

**MINUTES REPORT
LOCAL PLANNING AGENCY
August 25, 2014**

MEMBERS PRESENT:

Noel Andress (Chair)	Jim Ink
Dennis Church	Rick Joyce (Vice Chair)
Jim Green	David Mulicka

MEMBERS ABSENT:

Mitch Hutchcraft

STAFF PRESENT:

Brandon Dunn, Planning	Janet Miller, Recording Secretary
Andy Getch, DOT	Paul O'Connor, Planning Director
Michael Jacob, Asst. Cty. Atty.	Becky Sweigert, Environmental Sciences

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Andress, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

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

Agenda Item 2 – Public Forum

Royal Tee Community – Rural Designation

Mr. Edward Harrington, Chairman of the Strategic Planning Committee of the Royal Tee Homeowners Association, distributed a handout (attached). Due to the Royal Tee community being brought up at previous LPA meetings, Mr. Harrington provided some background information about their community. He noted that in some of the previous discussions, the Rural designation for the area had been questioned. Based on current definitions in the text of the Lee Plan, his planning group supports Planning staff's Rural designation recommendation. He also noted there is no other current designation that would protect his community's density as well as other descriptors that are in place for their community. Mr. Harrington stated they would not object to a new category such as "*master plan community designation*" if one is developed as long as the same definitions and density are included to protect their development as the current Rural designation. He noted the community members purchased their properties understanding the community covenants and restrictions, development standards that are in effect to ensure the nature of the Royal Tee community, the facility service levels being provided (i.e. Pine Island water, individual septic systems, etc.), and their responsibility to maintain those as well as private roads and drainage infrastructure. Mr. Harrington asked that the LPA support the requirements to protect the nature of the Royal Tee community and to keep the areas as Rural or some other designation which maintains the 1 unit per acre density.

The LPA had no questions of Mr. Harrington.

Removal of FAR from the Land Use Designations

Mr. Wayne Gaither, representing Lee Tran, stated that Lee Tran is questioning the removal of the Floor Area Ratio (FAR) from the land use designations which establish the commercial development intensity within each land use designation. He noted that through past efforts, such as the Evaluation and Appraisal Report, Lee Tran has promoted both density and intensity levels within the land use designations that would effectively promote population and activity levels that are more supportive of mass transit services. Through Lee Tran's work with staff, they have established both density and intensity levels that were agreed upon. He noted that the elimination of the FAR diminishes the certainties of these activity levels which would be clear indicators of Lee Tran's support for commercial development to define urbanized areas and support shopping and employment opportunities within Suburban and Rural areas. The designation of appropriate levels of density and intensity within each land use category would promote an environment that would be supportive to Lee Tran services to cover the Urban, Suburban, and Rural land use designations. Mr. Gaither noted there are several policies and objectives still referencing the intent of the Lee Plan to support development of higher levels of density and intensity to facilitate higher levels of employment and economic activity within urbanized areas all of which are beneficial to Lee Tran services, and as such, should be defined and promoted within Lee County's Comprehensive Plan. He stated that although the Lee Plan promotes the intent of higher levels of intensities, it is not providing the clear guidance for the highest and best use of these properties by excluding the FAR which would facilitate these commercial intensities.

Mr. O'Connor stated this issue was brought before the LPA approximately one year ago. His recollection was that the LPA opted to have staff submit the Plan up to the State without the FARs. Due to this, staff modified the element. The FARs that were proposed over a year ago were all maximum FARs not minimum. By removing the maximum FARs, the LPA thought it gave more flexibility.

Agenda Item 3 – Approval of Minutes – July 28, 2014

Mr. Address referred to the seventh paragraph on Page 7 and made a correction so that the paragraph reads, *"Mr. Address showed a document he had **entitled, "Future Density Map"** that was prepared by **County** staff. It takes the BEBR projection numbers to the year 2035. Right now, the document shows we are at about 620,000 in Lee County. It takes the additional population which is estimated at that time frame to be one million and it has put those one million on that map. He reviewed the document."*

Mr. Church made a motion to approve the July 28, 2014 meeting minutes with the above correction, seconded by Mr. Joyce. The motion was called and passed 6-0.

Agenda Item 4 – North Olga Land Development Code Amendments

Mr. Palermo gave an overview of the amendments. He noted that a few members of the North Olga planning panel were in attendance to support staff. He stated regular meetings had been held at the Bayshore Fire District and that today's draft had been reviewed by County staff, the County Attorney's Office, as well as other stakeholders. In addition, staff met with the Alva community as part of their outreach. Mr. Palermo thanked the consultant for their work on this project, the public for giving staff their support for these regulations, and to all staff that worked on this.

Mr. Andress stated he did not see any mention in this document of a “*Town Center*” concept meaning a Commercial District to serve the business needs of this community.

Mr. Palermo stated this was not the will of the community at this time, but that this could possibly be addressed during a second round of amendments. For now, staff and the community wanted to get a base line of regulations in place.

Ms. Alexis Crespo, Waldrop Engineering, representing the North Olga Community Planning Panel reviewed the amendments.

Mr. Andress opened this item for public comment. No public input was received.

Mr. Joyce asked if Babcock Ranch was involved in this since a substantial piece of this property is included in this planning area.

Ms. Crespo stated that representatives of Babcock attend the community meetings periodically and have monitored the process; however, they do not serve on the panel and have not been an overall active force.

Mr. Joyce referred to the tree requirements and stated he liked them overall as well as the enhancement to water management systems. To him, these were both good changes that the County should look at county-wide. He referred to the bottom of Page 5 where it says, “*At the time of installation, trees must be six feet in height, 10 gallons, one and a half inch caliper, and three foot spread.*” He felt it should say “*a minimum of 10 gallons or a field grown equivalent size tree.*” This would allow for a larger tree than 10 gallon if applicable. He stated this verbiage could be added to Section 33-1673 on Page 8 where it says “*...shall be a minimum of 14 feet or a field grown equivalent size tree.*”

Mr. Ink thanked staff and the consultant for incorporating comments made by a previous reviewing board.

Mr. Andress recommended that staff should develop a community center as part of their next round of amendments. As the community grows in this area, there needs to be some cohesion to it with a commercial center (aka community center or town center). Other than this shortcoming, he felt everyone did a good job on this draft.

Mr. Green made a motion to find this consistent with the Lee Plan with the additions made by Mr. Joyce, seconded by Mr. Church. The motion was called and passed 6-0.

Agenda Item 5 – Lee Plan Amendments: CPA2011-00020 Fiddlesticks Boulevard Parcel

Mr. O’Connor gave a brief overview of this item.

A PowerPoint presentation was provided by Russell Schropp (Henderson Franklin Law Firm), Alexis Crespo (Project Planner from Waldrop Engineering), David Willems (Project Engineer from Waldrop Engineering), Andy Woodruff (Project Ecologist from Passarella and Associates), and Ron Talone (Transportation Planner from Plummer and Associates). All parties were the applicant’s representatives.

It was explained that Mr. Willems would discuss drainage issues and some of the offsite impacts that occurred that influence how this property needs to be developed. Mr. Woodruff would discuss wetland and species issues. Mr. Talone would discuss traffic and traffic circulation.

After Mr. Willems' presentation, the LPA had some questions.

Due to a question by Mr. Address, Mr. Willems reviewed how they would convey the water to the north through the site.

Mr. Address asked if there was connectivity on the property to the north to Six Mile Cypress.

Mr. Willems stated there was connectivity if the water gets high enough through the wetland system. Although it is not ideal, that is where the water has historically gone.

Mr. Address expressed concern that Six Mile Cypress is not currently getting the water it needs because of so many different developments that have occurred in that area. He also noted that this particular site is on the FDEP map and is shown as one of the impaired areas of water in Lee County. He asked how they would address the impairment that currently exists in the waterbodies in that area.

Mr. Willems stated they typically have a nutrient loading calculation that would be required by the Water Management District in order to get their permit. This will be analyzed to make sure the proposed project would improve the existing conditions.

Mr. Address asked if they hoped to convey some of the water to the Airport canal.

Mr. Willems stated he would not propose that. He felt it important to note that there are two control structures that currently drain a small portion of the southern part of the project into the canal. It is not meant as a main outfall. He believed it was put there in case there are localized areas that happen to be draining into the south so that it does not build up on the back side of that berm.

Due to a question by Mr. Address, Mr. Willems confirmed that central water and sewer services will be available to the site through Lee County Utilities.

Mr. Church asked if it currently and naturally outfalls to the north and if it is bermed on all sides.

Mr. Willems stated the water historically outfalls to the north. Regarding the second question, it is not a noticeable berm on the north side. It may be a bit higher, but it is not noticeable.

Mr. Church felt it sounded as if a lot of water is headed south without a true water management system and that they could basically send it all north.

Mr. Willems stated he did not believe it was a lot of water. He explained there are small culverts to the south and the site is flat so it has to build up in order to flow. There is a lot of grass out there, so it is not flowing very fast. However, there is more water going to the south.

Mr. Church asked if we would be creating issues for downstream people if we get the system designed to take most of the water north to Six Mile Cypress since there might not be proper conveyances.

Mr. Willems stated the historic wetlands are there to drain it to the north. This is something they will work on in more detail with the Division of Natural Resources and the South Florida Water Management District. He also believed the County had plans to make some improvements in this area.

Mr. Andy Woodruff presented his portion of the presentation regarding wetland and species issues.

Mr. Address referred to comments made by Mr. Woodruff that they anticipate some of the developed areas would impact wetlands. Due to a question by Mr. Address, Mr. Woodruff reviewed some avenues available to the applicant to help mitigate those impacts to the wetlands.

Mr. Church asked about the Consent Order.

Mr. Woodruff stated he was not involved with that issue. His understanding is that there was approximately less than 5 acres of habitat restoration that had to occur as a result of some culverts and berming that had been put in place and some cow ponds that had been dug. According to the District, this has been resolved. Mr. Woodruff did not believe there were any outstanding issues with that Consent Order.

Mr. Church stated this site has clearly been cleared and converted to pasture including wetland areas. He asked if the District viewed the rest of the site to see what has occurred.

Mr. Woodruff did not believe there was any illegality or violation with the clearing that occurred for the agricultural conversion. He also did not believe this was part of that Consent Order. His understanding was that the Consent Order dealt with structures that were put in place that had to be removed.

Mr. Church stated that in looking at the aerial it reminded him of The Brooks project as far as how it looked 15 years ago. The Agricultural operations wiped out a lot of wetlands and there were also Consent Orders involved. When the developer came in, they created flowways, put some plantings back, and created a very viable wetland system. Even though we are only at the Comprehensive Plan level, a commitment is about doing something nice as described above. There is the potential for this to be a good project but there is uncertainty as to whether any of that is going to happen (as described above).

Mr. Woodruff stated he anticipated that through the environmental resources permitting and the Army Corp permitting for the project that many issues are going to be evaluated. Mr. Willems would be involved in basically reengineering the hydrology and making sure we have adequate water levels maintained in those existing preserved areas. As Mr. Willems indicated, a lot of this area is cut off from its historic surface water flow.

Mr. Ron Talone, Traffic Consultant for the project, from David Plummer and Associates, provided his portion of the presentation. He discussed traffic issues and traffic circulation.

Mr. Address asked for clarification that until we get the Three Oaks Parkway improvements, the only access to and from the property will be from Fiddlesticks Boulevard (two lanes).

Mr. Talone stated that initially the access would be the existing easement to Fiddlesticks Boulevard. However, in the proposed development agreement mentioned by Mr. Schropp, it states that after a certain number of units early in the project, the applicant would be willing to construct a bridge across the canal to provide another access.

Mr. Ink noticed it said that in 2035 I75 needs 6 lanes plus 4 lanes. He asked if this would help mitigate this process from Daniels past Alico.

Mr. Talone stated those improvements would certainly help relieve main line I75 between Daniels and Alico. He did not reference those improvements because the two segments that were identified were north of Daniels and south of Alico. The Needs Plan shows 10 lanes (6 lanes plus 4 lanes). This is a highly debated issue as to how that is to be done. However, it would provide substantial relief to the north of Daniels and to the south of Alico similar to what direct connect will do to help the I75 main line between Alico and Daniels.

Mr. Church referred to the offer of constructing a bridge across the Airport canal and asked if it would be a 2 lane cross section.

Mr. Talone stated this would need to be determined. It is anticipated that those types of details will be worked out during the zoning approval process. Ideally, it would be done in a way that would be incorporated into the eventual construction of Three Oaks Parkway.

Due to a question by Mr. Church, Mr. Talone confirmed it was his understanding that in the draft developer agreement there was an offer to build that bridge in exchange for impact fee credits.

Mr. Church referred to Three Oaks Parkway and asked if the land owner signed all the authorizations. He asked if they were a part of the permitting for that road.

Mr. Talone only knew the land owner was aware of the County's efforts. He did not know to what extent there was coordination between the County and the applicant.

Mr. Address asked if there was a guarantee that if this project were to move forward that they could have an access to Three Oaks Parkway since it is a limited access road.

Mr. Talone stated he assumed there would be an effort not to have an excessive number of access points; however, he would expect there to be a couple of access points serving this property.

Mr. Address asked if Three Oaks Parkway had been extended almost to their property boundary currently. If so, how many lanes is it?

Mr. Talone stated the answer was "yes." From the south, it goes from Alico Road right up to the canal. It is 4 lanes.

Mr. Church asked if an agreement would be made during the zoning process about limiting the number of units until such time as Three Oaks Parkway is connected.

Mr. Talone stated the answer is "yes." In the draft agreement there was discussion about limiting it to a certain number of units where you have access only to Fiddlesticks Boulevard and then to go beyond that number of units there would need to be a connection to the south.

Due to a request by Mr. Mulicka, Mr. Talone reviewed a PowerPoint slide to help provide a visual pattern on what the project might look like if it was connected (yellow and blue areas of the slide). It showed that it would only increase the load on Fiddlesticks Boulevard in the beginning.

Mr. Mulicka noted it seemed as if the applicant was bearing most of the burden of the property being given over to this roadway as part of their current land. He asked if this road was part of the applicant's current ownership.

Mr. Talone confirmed that the portions on the applicant's property are under his ownership.

Mr. Address asked if the northern portion utilizes the current alignment of Fiddlesticks Boulevard.

Mr. Talone stated it does when it gets to the very northern end. It would intersect at the current intersection but they do anticipate improvements to and through Daniels Parkway.

Mr. Address asked if the County currently had approvals from the residents of Fiddlesticks to utilize their road for the northern portion of the Three Oaks extension.

Mr. Talone stated he did not know the details of those agreements. The alignment was selected after much consideration and public workshops. All parties are aware of the alignment. His understanding is that the alignment immediately adjacent to the interstate was done in part because of concerns not to have a major road immediately adjacent to Fiddlesticks and other properties in the area.

Due to a question by Mr. Address, Mr. O'Connor confirmed that Fiddlesticks Boulevard is currently a County road.

Mr. Schropp continued the presentation. He explained more about the draft development agreement based on questions from the LPA.

Mr. Green noted that 290 units were mentioned during the presentation. He asked if they were proposing that number in their agreement as a cap on density.

Mr. Schropp stated the answer was "no." That was the amount of development that would be allowed to use the access point on Fiddlesticks Boulevard before the second access point would be required to be developed.

Mr. Green noted it was mentioned in the presentation that this number was close to the current allowed density within the Rural land use category. However; staff lists a number of 156.

Mr. Schropp stated they may have calculated it differently from staff. They calculated it in the spring when they were working on the development agreement. Mr. Schropp noted he did not see staff's calculation until last week when he received the staff report. There might be a discrepancy between how the density was calculated.

Ms. Crespo finished the presentation. Her presentation covered: 1) the land use planning components of the request; 2) the surrounding land use pattern and why that directly supports the change to outlining suburban for the subject property; 3) the staff report; and, 4) the findings of fact.

Mr. Church referred to the discrepancy between the land use map for the wetlands and the FLUCCS mapping. According to Mr. Woodruff, when the jurisdictional determination is made, there will be some wet pastures that are claimed. He asked if the math occurs in terms of how many acres of uplands there will be and how many potential units of density will be allowed after the jurisdictional line is determined.

Ms. Crespo stated that is correct and she explained it in detail to the LPA.

Mr. Andress stated that once the jurisdictional determination is determined it appears that most of the center of the property is going to be jurisdictional wetlands. What is the connectivity there and how much impact are you going to have? What type of structures are you going to utilize in order to not disturb that flowway in terms of these crossovers that will be needed?

Ms. Crespo referred to a particular slide in the PowerPoint presentation and stated they felt the blue line is fairly representative of those wetlands. There are opportunities to get from the east to the west without impacting a wetland based on what is known today. The white area is not wetlands so roadways could occur. They have not done any site planning at this point, but there are opportunities to avoid impacts.

Mr. Church stated the LPA had not heard from any residents of Fiddlesticks speaking for or against the project. He asked if the applicant met with the community to gage their sense of this.

Ms. Crespo stated the owner's representative had been in regular contact with residents of Fiddlesticks and they provided information regarding the application.

Mr. Church stated that during the presentation it was mentioned that the Land Development Code did not allow development with only one access point if it is more than 5 acres. However, this project proposes 290 units. They would get a deviation so in reality, you would end up with a project that is bigger than 5 acres with more than one access point.

Ms. Crespo stated this was a common deviation to seek. Her initial point was that, by right, they cannot develop this property with one access point based upon the acreage and the number of units. It would trigger a second access point. They would have to propose something through staff such as a certain number meaning a trigger or something similar to support the deviation. For a project this size, she did not believe the County would support a deviation with a single access point.

Mr. Mulicka stated it sounded like the County would be building this road one way or the other over the next 6-10 years. Therefore, this connection is going to happen. This being the case, it seems there would be some impact on existing wetlands that are on the property one way or another.

Ms. Crespo stated this was correct. The total length of the roadway has 25 acres of wetlands within the boundary of the roadway project and all are being impacted with mitigation offsite.

Mr. Mulicka noted this is not just an issue of what the owner wants to do. It is going to happen one way or the other as the road gets built.

Mr. Schropp made some final comments and concluded the presentation.

The meeting convened at 10:40 a.m. for a 10 minute break and reconvened at 10:50 a.m.

The LPA asked some general questions of staff (including Andy Getch and Paul O'Connor).

Mr. Andress opened this item for public comment. Public input was received from Michael Roeder (on behalf of the Fiddlesticks Country Club), Ryan Shaw (General Manager and Executive Vice President for Fiddlesticks Country Club), Peter (last name was illegible) (representing Old Hickory), Alan Freeman (speaking based on his knowledge of the area), and Ed Harrington (Royal Tee).

Per Mr. O'Connor's request, Ms. Becky Sweigert from Environmental Sciences, reviewed the wetland issues.

General questions and answers ensued and some rebuttals were made by Mr. Schropp.

The Chairman concluded public comment and brought the item back to the LPA for discussion.

Mr. Green stated we are already entitled for densities in our County that make us similar to Fort Lauderdale. He did not believe that is where we wanted to go. If we increase densities, we are going above what Fort Lauderdale currently is. It is not just a matter of going from 1 unit per acre to 3 units per acre, but rather that we are going from 150 units to over 1,000 units. It has to do with how wetlands are treated which changes as you go from Rural to another category. To him, this proposal is over the top. He stated that Lee County is a wonderful place to live partially because of its diversity. We have a Rural enclave in the middle of Lee County which he feels is not only good but that we need it there. We will be going 750% over Rural density if we allow this. Mr. Green stated he was not against this area being developed but that it should be along with what is in the area which is rural densities plus or minus 10%. He felt this plan should be rejected as it is not good for Lee County and it is not needed.

Mr. Joyce referred to the Hawks Haven project, which he was against because he felt it should stay Rural. It was a large project that was transitioning to Rural areas. However, this proposal is different because it is more of an outparcel of Rural in a pretty significant urban area both to the south and the Interstate to the east. He wished there was a jurisdictional determination at this point and felt the County should require that as part of the Comprehensive Plan Amendment process because we cannot nail down the density at this point. He agreed with comments made earlier by Mr. Freeman that this is not a Rural area anymore even though it was initially Rural in 1984. So much development has happened around it. In addition, improvements are planned for Three Oaks Parkway. He was supportive of the proposed amendment.

Mr. Ink stated he preferred to keep Comprehensive Plan Amendments separate from the Zoning process. The LPA heard a lot of comments today from both sides that would almost be zoning testimony. The map that the County has in place currently shows all of the Outlying Suburban areas around this property. Outlying Suburban is 1-3 units per acre. He referred to comments made earlier that we could end up having 1,100 units out there. However, we do not know that at this point since it still has to go through a rezoning process. It is true that going to Outlying Suburban would allow you to treat wetlands differently. They could end up being allowed 350 or 400 units. In his opinion, this property should be Outlying Suburban and we need to rely on the zoning process to sort out the details as it moves forward.

Mr. Church generally agreed with Mr. Ink's comments. He felt the applicant made a strong case for what they are proposing. He noted that staff did not really come back and rebut the case made by the applicant's representatives. Regarding how many units they will be allowed, he noted that at this point all we are doing is changing the designation. The actual units will become a function of the jurisdictional determination and the various codes and processes. Mr. Church stated he was in favor of the applicant.

Mr. Mulicka agreed we need to separate the Comprehensive Plan Amendment from a Zoning and Planned Development process. He felt the applicant made a compelling and thorough argument. They seem to want to be compliant and work out the details. It is true that we do not have a site plan, which can be unnerving, but he felt we have a lot of processes in place that allow for a lot of discussion and there are multiple agencies involved. What this project will look like at the end versus how it looks today is not the LPA's charge. He referred to the Olga Community Plan and noted how easy it was to come to a consensus at that time to support that area as Rural. However, this project is the opposite of that. It is

next to a highway that is going to have 10 lanes with another 4 lanes next to it. This means it will have 14 lanes of traffic next to a development that is surrounded by other developments. All those developments currently in place would have had to make their own compelling cases for their subdivisions relating to traffic and roads. He preferred to honor that process and move this amendment forward.

Mr. Address felt there were too many unanswered questions at this point. If this proposal is approved, the applicant can go through the zoning process and get 290 units on this property which exceeds what this property is allowed today. It is a major wetland area that is currently deemed to be impaired. He noted that, according to the Division of Natural Resources, it will cost Lee County over 60 million dollars to meet the TMDL requirements that FDEP has imposed on Lee County to remove nitrogen and phosphate from our waterbodies. This project might be allowed 1,182 potential units in an area that is already impaired with water. Mr. Address stated he was not opposed to this area being developed but this proposal is going from 1-3 units per acre to 1,182 units which equates to over 8 units per acre on the upland areas. He also referred to comments about it being near I75, but noted this did not mean anything because you are not going to access I75 from this property or from the direct link. Having infrastructure in place and being near I75 does not have relevance to the future development potential of this property. Mr. Address stated he could not support his amendment.

Mr. Church made a motion to support the applicant's request including their basis and recommended findings of fact, seconded by Mr. Mulicka. The motion was called and passed 4-2. Mr. Address and Mr. Green were opposed.

Agenda Item 6 – New Horizon 2035: CPA2011-00008 – Future Land Use Element

Mr. O'Connor provided the LPA with a recap that they voted last month to approve a Future Land Use Map to forward to the BOCC for consideration. The text portion of the element was deferred. Before the LPA today is the current draft of the Future Land Use Element. It is a culmination of several years of work. The LPA first saw it a year ago. Staff took the LPA's comments and made the appropriate amendments to the text. Mr. O'Connor stated that staff was seeking additional comments and input from the LPA and the public.

Mr. Address stated there had been a lot of discussion on Policy 1.9.11 (Page 20) from the Sustainability Committee. They made specific recommendations about removing this section and placing it in the Economic Element. They also recommended omitting the size (40+/- square mile area). He asked if there was some reason that staff did not make those changes. Mr. Address stated he was bringing this up because he received an e-mail from the Sustainability Committee asking why these changes were not made.

Mr. Dunn stated that he could be wrong, but he believed it was the LPA's recommendation to leave it as is.

Mr. Green stated it was a comment initially made by Ann Pierce (previous LPA member) that it did not seem to be the right fit for this element and would be better off being placed in the Economic Element. He agreed with this sentiment and was in favor of moving it to the Economic Element.

Mr. Address agreed and asked that staff move it to the Economic Element.

Mr. Ink also agreed with this recommendation because it is not something measurable or defined.

Regarding removing the FAR from this, Mr. Ink noted he was not on the LPA when those discussions first took place. He expressed concerns with eliminating it.

The LPA and staff further discussed the removal of the FAR. General discussion ensued.

After further discussion, Mr. Ink was in favor of staying with what the previous LPA recommended which was to remove the FAR from this element.

Mr. Address stated that at the time, the LPA thought removing the FAR from the document would allow more flexibility.

Mr. Ink referred to Policy 3.4.6 on Page 32 and felt the language needed further work in the section that reads, *“On islands with intersecting network of collectors and arterials, commercial development may be located at or near the intersection of local and collector, or local and arterial, or collector and collector roads...”*

Mr. O’Connor agreed this language needed further clarification.

Mr. Ink referred to Items a. and b. under Policy 3.3.6 on Page 30. He asked why we were holding redevelopment to a higher standard than new development.

Mr. Green agreed that it did not seem logical to put redevelopment at a higher standard than new development.

Mr. O’Connor agreed to bring this policy back to Emergency Management staff as well as the Building Official.

Mr. Ink referred to Item f. under Policy 3.4.1 on Page 31. He noted that the Land Development Code has a good definition between commercial marinas and what a boat yard is. He felt this could be written in a simpler fashion. For instance, what does the County consider to be “extensive storage and hull work?”

Mr. Church stated he could not vote for this because it basically says you must do infill development and not have any new greenfield development. It does not recognize greenfield development as being a very viable part of how we accommodate growth in Florida. Some great communities have been built through greenfield development. Although he supports infill development, he is not in favor of it being the only option. He noted there were several policies within this document making it virtually impossible to do a new greenfield development project. Therefore, he would not vote to support it.

Mr. Joyce referred to Policy 1.1.6 on Page 4 relating to Incentive Density Units. He asked staff to add another incentivized activity which is *“creating an innovative surface water management system that provides measurable water quality enhancement.”* They could get more density if they do something better with their water management system. However, he wanted it to be something measurable. On a separate issue, he appreciated what was added on Agriculture especially since there is an increase in urban agriculture coming our way. He referred to Policy 3.6.5 on Page 35 which says, *“Discourage agricultural uses proximate to incompatible urban uses and promote the efficient use of existing and programmed urban infrastructure.”* Mr. Joyce was not in agreement with discouraging agricultural uses in urban areas.

Mr. Ink was in agreement with Mr. Joyce's comment especially in light of the fact that many developers have become very creative with rooftops and vertical growing, etc.

Mr. Mulicka stated he always tries to be flexible with rules. He asked Mr. Church where he felt the document was confining because he personally perceived this document as being a guide rather than a regulatory document.

Mr. Church gave one example by referring to Policy 2.1.7 on Page 21 that says, "*Discourage conversion of Non-Urban Areas to any land use with increased densities and intensities as specified within the Communities Element.*" He noted that most of the County is classified as "Non-Urban." Although he can appreciate packing the density in urban areas, he still hoped there were some people that can assemble some pieces of land to do greenfield development.

Mr. Mulicka referred to the Fiddlesticks Boulevard parcel where we changed their density from Rural to Outlying Suburban. He asked where Outlying Suburban fit into this.

Mr. O'Connor stated Outlying Suburban is being proposed to be replaced with Suburban 4.

Mr. Church stated the Fiddlesticks proposal is an example of where it makes sense for there to be some intensification because of the infrastructure around it, but because it was "Non-Urban," staff opposed it. He felt this document furthers that. River Hall was another example where an internal portion of the plan was residential community. Because it was called "Rural," they could not develop it consistent with the rest of that community. Those few phrases in this document make these large proposals more difficult.

Mr. Andress opened this item for public comment. No public input was received.

Mr. O'Connor reviewed the tract staff is currently on with all of the various elements. An entire document in strikethrough/underline format will be presented to the LPA one more time at a future meeting.

Mr. Ink asked that once the entire document is complete it be scheduled for the following month to give the LPA considerable time to review it.

Mr. Church stated it would also be ideal if it was scheduled when there was not a controversial item on the agenda that would involve lengthy discussion and review.

Mr. O'Connor stated staff could accommodate that.

Agenda Item 7 – Other Business

Mr. Andress stated that Mr. Getch had previously told the LPA there would be a Complete Streets Land Development Code draft. DOT staff were going to make some changes to it and bring it back to the LPA. He asked for an update.

Mr. Getch stated they were still reviewing it as well as the draft Administrative Code internally. It has not gone before the Land Development Code Advisory Committee yet. The Community Development staff involved (not Planning staff) are not in attendance today. He could not say when this item would be ready for LPA review. He was only told that there is no schedule for it at this point. He agreed to provide the LPA with an update on the schedule at next month's meeting.

Agenda Item 8 – Adjournment

The next Local Planning Agency meeting is scheduled for Monday, September 22, 2014, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 11:50 a.m.



Basemap





Basemap

300 m
1000 ft