

**MINUTES REPORT
LOCAL PLANNING AGENCY
SEPTEMBER 22, 2014**

MEMBERS PRESENT:

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

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
	Howard Wegis, Utilities

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.

Mr. Andress welcomed Mr. Gary Tasman, newest LPA member, to the Committee. Per the Chair's request, Mr. Tasman gave some background information on himself.

Agenda Item 2 – Public Forum - None

Agenda Item 3 – Approval of Minutes – August 25, 2014

Mr. Ink referred to the middle of Page 3 of 13 and wanted his sentence to read, "*Mr. Ink thanked staff and the consultant for incorporating comments made by ~~the~~ a previous reviewing board.*" He also referred to the 10th paragraph on Page 11 of 13 and wanted his sentence to read, "*...For instance, what does the County consider to be extensive storage and hull work?*"

Mr. Ink made a motion to approve the August 25, 2014 meeting minutes with the above corrections, seconded by Mr. Joyce. The motion was called and passed 6-0. Mr. Church was absent for this vote.

Agenda Item 4 – Lee Plan Amendments

A. CPA2011-00015 Glossary

Ms. Jenkins-Owen gave a brief overview of this amendment.

Mr. Ink referred to Page 10 under "Farmworker" that says, "*Has a meaning given in Chapter 420 Florida Statutes.*" He suggested including verbiage that gives some direction. Otherwise, the user will have to look up the Florida Statute to find the information.

Mr. Ink referred to Page 11 and questioned why Floor Area Ratio (FAR) is still included as a definition.

Ms. Jenkins-Owen stated staff considered removing it but decided to keep it in the document because there were a few communities that still refer to FARs. It was kept in the document in order for those communities to understand what it means.

Mr. Ink referred to Page 13 and noted that next to Infiltration it says (*see also "percolation"*). However, on Page 18, the term and definition for "*Percolation*" is in strike-through.

Ms. Jenkins-Owen stated staff would correct this error by removing (*see also "percolation"*) under Infiltration on Page 13. She further explained that the reason for removing the term "*Percolation*" is because it is a commonly used term that most people would either know or would be able to look it up in a standard dictionary.

Mr. Church asked if this Glossary amendment had been reviewed by other committees such as the Horizon Council.

Ms. Jenkins-Owen stated this Glossary is being updated based on the new plan and involves removing some of the old terms. It has not been vetted through the Horizon Council or other committees.

Mr. Church referred to the definition for Affordable Housing on Page 5 that says, "*A household that spends 30% or less of its gross income on housing.*"

Ms. Jenkins-Owen stated the verbiage is based on Florida Statute.

Mr. Church described instances where someone might pay cash for a house yet it would not be 30% of their gross income. However, by this logic, their home could be described as affordable housing.

Ms. Jenkins-Owen stated this term in the Lee Plan is for people who are qualifying for certain grants. Those who have wealth would not be needing aid from the government.

Mr. Church still felt it should be re-worded because if there is a conflict or a comp plan argument in the future, they are going to be evaluating what the Lee Plan actually says.

Mr. Andress felt this definition should also include some type of parameter on gross income. From serving on the Affordable Housing Committee, he is aware that there are parameters set for those guidelines. It seemed to him that there should be some mention of them in the text.

Ms. Jenkins-Owen stated some of those parameters are outlined further in the document where there are definitions for "*low*," "*very low*," and "*moderate*" incomes.

Mr. Church referred to Page 7 and asked why "*Capacity, Road*" was being removed.

Mr. Getch stated there were duplicate definitions in the Lee Plan. This term is being removed because there is another term called "*Road Capacity*" on Page 20.

Mr. Church referred to the definition of "*Constrained Roads*" on Page 9 and asked if it was a state definition.

Mr. Getch confirmed it was based on Florida Statute.

Mr. Church referred to “*Development Agreement*” on page 9 and asked if this only addressed development agreements with the County or whether there were other development agreements with other agencies.

Ms. Jenkins-Owen stated this definition came from the Lee County Attorney’s office. Since it is a term in the County’s Lee Plan, it makes sense to be talking in terms of development agreements with the County.

Mr. Church referred to “*Floor Area*” on Page 11 and stated it was not clear to him if this meant total area of each story of a building or if staff is only looking at one floor of the building.

Ms. Jenkins-Owen stated this definition already exists in the plan.

Mr. Dunn clarified that it would be for each floor, not the floor print. It would be total floor area.

Mr. Tasman stated that in real estate the floor area is the ground floor area. It is only that area that is used to define the ratio of the building area to the total size of the land. Many times it is used in terms of open space requirements and things of that nature.

Ms. Jenkins-Owen stated that in planning terms people are encouraged to go higher because you have a lesser foot print and you can have more open space.

Mr. Church felt this was slightly ambiguous. He referred to “*Future Urban Areas*” on Page 12 and asked why it was in strike-through.

Ms. Jenkins-Owen stated it was being deleted because “*Future Urban Areas*” are now in the body of the plan. Therefore, it is adequately described within the plan itself.

Mr. Church referred to the term “Intensity” on Page 14 and did not understand why the County would delete it since it was a term we use.

Mr. Church referred to “*Low Impact Development*” on Page 15. He noted the last few words of the definition are “*to the greatest extent practicable.*” He stated that with terms like this it becomes open to interpretation. He suggested leaving words out that are ambiguous to prevent future conflicts. An argument could be made as to what is meant by “*practicable.*”

Mr. Joyce stated that low impact development is a much broader term than just defining surface water systems. It is supposed to involve looking at sites holistically not just hydrological related things. He hoped to add a definition for creative surface water management techniques.

Mr. Ink also felt this term should be expanded because it is heavily integrated with vegetation and plantings.

Ms. Jenkins-Owen stated that although she agreed with their statements staff is trying to narrow the concept in terms of it being used within the Lee Plan. When staff uses the term Low Impact Development, they are referring to stormwater type of development as part of the Lee Plan.

Mr. Church referred to “*Mixed-Use Building*” on Page 16. Instead of using “*i.e.*,” he suggested using “*e.g.*” Even though it is a subtle difference, he preferred saying “*for example*” instead of saying it is “*exactly*” those things.

Mr. Church referred to “*Moderate Income Households*” on Page 16 where it says, “...income of 120% or less of the median annual income...” He noted that elsewhere the County defines low income and very low income as 80% and 50%. Therefore, the range should be between 80% and 120%.

Ms. Jenkins-Owen stated staff would make that correction.

Mr. Church referred to “*Multimodal Level of Service*” on Page 16. He noted the grading is divided into six letter grade levels of A-F and asked if those are defined elsewhere.

Mr. Getch stated this definition came from the Florida Department of Transportation (FDOT) and they are defined in a publication called “*The quality of level of service handbook*” published by FDOT.

Mr. Church applauded staff for coming up with a definition for “Sustainability.” He referred to the portion that says, “...*without compromising the ability...*” He felt the word “*ability*” should be clarified. Otherwise, others will be asking “*the ability to do what?*”

Mr. Church referred to “*Transportation Demand Management*” on Page 21 and stated he felt it was vague. He was not clear on what is meant by “*A focus on people to reduce the number of personal vehicle trips.*”

Mr. Getch agreed the word “*people*” was probably the wrong term. It should be replaced with “*methods*” or something similar.

Mr. Church referred to the definition for “*Wetlands*” on Page 23 and questioned why there was so much detail and scientific dissertation.

Ms. Jenkins-Owen stated staff wanted to make it the same as what is in the Land Development Code. The County had two definitions. It was thought to be less confusing if there was just one definition that everyone agreed upon. She also noted that at the end of the definition staff refers to the Florida Administrative Code and the Florida Statutes rather than giving a specific citation. The reason for this is so that the definition will not be affected should the Florida Statutes or the Florida Administrative Code change.

Mr. Church recommended shortening it to one sentence so that it reads, “*Areas defined through the methodology of the Florida Administrative Codes and the Florida Statutes.*”

Mr. Joyce stated this replicates language directly from the Florida Administrative Code. The problem with reducing the sentence by only referencing the Statute is that it brings us back to what Mr. Ink mentioned earlier with the definition for “*Farmworker*” on Page 10. If you only reference the Statute, then someone has to look it up to find the information.

Mr. Joyce was glad to see the term “*Xeriscape*” on Page 24 being removed. This term has been replaced with “*Florida Friendly Landscaping.*” To him, it is a smart upgrade that represents the industry.

Mr. Joyce referred to “*Green Infrastructure*” on Page 12. As with “*Low Impact Development*,” he felt “*Green Infrastructure*” was another term that has a much broader definition than what is listed in this document. This term focuses on surface water systems, which is part of green infrastructure, but there is much more associated with it. His preference was to have that term broadened. He suggested adding a definition for “*Enhanced Water Systems*” that could be referenced in the Lee Plan. It could include a list of things that could be used to enhance surface water systems. It would not need to be a finite list.

Mr. O’Connor referred to the term “*Low Impact Development*” and stated that it was an industry term that has taken a life of its own making it hard to expand the definition. In seminars and workshops held on this subject, it has strictly focused on techniques for surface water management. Therefore, he suggested possibly having two concepts.

Mr. Church agreed with staff stating that in seminars he has attended on this subject it has been about integrating the stormwater with vegetative systems and infiltration. It has become a technical approach.

Mr. O’Connor suggested staff add “*(LID)*” after the term showing that it focuses on that industry term.

Mr. Joyce stated he still hoped the County would ultimately do better with the 40% of land dedicated to surface water systems on development sites. The County should do better with that space to improve water quality through the Lee Plan and Land Development Code.

Mr. Joyce referred to the term “*Agritourism Activity*” on Page 5 and was glad to see it added because it is an industry that is growing across the country. He was also in favor of the County adding another term for “*Urban Agriculture*.” Statements from previous meetings have been made to support it or at least not to exclude it.

Mr. Address stated his concerns were not so much what was in the document but rather was not in the document such as a definition for Concurrency. He noted that the Pine Island Plan still has some aspects of concurrency in it.

Mr. O’Connor also acknowledged that we still have Concurrency as far as water and sewer and stormwater. Therefore, he did believe we would need a definition for those three items if nothing else.

Mr. Address also felt we should include a definition for “*overriding public necessity*.”

Mr. O’Connor stated staff was currently working on that definition and that it would be included in this Glossary. He reminded the LPA that staff’s plan is to bring the entire plan back to them for one final review. It will be in a strike-through/underline version. At that time, staff will ask the LPA for one motion recommending transmittal of this re-write of the plan.

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

Mr. Church made a motion to approve forwarding this amendment (CPA2011-00015 Glossary) to the Board of County Commissioners for transmittal subject to comments made today, the discretion of staff making those changes, and knowing that the LPA will see this one more time, seconded by Mr. Mulicka. The motion was called and passed 7-0.

B. CPA2011-00023 Miscellaneous Maps

Mr. Burris gave an overview of the map amendments.

Mr. Ink referred to the general Soils Map and noted we went from a map that talks about soils to a map that talks about land use.

Mr. Burris stated he was unable to reproduce these soils types on the map. He utilized other sources such as the United States Department of Agriculture and Natural Resources Conservation Service. There are too many categories to put on one map with enough colors that could be distinguished on the map. He noted we had more detailed information on our system.

Mr. Joyce stated this was not a Soils Map. Instead it was more of an Ecological Community Map. He suggested renaming it.

Mr. Ink was in favor of deleting the Soils map and installing a new map that would have some reference to soils.

Mr. O'Connor explained that the State Statute requires a generalized Soils Map. However, he agreed this was more of a land use map instead of a Soils Map. He stated staff would take these comments under advisement and bring back something else for the LPA to review.

Mr. Joyce stated that Mr. Burris had a valid point. There are approximately 40 soil types which would be difficult to place on one map. He recommended at least having two categories such as Wetland soils versus non-Wetland soils.

Mr. Tasman asked if the Soils Map could be a series of maps.

Mr. O'Connor stated the County has a detailed book of the different categories of soils. It is 200 pages long and has a lot of details making it difficult to get a generalized view. He stated that staff would come back with an alternate map that will meet the statutory requirements and be a Soils Map.

Mr. Green referred to the "*Proposed*" Coastal High Hazard Area Map stating that he found the "*Existing*" map discernible, but had difficulty with the "*Proposed*" map. He suggested staff try using a color version stating it is hard to understand both the River Tributary and Coastal High Hazard Area lines when looking into the east area. He noted the map showed the outline of the river and creeks out there, but it is not clear what would be blue if staff had this in color.

Mr. Burris stated staff had a colored map once before and could produce one again.

Mr. Church asked how much scrutiny went into the Coastal High Hazard Area map. He asked if it was a peer reviewed model.

Mr. O'Connor stated he believed a lot of scrutiny has gone into the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model. It is used by all the Regional Planning Councils around the state. To his knowledge, it has been peer reviewed and has been around for a long time. Although some recent changes have been made, this is a statutory defined area as the land seaward of the slosh model category 1 - Hurricane Storm Surge.

Mr. Ink stated a group of scientists put this model together.

Mr. Address noticed this map had areas removed from it. The area is west of Veteran's Parkway and south of Pine Island Road.

Mr. O'Connor stated it was removed because of Veteran's Parkway, which now acts as a dam.

Mr. Green stated the existing Coastal High Hazard Area seems to stop at Franklin Locks. The Proposed map looks as if it goes beyond that.

Mr. O'Connor stated the old model had an artificial line drawn on it. The new model uses the LIDAR elevation information and goes beyond the boundaries of the old model.

Mr. Church referred to the Future Water and Sewer Map and noted that a few months ago, the LPA voted to add a service area to a case that he believed might have been called Corkscrew Estates.

Mr. O'Connor stated that had been added to the "*Proposed*" map.

Mr. Address referred to that same map and noticed staff added the north end of Pine Island, which he was in favor of. However, in the past, there was a lot of opposition from residents on the Island. He believed they misunderstood what was being proposed. The residents were under the assumption that because the County was including that area to the service area map that the residents would be required to hook into the sewer line. He asked if this was something new.

Mr. O'Connor stated he did not believe this was new. If you compare the previous map to the proposed map, it shows the same area. He stated there was no change to the Pine Island area on the map.

Mr. Address stated that if the north area of Pine Island has been added then it needs to be verified.

Mr. O'Connor noted there are standards in the plan as to your proximity to existing lines. If you are proximate to it, then there are requirements. If your property is farther than "x" distance, you are not required to connect to it. However, this does not stop you from connecting to it.

Mr. Address stated that many years ago he had argued for a gravity system because there are a large number of people that want to tie into the sewer line but are unable to do it financially. There is a low pressure line on the Island that requires a lift station. The cost for the lift station ranges from \$50,000-\$60,000 making it unfeasible for a single family home to tie into that sewer line.

Mr. Burris reviewed the Future Sewer Service Area Maps 6 & 7 (existing and proposed) showing the areas being added.

Mr. Church referred to the isolated future sewer service area located on Six Miles Cypress Parkway. He asked if the area around that was serviced by the City of Fort Myers' system.

Mr. Howard Wegis, Lee County Utilities, stated that is an Emergency Operations Center. The County had facilities in that area even though it is located in the City of Fort Myers. Because it was a County facility, the County is servicing it.

Mr. Address opened this item for public comment.

Mr. Ed Harrington from Royal Tee referred to a comment made earlier by Mr. Andress where he spoke of property west of Veteran's Parkway and south of Pine Island Road relating to the Coastal High Hazard area. He stated that most of the property referenced by Mr. Andress was Royal Tee. He noted that all of the water in Royal Tee exits under Veteran's Parkway into the flats. He asked if there was a practical impact to this change for Royal Tee residents if they go from a Coastal High Hazard area to a non-Coastal High Hazard area.

Mr. O'Connor explained that within the Lee Plan the Coastal High Hazard area is identified as an area that is preferred for reduced density. It is an area where, over time, the County has made an effort to reduce the density within the Coastal High Hazard area. It is not a prohibition against an increase, but the main function of the map is to foster reduction of densities within those areas because of hazard.

Mr. Joyce made a motion to recommend transmittal of CPA2011-00023 to the BOCC, seconded by Mr. Green. The motion was called and passed 7-0.

Agenda Item 5 – Other Business

Mr. Andress asked Mr. Getch if he had an update on the Complete Streets Land Development Code draft, which was mentioned at last month's meeting.

Mr. Getch stated Land Development Code staff is still working on the language for that in the Administrative Code. He did not have an update at this time.

Mr. Andress asked if other review agencies would see it before the LPA such as the Horizon Council.

Mr. O'Connor noted that the Horizon Council was not a normal reviewer for changes to the Land Development Code. It will be presented before the Executive Regulatory Oversight Committee, Land Development Code Advisory Committee, and the Local Planning Agency.

Agenda Item 6 – Adjournment

The next Local Planning Agency meeting is scheduled for Monday, October 27, 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 9:20 a.m.