

**MINUTES REPORT
LOCAL PLANNING AGENCY
Continuation Meeting
June 7, 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.
Jason Cull, Env. Sciences
Brandon Dunn, Development Services
John Fredyma, Asst. Cty. Atty.
Doug Griffith, Env. Sciences

Dave Loveland, DOT
Janet Miller, Recording Secretary
Matt Noble, Planning
Paul O'Connor, Planning Director

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 Administration Conference Room of the County Administration Building, 2115 Second Street in downtown Fort Myers.

Ms. Collins, Chief Assistant County Attorney, stated there was no need for a separate ad for this meeting because it was a continuation of a previous meeting that the LPA continued to a date and time certain. The affidavit of publication for the previous meeting was legally sufficient as to form and content.

Agenda Item 2 – Pledge of Allegiance

Agenda Item 3 – Public Forum - None

Agenda Item 4 – Lee County Comprehensive Plan (Lee Plan) 2009/2010 Regular Amendment Cycle

A. CPA2009-00001 – Alico West

Mr. Dunn stated that at last month's meeting there were some unresolved issues. Staff has worked with the applicant to resolve these issues and some additional changes were made as well. Mr. Dunn referred the LPA to a handout distributed at the beginning of today's proceedings. This handout had also been e-mailed to the LPA previously. The document outlined staff's modified recommendation and findings of fact. Mr. Dunn reviewed the additional changes outlined in this document.

General discussion, questions, and answers ensued between the LPA, staff, and the applicant.

Mr. Daltry referred to Number 15 entitled “Florida Gulf Coast University Participation” where it says, “Lee County encourages zoning and planning staff to participate in such meetings.” He asked that the language be changed to “Lee County requests FGCU to invite zoning and planning staff to participate.” Staff had no objection to changing the language.

Ms. Collins clarified that since public comment was taken at the previous meeting on this item, it was the will of the LPA whether or not they wanted to take additional public comment on the changes mentioned today.

Ms. Butler made a motion to open this item for public comment, seconded by Mr. Address. There being no further discussion, the motion passed 7-0.

Ms. Nicole Ryan from the Conservancy of S.W. FL stated that part of the LPA’s motion at the last meeting was to have information brought back on how removal of this land from the DRGR would benefit the DRGR. She noted there had not been any discussion of this at today’s proceedings and encouraged the LPA to do so.

No other members of the public wished to come forward, therefore, the public hearing portion for this item was closed.

Mr. Green noted this proposed project was not in line with the DRGR efforts and transfer of development rights proposal currently in process. However, he felt the benefits to the County and FGCU were significant and warranted a vote for transmittal.

Mr. Address stated the County was encountering a situation where proposals are coming forward to gradually chip away at the DRGR area. He felt there should be a compelling public need to take land out of the DRGR. Mr. Address noted this property owner had an opportunity several years ago to be removed from the DRGR area when the master planning for the DRGR was underway. However, they chose not to be removed at the time because they had a mining operation. Mr. Address stated he could not support recommending transmitting this proposal to the BOCC and finding it consistent with the Lee Plan without there being something in place to offset lost land from the DRGR.

Mr. Inge stated that previous testimony has made it clear that were it not for a policy in the University Community Plan, this parcel would have been included in the University Community in the first place. This conflict existed because the University Community Plan did not allow a mining operation to take place within that planning area. Mr. Inge noted that testimony received during the May 24th hearing by hydrology experts indicated there would be an increase in the recharge for this area that is currently not very productive from a DRGR standpoint (i.e. it is not a pristine area as other DRGR areas). Since staff has worked closely with the applicant and the property has been significantly impacted, he was prepared to make a motion to recommend transmittal.

Ms. Butler stated she could see causes for approval, but she referred to a picture submitted by the applicant showing the main street of the University Village. Ms. Butler noted she did not feel comfortable that staff recommendations would result in the type of community depicted in the picture. She referred to the Compact Community Ordinance and reviewed some of the requirements. Ms. Butler stated that although she would like to support this project, she would like to see the applicant held to the requirements of the Compact Community Ordinance.

Mr. Hutchcraft discussed the two main focuses of the DRGR: 1) density reduction; and, 2) groundwater resource. He noted there were policies in the Lee Plan that address those issues. He also stated this project was not proposing any increases to density; therefore, the density component of the DRGR is maintained. Regarding groundwater, staff has done a finding of fact indicating this project does not create worse circumstances and, in fact, it will improve some of the recharge resulting in the rehabilitation of that lake. Regarding specifics such as setbacks, landscaping, etc., there is policy language that clearly identifies the direction and intent. There will be future review phases that will provide this type of specificity. Although it would be appropriate to put these types of specifics in the DRI, Zoning, and/or Planned Development phase, it is not appropriate for them to be part of the Comprehensive Plan.

Mr. Daltry stated he looked at the University Community as an overlay system because it does require a DRI process also, which involves extensive review. He also felt there should be opportunity to ensure that the Compact Community ordinance is followed. Mr. Daltry stated there should also be an opportunity to implement changes in the future land use map through the DRI process once the review of the site is complete. He noted part of this site is wetlands. He felt it made sense to have the lake and wetlands removed in a contradictory future land use designation. This would be one way to get at the future refinement of the future land use categories, which is an issue of the DRGR.

Mr. Andress stated the County needs a policy on how to deal with these types of requests in the DRGR. He did not feel there was a compelling need to approve this project at this time because of the economy. There will not be any development on this site for some time, so the County can afford to slow the process down and come up with a policy to deal with lands being taken from the DRGR area.

Mr. Inge felt the concern with the erosion of the DRGR is adequately addressed in the DRGR amendments that were recently adopted. **He made a motion to recommend transmittal of CPA2009-00001 (Alico West) with the modified staff recommendation and findings of fact distributed today dated June 7, 2010. The motion also includes Mr. Daltry's correction on Item 15 where the language should be changed to say, "Lee County requests FGCU to invite zoning and planning staff to participate." The motion was seconded by Mr. Hutchcraft. The motion was called and failed 4-3. Mr. Inge, Mr. Hutchcraft, and Mr. Green were in favor. Ms. Butler, Mr. Andress, Ms. Call, and Mr. Daltry were opposed.**

Ms. Butler made a motion to recommend transmittal of CPA2009-01 Alico West with the changes that were presented today and the revision to Item #15 as Chairman Daltry mentioned. The motion is also to have the applicant comply with the Compact Community Ordinance. In addition, when a DRI is submitted, the future land use map will be re-examined for the subject parcel. Mr. Green seconded the motion. The motion was called and passed 5-2. Mr. Inge and Mr. Hutchcraft were opposed.

Mr. Andress made a motion to develop a policy to ensure equity regarding areal coverage of the DRGR, seconded by Ms. Call. The motion was called and passed 5-2. Mr. Inge and Mr. Hutchcraft were opposed.

B. CPA2009-00002 – North Olga Community Plan

Mr. Dunn gave a recap that at the last meeting staff finished their presentation and the public portion was closed. Mr. Pringle did not get an opportunity to make final comments because the meeting ended.

Mr. Richard Pringle gave a summation and rebuttals on comments made at the previous meeting.

Staff confirmed they had not changed their recommendation of non-transmittal due to a lack of consensus with the community.

General discussion, questions, and answers ensued between the LPA and staff.

Mr. Inge referred to several comments by the public that this proposal is setting the stage for a new North River Village or an expanded Babcock Ranch type plan; however, he and staff did not see anything in the plan that would create these scenarios.

Ms. Butler stated there was nothing in the plan that she was uncomfortable with, however, the Alva Community is indicating that they want stricter policies in the plan. She wanted to see the two groups get together and come to some kind of compromise. She requested that staff facilitate the discussion.

Ms. Call stated she had high regard for Ruby Daniels, Alva, Inc., and the Alva Community, but she believes in community plans and self government. Historically, Olga and Alva have been two different towns. She also noted there had been significant public involvement and she was not sure a consensus would ever be reached. Ms. Call noted the North Olga Plan had been deemed sufficient by staff. This community plan will allow a process for development in that area and a chance for community input and planners to have oversight and input on what development happens on this site. She recommended transmittal.

Mr. Andress said he did not see any problems with the plan as proposed, but his concern is that the County already has 20 planning communities in Lee County. How many planning communities can the County sustain economically? Does the county have the money to administer all of these plans? He felt the components that were in the North Olga plan could be incorporated in the Alva plan. He was in favor of the two groups working together to incorporate Olga's needs in the Alva Plan. Mr. Andress did not see a pressing need to move forward with this amendment at this time.

Mr. Green noted staff had recommended against transmittal because there is no consensus. He felt there was good reason the majority of the people in the area object to this plan as it is a prelude to Urban Sprawl and it protects against protection in this rural area. He also noted that it is not possible to quote any specific page or line number that you object to in the plan because it is an empty shell with no protective policies against urban sprawl. For instance, there is no protection against a high density project or over commercialization. He was in support of staff's recommendation, but noted he would abstain from voting. He clarified that he had a conflict because he was a board member and officer of Alva, Inc. A mass majority of people in the North Olga community that oppose this amendment have asked that Alva, Inc. represent them and Alva, Inc. has agreed. A voting conflict form was previously filled out and submitted at last month's meeting.

Mr. Hutchcraft was in favor of transmittal of this proposal. He felt there seemed to be a lot of assumptions about motives and intent. The proposed plan addresses protection of the aesthetic qualities, protection of natural resources, and clustering to preserve open space. All of these items are specific elements that the State identifies as addressing urban sprawl. He noted that staff has found the plan to be consistent with the comprehensive plan and have concluded that it is compatible with the adjacent communities. In addition, the majority of land owners in the area have provided input and are comfortable with the plan. Mr. Hutchcraft stated that instead of good planning there seemed to be a struggle as to who is in charge. He encouraged good planning to continue. He was in favor of supporting the amendment.

Mr. Address made a motion to recommend CPA2009-00002 not be transmitted, seconded by Ms. Butler. There being no further discussion, the motion was called. Mr. Address, Ms. Butler, and Mr. Daltry were in favor. Mr. Inge, Ms. Call, and Mr. Hutchcraft were opposed. Mr. Green abstained. The motion failed 3-3.

Mr. Inge made a motion to recommend transmittal of CPA2009-00002, seconded by Ms. Call. The motion was called. Mr. Inge, Ms. Call, and Mr. Hutchcraft were in favor. Ms. Butler, Mr. Address, and Mr. Daltry were opposed. Mr. Green abstained. The motion failed 3-3.

Mr. Daltry stated that his observation is that the amendment force is incomplete because there is no indication of how Vision 1 (Alva) will be amended by Vision 24 to ensure there is no conflict.

Mr. Daltry referred to additional petitions against the North Olga plan that were distributed at today's meeting. Since the public portion for this item was closed, these petitions will not be entered into the public record.

C. CPA2009-00008 – Conservation Lands Update

Mr. Jason Cull reviewed the staff report and recommendations.

Mr. Daltry opened this for public comment. No members of the public wished to comment on this item, therefore, the public portion segment was closed.

Mr. Address made a motion to transmit CPA2009-00008, seconded by Mr. Green. There being no further discussion, the motion passed 7-0.

D. CPA2008-00018 – Wetlands Density Calculation

Mr. Griffith reviewed the staff report and recommendations.

General discussion, questions, and answers took place between the LPA and staff.

Mr. Daltry opened this item for public comment.

Ms. Nicole Ryan from the Conservancy of S.W. FL stated the Conservancy was in support of this amendment. The Conservancy requests that the LPA recommend it for transmittal. She noted this provides the incentive to make sure that density can be transferred away from wetlands and it clarifies the fact that for wetlands, even if it is going to be impacted, you still only retain 1 unit per 20 acres.

No other members of the public wished to comment, therefore, the public portion was closed.

Mr. Address made a motion to recommend transmittal of CPA2008-00018, seconded by Ms. Call.

Mr. Inge stated that one concern he had with the language is that it seems to encourage the preservation of lower quality wetlands on site.

The motion was called and passed 6-1. Mr. Inge was opposed.

Agenda Item 10 – EAR Update Discussion

Mr. O'Connor stated staff had conducted their first round of public workshops. There were 9 workshops as well as the Joint Workshop between the LPA and the Smart Growth Committee. Staff has compiled all of the issues raised and are working on a final draft called "Issues and Opportunities Report," which is a summary of all comments received. In addition, staff will be working on a letter to the Department of Community Affairs, which will outline the issues list. This issues list will also be brought before the LPA at their June 18th meeting. Mr. O'Connor stated another workshop will be held with county staff on June 29th and June 30th. The consultant will bring in several members of their team to the workshop. The purpose will be for county staff to identify staff issues with the plan and to identify opportunities from staff perspective.

General questions and answers ensued between the LPA and staff.

Mr. Daltry noted he had been contacted by Neale Montgomery to have a tour of a development she is working on (FL Gulf Coast Technology).

Staff noted the item would be on the June 18th agenda. Other members noted they had been contacted as well.

Ms. Collins noted that if a site visit takes place, it would need to be before June 18th. In addition, if more than one LPA member attends, the site visit will need to be advertised and a staff member and Attorney's office representative will need to be present.

The LPA decided to postpone a site visit until they received more information at the June 18th meeting.

The meeting adjourned at 10:30 a.m.