers known as the Free Trade/Enterprise Zone. He asked that this be identified as an overlay or indicator. He felt it was to some extent the same lands, but would run north and west of the Tradeport area. It would show a coordinated effort between the City and County on the Free Trade/Enterprise Zone.

Mr. Hutchcraft referred to Objective 1.5 on Page 18. He noted this section includes DRGR, which has mining in it, yet it is not listed in the narrative. He then referred staff to the beginning of the paragraph where it says, ***“Rural Land Use Categories are Non-Urban Areas that promote the unique character of the county’s rural places and protect vital environmental lands.”*** He felt this gives the impression that there are vital environmental lands in all of these categories, which may not be what staff intended. He suggested staff look at this language further.

Mr. Hutchcraft referred to Policy 1.5.1 on Page 18 and noted commercial is a permitted use yet there is no commercial floor area ratio listed. The same is true of Coastal Rural. This policy does not seem to include commercial uses.

Mr. Hutchcraft referred to Policy 1.8.1 on Page 23 where it says, ***“Discourage the adoption of additional placed-based land use categories.”*** In the past there have been categories that are unique to a specific location, so he did not know why we would put a policy in here that would preclude something.

Mr. O’Connor stated it would only be ***“discouraged”*** not ***“precluded.”*** However, he was not certain this policy would remain in the document because it has been criticized by several forums.

Mr. Daltry was in favor of discouraging this as he would prefer to see flexibility given to existing land use categories rather than creating more. Staff should focus on why an existing land use category does not work.

Mr. Brodtkin supported Mr. Daltry's comments. This section would only discourage additional place-based land use categories but would not prohibit it if a special case surfaces that needs something other than an existing category. He referred to Policy 1.9.8 on Page 27 regarding the Southeast Residential DRGR area. He reiterated that there should be a preference, where possible, to move the development rights out of the DRGR into urban areas or Suburban 6 areas.

Mr. Hutchcraft referred to Policy 1.9.9 on Page 27. He was not in agreement with basing appropriate elevations for the **future** on documentation taken from photo interpretations of **historic** aerials. He did not believe this was good science.

Mr. Brodtkin referred to Goal 2: Growth Management on Page 35 where it says, ***"This new objective intends to support the development of urban, suburban, and rural places by generally allowing development rights to be moved from Rural areas to Urban areas."*** He asked that the word ***"allowing"*** be replaced with ***"encouraging"*** or ***"promoting."*** He referred to Objective 2.1 and asked for staff to put specific language in this section about protecting rural areas and keeping them rural.

Mr. Hutchcraft referred to Policy 2.2.2 on Page 36. This section seems to indicate that although someone might be eligible for certain densities, they may not get approved for those densities. He felt there should be some understanding that there are a certain number of densities that are assured. He referred to the acreage allocation table and stated he thought this table was not going to be regulatory; however, it establishes acreage limitations, which seems regulatory.

Mr. O'Connor stated staff wanted to keep the table regulatory in the non-urban areas, but not regulatory in other areas.

Mr. Hutchcraft felt this unfairly restricted agricultural land. There are people who want to protect agricultural and rural lands and there are others who want to preclude anything from happening in those areas. To him, the County is setting up a two-tiered system where Rural property owners are significantly limited. He was concerned with the impact this would have on the rights and values associated with agricultural lands. If it is not regulatory for some areas, then it should not be regulatory for anyone.

Mr. Strelow referred to Policy 2.2.2 on Page 36 where it says, ***"The future land use designation of a parcel is not a guarantee that the densities or uses are immediately appropriate."*** He thought the word ***"realistic"*** might better capture what staff is trying to do. There are areas that we want to have developed with higher density, but recognize that for market reasons it may not be realistic to get there immediately. The word ***"appropriate"*** implies it may not be a good idea, but this is not what we should want to communicate. He suggested it say ***"...is not a guarantee that the densities or uses are immediately realistic or commercially realistic."***

Mr. Brodtkin was in support of Policy 2.2.2 b., but felt the language should be clarified if some of it is regulatory and some is not. He asked if it is outlined better in another policy.

Mr. O'Connor stated it was outlined in a clearer format in another policy and stated staff could reference the policy in Policy 2.2.2 b.

Mr. Brodtkin referred to Policy 2.3.2 on Page 38. He suggested adding an additional item for the criteria. The applicant should be required to show whatever new information there might be to support their land use change.



Mr. O'Connor stated this was a condensed list but agreed that adding that item might be an important component.

Mr. Daltry referred to Objective 2.3 and felt this section should be put in the Procedures and Administration Element since they seem to entail processes rather than policies.

Mr. Hutchcraft referred to Policy 2.2.8 on Page 38 and stated he objected to this because it only applies to agricultural/rural lands, which does not seem fair. It is further compounded by Policy 2.2.9 which indicates they will only update this during the Evaluation and Appraisal process which is only conducted every seven years. To him, it is another layer of regulation on agricultural lands. He recommended deleting Policy 2.2.8 and putting Policy 2.2.9 in the Land Development Code which gets updated annually. He referred to Policy 2.3.2 b. that deals with projected permanent and seasonal population of the area and stated he was fine with it if it is looked at as a criteria but he was against it becoming a cap that gets tied back to population accommodation. He referred to Policy 2.3.3 where it says, "**...or three members of the Board make a finding of overriding public necessity.**" He felt the benefit gives you some additional flexibility.

Mr. Brodtkin referred to Policy 2.3.6 on Page 39 and felt it should apply to all DRGR areas not just what exists south of SR82, for instance, the northeast part of Lee County.

Mr. Daltry agreed with Mr. Brodtkin's comments that it should include all DRGR areas. He also suggested the language be condensed as follows: ***"Except for areas identified as needed for airport expansion, discourage Land Use Map Amendments to the DR/GR areas south of SR 82 east of I-75 that increase the current allowable density or intensity. It is the county's policy not to approve further urban designations in the DR/GR for the same reasons that supported its 1990 decision to establish the category. In addition to satisfying the requirements in 163 Part II Florida Statutes, the Strategic Regional Policy Plan, the State Comprehensive Plan, and the Lee Plan, Applicants seeking such an amendment must also..."***

Mr. O'Connor stated this policy came out of the Governor and Cabinets Final Order in the challenge to our 1996 Comprehensive Plan Amendments. Part of those amendments included a change from DRGR to Tradeport north of Alico Road. At first staff was reluctant to change any of the final order language. However, since that time there have been discussions that we are not obligated to maintain that language.

Mr. Daltry encouraged staff to rewrite this section for clarity, get rid of unnecessary language, and apply this policy to the entire DRGR.

Mr. Strelow stated the true test is whether the retention or deletion of this language is stronger in protecting the DRGR from insurgence. It is not just a matter of whether the language is needed or appropriate. If it is a draw, then he was in favor of deleting it, but he did not agree with deleting it for the sake of neatness or some other consideration other than what would most protect the DRGR.

Mr. Green stated staff should consider whether the other DRGR areas need the same protection.

Mr. Daltry asked for clarification of Item c. in Policy 2.4.5 on Page 40.

Mr. O'Connor stated this section is looked at as an incentive to downgrade your non-urban land.

Mr. Hutchcraft suggested saying "***additional transferrable density.***"

Mr. Strelow noted a typo in Policy 2.4.3 on Page 40. The word “*sited*” is supposed to be “*sites.*”

Mr. Brodtkin referred to Policy 2.4.4 on Page 40 and stated the list seems limited. He thought anything in a Rural land use category or area would be a viable candidate for sending including DRGR, Open Lands, and Rural.

Mr. Brodtkin referred to Items b. and c. in Policy 2.4.2 on Page 40 and stated it is not clear that this relates only to incentive density.

Mr. Green agreed with Mr. Brodtkin’s comments that Policy 2.4.4 seems too restrictive.

Mr. Hutchcraft referred to Policy 2.4.6 on Page 40 which mentions a TDR Bank. He noted that Collier County had two TDR programs. They established themselves as the bank meaning people had to go to Collier County to get a TDR. The program was a failure. He did not want to see this happen to Lee County and preferred a scenario where Lee County would facilitate the program through a publicly managed TDR clearing house rather than a bank. He felt Lee County should be an information clearing house as opposed to getting into the business of buying and selling credits or marketing them.

Mr. O’Connor reiterated that a study would be conducted by Dr. James Nicholas on TDR issues. The recommendations will include whether or not we should include a bank.

Mr. Strelow did not want to preclude something. He noted there were other counties and entities that have used banks successfully. He did not want to preclude a county bank simply because one other county may not have handled it correctly.

Mr. Brodtkin referred to Objective 3.1 and Policy 3.1.2 on Page 44. He stated that there is discussion in these sections regarding traffic and pedestrians. He has received feedback from several sources asking that there be a reference to “*Complete Streets*” in this particular objective and policy.

Mr. Hutchcraft referred to Policy 3.1.2 on Page 44 and stated it did not make sense the way it is currently written. It says, “*Evaluate development designs will be evaluated...*” He recommended the language be changed to “*Evaluate development designs to ensure...*”

Mr. Noble stated this would be corrected similar to Policy 3.1.1 which has strikethrough language.

Mr. Hutchcraft referred to Policy 3.1.3 where it talks about CPTED guidelines. Although he is in favor of CPTED guidelines, he felt the language that says “*to the maximum extent possible*” should be changed to “*where practicable.*” He referred to Policy 3.1.5 b. and stated he had a problem with requiring developments to connect to a utility if the County has a franchise and service area in instances where there is no infrastructure available. There should be a corresponding obligation that if the County has a service area they must actually be able to provide service, otherwise, it is unfair to require developments to connect.

Mr. O’Connor understood Mr. Hutchcraft’s concerns but noted this was a 2025 plan where we are showing future service areas, not necessarily available service areas. There are two separate maps.

Mr. Noble referred the LPA to Item e. on Page 45. If there is no ability to force the connection, the standard practice will be that the developer has the right to put in their own system until such time as it becomes available.

Mr. Daltry referred to Policy 3.1.7 on Page 46 and stated he was in favor of this policy because it gives us an analytical tool by which the mobility fee can be developed, evaluated, and expanded upon. He asked for an update on the mobility fee.

Mr. O'Connor stated the mobility fee issue is still in the discussion mode.

Mr. Brodtkin referred to Policy 3.2.3 on Page 47 and asked if the first sentence meant that if the property is in part a higher density and in another part a very low density that all the density can be built on the lower density portion.

Mr. O'Connor stated this would be a possibility. The project would be reviewed through the public hearing process and as a planned development. Certain factors are looked at for the appropriateness of the spread of the density.

Ms. Collins stated there would be further restriction due to Item c. which states that the resulting development must protect environmentally sensitive lands. However, this would not preclude all the density being placed on DRGR property if the project meets other criteria.

Mr. Brodtkin felt the County should prefer that the density be placed on the higher density portion where practicable.

Mr. Noble stated staff would be taking another look at this policy because he saw other inconsistencies with it and felt some clarity was needed.

Mr. Hutchcraft referred to Policy 3.4.1 b. on Page 49 that states, "***Permit when properly zoned within Urban Areas.***" He stated that commercial uses are allowed in non-urban areas as well. Due to this policy, the County might be precluding commercial uses that would otherwise be appropriately permitted. He referred to Item e under the same policy that deals with architectural features that enhance the appearance of structures, screen parking areas, and blend with the character of existing or planned surrounding land uses. He hoped staff would implement this in as light handed an approach as possible because "***beauty is in the eye of the beholder.***"

Mr. Brodtkin referred to Policy 3.4.5 on Page 50 and stated that concerns have been expressed from a few of the community panels about the standards being moved to the Land Development Code. He hoped the items covered under Policy 3.4.5 could be addressed in the community plans if the County decides to move this section to the Land Development Code.

Mr. Hutchcraft referred to Policy 3.4.4 on Page 50 and stated the County might be precluding commercial uses that may be appropriate and otherwise desired because of this language. He referred to Policy 3.4.7 on Page 51 that mentions commercial uses and agriculturally related services in the rural area. The first exception listed is that it must be at the intersection of an arterial and collector or two arterial roads. He noted you would not likely have that condition in rural areas. He referred to the top of Page 52 where it says, "***...have no adverse effect on surrounding land uses...***" Mr. Hutchcraft stated that there are always people who will articulate that any change could create an adverse impact. He felt the word "***no***" was too strong and suggested deleting it so that it would read, "***...would not have an adverse affect...***"

Mr. Brodtkin referred to Policy 3.6.1 on Page 53 and stated there is a balance between promoting agriculture and trying to keep our water clean. He hoped everything could be done to work with agriculture to reduce pesticide and fertilizer run off as much as possible. There are ***“Best Management Practices”*** that the state promotes. He suggested there be a reference to it in this Policy to help minimize the impacts of agriculture on the environment. Although we want to promote agriculture and not overburden them to where they become cost ineffective, we want to do whatever we can to keep the environment clean from agricultural areas.

Mr. Hutchcraft referred to Objective 3.6 and Policy 3.6.1 on Page 53 which mentions an Agricultural Overlay map. He asked for specifics on what this map does and how it will be used. He believed there would be restrictions as a result of this map. For instance, the Pine Island Plan utilizes this Overlay Map as a basis for the reduction of density on agricultural lands. If the County wants to encourage agriculture, then they cannot take rights away. He gave a scenario where a citrus grove is no longer producing any revenue due to citrus greening and there is no other alternative crop. The land owner might want to convert their land to another use. Zoning allows multiple uses, but this map says agriculture means farming. This could prohibit a land owner from being able to change their use.

Ms. Collins concurred that Mr. Hutchcraft’s interpretation is correct.

Mr. Daltry stated there are regulatory maps and descriptive maps. He understood Mr. Hutchcraft’s concerns and suggested the Overlay Map be listed as a descriptive map.

Mr. Brodtkin referred to the last sentence in Policy 3.6.4 on Page 54 that says, ***“...including the protection and restoration of natural systems within Southeast Lee County.”*** He felt it should be changed to include northeast Lee County as well.

Mr. Daltry suggested a period be placed after ***“water resources”*** and delete the rest of the sentence.

Mr. Brodtkin referred to Policy 3.8.15 on Page 58 and asked why this would only pertain to Urban Areas.

Mr. O’Connor stated it was geared toward Lehigh Acres because that is where we have active oil pumps, storage facilities, and associated trucking.

Mr. Green suggested putting a period after the word ***“residents.”***

Mr. Strelow suggested staff delete the reference to Urban Areas so that it could apply to other areas as well.

Mr. Hutchcraft referred to Goal 4 on Page 68 and suggested they remove the word “the” so that the sentence would read, ***“...use activity centers and corridors in targeted locations through ~~the~~ public-private partnerships to provide...”***

Mr. Brodtkin referred to Policy 4.1.2 b. on Page 68 and asked if staff had considered the noise aspect with mixed use which would have day time and evening businesses. Although we have a noise ordinance, staff needs to consider how that ordinance would work when it comes to mixed-use areas. He felt there needed to be careful planning on how everything is located because noise must be factored in when we plan and develop mixed use areas so that a problem is not created. He referred to Goal 4 on Page 68 and asked if staff has criteria on how they determine where these areas are located.

Mr. O'Connor stated there is criteria for placement of a mixed use overlay which is discussed further in Policy 4.1.3 on Page 69.

Mr. Daltry referred to Item g. on Page 70 and asked if the County was going to promote local community funding resources.

Mr. O'Connor stated they would be and that it was the reason for putting Item g. in the Policy.

Mr. Brodtkin referred to Policy 4.1.9 on Page 70 and asked what was meant by "*reasonable distance.*"

Mr. O'Connor stated that would be at the discretion of the Board of County Commissioners.

Ms. Collins stated this would allow for smaller expansions and would be handled on a case by case basis.

Mr. O'Connor added that it would be part of a public hearing process.

Mr. Hutchcraft referred to Policy 4.2.2 on Page 71 and suggested the wording be changed to read, "*Building Design development practices may include such items as:*" He was concerned that the list as is could be determined to be a checklist of things you must do. His alternative language would mean that they only have to comply with some of the items. He referred to Item e. and had concerns with this language because there might be urban areas where you want to get urban density in there. However, now we have this policy that states the developments density and intensity will gradient from the center to the edge. He referred to Item g where it says, "*Local climate and history will dictate...*" He felt "*dictate*" was too strong a word. It should "*influence*" but not "*dictate*" architectural design. He referred to Policy 4.2.3 on Page 72 and suggested similar language as he recommended for Policy 4.2.2 where it should say, "*may include such items as:*"

Mr. Daltry referred to Page 72 where there is mention of multi-modal transportation standards. He asked if Policies 4.2.4, 4.2.5, and 4.2.6 would link to Policy 4.2.7.

Mr. O'Connor stated that was staff's intent.

Mr. Hutchcraft referred to Pages 74 and 75 that mention the Compact Community Code. From a structural perspective, he liked the way staff established a plan that facilitates an approval process. However, the initial plan he saw was very rigid. He cautioned staff not to get too specific where it becomes rigid and it begins to mandate alleys and front porches.

Mr. O'Connor stated Chapter 22 has a lot of administrative amendment capabilities built into the chapter.

Mr. Daltry referred to Policy 4.3.5 on Page 75 and stated he was in favor of this policy along with some discretion. It might work for Capital Improvements but not Social Services. Typically, you put your social service investments where you have deteriorating conditions. He would not want to see that shifted over to improve the curbing of a place that will then gentrify.

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

Mr. Green stated he had received comments from outside parties about their preference to have the LPA continue meeting in the current location of the Administration Conference Room versus the Board Chambers because they preferred the informal atmosphere. He asked for feedback from the LPA members and staff.

Mr. Brodtkin felt there could be instances where space would be an issue because some of the cases draw a large amount of public.

Staff confirmed that the Administration Conference Room can only hold 40 people. They also pointed out that some staff prefer to watch the LPA meetings from their desks, but this is not an option if the meetings are held in the Administration Conference Room.

Mr. Green noted that the LPA did not seem to be opposed to meeting in the Administration Conference Room if it fits staff's plans at the time.

### **Agenda Item 8 – Adjournment**

The next Local Planning Agency meeting is scheduled for Monday, July 22, 2013, at 8:30 a.m. in the Administration Conference Room, in the County Administration Building, 2115 Second Street, Fort Myers, FL 33901.

The meeting adjourned at 11:50 a.m.