

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
April 26, 2010**

**MEMBERS PRESENT:**

Noel Address  
Cindy Butler  
Carie Call

Wayne Daltry (Chair)  
Jim Green (Vice Chair)  
Mitch Hutchcraft  
Ron Inge

**STAFF PRESENT:**

Donna Marie Collins, Chief Asst. Cty. Atty.  
Brandon Dunn, Development Services  
Pamela Houck, Zoning Director  
Michael Jacob, Asst. Cty. Atty.  
Dave Loveland, DOT

Janet Miller, Recording Secretary  
Matt Noble, Planning  
Paul O'Connor, Planning Director  
Nettie Richardson, Principal Planner

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

Mr. Daltry 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. Ms. Collins, Chief Assistant County Attorney, certified that the affidavit of publication was legally sufficient as to form and content and entered it into the record.

**Agenda Item 2 – Pledge of Allegiance**

**Agenda Item 3 – Public Forum** - None

Mr. Daltry introduced and welcomed Dr. Joseph Grubbs from the Fort Myers Local Planning Agency. Mr. Daltry explained that a mutual visit program has been started that he hoped all City Local Planning Agency groups would eventually participate in. He felt this would be ideal since we are all at the same stage of looking forward into updating the Comprehensive Plan and examining what the real economic assumptions are, which the plans will be based on.

**Agenda Item 4 – Approval of Minutes – February 22, 2010**

**Mr. Address made a motion to approve the February 22, 2010 meeting minutes, seconded by Ms. Butler. There being no further discussion, the motion passed 7-0.**

**Agenda Item 5 – Chapter 12 of the LDC (Resource Extraction)**

Mr. Inge noted he had a voting conflict with this amendment because it governs resource extraction and he had a client involved in that industry; therefore, he would abstain from voting. Mr. Inge stated he filed the appropriate Voting Conflict form with the clerk who circulated it to the LPA members and the Attorney's Office.

Mr. Michael Jacob, Assistant County Attorney, gave a brief overview of this ordinance.

General questions and answers ensued between the LPA and Ms. Pamela Houck, Zoning Director.

Mr. Daltry asked if anyone from the public wished to comment on this item. No public input was received.

**Mr. Address made a motion to forward this item to the Board of County Commissioners, seconded by Ms. Butler. There being no further discussion, the motion passed 6-0. Mr. Inge abstained from voting.**

**Agenda Item 6 – Lee County Comprehensive Plan (Lee Plan) 2009/2010 Regular Amendment Cycle**

**A. CPA2009-02 North Olga Community Plan**

Mr. Daltry announced that this item would be continued to next month. He noted that no blue speaker cards had been submitted to him by the public.

**B. CPA2009-01 Alico West**

Mr. O'Connor noted that the applicant's representatives were in attendance at today's proceedings and that they had prepared a PowerPoint presentation to introduce this amendment. Mr. O'Connor noted that staff was not asking the LPA to provide any action on this amendment as it will be on next month's agenda for a vote.

Mr. Brandon Dunn explained this amendment would involve taking 919 acres out of the DRGR Future Land Use Category (southeast Lee County) and place it in the University Community Future Land Use category. The applicant was found to be sufficient on Friday, 4/16/10.

He turned the presentation over to Charles Basinait from Henderson, Franklin, Starnes, and Holt, P.A.

A PowerPoint presentation was given by Charles Basinait from Henderson, Franklin, Starnes, and Holt, P.A., Don Schrottenboer (President of Alico Land Development, Inc.), Joseph Shepard, Ph.D. (Florida Gulf Coast University), Richard Woodruff (Wilson, Miller, Inc.), and Krik Martin (CDM). Topics included introductory comments, Alico's land development history, surrounding land uses, surrounding development, what makes Alico unique from other DRGR lands, mining residue (fines), proposed new text/amendment, unit allocation, proposed land use mix, policies 2.4.2 and 2.4.3 (subsurface water issues), specifics on what this amendment will and will not cause, FGCU and community benefits, transportation including alternatives.

At the end of the PowerPoint presentation, Mr. Woodruff stated the applicant's request was that the LPA recommend to the Board of County Commissioners approval of a land use change that would add 919.5 acres to the University Community designation and text changes that would support that. He also offered a tour of the area to the LPA.

General questions and answers ensued between the LPA, staff, and the applicant's representatives.

### **LPA Comments/Suggestions:**

Mr. Andress noted he was concerned with water uses in the area because the Water Management district is currently in the rule making process in developing a reservation for their resource in the river. This will impact all future permits if that actually comes to fruition.

Mr. Martin noted that the reservation issue should not have any affect because this project will entail normal water use permitting. There will be a higher level of standard being held because of the DRGR of Lee County, but in this condition, there should be no issues with water use permitting that would be affected by reservations.

Mr. Andress noted the applicant was requesting 1950 units on 200 acres which means approximately 10 units per acre. He noted this was an incredible density. He also asked what would happen if Alico obtained the Ginn property, which is 1 unit per 10 acres. In other words, what happens to other property owners if we suddenly allow 1950 units on 200 acres near property that currently has only 1 unit per 10 acres?

Mr. Basinait stated that they had checked these properties carefully and determined there would not be an adverse affect on them.

Mr. Daltry clarified with staff that their analysis would include this density issue.

Ms. Butler stated she would be interested in taking a tour of the property and asked if it should be done as part of a planning board.

Mr. Daltry wanted to address this question under "Other Business." He opened this item to the public. No public input was received.

Mr. Hutchcraft stated that since there is a diminishing supply of buildable land within the University Community, he felt we should build as much housing as possible on the remaining property. Rather than looking at keeping density low, the County should look at a minimum density requirement to make sure that we actually do the development and provide the housing on that property. He felt this would be key since long range planning includes a southern access to the airport, the potential extension of Alico Road, as well as the potential tie in of 951. This proposal involves property that is at the epicenter of some huge infrastructure. Regarding "retail," he felt some clarification could be inserted as part of the Zoning or DRI portion, to articulate the uses and clarify that "retail" is not referring to more big box retail stores. He suggested some square footage limitations or other appropriate limitations. Mr. Hutchcraft also asked for further clarification on the 40 acres that get donated and whether that gets pulled from the residential and commercial allocation or if it a separate issue.

Mr. Inge referred to an earlier comment made by Mr. Shepard that they were not asking for industrial or light industrial uses. He asked that they not rule this out all together as part of research and development. He noted the applicant should be careful that the allowable uses in the category are expansive enough to have some type of heavier R&D type effort. Mr. Inge noted this area was becoming a research hub, so there needs to be sufficient opportunities to do a variety of things in that location as part of this amendment or as a review of the overall category as it goes forward through the EAR.

Mr. Daltry stated that some members seemed in favor of an Alico site visit as suggested by Ms. Butler. He asked that staff coordinate that effort.

Mr. O'Connor stated there were several logistics involved such as an ad, agenda, and minutes. Also, the site visit would have to be open to the public. He noted it would not be easy to schedule within the next two weeks, but that staff would attempt to schedule something.

Mr. Shepard offered the Florida Gulf Coast University to be used as the arrival location as well as a bus for the tour.

### **Agenda Item 7 – Evaluation and Appraisal Report (EAR) Scope of Services Update**

Mr. O'Connor announced the County had a signed contract with a consultant (Clarion based out of Denver, Colorado and North Carolina). He reviewed the kick-off meeting that took place with the consultant and the topics of discussion that took place. He also announced that staff was holding 9 EAR workshops throughout the county. Mr. O'Connor noted that so far the workshops have been successful. As part of the workshops, the attendees are broken into smaller groups. A PowerPoint presentation is provided and then the groups discuss 5 talking points (future community vision, land use and development, parks and conservation, transportation, and public services). Each group has a spokesperson who reports their findings. Mr. O'Connor also noted that at a meeting with the Smart Growth Committee last week for their insight, the Committee indicated an interest in having a joint meeting with the LPA. Mr. O'Connor did not recommend it take place during the LPA's regularly scheduled meeting on May 24<sup>th</sup> due to a large agenda. He noted staff would be working on the logistics of this joint meeting, such as ad, agenda, minutes, meeting room, date, etc.

Ms. Butler and Mr. Green stated they were in favor of a joint meeting between the Smart Growth Committee and the LPA.

Mr. Daltry suggested a subcommittee of the LPA members attend and report back to the full committee.

Mr. Inge asked what the subcommittee's charge would be. He wanted to be sure they were not being empowered to make decisions on behalf of the LPA.

Mr. Daltry clarified that the subcommittee would be participating in a workshop to see how the two committees can work together on issues they would like the EAR to address. This will not bind the subcommittee or full LPA committee.

Ms. Call noted she was on the Smart Growth Committee and would be happy to be a liaison for the LPA. She would report back to the LPA any pertinent facts. However, she noted it would be open to the public and any LPA members that were interested would be welcome to attend.

### **Agenda Item 8 – Economic Assumptions and Principals for Upcoming EAR**

Mr. Daltry provided the LPA with a handout that were slides from a county-sponsored workshop held in August 2009. He referred to a document from Dr. Nicholas, which discusses urban development. Mr. Daltry felt it was important to have a consensus of what the economic

assumptions are since we are going to base the EAR with these figures. In the past, the County has operated from the University of Florida forecasts, knowledge of the planning communities, and the distribution of population (which was negotiated with the cities). Mr. Daltry noted that he was mainly interested in several studies that are coming out on new home buying practices, how lifestyles and populations are changing to be more urban oriented, public interest in having completed communities, and alternate transportation solutions. There seems to be an interest in working towards a rediscovery of urban centers and a recreation of urban centers. This is all part of “economic assumptions.” Mr. Daltry noted he had been meeting with community planning groups to get them thinking of the economic assumptions they foresee being the best to help their community. If their community is better balanced, it would benefit all of Lee County.

Mr. O’Connor reviewed the RFQ and noted staff was not just working on an evaluation and appraisal report. The consultant will be working on items mentioned by Mr. Daltry.

Mr. Hutchcraft hoped for an incentive based approach as we go through this process so that Lee County will get the desired outcome. In the past, when the process has been a regulatory approach, it achieves the direct opposite desired income. Some incentives could be cutting down development times and streamlining application fees.

Mr. Inge stated that if the County wanted to have multi modal and mass transit, there needs to be enough people nearby to make it happen. Many areas that are already developed have much lower densities compared to other developments that have not been completed yet and are allowed to have more units. There have been traditional fights on this issue where people do not want higher density projects near their homes. However, there needs to be a shift in thinking from a regulatory standpoint to make this happen. He was anxious to see how the County is going to move through the process, how the community accepts it, how the various policy boards view it, and how the Board of County Commissioners view this issue. He noted it takes radical change in thinking to make some things happen.

## **Agenda Item 9 – Other Business**

### **Lobby Log**

As a follow up to a question at a previous meeting, Ms. Collins announced that the LPA members are not required to prepare or submit a lobby log. This committee is not subject to the ordinance.

### **Parking**

Mr. Daltry asked if the LPA could park in the DCD parking lot.

Staff suggested LPA members park in the lot. If approached by the guard, they can say they have business inside with the County.

### **Protocol on Public Contact**

Protocol was discussed for when LPA members are approached by applicants for various projects.

After further discussion, it was decided that the Chairman could ask before each item whether any members had been contacted by the public for this particular item. At that point, each member can divulge this information. Members can also forward any e-mails they receive to the LPA repository ([LPA@leegov.com](mailto:LPA@leegov.com)).

### **Joint Meeting of the Smart Growth Committee and LPA**

Mr. O'Connor stated he had just received a note from the Assistant County Manager that there has been discussion to move the Smart Growth meeting from May 19<sup>th</sup> to May 26<sup>th</sup>. The date is being moved so Commissioner Judah can attend the meeting.

Mr. Daltry suggested having the joint meeting between the Smart Growth Committee and the LPA on May 19<sup>th</sup>.

Mr. O'Connor stated staff would work on putting that meeting together and would notify the LPA when it is finalized.

### **Zoning/DRI Cases**

Ms. Call stated that at a Smart Growth Committee meeting, a project was discussed called I HUB. She had several questions on this project and wondered how she could get more information. She also asked why it was not brought before the LPA.

Mr. O'Connor stated this project is in the Tradeport land use category. The applicant was not requesting a land use category change, so it was not brought before the LPA. This project went through a zoning process, which includes a public hearing before the Hearing Examiner. It also went before the Board of County Commissioners. They also came through an administrative process to get a Development Order to start doing the site improvements on the property.

### **County Deficit**

Mr. Andress asked for a status on planning staff's large deficit.

Mr. O'Connor noted the deficit people are reading in the papers is not Planning staff's deficit as the Planning staff is funded by the unincorporated MSTU. Planning is not a fee supported wing of Community Development. The articles are referring to a decrease in fees since the number of applications has decreased. This affects development orders, zoning, and building permits. Mr. O'Connor noted he was not expecting any more cutbacks in his section at this time. He has heard discussions on cutting down hours of operation per week. This would most likely pertain to front counter staff in permitting, development services, zoning, and building services.

### **Agenda Item 10 – Other Business**

The next Local Planning Agency meeting is scheduled for Monday, 5/24/10, at 8:30 a.m. in the Board Chambers.

The meeting adjourned at 10:38.