

# Greater Pine Island

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COMMUNITY PLAN UPDATE

# WORKSHOP AGENDA

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- Welcome & Introductions – Commissioner John Manning
- Legal Update – Jeff Hinds
- Pine Island Background & TDR Overview – Greg Stuart
- Transportation Overview – Karl Passetti
- Hurricane Evacuation & Coastal Planning Overview – Daniel Trescott
- Summary of Lee Plan & LDC Amendments – Alexis Crespo
- Public Comment – Q & A

# STEERING COMMITTEE

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*THANK YOU TO THE STEERING COMMITTEE:*

Noel Andress

Phil Buchanan

Michael Dreikorn

Michael Downing

Bob Elder

Dan Honc

Kathy Malone

# Legal Update

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JEFF HINDS - SMOLKER, BARTLETT, LOEB, HINDS & SHEPPARD, P.A.

# Legal Update

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- Greater Pine Island Regulatory Overview
- Status of Litigation
- Summary of Solutions & Alternative Approaches

# Regulatory Framework

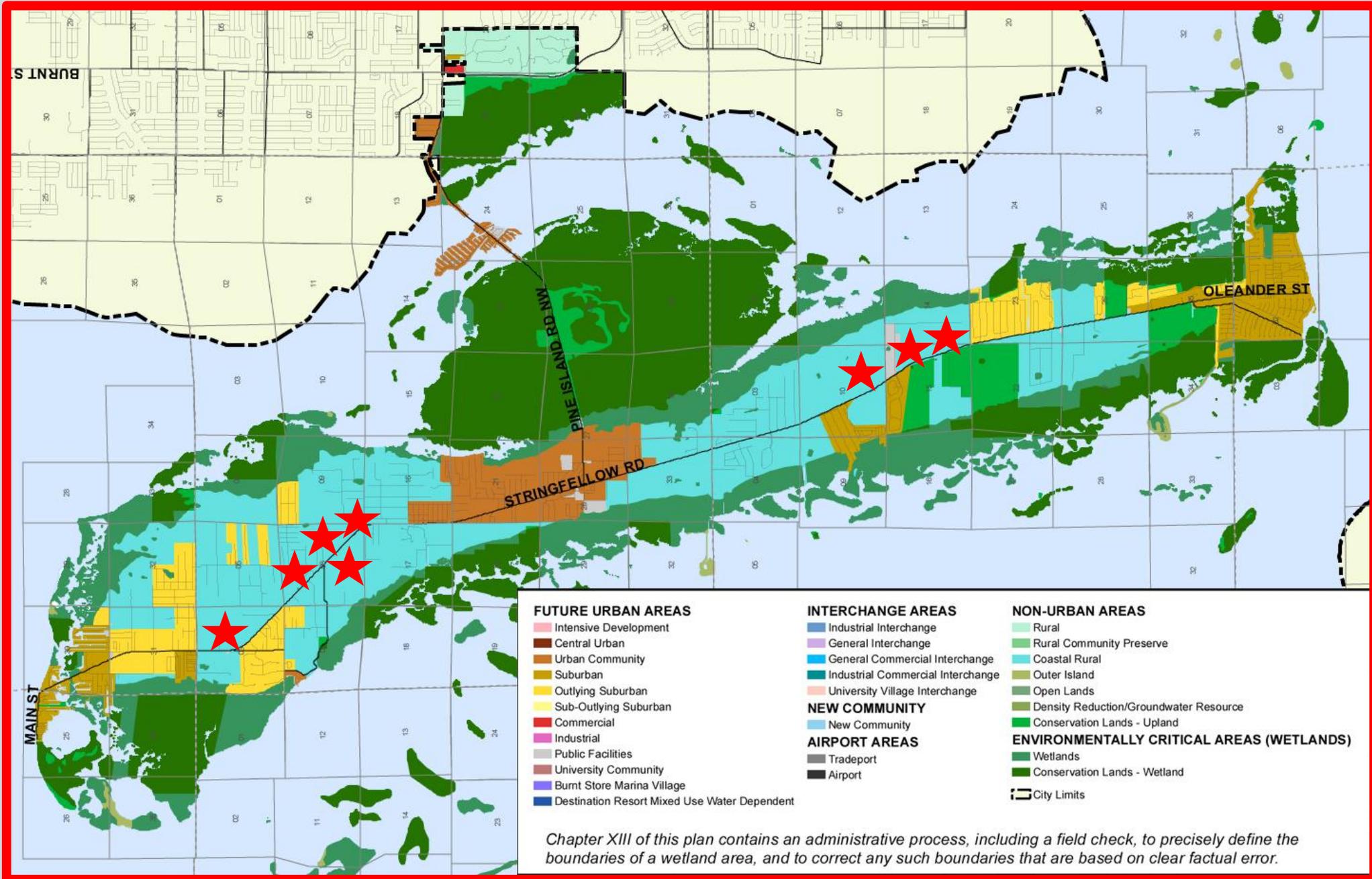
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- Coastal Rural Future Land Use Category
  - 2003 Density Reduction from 1 du/1acre to 1 du/10 acre
  - Re-obtain 1 du/1 acre through conveyance of 70% a preservation easement
  
- 810/910 Rule
  - Hurricane Evacuation
  - Level of Service (LOS) / Concurrency (until 2011)

# Litigation Status

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- 8 Bert Harris cases pending with claims approximating \$10M.
- Cammitot – On appeal. Initial brief due early December, 2015.
- Remaining 7 parcels set for trial in late 2015 and early 2016.
- Total of 7,400+ acres designated as Coastal Rural c.f. 180 acres in suit.
- Threatened Litigation: 51+ property owners have filed Bert Harris notices.
- Impacts of Koontz decision and new 70.45, “Governmental Exactions.”
  - Additional liability risk / Invalidation risk



Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.

# Solutions & Alternatives

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Presented at workshop February 2015/  
Approved at BOCC meeting March 2015

- Litigation (where appropriate)
- Settlement (where appropriate)
- Alternatives to Limit Damages
  - Lee Plan & LDC Amendments

# Solutions & Alternatives

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- Guiding Principals for Proposed Amendments
  - Preserve Greater Pine Island's unique character
  - Address Pine Island's limited vehicular access, Coastal High Hazard Area & environmental sensitivity
  - Minimize legal liability for existing policies & land use regulations
  - Revise Coastal Rural FLU Category & Investigate Pine Island TDR Program

# Pine Island Background & TDR Overview

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GREG STUART- STUART AND ASSOCIATES

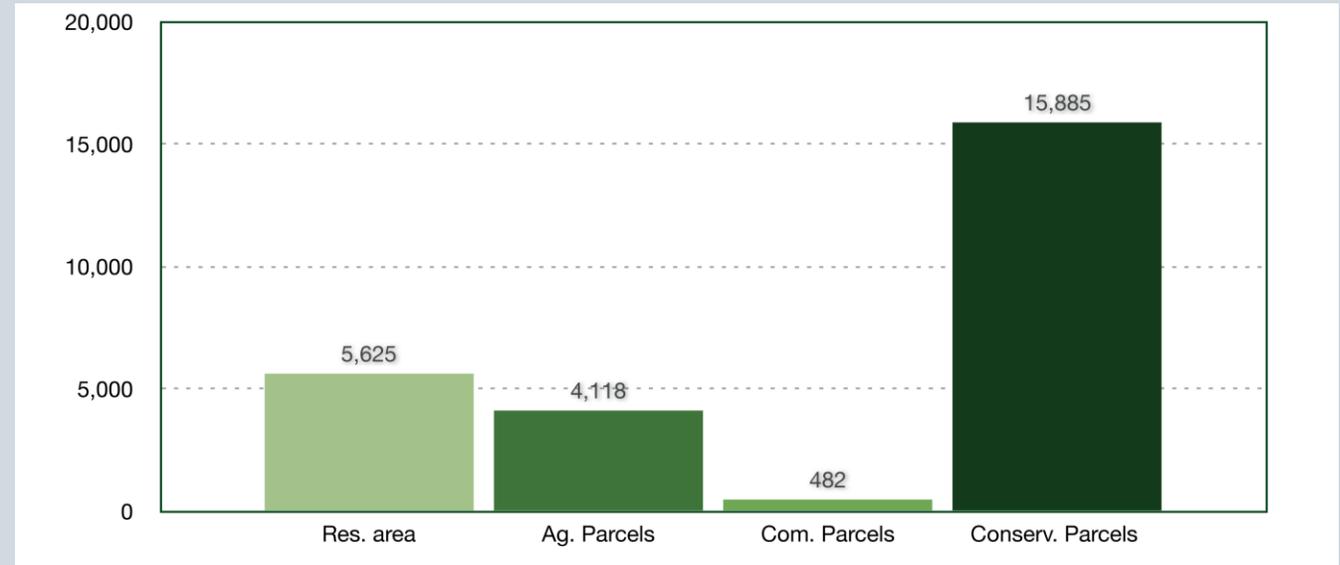
# Land Use Summary

- 10,937 Total Parcels
- 26,110 Total Acres

	Total area	Total Parcels
Res. area	5,625	9,734
Ag. Parcels	4,118	410
Com. Parcels	482	371
Conserv. Parcels	15,885	422

- Residential Parcels – 9,734
- Agriculture Parcels – 410
- Commercial Parcels – 371
- Conservation Parcels – 422

*Greater Pine Island Total Area by Parcels and Area*



*Greater Pine Island Total Area by Acreage*

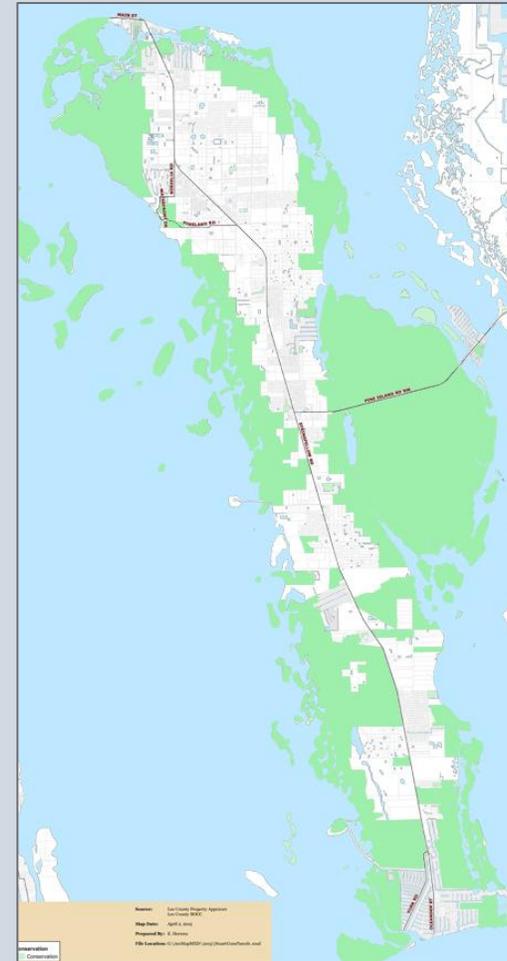
Source: LEEPA 01/04/15

# Conservation & Residential Lands

## Conservation & Residential Lands

- Conservation Land Area @ 14,885 acres (57% of total land area)
- Residential Land Area @ 5,596 acres (21% of total land area)

Source: LEEPA 01/04/15



**Conservation Lands**



**Residential Lands**

# Improved AG & Residential Lands

## Improved Agriculture & Residential Lands

- 4,117 Agricultural Acres
- 3,844 Vacant/Residential Parcels/39% total Res.

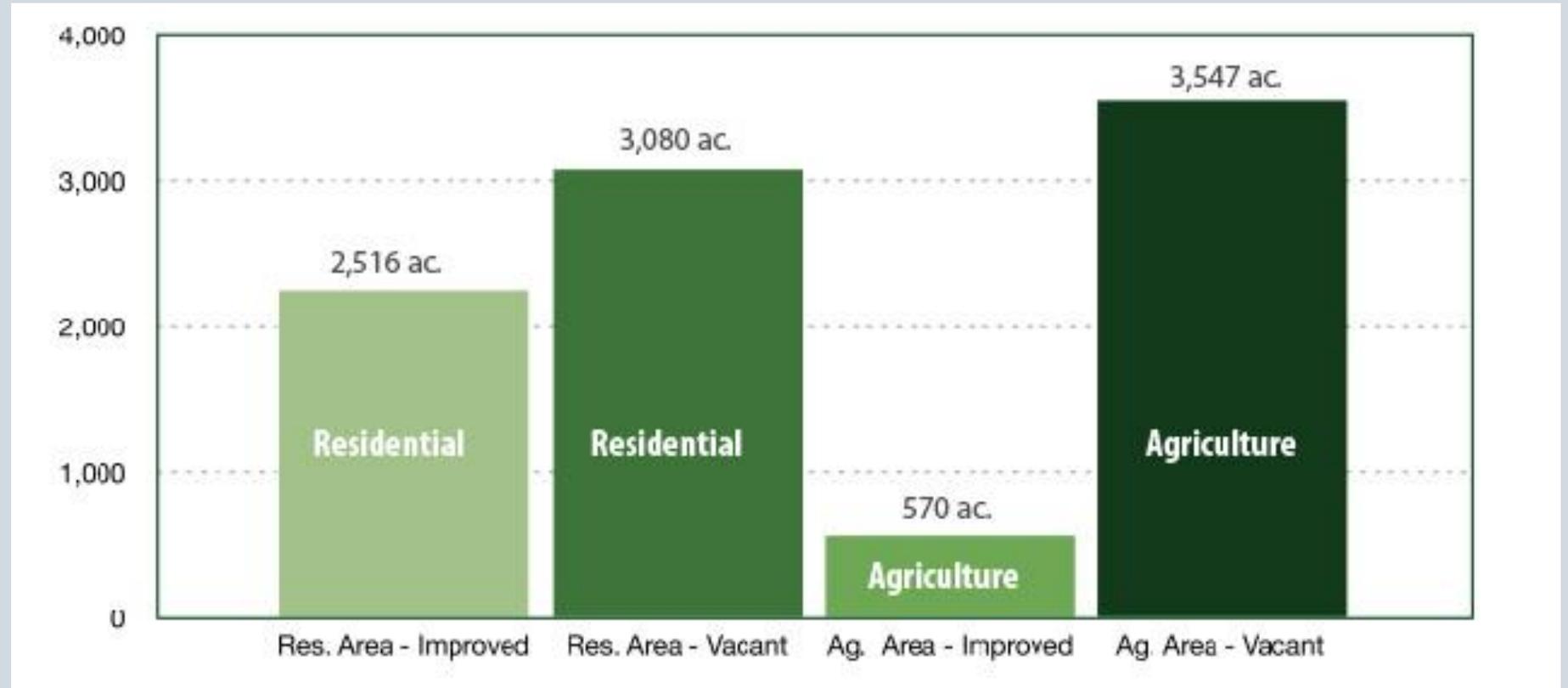
	Total Acreage	Total Parcels
Residential Improved	2,516	5,895
Residential Vacant	3,080	3,844
Ag. Improved	570	51
Ag. Vacant	3,547	359

Greater Pine Island Improved and Vacant Residential and Agriculture By Area and Parcels

Source: LEEPA 01/04/15

# Improved AG & Residential Lands (Cont.)

5,596 Total Acres  
with 55% Vacant  
Res. Acres



Greater Pine Island Improved and Vacant Residential and Agriculture By Area

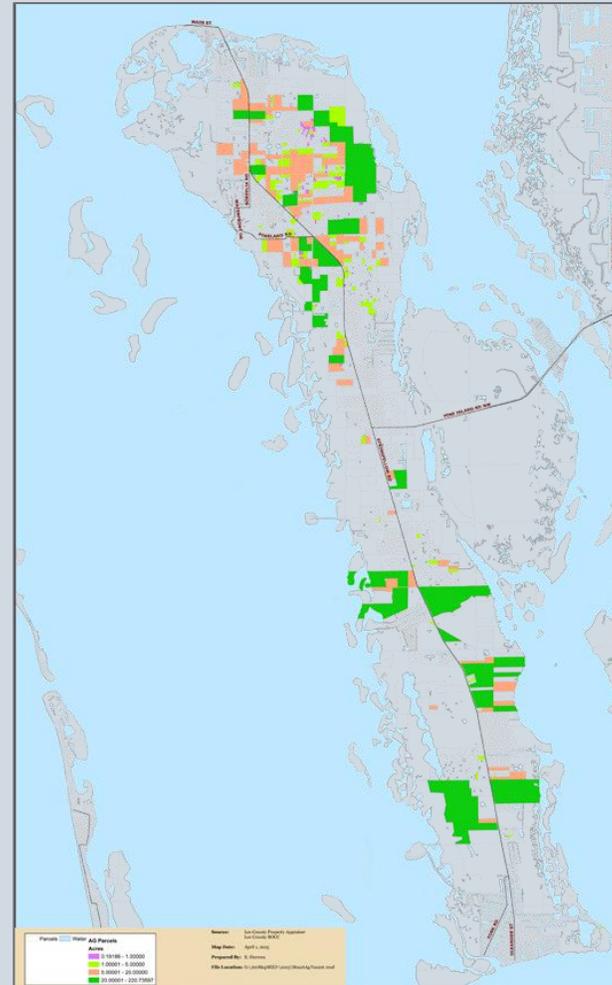
Source: LEEPA 01/04/15

# Improved Agricultural Lands

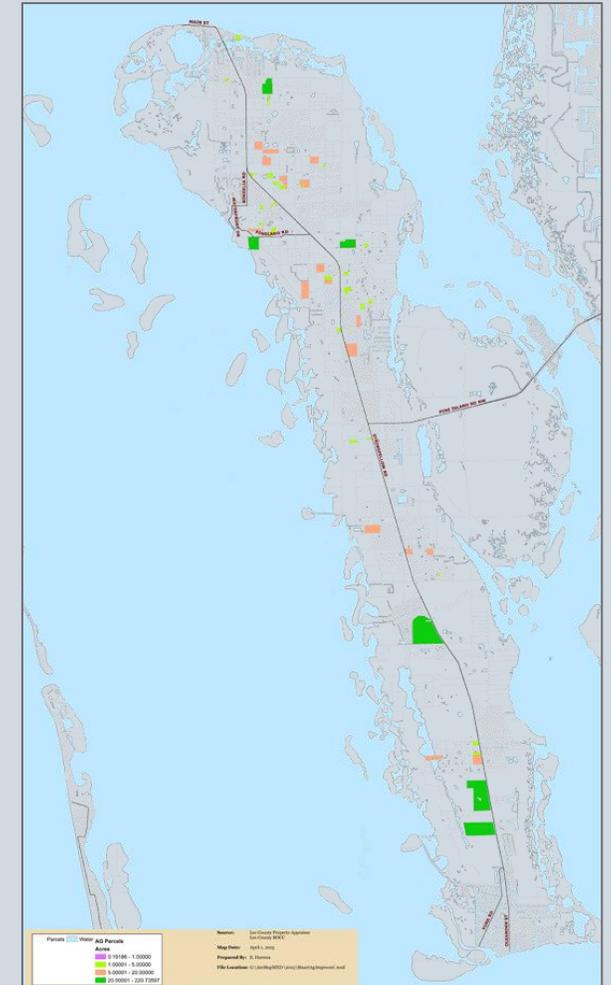
## Vacant & Improved Agricultural Lands

- 410 Total Agricultural Parcels
- 88% Vacant Agricultural Parcels
- 3,547 Vacant Ag. Lands

Source: LEEPA 01/04/15



**Vacant Agricultural Parcels**



**Improved Agricultural Parcels**

# Housing Types

5,890 Total Dwelling Units

- Single-family @ 61%
- Mobile home @ 27%
- Multi-family @ 13%

21014 Greater Pine Island\_\_ Improved & Vacant Residential Parcels By Size & Type

2014 Greater Pine Island Residential Parcel Units by Size and Improvement						
Parcel Size	Mobile Home		Multi-family		Single-family	
	Improved	Vacant	Improved	Vacant	Improved	Vacant
0 ac. to 0.2599 ac.	198	1	27	0.25	323	267
0.26 ac. to 0.999 ac.	58	1	22	-	590	833
1.0 ac. to 5.99 ac.	59	1	43	-	700	1036
> 6 ac.	6	1	5	-	11	927
<b>Totals</b>	<b>394</b>	<b>13</b>	<b>225</b>	<b>0.25</b>	<b>1624</b>	<b>3064</b>
Total Units/Improved/Vacant	9734 Total Parcel Units; 5890 Improved & 3844 Vacant					
Density - Existing/Potential	5,625 Total Res. Acres; 1.05 Units Per Improved Res. 1.73 Units Per Total Res.					

2014 Mobile Home, Multi-family & Single-family Parcels

21014 Greater Pine Island\_\_ Total Units By Type

2014 Greater Pine Island __ Total Housing source: LEEPA	
	Total Units
Mobile Homes	1,583
Multi-family Homes	738
Single-family Homes	3,569
<b>TOTAL</b>	<b>5,890</b>

2014 Total Greater Pine Island Units

Source: LEEPA 01/04/15

# Neighborhoods & Housing

## Greater Pine Island Housing Types By Neighborhood

5,459 Total Residential Parcels 0.25 acres or less  
(56% total)

- 56% of Res Parcels are > 0.259 Acre Lots
- 34% of Res Parcels are 0.25 Acre – 0.99 Acre Lots
- 10% of Res Parcels are 1 Acre – 5.99 Acre Lots

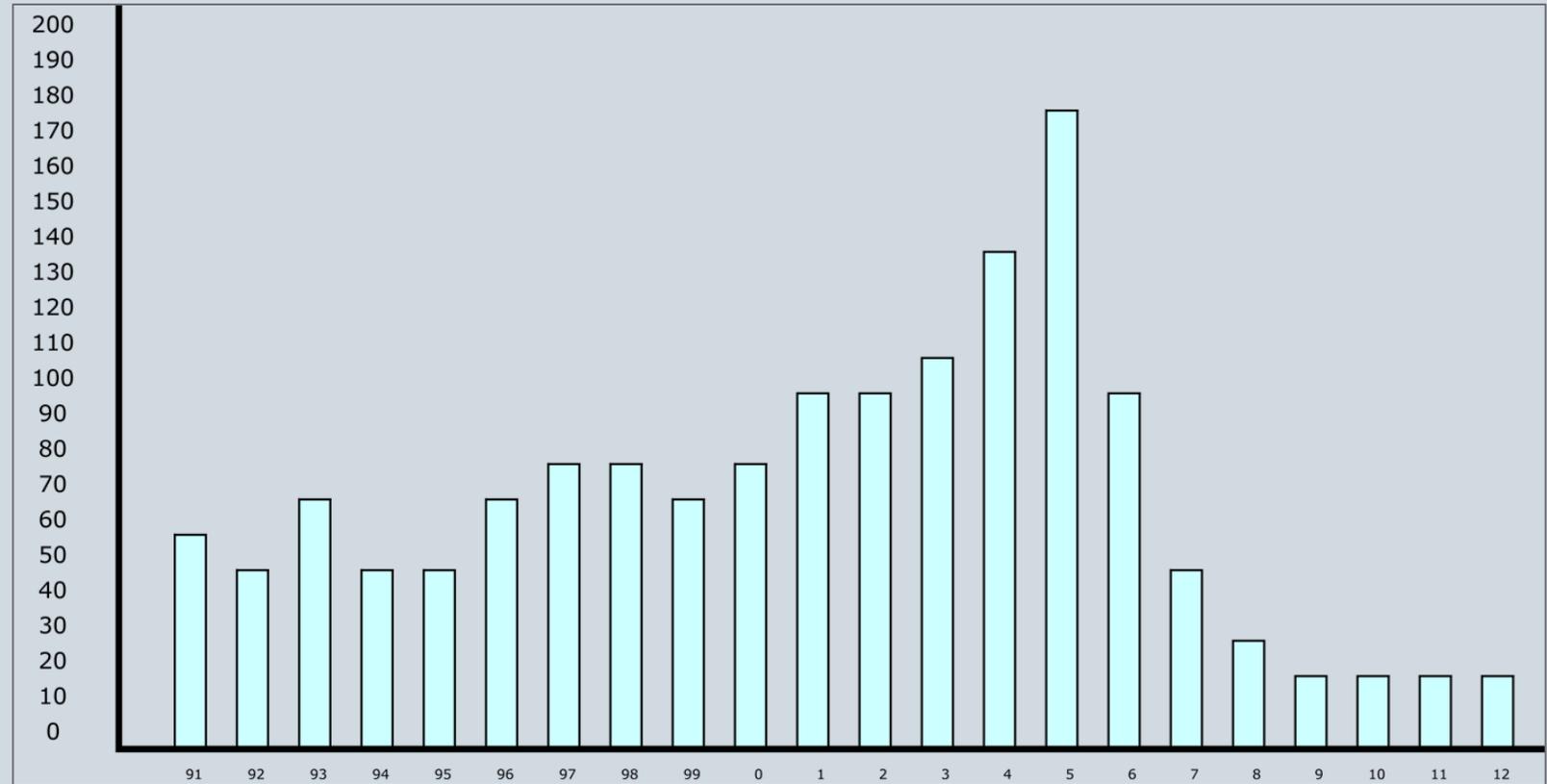
Source: LEEPA 01/04/15



# Historical Growth Rates

## GROWTH RATES:

- Average Rate –  
67.6 Units Per Yr.
- Geometric Mean –  
56.1 Units Per Yr.
- Linear Regression –  
87.7 Units Per Year



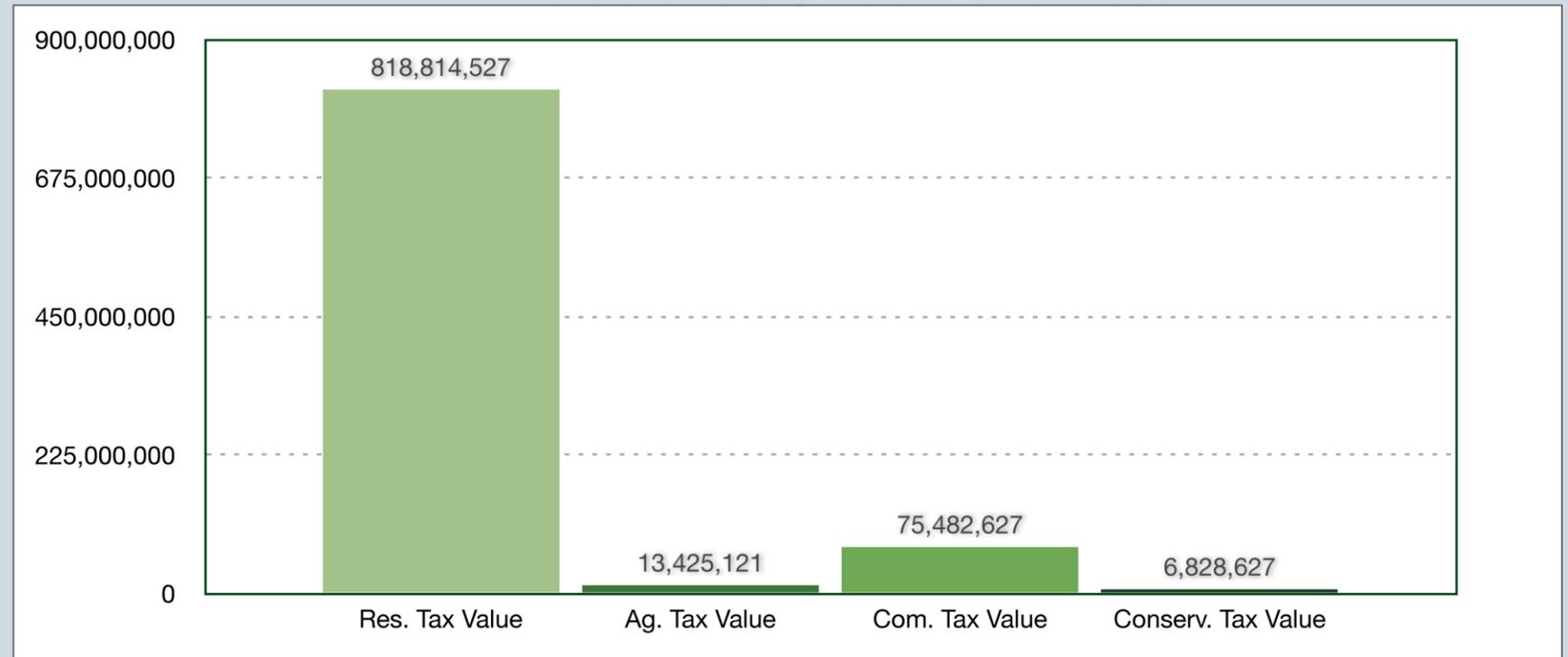
1991 to 2014 Growth Rate by Residential Building Permits

Source: Lee Co. DCD, 2015; LEEPA 01/04/15

# 2015 Taxable Values

**TAXABLE LAND VALUES:  
\$913,881,103**

**2014 GPI TAX REVENUES:  
\$3,793,155**



2015 GPI Taxable Land Values

Source: Lee Co. DCD, 2015; LEEPA 01/04/15

# Special Considerations & Build-Out

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- Significant Regional Roadway Infrastructure Issues: 2-Lane Pine Island Rd. and Matlacha Constraints and Prohibitive New Bridge Costs.
- Significant Regional Water Quality Issues: Limited In-place Surface Water Management Systems, Agricultural and Suburban Run-off, On-site Septic Systems and Adjacent Charlotte Harbor, Matlacha Pass and Pine Island Aquatic Preserves
- Coastal High Hazard Area & Hurricane Evacuation Zone “A”
- Current Residences @ 5,890; projected long-range buildout @ 11,038 units with new Coastal Rural (existing Coastal Rural @ 12,826 units)

*Source: Lee Co. DCD, 2015; LEEPA 01/04/15*

# Pine Island “Build-Out”

## 2035 Projected GPI Build Out

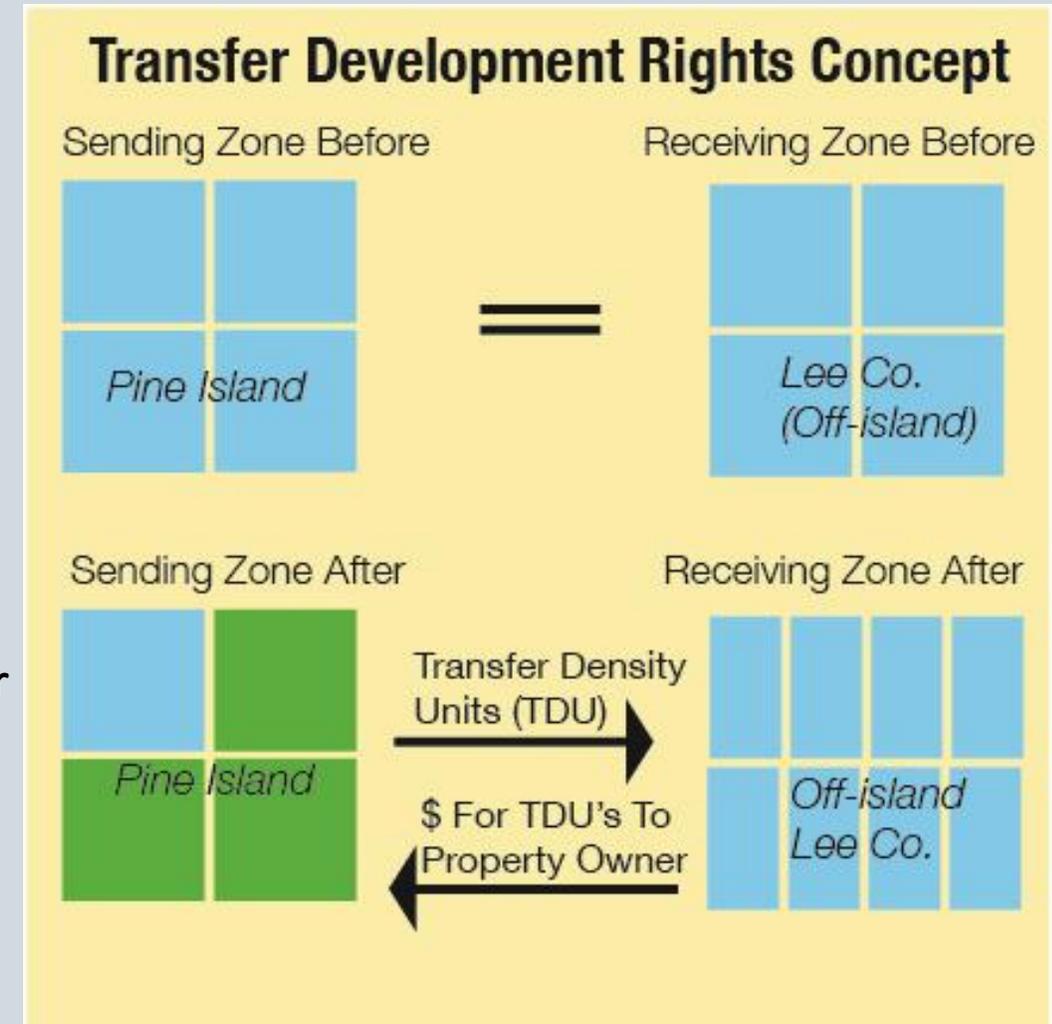
- 5,890 Existing Units
- 5,148 New Units
- 11,038 Total Units  
(\*New\* Coastal Rural)
- 12,826 Total Units  
(Existing Coastal Rural @ 1 du/acre = 2,839)
- Worst Case Years to Buildout -- 58.7 years
- Best Case Years to Buildout -- 91.8 years

Greater Pine Island Total Buildout Projection			
Land Use	Vacant Land Inventory (source: 2015 DCD)	Density (New Coastal Rural)	Units
Coastal Rural	2,839	1 : 2.7 Units Per Ac.	1,051 Units
Outlying Suburban	730	2 : 1 Units Per Ac.	1,460 Units
Suburban	329	3 : 1 Units Per Ac.	987 Units
Urban Community	550	3 : 1 Units Per Ac.	1,650 Units
Future Total Unit Buildout			5,148 Units
Total Projected Units (2014 @ 5,890)			11,038 Units

Source: Lee Co. DCD, Stuart, 2015

# Transfer of Development Rights

- Pine Island De-intensification - Reduce Traffic Impacts and Improve Upland, Wetland and Aquatic Environmental Conditions.
- The Pine Island TDR Program - Comprehensive Pine Island-centric Lee Co. Ordinance Reform.
- Pine Island Land Owners Can Sell Parts Or All Residential Development Rights – Rights Transfer Off The Island.
- Pine Island TDU's Are Incentivized – Purchaser Obtains Higher Per Unit Densities, More Receiving Areas & Permitting By Right.
- Program Will Promote Island De-intensification Based On Economics and Not Regulation.



# Purchase of Development Rights

- PDR = Purchase of Development Rights
- Complementary To The TDR Program – Both Protect Ag. Lands While Reducing Long-range Island Build Out
- A “Pay As You Go” Development Rights Purchase Program – Similar to Lee 20/20 Conservation Mil. Based On Willing Parties
- The Community Will Decide If The PDR Program Should Be A Ballot Referendum Item

*Source: Stuart 08/04/15*

# Purchase of Development Rights

## PDR Funding Example:

½ mil. 5 Yrs. - \$2.286MM

½ mil. 10 Yrs. - \$5.258MM

- 114 to 263 Potential Unit Drawdown

1 mil. 5 Yrs. - \$4.572MM

1 mil. 10 Yrs. - \$10.517MM

- 229 to 536 Potential Unit Drawdown

A Purchase Development Rights Model					
		Yr. 1 thru 5		Yr. 6 thru 10	
2014 Lee Co. Tax Rate At 4.1506		\$ 914,550,902		\$ 1,051,733,537	
New PDR Mil Rate			Development Rights Est. Drawdown @ \$20,00 Per Unit		Development Rights Est. Drawdown @ \$20,00 Per Unit
0.25	\$ 228,637.73	\$ 1,143,188.63	57	\$ 2,629,333.84	131
0.5	\$ 457,275.45	\$ 2,286,377.26	114	\$ 5,258,667.69	263
0.75	\$ 685,913.18	\$ 3,429,565.88	171	\$ 7,888,001.53	394
1	\$ 914,550.90	\$ 4,572,754.51	229	\$ 10,517,335.37	526
Note: Yrs. 6 thru 10 @ 15% tax value increase					

Source: Stuart 08/04/15

# TDR & PDR Results

2015 to 2035 New Units (87.7/yr):

1,754 units

2015 Existing Units:

5,890 units

Est. 2035 Units W/O  
TDR & PDR Programs:

7,644 total units

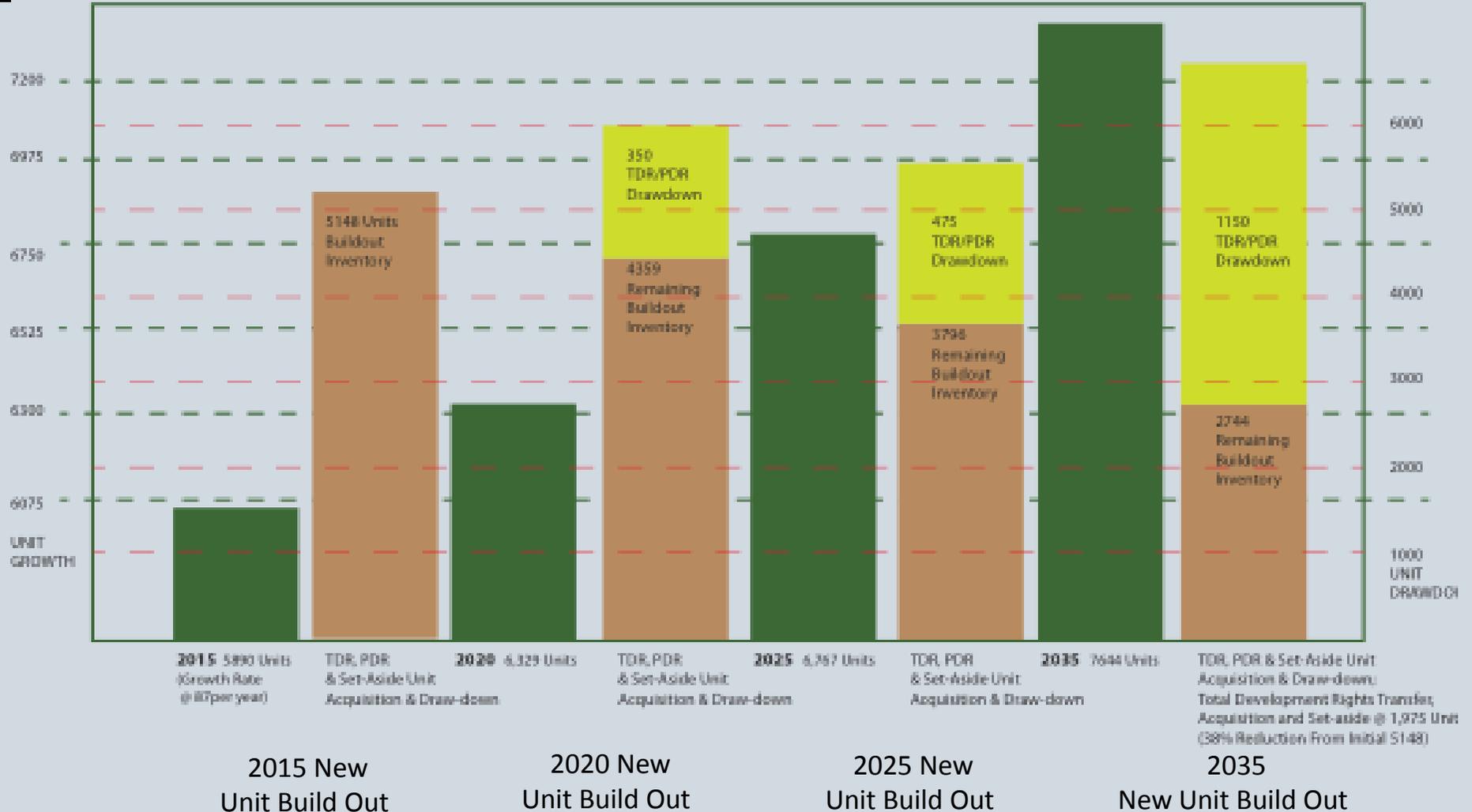
Est. 2035 Units WITH  
TDR & PDR Programs:

6,640 total units

(1,000 new unit draw down)

Est. 2035 Reduction In Potential  
Unit Inventory:

**= 13%**



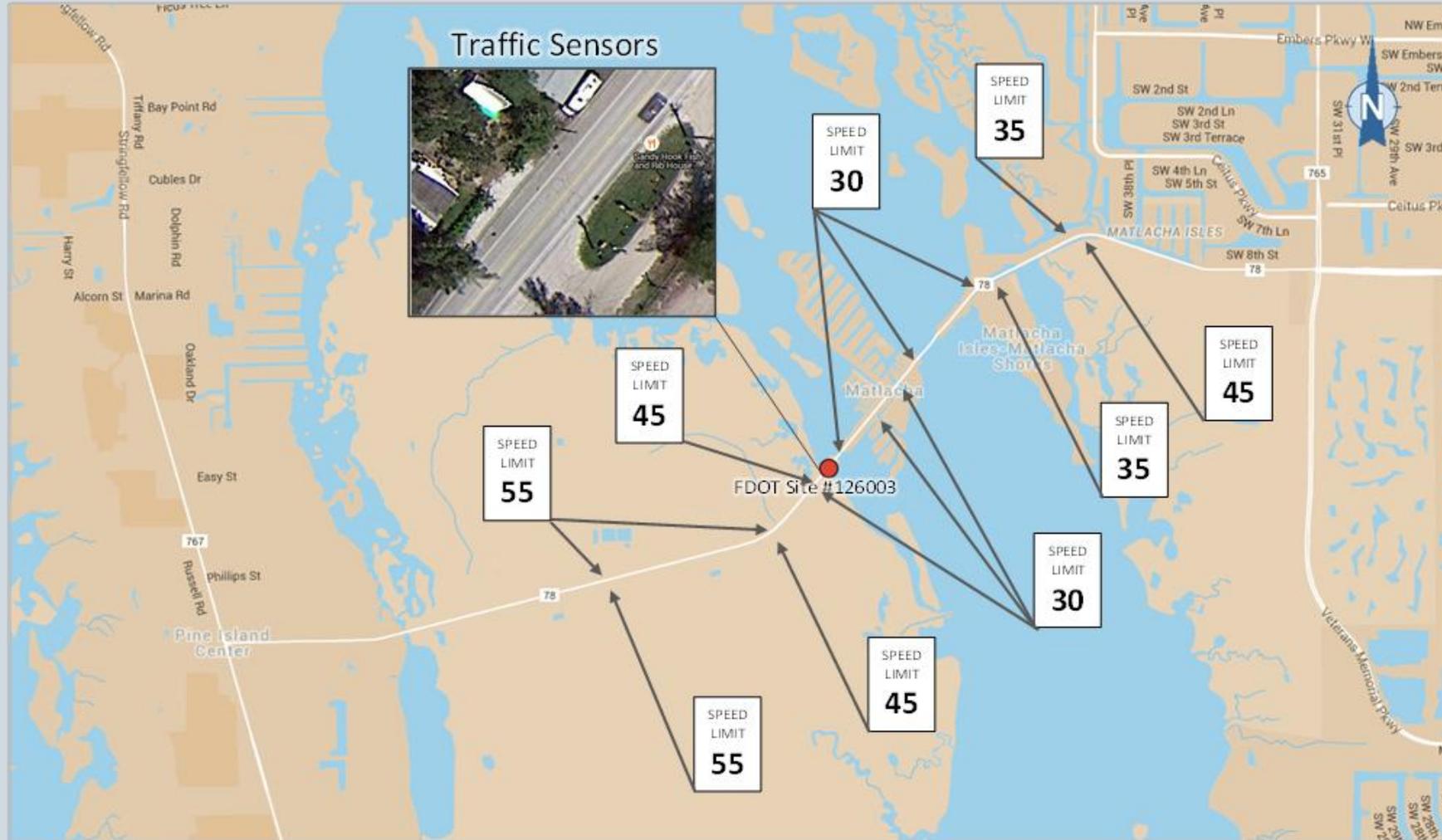
Source: Stuart 08/04/15

# Transportation Overview

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KARL PASSETTI, P.E. – KITTELSON & ASSOCIATES, INC.

# Pine Island Rd Capacity



Sources: Florida Traffic Information (2013), Google Maps, Google Street View

# Pine Island Rd Capacity

- 810/910 rule uses level-of-service (LOS) “D” threshold based on 1965 methodology
  - Does NOT represent capacity
- Lee County Concurrency Report lists blended condition for entire segment
  - Attempts to represent capacity (LOS “E”)

# Updated Analysis

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- Purchased probe data between January 1, 2014 to December 31, 2014
- Understand corridor operations
- Measure corridor speed profiles
- Evaluate corridor capacity

C:\Users\jbarrios\Documents\PineIslandRd\FFS on Pine Island Rd.mxd - JBARRIOS - 11:17 AM 01/08/2016



- Speed <= 25
- 25 < Speed <= 35
- 35 < Speed <= 45
- 45 < Speed <= 55
- Speed > 55
- No data available

### Free Flow Speeds in MPH Pine Island Road, Florida

# Pine Island Rd Capacity

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- Pine Island Road Capacity Evaluation:
  - Matlacha segment is capacity constraint
  - Typical capacity enhancements rejected
  - Proposing Lee Plan policy to discourage construction of a new bridge

# Hurricane Evacuation & Coastal Planning Overview

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DANIEL TRECOTT – TRECOTT PLANNING SOLUTIONS, LLC

# Evacuation Clearance Times

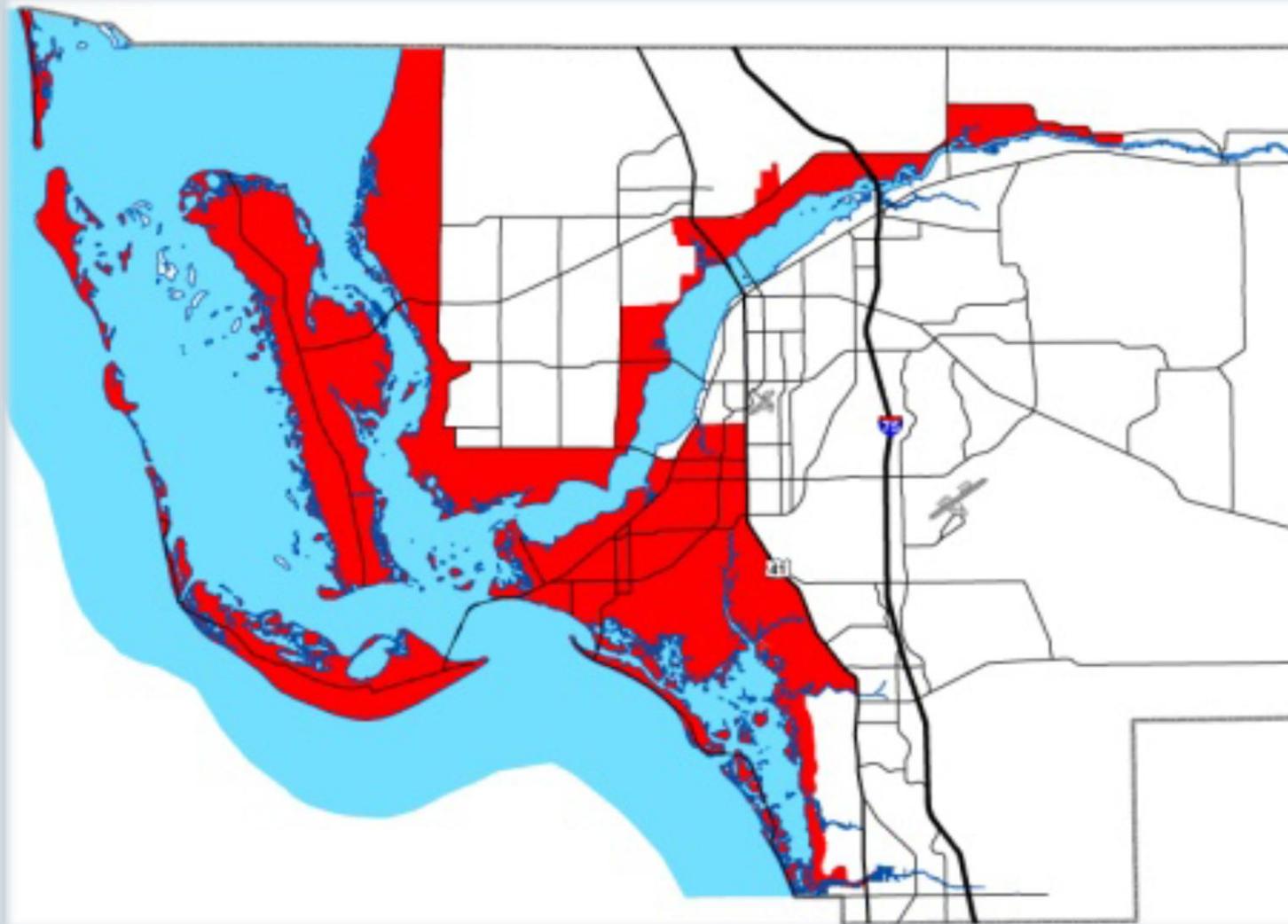
- *Evacuation Clearance Time* is defined as the time necessary to safely evacuate people from the point when the evacuation order is given until the last evacuee can either leave Evacuation Zone A, or arrive at safe shelter in Lee County
- Proposing evacuation clearance time of 18 hours for the resident population of Greater Pine Island

# Evacuation Clearance Times

**Greater Pine Island Hurricane Evacuation Clearance Time Calculation Table**

Unit Type	Total Units	Occupancy Rate %	Occupied Units	Vehicle Use Rate	Total Vehicles	Road Capacity	Clearance Time	18 Hrs. Vehicle Capacity	Excess Vehicle Capacity
SF	3,569	95	3,391		3,730				
MF	738	71	524		576				
MH	1,583	75	1,187		1,306				
RV	374	41	153		168				
H/M	122	70	85		94				
<b>TOTAL</b>	<b>6,386</b>		<b>5,340</b>	<b>1.1</b>	<b>5,874</b>	<b>950/hr</b>	<b>6.2 hours</b>	<b>17,100</b>	<b>11,226</b>

# Evacuation Zone A

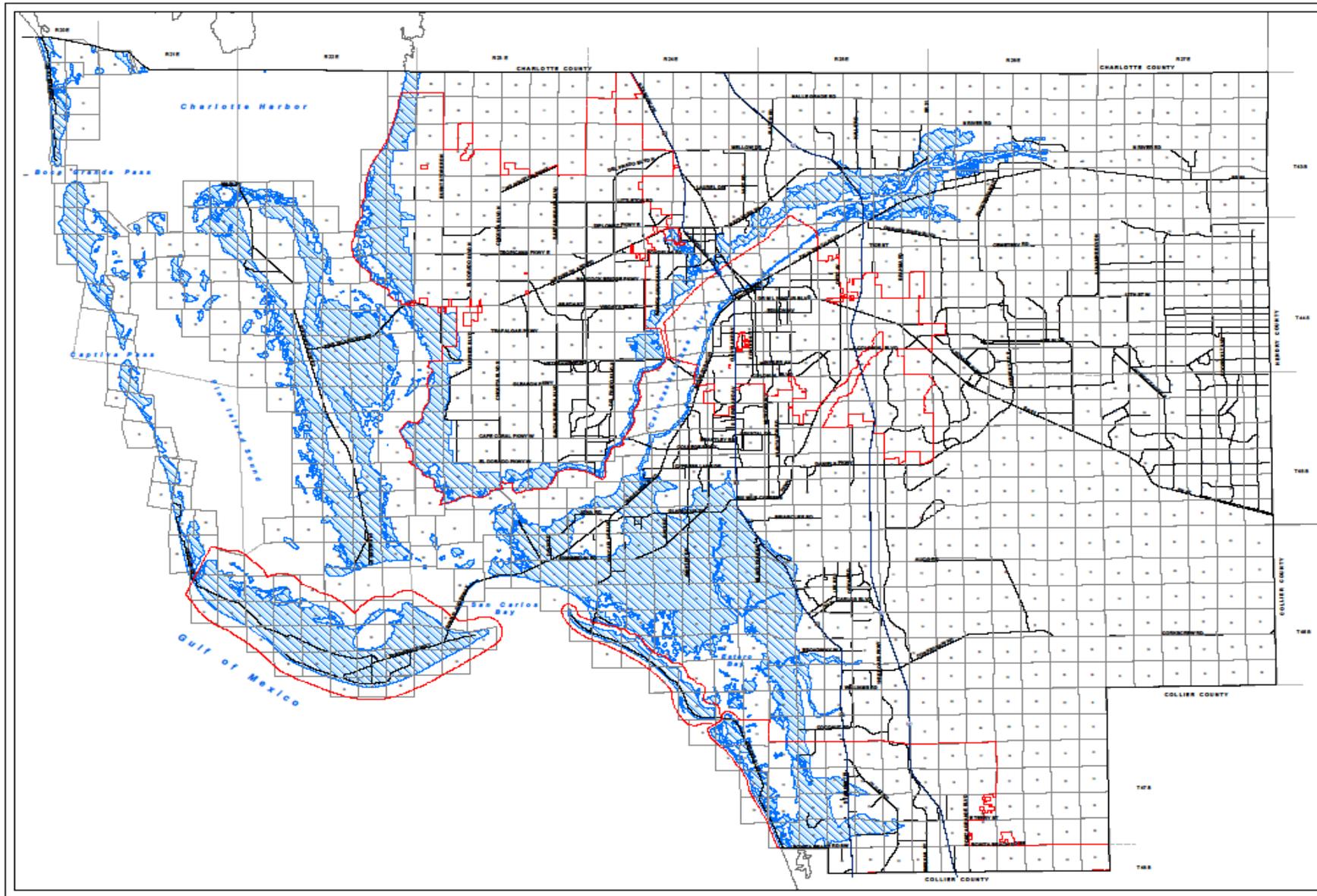


# Evacuation Management

- Mandatory evacuation of non-residents, visitors, recreational vehicles, travel trailers (transient and non-transient) in a phased approach
- Continual monitoring of traffic levels within Greater Pine Island to maintain hurricane evacuation clearance times
- If the evacuation clearance time reaches 16 hours, Lee County will develop mitigation regulations to address transportation deficiencies, sheltering needs, and other public safety measures
- If the evacuation clearance time of 18 hours is exceeded, Lee County will impose the additional mitigation measures
- Continue to incorporate Greater Pine Island Evacuation Clearance Times into the county-wide evacuation decision-making planning.

# Hazard Mitigation

- Lee County will continue to include Greater Pine Island in its year-round Public Information program focused on disaster preparedness
- Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within Evacuation Zone A
- New residential development and redevelopment within or partially within the Hurricane Vulnerability Zone, must mitigate hurricane sheltering and evacuation impacts
- Shelters will not be built on barrier or coastal islands within Greater Pine Island
- Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard in order to reduce the expansion of new development within vulnerable areas



# LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA)

### Legend

- City Limits
- Coastal High Hazard Area



Source: SLOSH Model  
(Sea, Lake, and Overland Surges from Hurricanes)  
Run by Southwest Florida Regional Planning Council

Map Generated: May 2009  
City Limits current to date of map generation  
Last Amended: May 15, 2009  
Amended by Ordinance No. 09-17

Lee Plan Map 5

# Lee Plan & LDC Amendments

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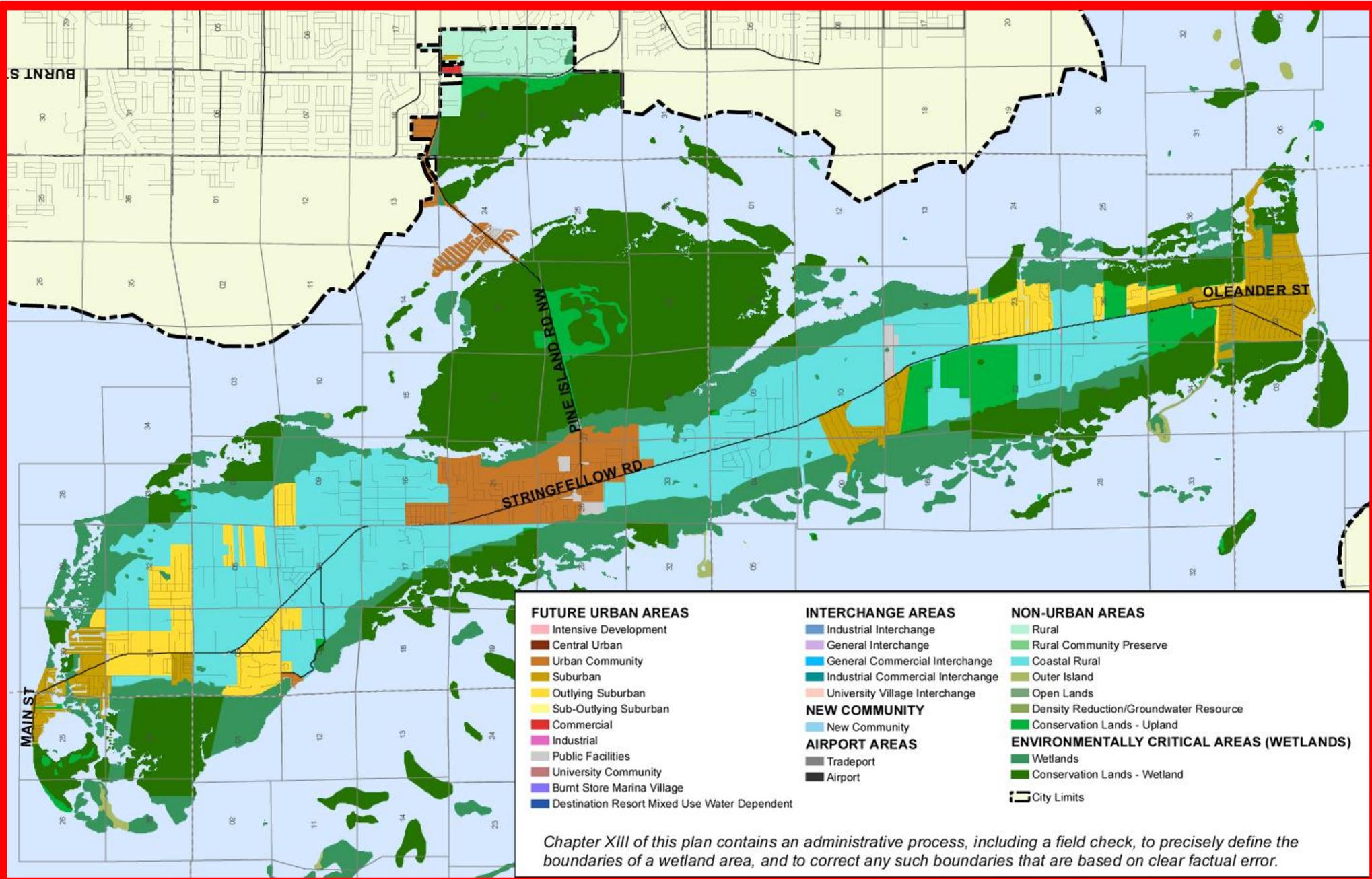
ALEXIS CRESPO, AICP - WALDROP ENGINEERING, P.A.

# Amendment Overview

- Modified Coastal Rural and 810/910 Rule to Address What We've Learned Through Litigation Process
- Proposing the *minimum changes necessary* to protect Greater Pine Island
- Off-set these changes with community-specific TDR program, enhanced design standards and development limitations tied to hurricane evacuation
- Greater Pine Island will remain one of the lowest density Planning Communities in Lee County from a land use standpoint
- With highest level of community-specific design standards

# Amendment Overview

- *NO CHANGES PROPOSED TO THE FOLLOWING COMMUNITY PLAN COMPONENTS:*
  - ✓ Maximum building height of 38' from average lot grade or 45' from mean sea level
  - ✓ Signage Restrictions
  - ✓ Agricultural Clearing Requirements
  - ✓ Buffers adjacent to Aquatic Preserves & Wetlands
  - ✓ Commercial Building Standards/Architectural Standards
  - ✓ Restrictions on Projects Fences and Walls
  - ✓ Commercial Fishing Equipment Storage



Chapter XIII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.

# Coastal Rural

- Modifies “Standard Maximum Density” from 1 du/10 acres to 1 du/2.7 acres
- Maintains the existing provision to achieve an “Adjusted Maximum Density” of 1 du/1 acre if 70% of the site is preserved or kept in agricultural usage
- Removes the requirement for a conservation easement conveyance to the County, and replaces it with a requirement for binding MCP and/or local Development Order approval
- Requires Planned Development zoning approval for developments with 10 dwelling units or more (both Standard and Adjusted Densities) = *Enhanced Opportunities for Public Input*
- Higher development standards to address rural character, compatibility, and environmental factors

# Coastal Rural

- Proposed amendments maintain very low densities in Greater Pine Island

Planning Community	Future Land Use Designation	Standard Maximum Density
Captiva	Outlying Suburban	3 dwelling units/1 acre
	Outer Islands	1 dwelling unit/1 acre
Boca Grande/Gasparilla Island	Urban Community	3 dwelling units/1 acre
	Outer Islands	1 dwelling units/1 acre
Northeast Lee County	Rural	1 dwelling unit/1 acre
Buckingham	Rural Community Preserve	1 dwelling unit/1 acres
<b>Greater Pine Island</b>	<b>Coastal Rural</b>	<b>1 dwelling unit/2.7 acres</b>
Southeast Lee County	Density Reduction/Groundwater Resource	1 dwelling unit/10 acres*
N/A	Wetlands	1 dwelling unit/20 acres**

\*Environmental Enhancement & Preservation Overlay provisions allow for 1 dwelling unit per 3 acres in DR/GR

\*\*Wetland density of 1 dwelling unit per 20 acres remains applicable to all Planning Communities

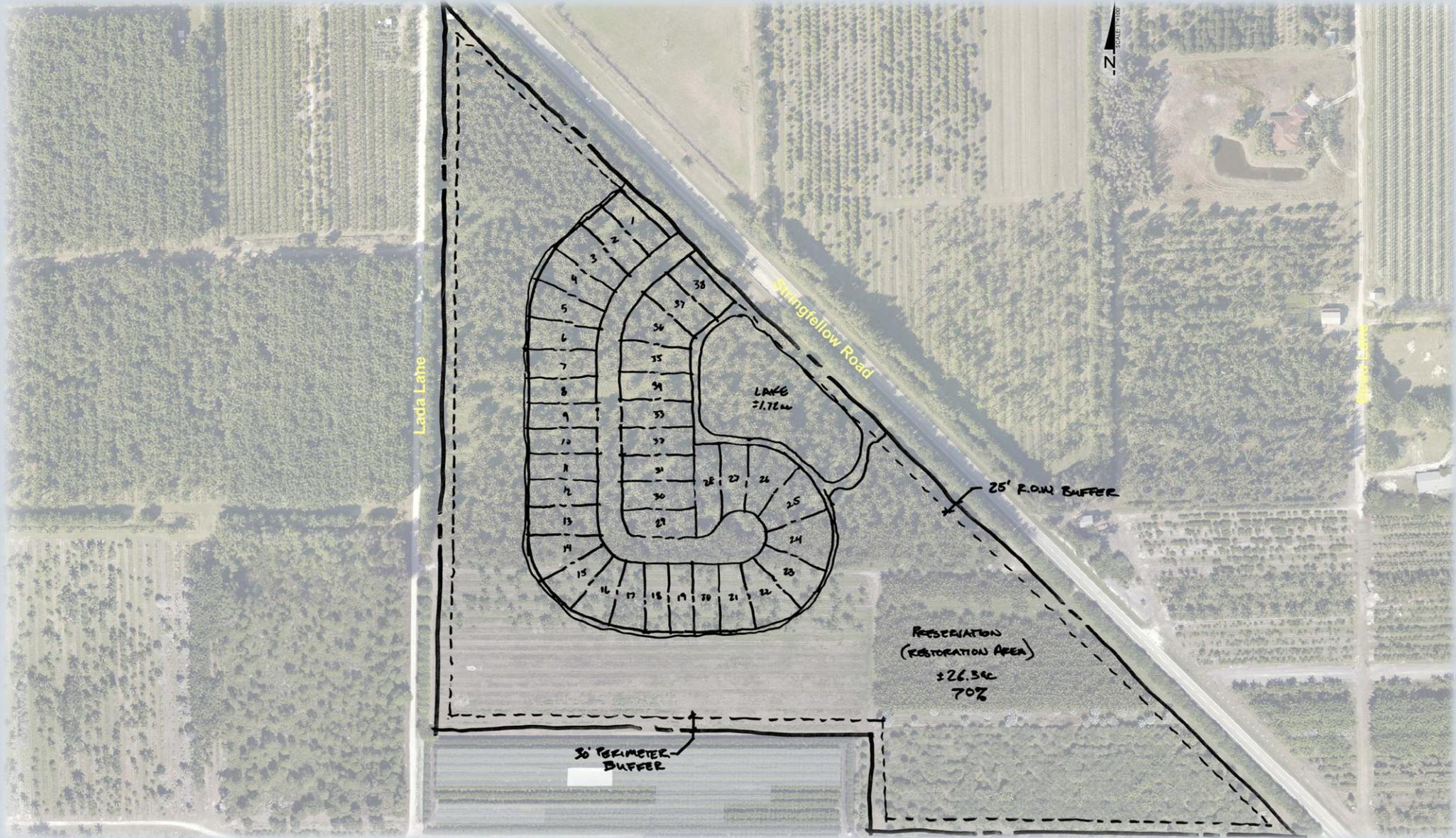
# Design Standards

- **ALL NEW DEVELOPMENTS** in Coastal Rural containing 10 or more dwelling units must incorporate the following design standards:
  - Planned Development rezoning required (Hearing Examiner & Board of County Commissioners public hearings)
  - Clustered development to avoid impacts to wetlands, flowways, and native habitat
  - Connection to public utilities (reduce impacts of additional septic systems)
  - Minimum lot size of 1 acre along Planned Development boundary, unless adjacent lots are smaller in size
  - 50 foot building setback from PD boundary
  - Enhanced Roadway & Perimeter Buffers

# Open Space

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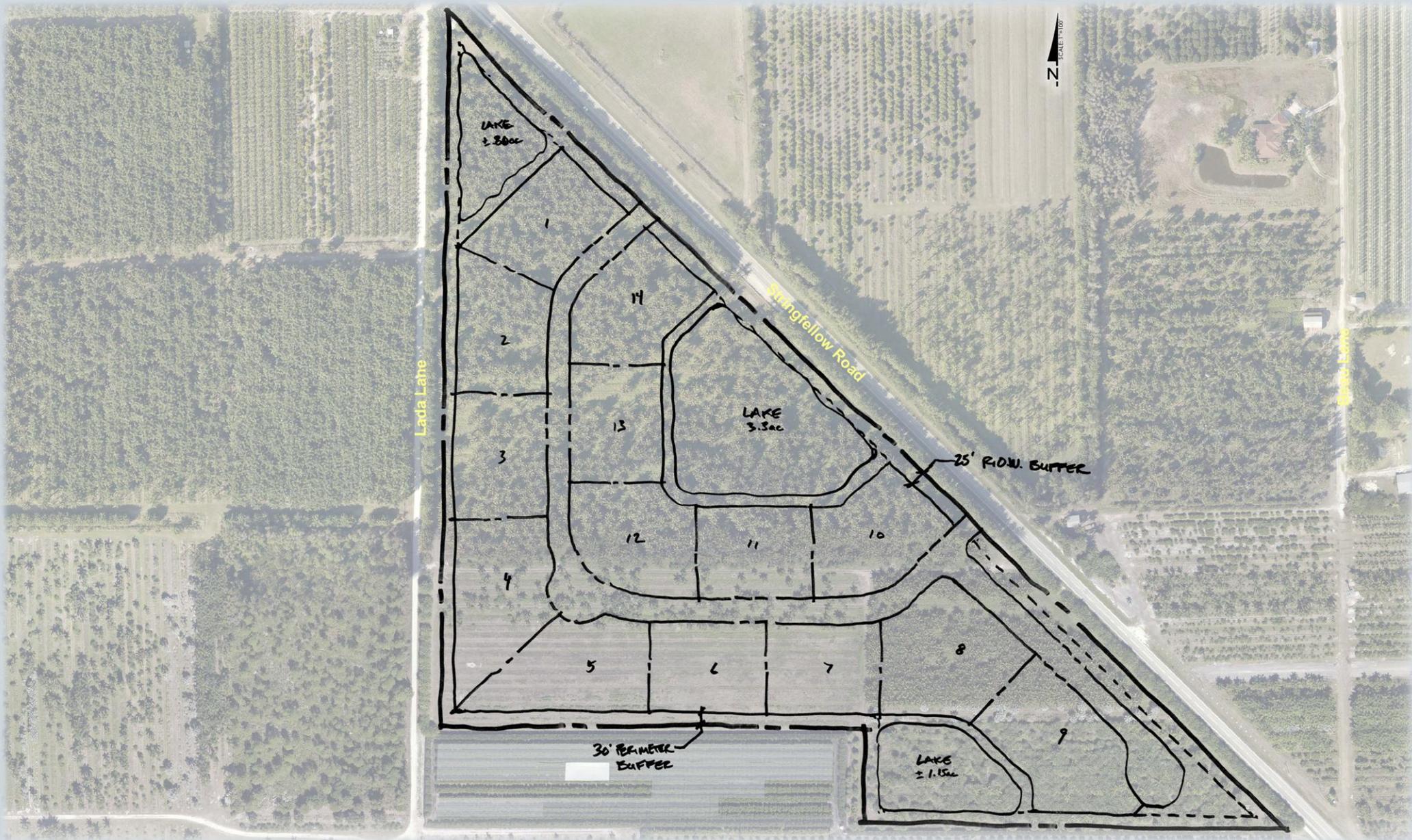
- ADJUSTED MAXIMUM DENSITY (1 du/1 acres) must provide:
  - 70% common open space must be located outside of residential lots
  - Must be in the form of preserved native habitat, restored native habitat, or continued agricultural uses
  - Current regulations for removal of exotic vegetation and perpetual maintenance are unchanged
  - ***This is the same requirement as currently in the LDC***



Adjusted Maximum Density Site Plan Example

# Open Space

- Standard Maximum Density (1 du/2.7 acres) must provide:
  - 50% common open space located outside of residential lots; OR
  - 25% maximum lot coverage (i.e. large lots)
  - Current regulations for removal of exotic vegetation and perpetual maintenance are unchanged
  - ***This is a new requirement – there are currently no higher open space standards for developments with Standard Maximum Density in the LDC***



Standard Maximum Density Site Plan Example

# TDR & PDR Programs

- Proposing a new TDR Program specific to Greater Pine Island
- Significant incentives for property owners to transfer/sell their development rights off of Greater Pine Island
- Allows developers in “Receiving Areas” to use Greater Pine Island TDRs to achieve higher residential densities, higher commercial intensities, and reduce open space requirements
- “Receiving areas” are urbanized areas of Lee County or Greater Pine Island Center
- “Receiving areas” are not other areas of Greater Pine Island, or Rural, and Coastal areas in Lee County

# TDR & PDR Programs

## TDR GENERATION FOR 10-ACRE SENDING PARCEL LOCATED OUTSIDE OF GREATER PINE ISLAND

SENDING PARCEL FUTURE LAND USE	TDU GENERATION RATE	MULTIPLIER	TOTAL TDUS GENERATED
Wetlands	1 TDU/5 acre	N/A	2 TDUs
Non-Urban (Uplands)	0 TDU/acre	N/A	0 TDUs
Urban (Uplands)	0 TDU/acre	N/A	0 TDUs

## TDR GENERATION FOR 10-ACRE SENDING PARCEL LOCATED WITHIN GREATER PINE ISLAND

SENDING PARCEL FUTURE LAND USE	TDU GENERATION RATE	MULTIPLIER	TOTAL TDUS GENERATED
Wetlands	1 TDU/2.5 acre	2	<b>8 TDUs</b>
Non-Urban (Uplands)	1 TDUs/acre	2	<b>20 TDUs</b>
Urban (Uplands)	3 TDUs/acre	2	<b>60 TDUs</b>

# Evacuation & Traffic

- Replaces 810/910 Rule with a defensible standard roadway level of service standard, to be measured and applied in a manner consistent with all other roadways in Lee County
- Requires the County to maintain a hurricane evacuation clearance time of 18 hours for Pine Island residents
- Continual monitoring of evacuation clearance times with triggers for additional mitigation
- Includes policy language to discourage construction of new bridge due to probable impacts to rural character and costs

# Summary

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- Modified Coastal Rural and 810/910 Rule to Address What We've Learned Through Litigation
- Proposing the minimum changes necessary to protect Greater Pine Island
- No change to max. building height, architectural standards, commercial limitations, etc.
- Off-set changes with community-specific TDR program, enhanced design standards and development limitations tied to hurricane evacuation
- *Greater Pine Island will remain one of the lowest density Planning Communities in Lee County from a land use standpoint, with highest community-specific design standards*

# Next Steps

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- Request approval from the Board of County Commissioners to start the process
- LDC & Lee Plan Amendment Process:
  - Staff Review
  - Land Development Code Advisory Committee Review
  - Executive & Regulatory Oversight Committee Review
  - Local Planning Agency Review
  - Multiple Board of County Commissioner Transmittal & Adoption Hearings

# Website

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[www.leegov.com/dcd/gpiplanupdate](http://www.leegov.com/dcd/gpiplanupdate)

# Public Comment

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Q & A