

**MINUTES REPORT
LOCAL PLANNING AGENCY
October 8, 2012**

MEMBERS PRESENT:

Noel Andress (Vice Chair)
Wayne Daltry
Jim Green

Mitch Hutchcraft
Ron Inge (Chair)
Ann Pierce

ABSENT

Roger Strelow

STAFF PRESENT:

Donna Marie Collins, Asst. Cty. Atty.
Kathie Ebaugh, Planning

Janet Miller, Recording Secretary
Paul O'Connor, Planning Director

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

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

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

Agenda Item 2 - Pledge of Allegiance

Agenda Item 3 - Public Forum - None

Agenda Item 4 – New Horizon 2035: Plan Amendments

A. CPA2011-00007 – Character and Form

Ms. Ebaugh stated this was a new element for the Comprehensive Plan and largely directed from Chapter 2 of the Evaluation and Appraisal Report. She gave a PowerPoint presentation on this element.

Before getting into the detailed discussion of the staff report, The LPA began the discussion by making some general comments.

Mr. Andress stated he had looked into some communities in Pennsylvania who went in the same direction that the county is attempting to do here in order to gauge how successful they were. One problem is that they tried to incorporate the light industrial so they would have places to work and then they had a little urban village center. They had 3,000 residential units and almost all of the light industrial was vacant. Even though they had built light industrial in the community, it did not work out and they ended up with about half of the retail stores being vacant. He expressed concern on how we could achieve what we want but have it be viable.

Ms. Ebaugh stated staff was aware that these communities are not self sustaining. When the County is developing these mixed use centers, they need to be in places that are easily accessible by a larger population, not just the population that you expect to live there. They need to be located in areas that can pull from larger or regional areas.

Mr. Address asked if the County was willing to commit to the infrastructure that would be needed to accomplish this because without that commitment, the developers will not build what the County wants.

Mr. O'Connor agreed that commitment would be vital to this effort. He reviewed ways that the Board of County Commissioners were supportive and items they accounted for in their budget.

Staff discussed the need to identify where the County feels more density is needed.

Ms. Pierce stated the TDR system needed to be set up to get the mixed use centers established in rural areas before we have a limiting mechanism. It was a concern to her that this was not yet set up. She referred to Goal 1 on Page 7 where it mentions establishing standards to limit expansion of development outside of the designated areas. She recommended staff get those limits underway for final establishment before setting up any mechanisms for the development of urban type village centers in rural areas. Regarding slide 11 dealing with transportation for suburban areas, she asked that staff de-emphasize the arterial model and focus on a gridded network.

Mr. Hutchcraft expressed concern with the details of this document. His core concern deals with implementation stating there must be a balance and responsibility on opposite sides. When seeing terms like "*provide*," "*support*," "*reduce*," etc., it is not clear who is going to do this. Is it going to be a developer mandate? He felt it must be a county initiated effort, which has not been how this has been handled in the past. Is the County willing to do business differently? Are they willing to treat land owners differently? Will they engage in the responsibility of infrastructure differently? Regarding the rural section of the document, he noted that when the County regulates rural land uses so that alternative uses are eliminated, it ends up destroying agricultural uses. They need to be viable uses and the County needs to have supportive framework such as incentives instead of a regulatory framework. He also noted that the terminology of the document is that of a planner and should be stripped down to a simpler format. Mr. Hutchcraft referred to Goal 3 on Page 33 and stated he felt much of it is far beyond the scope of government. He also noted there was no data and analysis to support it. If it is to be in the comprehensive plan, it must be measurable.

Mr. Inge opened this item for public comment.

Mr. Steve Brodtkin, representing the Concerned Citizens of Bayshore Community, Inc. read his comments into the record in addition to those of Bill Redfern (attached).

No other public input was received and the public portion was closed.

Ms. Ebaugh stated staff would put some language into the intent statement that this document is directing county operations and better explain how this element is meant to be used.

Mr. Address referred to Page 20 under Agricultural Communities and requested that Pine Island be included since they have more agricultural land in production than almost any community in the County.

The LPA took a 10 minute recess at 10:10 a.m. and reconvened at 10:20 a.m. Once the meeting reconvened, the LPA began discussing their detailed comments page by page.

Mr. Hutchcraft referred to the eighth bullet point on Page 3 where it says, "...*promote living within its limits*..." However, it is not clear what "*limits*" staff is referring to.

Ms. Ebaugh stated it refers to the resource management of our economic, budgetary, and environmental resources. She stated the word "*limits*" could be replaced with the word "*balance*" or it can be expanded somehow. Staff will look for an alternate word.

Ms. Pierce referred to the second bullet point on Page 4 where it says, "*Establish design principles.*" She asked if they would be regulatory or incentivized. Will they be used in an educational way? She referred to the third bullet point on Page 4 and stated she was in favor of this item because if infill and redevelopment do not occur, the County will not get a concentration of urban and mixed use centers to prevent sprawl and the decimation of rural lands.

Mr. O'Connor stated the intent was to establish the big picture principals on what we need to do to move in this direction.

Ms. Ebaugh stated the word "principles" is meant to be a directive word, not regulatory.

Ms. Pierce referred to the parenthesis in the second sentence under Goal 1 on Page 5 where it refers to land use tools that are needed to help define these areas such as urban growth boundary and/or urban service area. She noted these items are not mentioned to any great extent throughout the remaining portion of the document. These are powerful tools and if they are going to be used, they should be mentioned more throughout the document.

Mr. O'Connor stated these tools will be mentioned at greater length as part of the Future Land Use Element.

Mr. Hutchcraft stated he felt an urban/rural framework was appropriate because we need to know where we want to have density and development. The county needs this information so they know where they will invest in infrastructure. However, he felt it was a failed planning approach because it seems like there is a bright line that we cannot deviate from. It is being made so difficult and cumbersome for development to be in urban areas that it would be easier for a developer to go somewhere else. The answer to future growth is making urban development and redevelopment viable. If that is done properly, the County will not need these urban growth boundaries and urban service areas.

Mr. Inge gave a recap that there is concern over Pages 4 and 5 due to how rigid Goal 1 and the boundaries are written and are going to be applied. There is a consensus that the County should encourage things to happen but that there could be complications if we start drawing lines.

Due to these comments, Ms. Ebaugh reviewed the intent of the document.

Mr. Hutchcraft referred to the top of Page 6 under Goal 3 where it mentions "*inherent limits.*" He asked for clarify of these limits.

Mr. O'Connor explained that we are limited by many things such as budgetary limitations, regulatory limitations, aspirational limitations. The County can only do things within their means. You can make adjustments to those means, but it all has to be balanced in the end. The word means "*within a reasonable balance*" of what we see as important.

Mr. Hutchcraft felt this section should be clarified by using terms that will help others have a common understanding. Otherwise, people can come up with different conclusions.

Ms. Pierce referred to Objective 1.1 on Page 7 where it mentions “*energy-efficient land use patterns.*” She suggested replacing “*energy*” with the word “*resource*” so that it says “*resource efficient land use patterns.*”

Ms. Pierce referred to Policy 1.1.1 d. and asked for clarification on what is meant by “*Strengthening and directing development towards existing communities.*”

Ms. Ebaugh clarified that “*existing communities*” referred to the unincorporated area.

Ms. Pierce stated that if this pattern and vision transpires, it will require close and cooperative communication with our already established urban areas (i.e. our municipalities). This effort to establish a consistent and permanent channel of communication/coordination must be moved to a higher level, which may mean the elected official level.

Mr. Daltry referred to Mr. Hutchcraft’s comments regarding Goal 3 on Page 3 where it mentions “*inherent limits.*” He suggested getting rid of the verbiage “*inherent limits*” and replacing it with the word “*powers.*” Staff can talk about what the County can do with their powers. It is the agreement between the Cities and the County and the limitations of the County within the Cities. Those are the powers that the County can exercise.

Mr. Inge referred to the first paragraph at the top of Page 7 where it mentions “*diverse economic and work force*” shouldn’t that just be “*diverse economy and workforce*” instead of economic.

Staff said it was a typo.

Mr. Inge referred to Objective 1.1 on Page 7 and felt that one of our goals should also be “*economic diversification enhancement.*” It is an issue that we need to ensure is viable.

Mr. Hutchcraft referred to Policy 1.1.1 on Page 7 and stated he was in favor of it if it is in the context of being goals the County would like to see in development rather than a checklist of what must be done in every development. He referred to item k. and noted the term “*preserve*” is commonly used whenever discussing agricultural lands. Preserving agricultural lands is not typically good news for farmers because it normally means they cannot touch wetlands, habitat, must provide buffers, and/or getting their density taken away. It ends up doing everything but preserving agriculture.

Ms. Ebaugh suggested changing the word “*preserve*” to “*maintaining.*”

Mr. Hutchcraft stated when you use the term “*maintaining*” it is not clear who is responsible for maintaining it. Will it be incentivized?

Ms. Pierce suggested removing “*farmland*” from Item k. and making it its own item since it does not fit in with the other items.

Mr. Green referred to Policy 1.1.2 on Page 8 and noted that “*bicycle*” was specified in Suburban Character Places, but not mentioned in the Urban and Rural Character Places. He asked if that was intentional.

Mr. O'Connor stated it was not intentional and that staff would add it to a. and c.

Mr. Green referred to Policy 1.1.3 c. and noted there was a typo in this section. The word "*that*" should be removed after the word "*support.*"

Ms. Pierce referred to Objective 1.2 Urban Character Places on Page 8 and noted the second sentence lists characteristics of urban places. Something that is notable in urban places is that they are highly walkable. She felt that should be incorporated in this section. Secondly, she felt there should be an integration of "*efficient integration with transit.*"

Mr. Hutchcraft referred to Page 9 under Central Places and Village Centers. He was okay with the County focusing on the items mentioned in this section as long as it is not an exhaustive list. He was concerned it would become the bright line. They should not be focused on to the exclusion of everything else.

Mr. Inge referred to item a. Core Communities on Page 9 and suggested removing the word "*three*" in the second line and replace it with "*such as,*" so that the sentence would read, "...the focus of future development in distinct and well defined places such as..." He referred to the third line in item b. Central Places and suggested adding the words "*for example*" before the words "*Central Tice.*" He referred to the second line in item c. Village Centers and suggested saying "*for those located in areas such as*" so that they are examples as opposed to specifics. This will allow the opportunity for other locations to exist.

Mr. Green referred to references of Central Tice and was not sure what that encompassed. His boundary would be I75 and the City line. However, he recommended going beyond the City to try and revitalize that entire area including what is within the city limit. He felt help was needed for that entire area.

Staff stated they were having those discussions in working with the Palm Beach Boulevard Planning Community.

Mr. Hutchcraft referred to Policies 1.2.1 and 1.2.2 on Page 11 and had several questions such as: 1) Who is going to be responsible for these items?; 2) How will it be measured?; 3) What is the highest level of building form standards? If these questions could be clarified throughout this document, it would be helpful.

Mr. Inge referred to Policy 1.2.2 on Page 11 and asked if we might be setting the stage for two or three more levels of concurrency by outlining the complete streets, transit, and bicycling issue. Although, he did not have a conceptual problem with these items being viable options, he thought we might be setting the stage with these broad goals for policies and levels on requirements later on. He had concerns with transit and how we would make it economically viable with the budgetary situation the County currently has and may continue to have in the future especially if we are dealing with transit outside of a mixed use community.

Mr. Getch discussed the transportation element and what it would include.

Ms. Pierce referred to item e. on the top of Page 13 that mentions TDRs. She asked what interaction there would be with the urbanized municipalities in a functioning TDR program. A TDR program continually comes up in all of the elements, but it is insufficiently developed to serve as an urban development tool. She asked if staff could foresee any involvement of the municipalities in a cross county transfer.

Mr. O'Connor stated that in the TDR program developed for the southeast DRGR, staff specifically included the cities as receiving areas. It states that we must have an interlocal agreement with them. The difficulty is that the cities are empowered to increase development without having to go through any TDR program. The biggest problem is a lack of viable receiving areas that are hard to create. Unless there is a market for receiving areas, it is hard. He reviewed how other areas have handled this issue.

Mr. Inge referred to Page 13 and noted the numbering was wrong as it goes from e. and then a, b, and c. He noted that item b. says "*enable increased urban densities through transfer and purchase development rights.*" He suggested it say "*through mechanisms such as*" because there might be other ways besides the TDR process. He referred to item a. on the top of Page 13 and felt "*where feasible*" should be added to the end because some of those ideas may not be appropriate in every area. It also goes back to his prior point on the economic viability of some of our transportation goals.

Ms. Pierce referred to the top of Page 14 and wanted to add something to the sentence so that it would read as follows: "*Additionally, the focused redevelopment of the less stable early neighborhoods would provide opportunities for the county to connect and link its municipalities and unincorporated urban places to nearby suburban residential areas...*"

Ms. Pierce referred to item e. on Page 15 and suggested changing the verbiage as follows: "*Future development of parks and open spaces will create opportunities for the county to achieve its vision of better connected neighborhoods, commercial areas, ~~and~~ mixed use centers, tourist attractions, and recreational amenities of economic benefit while enabling the county to link wildlife corridors and conservation areas in suburban places.*"

Ms. Pierce referred to item f. on Page 15 where it talks about major employment and economic centers. She noted our major employers are Lee County Schools and Lee Memorial Hospital. This section implies there will be concentrated places of dense employment and concentrations of work force, but they seem to always end up being suburban or Greenfield where the workforce is not really concentrated. Regarding business office parks, they tend to be places nowhere near the workforce and the idea is to get your development near your work force. Although she did not have a recommended language change for this section, it is an area of concern.

Ms. Pierce referred to item g. and felt this statement is in opposition to itself. It mentions office business parks being designed in a campus form that provides for these centers in areas close to residential, commercial, and public park resources, which rarely takes place. She suggested adding "*close to workforce.*"

Ms. Pierce referred to item h. on Page 16 dealing with interchanges. She asked how the County would prevent these from being the urban areas such as the development on Colonial and I75 that continues out to the point that they are making their own town with high speed roads. The growth at the interchanges is to serve the traveler on I75. How do you prevent it from being suburban, slightly urban, but mostly suburban sprawl out there along I75 especially if that is where the lenders want to lend?

Discussion ensued on this subject between staff and the LPA as other members felt there were advantages to it and that we should encourage infill in those areas.

Ms. Pierce asked if there should be some limit on it.

Mr. Address noted we already have natural barriers because of wetland areas and wildlife habitats further east on those roads. We are also limited because a lot of that area has been annexed in the City of Fort Myers.

After staff discussed their intent, the LPA felt it needed to be clarified.

Mr. Hutchcraft left the meeting at this point.

Mr. Daltry referred to Objective 3.2 on Page 36 and stated that since water is a critical resource for us and water quality is a side effect of having bad development practices, our watershed program needs to be incorporated into the community design. This partly is because the community design is the staging not only of the storage but of the water quality treatment areas particularly in rural areas where they do not have to be structured and suburban areas where there is structure but they do not have to be built. In the urban areas you have to manage every drop for every step and still have some quality end. Therefore, having some design for watersheds is critical and must be built into your form and function and character. They have a tendency to operate separately and then we end up with a big expensive thing like going over in the Fort Myers Waterfront, which is about as expensive as you can get to retrofit. It would be better to figure out how to do it cheaply from the beginning and tie it to the forecasted uses. He felt there should be a policy for it that should be linked back to the Natural Resources section.

Since other members needed to leave, Mr. Address made a motion to continue this element to the October 22nd meeting, seconded by Mr. Daltry. The motion carried 5-0. Mr. Hutchcraft was absent.

Agenda Item 5 - Other Business

Mr. Daltry announced there would be an environmental breakfast at 7:00 a.m. on October 25th at the East Riverside Park in honor of the Conservation 20/20 Program. He noted they were in need of a few sponsors. It is an annual event and everyone is invited to attend.

Agenda Item 6 – Adjournment – Next Meeting Date: Monday, October 22, 2012

The next Local Planning Agency meeting is scheduled for Monday, October 22, 2012, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 11:35 a.m.

Miller, Janet

From: Steveb239@aol.com
Sent: Monday, October 08, 2012 1:07 AM
To: Miller, Janet
Subject: Fwd: LPA Character and Form

Hi Janet,

Bill Redfern asked me to read the statement below at the LPA meeting, which I will do. Please include their comments in the record.

Thank you,
Steve Brodtkin

From: williamred2@embarqmail.com
To: Steveb239@aol.com
Sent: 10/07/2012 6:58:31 P.M. Eastern Daylight Time
Subj: Re: LPA Character and Form

Steve, would you be so kind as to read the following statement for me.

Rural lands by their very definition should not include village centers. A rural area is unique by the absence of this kind of future land use. Existing rural areas such as Bayshore, North Olga, and Alva should be characterized by low density, natural preserves, and plenty of room for future agricultural use and unspoiled land that promotes animal habitat and good water catchment. Please do everything in your power as good stewards of our county lands to see that we keep rural character intact. Our rural areas should be as protected as our beaches and estuaries. Thank you for your protection.

William and Linda Redfern. Alva

Sent from my iPad

Miller, Janet

From: Steveb239@aol.com
Sent: Monday, October 08, 2012 12:06 AM
To: Miller, Janet
Cc: O'Connor, Paul; Noble, Matthew; Palermo, Anthony; Ebaugh, Kathleen
Subject: Fwd: CCBC Comments to LPA

Hi Janet,

I've sent the comments below regarding the Character and Form Element to the LPA members. Can you include our comments in the record?

Thanks,
Steve

From: Steveb239@aol.com
To: nandress@comcast.net, happyoldfogey@aol.com, jim@jimgreenrealty.com, mhutchcraft@cclpcitrus.com, ringe@landsolutions.net, rstrelow@comcast.net, apiercegardner@gmail.com
Sent: 10/07/2012 11:51:55 P.M. Eastern Daylight Time
Subj: CCBC Comments to LPA



The Concerned Citizens of Bayshore Community, Inc.

10/8/2012

Lee County LPA,

We oppose the way in which the Character and Form Element treats rural areas. Rural lands are not like urban and suburban areas on a smaller scale. People who choose to live in rural areas know and expect that stores will be farther away and there will be fewer services. The overwhelming majority of people in rural areas do not want urban centers to follow them into the rural areas. The New Horizon 2035 plan should not promote new Village Centers or mixed use centers in rural areas. The Village Centers are described as "small pockets of urban character form located within suburban and rural communities."

When county staff came to Bayshore early in the EAR process they asked where new commercial nodes should be located, not whether they were needed or wanted. Village Centers will provide the seeds for urban sprawl and loss of rural lands. They represent sprawl repackaged. This leapfrog development will not be contained by the future land use map since arguments will be made that land use changes will be appropriate adjacent to these Centers. The adjacent lands will be under pressure for development.

Promotion of Village Centers in rural areas is inconsistent with the objective of discouraging urban sprawl (Objective 1.1). It is also inconsistent with the staff report statement (on page 5 of the document) which states: "The Character and Form Element addresses the need to foster a more defined development pattern by supporting land use practices and tools that provide for the contiguous development of land,..." This plan will grant new entitlements and does not protect rural lands for the future.

We oppose Policy 1.4.3b which states: "Establish rural land use categories and standards for a rural mixed-use center with appropriate location, height and form standards." Through the EAR process and within the Community Plans, rural communities have been asking for stronger protections. The Character and Form Element is inconsistent with this desire by creating new land use categories for urban intensity development in rural areas. Criteria can be established for Village Centers in suburban areas, and if an applicant wants to propose a Village Center in a rural area they can apply for a land use change to an urban category and then go through the review process.

While appropriate in urban and suburban areas, we ask that new mixed use and Village Centers be discouraged in rural areas in this element, and other elements of the New Horizon 2035 Plan.

Thank you,
Steve Brodtkin
President CCBC