

LOCAL PLANNING AGENCY

LEE COUNTY, FLORIDA

(NORTH RIVER VILLAGE EXCERPT)
CPA2006-12

Transcript of proceedings had at the public hearing conducted by the Local Planning Agency, Lee County, Florida, at the SW Florida Regional Planning Council Conference Room, 1926 Victoria Avenue, Fort Myers, Florida, on September 29, 2008, commencing at 8:30 a.m.

MEMBERS OF THE BOARD:

Leslie Cochran, Acting Chairman
Noel Andress
Ronald Inge
Rae Ann Wessel

ALSO PRESENT:

Donna Collins, Assistant County Attorney
Paul O'Connor, Director of Planning Division
Matt Noble, Principal Planner
Jim Mudd, Planner
David Loveland, Lee County DOT
Janice R. Maline, Court Reporter

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ORIGINAL

1 (The requested excerpt was as follows:)

2 MR. NOBLE: For the record, Matt Noble,
3 Division of Planning. What is the Board's
4 pleasure? Did you want to forge on, or take a
5 lunch break? What's the will of the board?

6 MR. COCHRAN: We'll keep going. Change of
7 item, before us is CPA2006-12. Staff report,
8 please.

9 MR. NOBLE: For the record, Matt Noble,
10 Division of Planning. This amendment affects
11 two separate properties. This is a request
12 essentially by the Bonita Bay Group, through one
13 of their LLC's.

14 The first property under the request is
15 known as the North River Village Project. It's
16 essentially located up near the intersection of
17 State Road 31 and North River Road.

18 The request is to redesignate the rural and
19 outer islands categories to a new river village
20 and inner islands category with conservation
21 lands. It also is requesting to amend the
22 existing Policy 36.1.1 to reflect a committed
23 transportation improvements.

24 It also is seeking to incorporate a new
25 objective and policies guiding the development

1 at river village, as well as adding two
2 footnotes to Table 19(a) proposing an amendment
3 to Table 1(b), to incorporate the new future
4 land use categories and lines on that table.

5 It also requests seeking to amend map six,
6 which is the utilities future water service
7 area, by placing the property within that -- as
8 depicted on that map.

9 The second request is to amend the Verandah
10 site. This is a site located along State Road
11 80, immediately south of the North River Village
12 site on the south side of the Caloosahatchee
13 River.

14 The request there is to go from the
15 suburban land use category to the sub-outlying
16 suburban category. I first want to thank the
17 Bonita Bay Group. This project does bring many
18 benefits to the county. The staff recognizes
19 the effort that Bonita Bay has put into this
20 request. It's been a long time in the making.
21 We understand that.

22 This staff has only one minor environmental
23 issue with the request at this point, and that
24 was detailed in the environmental sciences staff
25 report. On the whole, we're very supportive of

1 the request to place the lands that they so --
2 we've come to agreement with into conservation
3 lands.

4 We recognize the benefits to the blue ways,
5 the interface with the water that the request is
6 seeking to establish on the property, and we
7 also understand it would be better to put the
8 project on utilities versus well and septic.

9 I think in the interest of time, there's a
10 lot of public here. I want make sure that
11 everybody who came gets a chance to speak, so
12 I'm going to be pretty brief.

13 We found that the requested development in
14 the outer islands category, that's the
15 development that they're proposing on Williams
16 Island, could be accomplished with the existing
17 categories, so we didn't recommend the adoption
18 of the new inner island category. We had a
19 couple of issues that led to that, and I can go
20 into that further, if you have questions about
21 that.

22 We did provide a set of strike through and
23 underlined language, if the will of everybody is
24 to transmit this amendment, we recommend that
25 that language be transmitted. If I can answer

1 any questions?

2 MR. ANDRESS: What is the main reasons that
3 staff is recommending not to transmit this plan?

4 MR. NOBLE: Basically we view it as
5 incorporating a large, new, future urban area
6 into the plan and we don't see that that's
7 warranted at the moment, that there's no
8 demonstrated need for additional urban lands in
9 Lee County.

10 MR. ANDRESS: And I'm also curious as to
11 know, this was on the agenda a week ago, and, so
12 therefore, you would have thought the staff
13 report would have been ready a week ago, and so
14 we had to reschedule because of our full
15 schedule last week to this week, and we didn't
16 get this staff report until Friday.

17 MR. NOBLE: Uh-huh.

18 MR. ANDRESS: I'm wondering why that could
19 not have been more timely?

20 MR. NOBLE: I agree.

21 MR. ANDRESS: That's such a big proposal.

22 MR. NOBLE: I think we've been trying to do
23 the best we can, given the circumstances.

24 MR. ANDRESS: Well, I just didn't
25 understand, if it was scheduled a week ago, why

1 you would not have had staff comments ready at
2 that time, and especially the fact that we did
3 continue to be more thorough with our review,
4 and we did not get an opportunity to review this
5 until Friday. You know, we do have other jobs
6 as well, as members.

7 MR. NOBLE: I appreciate that.

8 MS. WESSEL: I have a question, Matt. You
9 mentioned that the outer islands could be
10 accomplished with the current code. Could you
11 elaborate on that for me, please?

12 MR. NOBLE: The proposed development is for
13 a resort type of a development on Williams
14 Island; could be a lodge with a hotel-type
15 developed bed and breakfast within recreational
16 amenities. That type of development is
17 approvable in the outer island land use category
18 and has been approved in the outer island land
19 use category.

20 MS. WESSEL: You're saying they could
21 continue to use the outer islands instead of
22 creating another one?

23 MR. NOBLE: That aspect of the development
24 doesn't really need a future land use map
25 amendment.

1 MS. WESSEL: Okay.

2 MR. NOBLE: It could be accomplished in the
3 outer island category.

4 MR. INGE: Matt, I know the staff report
5 came in around 7:30 or 8:00 Friday evening.
6 Have you-all had a chance to meet with the
7 applicant to talk about the staff report and any
8 issues that you-all still have a disagreement
9 on?

10 MR. NOBLE: We have not had the opportunity
11 to, no.

12 MR. ANDRESS: What happens -- is the
13 Babcock Ranch property contemplating development
14 on 31 and 78; the northeast corner of that
15 intersection?

16 MR. NOBLE: I'm not sure exactly. Yes,
17 I've seen the drawings that were approved up
18 through Charlotte County, but there is no
19 application in Lee County currently to do the
20 actual physical development on the land at
21 Babcock.

22 There is an active amendment to deal with
23 transportation impacts and amendments to the
24 capital improvement element, and I'm assuming
25 there is going to be development in that general

1 area.

2 MR. O'CONNOR: I can tell you from the
3 master plan for the Babcock area, that they
4 propose an access point, which I believe lines
5 up with the proposed access point on this
6 project, but they don't have any development
7 coming right up to the North River Road setback;
8 I'm thinking at least a quarter mile, maybe even
9 a half a mile. That's not been approved by Lee
10 County.

11 MR. ANDRESS: Have there been any
12 discussions with Lee County about the impacts on
13 Highway 31?

14 MR. O'CONNOR: With the Babcock people,
15 yes, there has.

16 MR. LOVELAND: I spent a lot of time at
17 meetings with them.

18 MR. ANDRESS: So there is future progress
19 to be made, hopefully, in terms of widening
20 Highway 31, and that area?

21 MR. LOVELAND: Yes, that's all to be sorted
22 out. We're at the point of discussing the
23 impacts on the 2030 horizon, from a comp. plan
24 analysis standpoint, and how that gets
25 incorporated into our comp. plan with those

1 change commitments to do certain improvements;
2 that's all under discussion and review. We
3 haven't agreed on the impact or anything yet.
4 We're in the works and we're also working on
5 settlement of the comp. plan channel that we
6 currently have going on in Charlotte County; so
7 that's still under discussion. There's other
8 issues besides traffic that are concerned.

9 MR. ANDRESS: Thank you.

10 MR. NOBLE: If this request is approved it
11 will result in a developer's agreement to
12 address the mitigation of the traffic that would
13 result from this request.

14 MR. ANDRESS: I'm glad to hear that because
15 I'm concerned with the impacts that Lee County
16 is going to receive without receiving the
17 revenue from the development of the Babcock
18 Ranch, and how are we all going to take care of
19 all the improvements that need to be made on the
20 highway in that area to accommodate just their
21 traffic?

22 MR. NOBLE: I feel pretty good about this
23 request and the traffic. As I said, Dave can
24 bear out and correct me if I'm wrong, we pretty
25 much reached an agreement with the traffic and

1 what needs to happen.

2 MR. LOVELAND: For North River Village;
3 distinguishing that from Babcock.

4 MR. INGE: Okay. I was trying to -- Dave
5 clarified the question I had there.

6 MR. COCHRAN: I want to try and stay
7 focussed on North River, if we can.

8 MR. ANDRESS: Yeah. The reason I ask that,
9 I saw a lot of different improvements that were
10 contemplated if this project were to go forward.

11 MR. COCHRAN: Ron?

12 MR. INGE: Matt, you had mentioned you
13 worked out some traffic issues that you've got
14 as a result of everything, but you're still
15 recommending this not be transmitted; is that
16 correct?

17 MR. NOBLE: Correct.

18 MR. INGE: Okay.

19 MR. NOBLE: I just want you to recognize,
20 you know, how hard they've worked on this
21 request. Most of the issues have been resolved.

22 MR. INGE: And the main issues are still
23 traffic and --

24 MR. NOBLE: No, just the creation of the
25 new land use category and a new urban area.

1 MR. COCHRAN: Urban sprawl.

2 MR. INGE: You know, I'm concerned about
3 our timing here, there's a lot of materials
4 here, a lot of folks that, I'm sure, are going
5 to want to speak on this one way or another, and
6 just getting this material at such a late time,
7 and you-all haven't had a chance to meet and
8 talk it over with the applicant, I'm just really
9 concerned about our ability to do justice, and
10 to do it in a short meeting. I want to put that
11 on the record.

12 MR. COCHRAN: I think we all share that
13 concern, but it's our understanding, the same
14 comment prevails on this matter; it will go
15 forward?

16 MR. O'CONNOR: Yes, it will go forward. We
17 did look at some possible dates, if you were
18 looking for a continuance of the meeting. I
19 think we should probably take public input and
20 take its temperature after that.

21 MR. ANDRESS: Okay.

22 MR. INGE: I agree with that. I'm
23 concerned about that. Thank you, Matt.

24 MR. NOBLE: I'm sure that Bonita Bay's got
25 an extensive presentation to orient you to the

1 project.

2 MR. COCHRAN: If the applicant come
3 forward, please. You'll have until 12:45.

4 MR. DELISI: Okay. For the record, my name
5 is Dan DeLisi. I am planner with DeLisi
6 Fitzgerald. You know, I do need to beg your
7 indulgence for a moment on the issue of time.
8 As you see, there's a giant notebook in front of
9 you.

10 We originally submitted this in September
11 of 2006. We have gone through an extensive
12 process with staff. There are a lot of issues
13 here. We have cut our presentation down to just
14 myself, David Depew, and Kitty Green, to make
15 some closing remarks, but it's going to be a
16 very difficult time constraint. If that's a set
17 in stone time constraint, we'll try and rush
18 through it but --

19 MR. COCHRAN: 12:45.

20 MR. DELISI: Okay. All right. Staff has
21 pointed out a lot of areas of agreement, and
22 just one major issue of disagreement. I think
23 in their staff report they really have four
24 issues that we're going to concentrate on in
25 this presentation. Number one is sprawl. Dave

1 Depew, who's passing out some information now
2 will talk about that. Number two is precedent.
3 I'll talk about that a little bit and so will
4 Dave.

5 Economic viability, you know, I want to
6 take a moment to discussion economic viability.
7 The question here is not whether or not the
8 developer can make some money off of this
9 project. The question that you all need to
10 think about is whether or not this makes the
11 most sense, from a planning standpoint, for Lee
12 County. All right?

13 Does 1,000 units individually sticking
14 their straws into the stand stone aquifer for
15 potable water and irrigation, does that make the
16 most sense for the county? Staff has recognized
17 that a central water and sewer is a major
18 benefit.

19 Does it make sense to be along an impaired
20 -- a waterway and have a 1,000 septic tanks in
21 the area? You know, that clearly does not make
22 a whole lot of sense. You know, there are a lot
23 of issues from a sprawl standpoint, from an open
24 space standpoint, from a habitat standpoint that
25 we'll go through. But the question is whether

1 or not the rural land use category of one unit
2 an acre in the current comprehensive plan is the
3 best form of development to implement the county
4 goals.

5 The fourth point that has come up is the
6 proposal for Verandah and population
7 accomodation. We never really thought that this
8 was a major issue of staff concern.

9 We heard that it was an issue of concern
10 that the DCA may have. We did a significant
11 amount of data and analysis on population
12 accommodation justifying this request.

13 Verandah, we threw in at the last moment
14 and said, "Look, if you're concerned about
15 maximum density on the future land use map, we
16 can retire some units at Verandah and decrease
17 that to sub-outlying suburban."

18 If that's an issue that's confusing people,
19 or if that's an issue that staff is no longer in
20 support of, we don't mind removing it. Verandah
21 by itself has no benefit for the applicant
22 outside of this context.

23 I'm not going to go through the amendment
24 request itself. Staff did that to some extent.
25 You all have the application in front of you. I

1 do want to talk about some of the issues
2 directly.

3 We have heard a lot from the community and
4 also the county just now, about how this is a
5 rural context, you know, rural area, rather, and
6 I just want to put that in the proper context.

7 To the south we have the Fort Myers Shores
8 community, directly across the river; that's
9 developed at about three units an acre. We're
10 directly adjacent to State Road 31 on the west,
11 County Road 78 on the north. We're in proximity
12 to services.

13 You can see on the west-hand side of 78 is
14 the Lee County Civic Center; distinctly
15 urban-type use, and you can see the FPL power
16 plant is directly to the southwest. There is a
17 lot of service in the area.

18 When you look at the surrounding context
19 overall, I want you to think about two points:
20 One is precedent, and two is how this area
21 really fits into everything else.

22 You can see to the south there is the Fort
23 Myers Shores community -- planning community
24 area on the Caloosahatchee shores planning
25 community -- or community plan area. Sorry.

1 You can see that's generally built out, and it
2 has existing urban designations. To the west is
3 the Bayshore community, and again as far as land
4 use form goes, that's also built out with larger
5 lot development, but it's built out.

6 To the north is the proposed village of
7 Babcock. Now you asked the question about
8 what's proposed to the north of 78, and you can
9 see that village area north of 78 there. Now to
10 the east I want you to take a look at what's
11 going on.

12 There is a giant green belt that extends
13 north to south to the Caloosahatchee River.
14 It's about a mile in width. When you try and
15 drive through it, that cuts off any development.
16 When we talk about precedent, this whole area
17 that is generally isolated in there, is really
18 cut off from everything around it.

19 When you talk about the idea that these
20 urban designations will somehow spread nine
21 miles to the east to downtown Alva, that simply
22 just won't happen; that is not possible,
23 certainly from a precedent standpoint. If
24 anything would stop development from happening,
25 it is that giant green belt.

1 When we talk about precedent, I think
2 everyone needs to understand that the only way
3 you could possibly get a precedent on a land use
4 case is if every single aspect of the case is
5 exactly the same, and that's almost impossible
6 to do with land.

7 I mean, how many properties out there have
8 water frontage and are adjacent to State Road 31
9 and County Road 78? Just looking at the map,
10 none; that alone sets this property apart from
11 everything else.

12 The whole category and all the commitments
13 that we're talking about were written to raise
14 the bar, and if someone can go through that
15 extent, and have exactly the same thing that
16 we're talking about, maybe that's an issue of
17 precedent, but I don't think that exists.

18 I want to also put this in the context of
19 where we are. Downtown Alva is nine miles from
20 the property. Downtown Fort Myers is nine miles
21 from the property. We are equally distant from
22 downtown Alva and downtown Fort Myers.

23 We have heard people say that this will
24 have impact on the Alva community plan area,
25 which is applicable to downtown Alva only;

1 that's just simply not the case. Again, you are
2 in a fairly isolated context. This -- that area
3 is a very significant distance away. And when
4 you talk about the Alva planning community, here
5 we're on the edge of the Alva planning community
6 in the North Olga community, which is a subarea
7 within this giant planning community, and you'll
8 hear a lot about that today, but, again, we are
9 adjacent to all urban infrastructure.

10 The future land use map, we're in the rural
11 land use category. We're directly adjacent to
12 the suburban land use category, which allows for
13 up to six units an acre.

14 There are areas within the sub-outlying
15 suburban land use category of two units an acre
16 around us. Yes, there is DRGR to the north of
17 us, again, that is the town of Babcock.

18 Now think for a moment about what you look
19 for when you look for a home, what anyone looks
20 for; proximity with daily commercial shopping,
21 access to major roadway infrastructure.

22 What's the largest residential driver in
23 the State of Florida? Waterfront, waterfront is
24 a major driver of residential. So when we look
25 at whether or not this property is going to

1 develop, we know it's going to develop. You're
2 in a land use category that allows for one unit
3 an acre. You have all the major drivers of
4 residential development. This property will
5 develop. It's not a question of if the property
6 is going to develop, it's a question of how, and
7 we don't have to guess at what the rural land
8 use category produces.

9 At one unit an acre it produces
10 subdivisions like that, which is developed in
11 this planning community. One unit an acre,
12 individually-plotted lots, all on well and
13 septic, no edge protection. You have a suburban
14 style of development with a suburban character
15 to County Road 78. It's not environmentally
16 sensitive, how many flow ways can you restore
17 with that form of development? You can't.

18 So when we propose development on this
19 property, we're trying to do better than what
20 the rural land use category currently allows
21 for. We're trying to take the existing category
22 and raise the bar from an environmental
23 standpoint, from a transportation standpoint,
24 from a community character standpoint.

25 Everyone has an image of what Bonita Bay

1 Group does; what kind of development Bonita Bay
2 Group produces. If you live down in Estero, you
3 think of the Brooks. If you live in Bonita
4 Springs, you think of Bonita Bay or Mediterra.
5 If you live in East Lee County, you think of
6 Verandah.

7 What Bonita Bay Group does, however, is try
8 to fit every new community into the context of
9 the surrounding area. They try and make
10 communities unique to that area.

11 So in coming up with this land use
12 category, our first goal was to simply meet with
13 as many people as we could possibly meet with.
14 Unlike a lot of proposals that you get, we've
15 had over 200 meetings with the community.

16 We have met with anyone who would sit down
17 with us, and that starts out with the Duke
18 Highway residents, the residents immediately
19 surrounding this property in North Olga. We've
20 met with adjacent communities of Alva, of North
21 Fort Myers. We've met with the Conservancy.

22 We've even held a day-long community design
23 shared -- or sorry -- shared, with environmental
24 organizations to look at how we designed this
25 project, to figure out if there are design

1 techniques that we can use, techniques that have
2 never been incorporated in Southwest Florida,
3 that would improve water quality going into the
4 Caloosahatchee River. We've looked at things
5 that we can do to really raise the bar from an
6 environmental standpoint.

7 Now some of the things we've heard, first
8 off, public access to the waterfront. Again,
9 the Florida Senate in 2005 did a major study on
10 this. Waterfront is being cut off from the
11 public. As more and more waterfront develops,
12 there are less and less opportunities to
13 incorporate public access to the waterfront, and
14 this is a major economic issue.

15 Now when we look at waterfront access,
16 we're essentially looking at three factors:
17 What I determine serene recreational
18 opportunities, destination and view is another
19 factor, and boat access is another factor. Now
20 Southwest Florida has some of the most beautiful
21 creek and river systems anywhere.

22 When I first moved down here one of the
23 most impressive things to me was experiencing
24 the waterfront in a kayak. You think of
25 Sanibel, kayaking in the mangroves, you think of

1 the Peace River, you think of the Estero River.
2 The problem is these areas are generally not
3 accessible. You don't have the ability to kayak
4 along Trout Creek, which so you know, Trout
5 Creek is this creek system that runs through our
6 property.

7 People don't have that opportunity, and
8 it's a gorgeous opportunity. You know, if you
9 think of the Estero River, and how much usage
10 that gets, it's because the opportunity is so
11 limited.

12 Now these are pictures of Trout Creek.
13 I've personally kayaked it twice, and I can tell
14 you what a gorgeous experience it really is.
15 The only down side of it is it's lined with
16 Brazilian Pepper. Now there is some gorgeous
17 oak canopy areas. If we can get in, remove that
18 Brazilian Pepper and let the natives grow back
19 in, open that up to the public, that is a major,
20 a major, quality of life benefit to the area.

21 Williams Island is a part of that vision.
22 The ability to kayak or boat down to Williams
23 Island with some low key type recreation uses,
24 or overnight cabins, again, as staff mentioned
25 that is part of -- you have the ability to do

1 that in the outer island land use category. The
2 only reason why we propose this land use
3 category, the inner islands, is if you read the
4 outer islands land use category description, it
5 doesn't fit for islands on the Caloosahatchee
6 River. It really speaks to barrier islands,
7 things in the Pine Island Sound, islands that
8 really don't have access to urban
9 infrastructure.

10 If you look at Williams Island, you can see
11 the urban infrastructure is already there. The
12 Fort Myers Shores community is right adjacent to
13 it. And, in fact, if you think of the history
14 of Williams Island, it was actually part of the
15 land mass to the south where the urban areas
16 are.

17 The other part of public access is creating
18 the marina village. It's something that we put
19 in by policy in the proposed text amendment.
20 The idea here, again, is to allow for a
21 publicly-accessible place for people to enjoy
22 views of the waterfront. Low key commercial
23 type uses, a promenade, and to allow for boat
24 access through a public marina.

25 One of the things we heard from the North

1 Olga residents is that people would like a
2 community gathering place. This is the type of
3 destination that we're trying to fulfill with
4 the marina village.

5 Now as I mentioned we had a lot of meetings
6 with the North Olga community, and residents in
7 the area, and these are some of the issues that
8 came up: Compatibility with existing
9 residential, and enhanced quality of life,
10 community gathering places, was something
11 desired that I just mentioned.

12 No berms and no gates, that was one of the
13 very first comments we heard and incorporated
14 into the plan, preservation of the character of
15 78, green building, water quality for the river
16 and so on.

17 Now I'll start out with central water and
18 sewer; that was something that was brought up at
19 the very beginning. At one unit an acre, it is
20 not cost feasible to extend water and sewer
21 lines to the area. It's just that simple.

22 At one unit an acre you are looking at
23 individual wells and septic tanks. You know,
24 again individual straws sticking down into the
25 sandstone aquifer. It is clearly not of benefit

1 to the environment. Extending water and sewer
2 is definitely an environmental benefit, and
3 something that, I think, staff recognizes.

4 The character of the community is something
5 that we took to heart. Typically, in the rural
6 land use category, or any other category, you'll
7 see the bottom right-hand picture. You get the
8 big berm, well-landscaped, you get a fence out
9 front; that's not what we're proposing.

10 We're proposing to preserve the character
11 of County Road 78. By policy, Policy 1.10.14,
12 we've incorporated a requirement that you have
13 to do a 100-foot edge protection area.

14 This edge protection area will include an
15 equestrian path, a multi-use bicycle and
16 pedestrian path. It will include preservation
17 of those characteristics of the 78 corridor that
18 people like.

19 Duke Highway is another edge protection
20 area that we've spent a lot of time thinking
21 about and coming up with an idea for, with the
22 residents of Duke Highway. The issue we heard
23 here is that residents did not want to see the
24 backs of homes, and the backs of pool cages
25 facing Duke Highway. Now that's what you're

1 going to get with the typical development,
2 because a developer will go in there and they
3 will double load every road; that's the most
4 economical thing to do.

5 What we're proposing here is to do a
6 single-loaded road where the homes will face the
7 homes along Duke Highway, so that you won't see
8 the backs of homes and the backs of pool cages.

9 Open space and preservation, this is an
10 issue that we dealt with at length with staff,
11 and we came up with a proposal that, with staff,
12 that I think everyone's in favor of. The idea
13 here from a sprawl and smart growth standpoint
14 is, the goal is to reduce the development
15 footprint. All right.

16 In Lee County you already have open space
17 and preserve guidelines, except we're increasing
18 those open space and preserve guidelines for us
19 by 20 percent for the open space requirement,
20 and 50 percent for the indigenous preserve
21 requirement.

22 So, you know, the typical assumption is
23 that if you have more units on a property,
24 you'll chew up more environmental sensitive
25 land. We're turning that on its head and saying

1 more units will provide us the incentive to
2 preserve more lands. All of these things that
3 we talk about, the environmental benefits, the
4 transportation network that I'm going to talk
5 about, developers need the incentive to be able
6 to do this.

7 The rural land use category currently
8 doesn't provide any incentives to push for the
9 form of development that we generally feel is
10 smart growth. We've proposed that we would
11 designate the conservation areas on the future
12 land map used today.

13 So this isn't simply a proposal to take a
14 property from the rural designation to the river
15 village designation. It's to take it from rural
16 to river village and conservation.

17 Now there are three general colors, or four
18 general colors on the map. There's the green
19 color, which would be conservation wetlands,
20 there's the dark brown, which would be
21 conservation uplands.

22 I'm here to tell you in the rural land use
23 category, there would essentially be no
24 requirement for this property to preserve those
25 upland areas; given the current open space and

1 preserve guidelines. There's a special
2 treatment area, again not something we would
3 ordinarily have to preserve, and there's the
4 restored flow way, not something that the rural
5 land use category would have you do. The
6 special treatment areas are something new for
7 Lee County.

8 The policy would require us to design areas
9 to incorporate existing native trees or relocate
10 those trees, if they couldn't be incorporated
11 into the development, and you can see pictures
12 on the screen from Verandah. That is how we
13 have addressed this issue before in trying to
14 incorporate large, native trees into the
15 property.

16 Transportation: This development is
17 projected to pay up to \$23 million in
18 transportation impact fees. Now by definition,
19 transportation impact fees mitigate for every
20 unit's impact on the road network.

21 So in other words, a transportation impact
22 fee will leave the road network no better off
23 and certainly no worse off with -- with a built
24 unit than without a built unit. What we're
25 proposing, though, is to go above and beyond

1 that. Our goal, again, was to create a net
2 positive benefit for the road network. So you
3 can't just look at this as another 2,500 units.

4 You have to look at this as another 2,500
5 units that will mitigate for its own
6 transportation impacts, leave the road network
7 no worse off with paying impact fees, but on top
8 of that, over and above that, we're trying to
9 improve upon the existing situation.

10 We heard about Babcock before. We are
11 donating 300 feet of right-of-way along our
12 property, no cost to the county, no impact fees,
13 for the widening of State Road 31 that we know
14 is going to happen, based on the approved DRI
15 that Babcock has in Charlotte County.

16 We're agreeing to widen a section of State
17 Road 31 at our expense from the project's main
18 entrance to State Road 78, and there are two
19 intersections. The intersection the Buckingham
20 Road, the intersection at Buckingham Road and
21 State Road 80, and the intersection at State
22 Road 31 and State Road 80, that are in need of
23 intersection improvements, that we will make, to
24 improve upon the existing transportation
25 network.

1 When we look at environmental benefits, the
2 focus of this community is to create a lifestyle
3 of people living with nature, much more so than
4 even Bonita Bay has the reputation for doing;
5 that is the theme of this community.

6 To accomplish that, we've looked at all
7 sorts of environmental programs that we can
8 incorporate. Now Bonita Bay Group has done all
9 of these programs, or most of them, in past
10 communities individually. They've never done
11 all of them in a single community.

12 These programs add expense, let's face it.
13 Nothing is free, and designing a community to
14 meet these levels of standards, you know, you
15 need incentives to do this. You can't just
16 simply leave something in the rural land use
17 category and expect it to be done. It is not
18 feasible to make that happen.

19 I want to make special note of one thing
20 that we're committing to, and that is green
21 building for all single-family homes. That is
22 an incredibly significant commitment to do. It
23 is something that in the local market, in this
24 local area has not been done before. It's been
25 done in other areas, but it's just not something

1 that has been done in the local market. It is a
2 big risk to the developer, but, again, with
3 incentives, you can actually get development to
4 do things like that.

5 Low impact design criteria; again, this is
6 a form of development, or criteria, that has not
7 typically been used in the State of Florida
8 even, but it's something that came out of the
9 environmental workshop that Bonita Bay
10 organized, that I mentioned to you before, with
11 statewide leaders and environmental issues.

12 We're looking at incorporating elements of
13 low impact development into the community, so
14 that consists of decreasing impervious surfaces,
15 reducing roadway runoff, adding permeable
16 pavement surfaces, increasing natural areas and
17 Xeriscaping in the community.

18 And the goal of all this and what it
19 actually leads to is it improves water quality
20 in the community, and we've heard that's a major
21 issue of importance, especially along the
22 Caloosahatchee River.

23 Again, I want to reiterate, you know, this
24 is not a proposal of development, or no
25 development. It's not a proposal of, do you

1 have 2,500 units or nothing. It's a proposal of
2 what does the rural land use category allow for,
3 and what does it do, and what does it not do,
4 more importantly, and what are we proposing to
5 do? We're proposing to raise the bar with all
6 of these things that I've talked about. And
7 with that I'll hand it over to Dave Depew.

8 MR. DEPEW: Good afternoon. For the
9 record, David Depew. I am relatively new to
10 this North River Village Project, but I was
11 requested to come in and undertake an
12 independent analysis with regard to the statutes
13 and the rules, looking at smart growth and urban
14 sprawl, and population accomodation.

15 Given the lateness of this, I'm going to
16 zip through this pretty quickly. I'll
17 apologize, if there are any questions that
18 arise, please stop me or ask them when we get to
19 the end.

20 We also have a number of other experts here
21 today as well, including Mr. Tilton to address
22 storm water issues, Mr. Passarella to address
23 environmental issues, and Mr. Dellone to address
24 the transportation issues, should you have any
25 questions in those areas as well.

1 I want to talk to you about conventional
2 growth versus smart growth. Conventional
3 growth, as you can see, is classic. We know
4 exactly where it is around the county, we've got
5 many examples of it, and it generally results in
6 the loss of natural land, and open space, and
7 depleted drinking water supply, and reduces
8 quantity and quality of resources.

9 Smart development, the whole process of
10 smart development is intended to involve less
11 land clearing and grading, reduce infrastructure
12 cost, protection of regional water quality and
13 really the development of human scale
14 neighborhoods, rather than larger, non-human
15 scale neighborhoods that you see throughout the
16 southeast portion of Florida.

17 It is not no-growth. What it seeks to do
18 foster efficient development, and create a more
19 livable community. The amendments I believe
20 implement the smart growth philosophy that you
21 found throughout Lee County, and the evolution
22 of Lee County regulation.

23 It creates a mix of land use uses, it
24 involves clustering development on the areas
25 that are most appropriate for it, and increasing

1 the open space. It results in a variety of
2 housing opportunities, and the number of
3 inter-connective neighborhoods that emphasize
4 non-vehicular transportation within the
5 development.

6 It also, as Mr. DeLisi has indicated to
7 you, suggest that we have rather significant
8 efforts to preserve the edges. It creates clear
9 boundaries for neighborhoods and large areas of
10 natural habitat preservation, not just wetlands,
11 but upland, rare and unique habitat as well, and
12 a home orientation that seeks to preserve those
13 benefits of the open space and habitat that are
14 preserved.

15 I also took a look at the definitions
16 related to urban sprawl. Urban sprawl is
17 defined in 9J5.03, and without going into all of
18 those things, it is clearly evident in a variety
19 of different developments that you can find
20 throughout Lee County. Those pictures are all
21 from Lee County.

22 Admittedly the development up here on the
23 top picture is somewhat a bit more classic, as
24 is the one in the middle, but this one right
25 here, as Mr. DeLisi has talked about, is fairly

1 new, and it is a new development that has been
2 implemented under the existing land uses
3 category and existing regulation, in a classic
4 grid, much like you see in the other two
5 pictures.

6 Sprawl is characterized by low intensity
7 and low density development. I would submit to
8 you that North River Village instead consists of
9 a variety of mixed uses that includes not only
10 residential, but commercial. Those are intended
11 to support the residents, as well as
12 recreational areas of public open space and
13 conservation.

14 It's also located in an area that is
15 clearly developing, and within a very
16 significant urban boundary of this green area
17 located off to the east, and between the areas
18 of Fort Myers Shores, and the proposed Babcock
19 new town adjacent to public facilities, such as
20 the Civic Center. It's also located at the
21 intersection of two arterial roadways.

22 Sprawl promotes or allows radial and strip
23 isolated or ribbon patterns of development.
24 Based on the map I just showed you, and a review
25 of development in the area, I believe that not

1 to be the case. I believe that the policies
2 require a compact, urban forum that preserves
3 open space and provides a variety of
4 neighborhood relationships, both internal and
5 external to the property.

6 Natural resources are protected and
7 conserved with more than 300 acres slated for
8 preservation, dock facilities being managed, and
9 habitat and flow way restoration being a part of
10 the overall process.

11 The projected development also extends
12 existing utilities and builds on urban uses that
13 already exist in the area. The argument that
14 this is a rural area is simply belied by the
15 fact that not only are there suburban type uses
16 that are promoted, or actually developed in
17 close proximity to the subject property, and a
18 proposed urban style use developed -- being
19 proposed for development to the north of this
20 property, but the simple fact is that the rural
21 development and the one unit to the acre is not
22 a rural type of land use category, it's a sprawl
23 category.

24 It is the major objection that the
25 department had with the Lee County Comprehensive

1 Plan back in 1990, and was used as the example
2 of why that plan could not be approved, and it's
3 because of the broad expanse of areas to be
4 developed in the one unit per acre grid that you
5 see that's starting to evolve in this area.

6 The proposed land use policies will stop
7 that. It will provide a clear separation
8 between rural and suburban type uses. We also
9 would submit to you that there are no other
10 areas that this kind of development could start
11 to evolve in closer proximity to the urban core.
12 This is where this sort of development is
13 supposed to take place.

14 We believe we have a functional mix of
15 uses. We believe that all of these uses are
16 interconnected in a way that provides not only
17 internal activities, but also activities for
18 folks outside of the development to access.

19 In other words, in conclusion on sprawl, we
20 believe that the policies that are articulated
21 discourage sprawl, and the amendment is not
22 characteristic of sprawl, they are emblematic of
23 smart growth, and the amendment reflects the
24 smart growth principles.

25 Population accommodation is also an area

1 that I took at look at. The statute requires
2 and the rule requires that population
3 projections are based on methodologically sound
4 data.

5 What you're heard already here this morning
6 has, in essence, said to me that I don't need to
7 go into a heavy and detailed consideration of
8 the variety of various elements on sprawl and a
9 sprawl analysis, simply because -- or I mean on
10 allocation, simply because I would tell you that
11 the proposal, while it suggests that there is
12 going to be reallocation in this particular area
13 of the county, does not propose an increase in
14 the overall county population projection.

15 What's happening here and the staff's
16 recognized this in a number of other instances,
17 is that the allocation tables need to be
18 addressed on a fairly regular basis. There are
19 a number of systemic difficulties that have been
20 identified.

21 I'm running out of time so I'm going to
22 skip through a lot of these things and simply
23 tell you that there are some various
24 restrictions that are already expanded in the
25 plan. You've got a series of restrictions out

1 on Pine Island. The proposal includes a density
2 restrictions with regard to Verandah. There are
3 a number of municipal recalculations, and the
4 staff report even recognizes that there are
5 municipal recalculations that need to be
6 undertaken.

7 The allocation tables do not anticipate the
8 extensive public acquisition of land that are
9 being undertaken on an ongoing basis, and it
10 doesn't deal with the unanticipated growth, such
11 as the Babcock new town.

12 We have large amounts of new data
13 associated with wetlands and flow ways, and, in
14 fact, there are no additional wetland acres
15 allocated for the Alva planning community. If
16 you look at the future allocations, there's zero
17 acres associated with wetlands, but we know in
18 the Alva planning community, somewhere north of
19 20 percent of the undeveloped land is still
20 wetlands.

21 We have flow way maps, we have soil maps,
22 we have wetland maps, that all suggest we have
23 additional wetland acreage out there that needs
24 ultimately to be considered. The other thing
25 that is clearly before you, as part of the

1 package, are the current demand indices. We
2 know there is increasing demand in this area for
3 growth. It's going to take place, and as Mr.
4 DeLisi indicated to you, the question is not
5 whether it's going to occur, but how it's going
6 to occur.

7 I would submit to you the current request
8 is significantly more responsible than anything
9 else we've seen in the rural land use category
10 to-date.

11 He talked a little bit about precedent, I'm
12 going to skip through this. I would submit to
13 you, as Mr. DeLisi did, that precedent is
14 impossible in a land use case such as this. We
15 don't have precedent as far as these things
16 occur, simply because there are no situations
17 that the unique characteristics combine in this
18 kind of a fashion.

19 I would also submit to you that the current
20 economic use is simply not a viable activity.
21 Agricultural uses are simply not going to
22 preserve the kind of environmental and habitat
23 issues that we believe are important for this
24 particular piece of property.

25 We would not like to see the Serengeti type

1 of subdivision ultimately developed on this
2 piece of property where the riverfront
3 utilization gets carved up to 100-foot wide
4 pieces and the infrastructure installation is a
5 minimized.

6 Instead, we want to see a more progressive,
7 coordinated development effort that will bring
8 together all the best management practices that
9 we know can be practiced on a property such as
10 this.

11 We would request adoption of the future
12 land use amendment and the future land use map
13 amendment, although, I will tell you we have no
14 argument with the staff modifications to the
15 proposed section of the report that says if you
16 want to adopt it, you can look at those.

17 We have absolutely no complaints about that
18 section whatsoever. I would tell you that we
19 think ours is worded a little bit better, but,
20 again, if the staff is more comfortable with
21 their version, it accomplishes the same thing,
22 and also gives you an idea that there's simply
23 more than one way to skin a cat.

24 I have now Ms. Green who is going to give
25 you some fleeting remarks.

1 MS. GREEN: Could you feel my eyes?

2 MR. DEPEW: I could.

3 MS. GREEN: You all have had a very long
4 morning, and I promise I will take a couple
5 final minutes and we'll be done. I want to say
6 to you that for the past three years we've been
7 meeting with the residents of North Olga and the
8 surrounding areas.

9 We have met with hundreds of residents,
10 business leaders and environmental advocates and
11 they've spent time working with our team to
12 create a shared vision of North River Village.

13 They're creating a plan that preserves the
14 character and charm of the special place that
15 invites the public to appreciate the
16 Caloosahatchee and its tributaries, that sets a
17 new standard for green development in Southwest
18 Florida and that provides utilities and fire
19 protection to this area.

20 In response to their input our plan has
21 changed significantly. We've eliminated berms
22 and gated entries. We've provided significant
23 buffers protecting the edge conditions. We're
24 committing to have every single-family home
25 built to green building coalition standards and

1 keeping the main roadways, pathways and
2 amenities open to the public, to mention a few
3 examples.

4 We're very grateful for the time and
5 commitment of these individuals, many of whom
6 are here today, and we're very proud of the
7 shared vision we've created.

8 North River Village offers tremendous
9 benefits to North Olga and to the region as a
10 whole. In the addition to the positive
11 planning, environmental, and quality of life
12 benefits that Dan and Dave reviewed with you,
13 North River Village also offers significant
14 economic development advantages, including 3,000
15 job and \$40 million in ad valorem taxes during
16 development, and \$23 million in impact fees.

17 North River Village raises the bar for
18 development by our company, or any other company
19 in Southwest Florida, and with your positive
20 recommendations to the Board of County
21 Commissioners, it will be one step closer to
22 becoming a new benchmark for sustainable
23 development in Southwest Florida, and Bonita Bay
24 Group's next great legacy community.

25 Thank you for your time and attention, and

1 our team is here if you have any questions.

2 MR. COCHRAN: Thank you. Questions?

3 MR. ANDRESS: No questions.

4 MR. INGE: Mr. DeLisi, I've got a question.
5 Well, actually Mr. Depew mentioned it, but you
6 can perhaps answer it. Again, given the
7 inability to really go through all this material
8 adequately, Dave mentioned that the -- that the
9 proposal from the staff, if the Board decides to
10 transmit, is acceptable, is that the proposal --
11 proposed language starting on page 13 of the
12 report?

13 MR. ANDRESS: Yes.

14 MR. DELISI: Yes. The text amendment
15 changes that staff proposed are fine with us.
16 We don't have any issue with those.

17 MR. INGE: I just want to understand what
18 part you're focusing on. Okay. Thank you.
19 That's all the questions I have.

20 MR. ANDRESS: Okay, thanks.

21 MR. COCHRAN: We're going to take public
22 comment in just a moment but maybe the reporter
23 needs a break.

24 (A brief discussion was held off the record
25 and the proceedings continued as follows:)

1 MR. COCHRAN: Let's take a few minutes to
2 pause.

3 MR. ANDRESS: Take a five-minute break.

4 (A recess was had and the proceedings
5 continued as follows:)

6 MR. ANDRESS: Everybody, please take your
7 seat.

8 MR. COCHRAN: I'd like to call the meeting
9 back into order. We have a large number of
10 cards. We want to honor everyone's time to
11 speak. We will limit it to three minutes max,
12 and if it's simply repeating what's already
13 being said, you don't have to say it for making
14 public comment.

15 We have a time frame where we lose the
16 quorum at 2:30, so we would encourage you to
17 keep to the point, and I will call out the
18 names. Ruby Daniels.

19 MS. DANIELS: Good afternoon. My name is
20 Ruby Daniels. I am president of Alva, Inc. and
21 I am speaking for Alva, Inc. We are here to
22 support staff's recommendation that you not
23 accept the North River Village Project.

24 We've listened to all their experts and
25 heard what they had to say. I and all the

1 people who are going to speak in opposition to
2 this project are also experts. We are experts
3 in rural living and rural culture. We live the
4 rural life every day, and some of us have done
5 that all our lives.

6 Our umbrella objection is their request for
7 more than two times the density allowed under
8 the Lee County land use plan. We have taken a
9 proactive stance in our effort to maintain a
10 rural character and lifestyle of the Alva
11 planning district and the eastern part of Lee
12 County.

13 We have written a community plan which you
14 approved last February, and since then we have
15 developed the next phase of that plan to submit
16 this month for staff review.

17 We recognize that one unit per acre will
18 not preserve the rural countryside, so we have
19 written and submitted for review standards of
20 development for the Alva planning district,
21 which calls for one unit per acre in the rural
22 lands.

23 It also calls for clustering of houses as
24 well as many other benefits that will help
25 preserve the rural area. Increased density is

1 contradictory to both our plans that were
2 developed with the approval of the Alva
3 community. Our next objection if this request
4 is granted, it will set a precedent that will
5 forever change the character of Alva.

6 When you leave the Verandah shopping plaza
7 and travel one mile north across the river, you
8 are in rural country. That extends west into
9 Bayshore and east into Hendry County and beyond.

10 To allow North River Village 2,500 units on
11 1,200 acres will be the beginning of urban
12 sprawl throughout that vast area. How do you
13 say no to the next developer who comes to you
14 with a unique RPD for the Alva area?

15 The third objection is to the transfer of
16 density from one or two developments outside the
17 Alva planning area to North River Village.
18 We're not confused by this. We understand what
19 they're trying to accomplish. No matter how the
20 numbers are manipulated, the end result is more
21 density for us, and we strongly object to that.

22 We know why people move to the Alva
23 planning area. They move there because they
24 want to live in a rural setting. They like the
25 open spaces. They like the pastures, the

1 fields, the meadows, the orange groves. What we
2 would like to have happen is for Bonita Bay to
3 follow the Lee Plan for density, apply the Alva
4 standards for development, and design a project
5 that truly fits into the rural setting.

6 He know these are bad economic times and
7 the house market crashed, but my understanding
8 of history tells me that those who are bold and
9 creative enough to design a new product that
10 generates a new market, will be the ones that
11 best survives the bad times.

12 We want them to develop a unique
13 development that truly fits our standards for
14 the rural area. We ask you to support us in
15 this effort. Thank you.

16 MR. COCHRAN: Thank you. Rob Andrys.

17 MR. ANDRYS: For the record, my name is Rob
18 Andrys and I'm past president of Alva, Inc., and
19 one of the founding members of it. I'm an
20 architect and planner myself.

21 We got together to create a plan at the
22 urgency of our then county commissioner, Mr.
23 Albion, who said you've got to do something,
24 you've got to do something. Okay, where do we
25 do it. Your boundary of your Alva planning goes

1 all the way to 31. Well, okay, that's what we
2 were charged with and that's what we did. So we
3 defined a vision of how growth, i.e., more
4 people, more cars, more congestion, should occur
5 in our rural area. So that's an attempt at
6 smart growth.

7 The emphasis was keeping the region rural,
8 and our vision of rural is to define centers of
9 existing population that is surrounded by
10 agricultural and native wild lands, i.e., you
11 leave the city and drive into the country, not a
12 continuous bunch of homes, nor is it a patchwork
13 of Serengeti's.

14 Because of Serengeti we have pushed forward
15 our new community standards that is going to be
16 before you -- was put in last year, so it's
17 going to be in front of you very soon.

18 Rural is low density. And within our plan
19 we're -- we have very strong language of
20 anti-sprawl and keeping that edge, not
21 leapfrogging. We've looked for balanced growth,
22 preserving natural systems, wildlife corridors,
23 habitats, agricultural.

24 We recognize the importance that Lee County
25 has placed on our region with the exceptional

1 amount of county-owned parks in our area, the
2 new state park of Babcock, the hundreds of acres
3 of 20/20 land, the DRGR land. So we see it as
4 our duty to preserve and enhance the investment
5 by the people of Lee County by keeping Alva
6 rural and open to the public.

7 Our plan asks for stewardship of land to
8 minimize impacts on historic flow ways, wildlife
9 corridors, keeping development away from the
10 streams, not allowing developments in the flood
11 planes to be filled and raised, causing flooding
12 elsewhere.

13 We've asked in our standards for
14 development that green development be employed
15 in green homes, and we're currently going to be
16 handing in, I guess today, our new standards for
17 the urban core of Alva. The commercial area
18 that you're going to see, the Alva River
19 Village.

20 So this is precedent setting, in that, we
21 allow the additional density, the next bunch of
22 developments and they are -- already come in
23 front of us and said we want to do another Cape
24 Coral here, and then here and then here and
25 here.

1 We're already dealing with one to one, and
2 they're not listening. Mr. Stout was here
3 earlier, that's a guy that won't listen, and so
4 he did whatever he did, and says, well, if you
5 don't like it, we've got our lawyer here, and he
6 just told us what's going to happen and we
7 better like it.

8 We're trying to defend our rural area, and
9 I couldn't agree more with Bonita Bay is doing
10 here, it's just that the density is all I object
11 to.

12 MR. COCHRAN: Thank you very much. Nancy
13 Rogers.

14 MS. ROGERS: Thank you. I'm Nancy Rogers
15 and I live in Alva, and I would like to say that
16 I agree with what staff says here, that the
17 proposed design of the North River Village will
18 create residential densities that require the
19 installation of potable water and sanitary sewer
20 service.

21 Unless these services are provided on site,
22 this will require that potable water and
23 sanitary sewer lines be extended to the subject
24 property. This is urban sprawl.

25 Although the development may be compact and

1 contiguous, the site as a whole is remote and
2 not well-integrated with surrounding areas. The
3 site is cut off on the south side by the
4 Caloosahatchee River. To the north and west are
5 state and county roads that act as barriers to
6 integration with abutting lands.

7 In addition, lands to the east and west of
8 the subject property is designated as rural.
9 The land to the north across County Road 78 is
10 in the density reduction ground water resource
11 future land use category.

12 Neither of these future land use categories
13 would permit development intensities or
14 residential density similar to that proposed for
15 the North River Village.

16 I would like to say one other note with the
17 gentleman that you had spoke about there's
18 different ways to skin a cat, and I understand
19 what you're trying to say, however, those of us
20 that live out in the country, we're the cat.

21 MR. COCHRAN: Denise Houck.

22 MS. HOUCK: Hi, my name is Denise Houck,
23 and I'm a life-long resident of Lee County and a
24 resident of Alva for the last the last 12 years.
25 My husband and I chose Alva over Estero because

1 we did not want to live in that type of
2 community. We wanted to live in the country.
3 Our neighborhood is located about five miles
4 east of the North River Village property. And
5 when talking to my neighbors, they expressed the
6 same concerns that we do over the increased
7 traffic and the change in the character of our
8 area.

9 Yeah, I know development is inevitable, but
10 increasing density in that area is something
11 that I cannot agree with. More people is more
12 people, is the bottom line. And, no, we don't
13 necessarily want one house on each acre, but we
14 would like you to hold to what's allowed on the
15 property that you purchased.

16 And, yes, downtown Fort Myers is just as
17 close to that property as downtown Alva is, but
18 a traffic jam in downtown Fort Myers doesn't
19 effect me like a traffic jam on State Road 31
20 will, and over the years I've seen an increase
21 in traffic already without a major development
22 going in, and now we'll be sharing it with more
23 cars.

24 When the building boom kicks back in, we'll
25 have dump trucks to contend with as well. It

1 will be Alico Road all over in North Lee County,
2 except there won't be a drawbridge to contend
3 with that we'll have that Alico Road did not.

4 The proponents of this plan will argue that
5 there will be no precedent set here, but all the
6 other arguments I've heard today from other
7 developments will all say the same thing, just
8 down the street they have this.

9 And considering the Verandah in Fort Myers,
10 their point of contention already, the next
11 developers will add North River Village to their
12 arguments.

13 As far as downtown Fort Myers being closer
14 to North River Village than Alva is,
15 geographically this may be true, but
16 aesthetically, psychologically, environmentally,
17 they are a great distance apart. Thank you.

18 MR. COCHRAN: Thank you. BJ Gerald.

19 MS. GERALD: Good afternoon. My name is BJ
20 Gerald. My husband and I have been residents
21 and land owners in Alva since 1982. We will
22 live there forever, that's because we love the
23 rural character of our community.

24 We lived across the road from the proposed
25 North River Village on North River Road for 19

1 years. This beautiful, old-style Florida cattle
2 ranch, now the proposed North River Village,
3 should have been conservation land in my
4 opinion, not a mega development. Changing the
5 designation of North River Village from rural
6 use to an urban category will set a precedent
7 and could be catastrophic for the rural
8 community of Alva.

9 This proposal does promote urban sprawl.
10 The density increase will greatly impact the
11 already threatened rural character of North
12 River Road, and further impact the often
13 neglected wildlife that call that ranch home.

14 The Lee Plan and the Alva Community Plan
15 should be at least the minimum standard for
16 Alva. Please do not promote this density
17 increase. Alva does not need to be another
18 Estero or Bonita Springs.

19 I'm an active member of Alva, Inc., and the
20 vice president. I felt it was a necessity to
21 become part of this community organization,
22 because it is, as residents, our responsibility
23 to help form the future of our backyard.

24 And today I am very bothered by Bonita Bay
25 segregating Alva from the North Olga area.

1 We're all Alva. This development encompasses
2 the North Olga, Duke Highway area all the way
3 west to State Road 31. And I don't have any
4 objection to the development of North River
5 Village, it is spectacular and they have worked
6 with us, but I just have -- I just oppose the
7 density increase. Thank you.

8 MR. COCHRAN: Thank you. Bill Byrus.

9 MR. BYRUS: My name is Bill Byrus. I've
10 owned property in Olga for 40 years. I was born
11 and raised here in South Florida, and my concern
12 is for the quality of life that I've seen
13 deteriorate since I was born here, and it's a
14 continuing situation and I'd like to put a stop
15 to it some way.

16 I think Bonita Bay has done an excellent
17 job in the developments that they've done in the
18 past, and I think that they've got a good plan,
19 but I'm opposed to the density. They can do a
20 plan and have fewer people out there, which
21 creates more and more problems and contribute to
22 our deterioration of our lifestyle.

23 For that reason I'm opposed to it, but I
24 think they're a good company and they are the
25 company that can put a proposal together.

1 MR. COCHRAN: Thank you. Carl Veaux.

2 MR. VEAUX: Mainly a lot of what you've
3 heard is what I wanted to say, but I would like
4 to disrespectfully (sic) disagree with the
5 gentleman from Bonita Bay's company saying that
6 he has met with all the environmental groups.

7 I belong to the Sierra Club. I belong to
8 the Audubon Society. I belong to the south --
9 oh, what is it -- the Responsible Growth
10 Management Coalition. They have not talked to
11 us.

12 I respectfully disagree that around the
13 Civic Center that's built out. It's not built
14 out there. These's horse ranches and farms,
15 small farms. This goes for Babcock and Lee
16 County; County Commissioners don't want any
17 building in Lee County, and I respect them for
18 that, but they said, "Oh, it will be there." I
19 hope it's not.

20 And I looked up rural in the dictionary and
21 it says without community. Period. That's what
22 I'm here for. We don't need a community out
23 there. We need the fields. We need the
24 pastures for the wildlife. And just as Ruby
25 said, she saw a deer pass through there. When I

1 was working on Babcock Ranch, I talked to a
2 person that says he drives 78 daily, and he saw
3 more rogue elk there than anywhere else he's
4 ever seen. You're taking away the wildlife. I
5 speak for the wildlife. I hate to see it
6 destroyed.

7 I speak for the people of Alva who all
8 signed the petition. I'm talking here for
9 Connie Dennis. Connie Dennis is a teacher in
10 Alva. She's lived there 18 years. She is a
11 premier teacher out there and she couldn't make
12 it because she had to work. She's concerned
13 mainly with the traffic on 31, and not being a
14 rural area to live.

15 And the last thing I have is from the
16 president or the chair of the Caloosa Group.
17 This is from Ellen Peterson. Ellen Peterson you
18 know opened up Fish Eating Creek, and was
19 responsible for keeping that co-plan out of
20 Glades County. She is the premier Sierra Club
21 member and has received many awards for this.

22 And she says briefly, Caloosa Group of the
23 Sierra Club has asked the development of the
24 concept of this community development be
25 rebuffed strongly. I know it's weakly by the

1 staff, but she think it needs to be recommended
2 very strongly that we do not accept this.

3 Though we have not had sufficient time to
4 review this thoroughly, there is enough of the
5 following type of requirement that we reinforce
6 the belief this intensive type of development is
7 appropriate for the edges -- is not appropriate
8 for the edges of the waterways, which are
9 significantly endangered presently.

10 Flow ways will be restored if they are
11 found to be insignificant, or be of significant
12 value. How meaningless can one get. Thank you
13 for your time.

14 MR. COCHRAN: Thank you. Steven Brown.

15 MR. BROWN: Good afternoon. Steven Brown
16 representing the Conservancy of Southwest
17 Florida, and our 6,000 members in Southwest
18 Florida.

19 I would like to say that the Conservancy
20 supports staff's recommendation that the
21 commission not transmit this proposed amendment.
22 We've seen Bonita Bay in the past do projects
23 that are of stellar quality, and it's
24 particularly troublesome to see this project
25 coming forward because it represents such a

1 diametrically opposed approach. Bonita Bay,
2 what they're proposing here is to develop a
3 property at approximately 250 percent of the
4 allowable residential density, as well as
5 creating a new urban center in the Alva
6 community.

7 The Conservancy has repeatedly met with
8 representatives of Bonita Bay and requested a
9 detailing of the factors that necessitate this
10 density increase, and to-date have received no
11 information at all, except to say that they
12 believe that it's necessary to make the project
13 financially viable.

14 Bonita Bay purchased this property with a
15 full knowledge of the allowable density and
16 development potential. It may be that Bonita
17 Bay has simply wagered on their ability to
18 convince the commission to increase the profit
19 potential of their investment, and that absent
20 that approval, they may simply have made a bad
21 business investment here.

22 The Alva community planning effort should
23 not be sacrificed to bail out this applicant in
24 that endeavor. The Alva community has been
25 working diligently for the past several years,

1 because I've been working with them, personally,
2 for the past two years that I've been with the
3 Conservancy, on the development of their
4 community plan, and as Ruby pointed out, made
5 some significant strides toward that.

6 We've recently completed a rural village,
7 mixed use overlay district recommendation that
8 the community will be submitting for approval,
9 which will set some guidelines for how the urban
10 service area of Alva will be developed, and it
11 doesn't turn us back on development, but
12 embraces it, and decides where that will occur,
13 where intense residential will occur, where
14 commercial development will occur.

15 When faced with opposition to their plan,
16 unfortunately, Bonita Bay took the cynical
17 approach of attempting to drive a wedge between
18 two groups in this community, and you'll
19 probably hear more about that today; that's
20 unfortunate, but it's a reality.

21 This proposal is not adjacent to Alva
22 community, it is a part of Alva community. The
23 issue is not that the urban uses, as Mr. DeLisi
24 pointed out, will spread to downtown Alva, but
25 that it is not necessary. Given the effort the

1 Alva community has expended to carefully plan
2 for urban uses, focussed in the downtown Alva
3 area, this proposal will detract from the
4 realization of that plan.

5 And I would just close by saying that the
6 Conservancy supports self-determination of
7 communities. We work hard to try to assist
8 these communities with a strong sense of their
9 character and concern for their futures.

10 Specifically, we believe that the Alva
11 community is deserving of better development in
12 their community and development that
13 acknowledges and support the Alva Community
14 Plan, and we recommend that this body vote to
15 recommend to the commissioners that they not
16 transmit this amendment to DCA, and I thank you
17 again for your indulgence.

18 MR. INGE: Mr. Brown, just a second before
19 you leave. One statement you made causes me a
20 little bit of puzzlement. You said this is
21 diametrically opposed to anything else you
22 thought Bonita Bay had done, and some of the
23 things I saw earlier about the creek trail, and
24 improving that; obviously eliminates well and
25 septic in one unit per acre subdivision, open

1 space, sublift, I would think that some of those
2 things would be issues that the Conservancy
3 would find acceptable?

4 MR. BROWN: Indeed they are.

5 MR. INGE: I'm puzzled by your comments
6 there.

7 MR. BROWN: Well, let me clarify that.
8 Maybe I can help you with that. We do not
9 oppose that and we do think that those aspects
10 of the proposal are to be commended. The
11 difficulty we have is with their being developed
12 at that density in this area, and you'll hear a
13 lot of other people talk to you about the kinds
14 of problems that that creates for the community.

15 And my charge with the Conservancy is to
16 work with communities to engage in the growth
17 management process and smart growth, and when we
18 have a community that's gone to this length to
19 try and to shape the character of their
20 community, and then this kind of a proposal
21 comes along that flies in the face of that,
22 that's something that we oppose.

23 MR. INGE: So --

24 MR. BROWN: We don't oppose what they've
25 done in the past, and we don't oppose

1 necessarily the things that they propose to do
2 with protecting the creeks, with providing
3 access to the public; those are all fine, but we
4 think that they can be done, given the density
5 that they are allowed on that property.

6 MR. INGE: Thank you for clarifying that,
7 so what I gather is that a lot of environmental
8 benefits are, or not a lot, but you're certainly
9 happy with those, but it's the density that's
10 your main issue?

11 MR. BROWN: Absolutely.

12 MR. INGE: Okay.

13 MR. ANDRESS: And where did you get the 250
14 percent; the property is entitled to one unit
15 per acre, it's approximately 250 --

16 MR. BROWN: There are wetlands on that
17 property, and I think Bonita will tell you
18 they're entitled to roughly 997 units, given the
19 constraints of the wetlands on the property and
20 flood planes, and what they're asking for is
21 roughly 250 percent of what they're entitled to.

22 MR. ANDRESS: Thanks.

23 MR. COCHRAN: Thank you. Mr. James
24 English, Junior. Mr. English.

25 MR. BROWN: Thank you.

1 MR. COCHRAN: Thank you. Mr. English.

2 MR. NOBLE: I figured it at about 1,000.

3 MR. INGE: I'm glad you asked that. I
4 forgot about the wetlands.

5 MR. ENGLISH: Thank you, Mr. Chairman and
6 ladies and gentleman. For the record, I'm James
7 English from Alva. My mailing address is 17631
8 North River Road, Alva, 33920. My family has
9 been here for a long time, and we haven't spent
10 a whole lot of time opposing development.

11 My grandfather on my mother's -- my great
12 grandfather on my grandmother's side came to
13 Fort Myers in 1872, and my grandfather, Owen
14 English, came to the Alva area by box cart in
15 1875. I saw the 1870 census for this area one
16 time. It was taken by a man that lived on
17 Sanibel Island.

18 He took a census of Lee County, Hendry
19 County, Collier County and that part of Monroe
20 County down as far as Marathon in the Keys, and
21 he counted 107 people. So we've, over the
22 years, we've welcomed a lot of folks to this
23 area. It isn't my purpose to be here today to
24 unwelcome anybody.

25 But I did note that staff made no mention

1 whatsoever of surface water management problems
2 that impact this project. Bonita Bay is getting
3 ready to put in a development up there
4 consisting, as I understand it, of 55,000 people
5 on 1,700 acres -- or 17,000 acres, excuse me.

6 All that land is in the Caloosahatchee
7 River Valley, the Caloosahatchee watershed, now
8 all that water comes off that community has to
9 flow to the Caloosahatchee River, and quite
10 frankly it will, and there isn't adequate
11 provision being made to get that water there. I
12 know they put in for a permit for their utility
13 site, and they've since withdrawn it.

14 Well, if that's all the time I got, I might
15 as well not wasted my time coming down here, but
16 let me say this: There's a lot of surface water
17 that's coming down through there, and it's not
18 being handled in accordance with the South
19 Florida Water Management District's permitting
20 criteria.

21 And my request here to you this morning, if
22 I'm going to have to quit now, is that you
23 comply with the staff recommendation that you
24 not allow this, and that when you consider it
25 again, I'll be back to say a little more.

1 MR. INGE: Just a question for you, sir.
2 Don't leave yet, Mr. English. So your concern
3 is, at least based on the comments you've been
4 able to mention, the storm water flows from
5 Babcock, I think maybe you said Bonita Bay, but
6 you meant Babcock earlier and this North River
7 Village Project combined; is that what your
8 primary concern is?

9 MR. ENGLISH: What you're going to create
10 is the same situation you got down here south of
11 town now, where they're down there wanting to
12 put five, 60-inch culverts under Highway 78
13 under 75 to run the water out off of these lands
14 on the east side that wasn't properly provided
15 for in the beginning, and all they want to do is
16 put these culverts under the road.

17 They don't want to make any provision for
18 the water to get from the west end of the
19 culvert to get to the Gulf of Mexico. It can
20 just run down through there, run through
21 people's houses, through their carports, front
22 yards, whatever.

23 They don't care, and that's exactly what's
24 going to happen here, and I know you'll probably
25 have some people get up behind me here and take

1 exception to what I've said, but I'm telling you
2 the truth. And if this is the kind of
3 development you're going to allow out there,
4 we've been in agriculture on the same piece of
5 ground, my family has, for over 130 years. I'm
6 the fourth generation in my family and I've got
7 children and grandchildren, but if you're going
8 to allow this, in due time, and due time won't
9 take very long, you're not going to have any
10 more farm fields and cow pastures and orange
11 groves out there, because as an economic matter,
12 we're not going to be able to exist.

13 We're going to have to leave. If we want
14 to continue in agriculture, we're going to have
15 to go somewhere else to do it. I appreciate you
16 some consideration to some of the rest of us.
17 Thank you very much.

18 MR. COCHRAN: Jim Mathisen.

19 MR. MATHISEN: Good afternoon. My name is
20 Jim Mathisen. I live in Alva. I've been down
21 here in Florida for about 30 years. I worked
22 with the Coast Guard on water pollution all over
23 the state as an investigator.

24 I live on the Caloosahatchee River and my
25 main concern is what's going on with that river,

1 and I know we can't stop what the other 23
2 municipalities up the line are from central
3 Florida down here (inaudible) dumping all their
4 water on us, but I think we can control the
5 water in our jurisdiction of Lee County.

6 And what I'm saying by that, I don't think
7 on the Caloosahatchee we need another marina.
8 Another marina with 2,500 people in there, if
9 everybody had a boat, it's going to look like 41
10 on rush hour.

11 The problem is right now the river is
12 dying, seriously dying. I lived on it for less
13 than three years, just about three years now,
14 and I've -- my alligators have left, they're
15 gone. The birds are slowly disappearing. The
16 fish are dying.

17 The bottom of it now is full of algae.
18 We're going to get algae blooms eventually from
19 it, and if we keep putting more and more
20 developments on it, and more and more marinas
21 are going to chase the wildlife away. The
22 manatees are coming on the other side of the
23 lock just to stay away from another marina.

24 You got three marinas coming in down there.
25 Let's look at it. You got Sweetwater, which

1 Bonita already owns. You've got Steamboat
2 coming in there and you got Marina Jacks. Add
3 another 500 boats on that marina and we got
4 trouble.

5 This is our life blood, this river, because
6 this river goes to Sanibel, Captiva, Fort Myers
7 Beach, and we depend on those folks for our
8 development money, taxes, tourists, and the
9 Germans don't like to come here and see the dead
10 fish on the beach, and I know every once in a
11 while I see green and blue stuff, but you know
12 what the nice thing is about it? I don't see it
13 once they open the locks because they flush it
14 all down to Sanibel.

15 We're killing it. We're killing the river.
16 We don't need another marina, please. Yes, sir,
17 any questions? That's all.

18 MR. COCHRAN: Thank you very much. Janet
19 Tripp.

20 MR. TRIPP: Good afternoon. My name is
21 Janet Tripp. I live in Fort Myers Shores, one
22 of the sprawl areas that's there. It was built
23 back in the 70's, maybe even 60's and 50's, and
24 I guess maybe at that time people didn't realize
25 what would happen. I'm very lucky because I

1 happen to live on Santiago Avenue and I am the
2 third lot from the river. And as I look over I
3 see that beautiful Williams Island.

4 I was not made aware or notified about the
5 building height or anything on Williams Island.
6 I don't know. I was aware of the comprehensive
7 land use change plan, but I was not aware of the
8 building height. Maybe if things progress, I
9 will become more aware of it. I don't know.

10 I will start now with I agree with the
11 staff's proposal. I belong to the Fort Myers
12 Civic Association, and the East Lee County
13 Council. I have been a member of the planning
14 committee for approximately five years on the
15 east Lee County Council, and have been heavily
16 involved with the Caloosa Plan, and the
17 neighboring plans.

18 Alva County Commission has a vision to
19 include the residents of Lee County in
20 formulating their desires for smart growth
21 within their communities. A large amount of
22 taxpayers' dollars was spent to include the
23 voice of the communities within the plan.

24 I personally know because I happen to be
25 the treasurer when we did our last plan or

1 agreement to the Caloosa Plan, so I mean we were
2 very careful. Many meetings were held, everyone
3 had the opportunity to voice their opinion and
4 eventually the plans were written and presented
5 to the county staff. Some were approved, we
6 have other ones that have been sitting in there
7 for a while.

8 Alva's plan is known throughout the area,
9 and their effort to maintain the rural character
10 is heavily supported, most people agree on it.
11 Bonita Bay was well-aware of the density issue
12 within the Alva Plan, prior to purchasing the
13 North River Village parcel.

14 By conforming to Alva's plan they have the
15 opportunity to build approximately 987 dwelling
16 units on that parcel. The Alva plan should be
17 upheld.

18 The Caloosa Plan which includes various
19 communities and abuts Alva's plan, limits
20 building heights to three stories or 45 feet,
21 whichever is lower. Bonita Bay is requesting a
22 building height up to 85 feet.

23 I can't believe that they would even
24 request that. This is against our plans.
25 Please take this into consideration when you

1 vote. When Bonita Bay purchased the Verandah
2 and the Verandah site, the zoning at the time --
3 and let me just stop for a minute. Bonita Bay
4 has been a joy to our community. I cannot say
5 anything against Verandah, and I've heard
6 nothing but good things about many of their
7 communities. So I want to just make sure you
8 understand that. I'm talking about this
9 comprehensive land use plan.

10 When they purchased the Verandah site, the
11 zoning at that time was suburban, one to six
12 units per acre. Bonita Bay opted to build their
13 development at one unit per acre with two golf
14 courses located within the community -- located
15 within their community.

16 The request of the zoning changed to
17 out-lying suburban, the one they're requesting
18 now of one to two units per acre, in order to
19 transfer density right from Verandah to North
20 Village is outlandish. Verandah was suburban
21 density and North River Village is rural.

22 Please vote against this request. Please
23 reject the comprehensive land use plan. Thank
24 you very much.

25 MR. COCHRAN: Thank you, ma'am. Warren

1 Bleckley?

2 AUDIENCE MEMBER: He had to leave.

3 MR. COCHRAN: Ed Kimball.

4 MR. KIMBALL: Good morning. My name is Ed
5 Kimball. I'm here today as the president of
6 East Lee County Council. I would like to make a
7 note up front that I'm little concerned about
8 having received on Saturday morning the staff
9 response to these land use changes. We had no
10 opportunity over the weekend to study this.

11 There is something really wrong with the
12 process where there is no amount of business
13 days available to the community to study these
14 things between the time that the plan is
15 published and this hearing. It concerns me very
16 much.

17 I will say our organization has
18 communities. It has five community plans
19 involved, four of which have external rural
20 lands. Three of the community plans, Bayshore,
21 Buckingham and Caloosahatchee Shores amendment,
22 have pass the LPA process with your approval,
23 and contains the following language: Community
24 plan goal to retain its rural character and
25 rural land use where it exists.

1 Therefore, no land use map amendment to
2 remaining rural lands will be permitted unless a
3 finding of overriding public necessity is made
4 by three members of the Board of County
5 Commissioners.

6 The Alva Plan somewhere on your near term
7 calendar, has, as one of its policies, the
8 proposed development will utilize existing
9 density or less if allowed for the subject
10 parcel by the Lee County Land Use Map and plan.

11 Alva's image as a rural community is
12 well-known to county residents and businesses
13 alike. When the area residents wish to show
14 their guests old Florida, they drive them
15 through Alva. It should be afforded the same
16 degree of consideration as the aforementioned
17 communities.

18 We would agree with the staff
19 recommendation not to forward these three land
20 use change proposals, Verandah from suburban to
21 out-lying suburban, outer islands to inner
22 islands, and the subject rural to North River
23 Village.

24 I find it strange that Bonita Bay has a
25 different level of interpretation of what the

1 community views as rural and what they view as
2 rural. I also find it strange that they don't
3 think our allocation tables are right, and
4 they've got experts to tell you that it should
5 be something to increase the size of their
6 project.

7 I see little mention about a recent FEMA
8 study for the high flood hazard study that was
9 produced in the last quarter. I don't know what
10 the impact of that is in the community. And
11 their ability to increase the density to north
12 river land use change proposal, is a direct jump
13 from rural to, at a minimum. Central urban, for
14 there is where we find building heights of 85
15 feet. I would recommend that you reject the
16 proposal of the land use changes. Thank you.

17 MR. COCHRAN: Thank you very much.

18 MR. KIMBALL: By the way, as an aside, I
19 asked the folks in the community to sign a
20 petition for those who would oppose it. Now I
21 don't live in Alva, I live in Fort Myers Shores.
22 I've got a list of 313 signatures here to
23 support the contention that this is not a good
24 plan. You want this?

25 MR. COCHRAN: Yes, please give it to Paul.

1 Karen Kamener.

2 MS. KAMENER: Hi, I'm Karen Kamener, and I
3 live in the middle of the DRGR, 660 feet from
4 the Charlotte County line between Route 31 and
5 75, and I've lived there for 24 years, and I've
6 got a lot of stuff to cover, but I'll try to do
7 it quickly.

8 First, I want to read from the Florida
9 statutes, 570.70. It says a thriving rural
10 economy with a strong agriculture -- well,
11 legislature finds and declares that a thriving
12 rural economy with a strong agricultural base,
13 healthy natural environment and viable rural
14 communities is an essential part of Florida.

15 Rural areas also include the largest
16 remaining ecosystems, and best examples of
17 remaining wildlife habitats, as well as a major
18 -- I mean, a majority of privately-owned and
19 land targeted by local, state and federal
20 agencies for natural restoration protection --
21 resource protection.

22 I'm shaking like a leaf so I'm not reading
23 very well. Okay. Then if you go to 163.3246,
24 again, of the Florida statutes, it says number
25 12, assure protection of key natural areas and

1 agricultural lands that are identified using
2 state and local inventories of natural areas.
3 Key natural areas include but are not limited to
4 -- and I'm just going to focus on one --
5 significant surface waters and springs, aquatic
6 preserves, wetlands and outstanding Florida
7 waters.

8 I've been learning about all of this and
9 reading water management permits applications.
10 I filed a petition for administrative hearing
11 against Babcock. I've learned quite a lot over
12 the past two years, and what I'd like to focus
13 on is on this piece of property there's a rather
14 large floodway, which according to the FEMA
15 material, you're not allowed to build there.
16 They restrict putting fill in them.

17 Based on past lack of enforcement and
18 mismanagement of the Bayshore area, and how
19 they've allowed various people to pump or put up
20 berms and so and so on, my concern is -- because
21 we had a meeting with Babcock, and they said
22 that they're going to run the sheet flow under
23 31, dig a canal down the east side of 31 and
24 dump it into Owl Creek, and Mr. English told me,
25 he said his engineer just read the information

1 that just came out, and they're going to put 75
2 percent of their water into Trout Creek. So my
3 concern is -- I did call FEMA, and I asked them
4 how -- because Bonita Bay wants to do an LOMR,
5 which is letter of map^{M.N.} revision.

6 Anyway, it says in here they that do small
7 areas. I talked to the girl probably about half
8 an hour, 45 minutes, trying to find out
9 information about how this process takes place,
10 because when you compare -- I've got the FEMA
11 flood map with me if you want to see it, when
12 you compare that flood way where building is not
13 supposed to take place, and then you compare it
14 with the plan for the community, there's going
15 to be a significant reduction.

16 And I think until everyone, whether it's
17 Water Management, Babcock, Bonita Bay, until
18 they decide what to do with this water, I think
19 we need to rethink what we're doing here.

20 And I've got 18 inches of water on my
21 property since -- between 10 and 18 inches.
22 Four acres are wet. I have waterfront property
23 technically. When I left today there was seven
24 wood storks up by front gate. I've got an
25 alligator in the front pond and an alligator in

1 the back pond, they're only about two or three
2 feet. But, again, I would like to see some
3 thought put into this, and again when you think
4 of society, a lot of things are done by opinion,
5 and my opinion is one unit per acre is not
6 rural. One unit on five acres is cutting it
7 close. And my opinion of rural is you don't
8 see, hear, or smell your nearest neighbor.
9 Thank you very much.

10 MR. COCHRAN: Matt Smith.

11 MR. SMITH: Good afternoon. For the
12 record, my name is Matt Smith. I'm the
13 president of the Concerned Citizens of Bayshore
14 Community. We're a 5013C nonprofit civic
15 association for the Bayshore area.

16 The Bayshore area is approximately 2,300
17 homes on about 19 square miles to the west of
18 the Alva community. Our common border with the
19 Alva community is State Road 31. Now I take
20 issue with the statements with the applicant
21 that we are built out at 2,300 homes on 19
22 square miles.

23 We are a very low density rural area, as is
24 the Alva community. Make no mistake about it.
25 This is sprawl. This is an urban area proposed

1 for a very low density area, and it is not
2 something that I believe is good public policy.
3 I think as leaders in our community, we have to
4 be concerned with issues not only for our local
5 community but our nation, and let's face it,
6 leapfrog development and sprawl such as this,
7 makes it difficult to arrange for cost efficient
8 public transportation, and makes an inefficient
9 use of our expensive and scarce energy
10 resources.

11 Lee County has many communities with
12 different characteristics to choose from. This
13 diversity of choice is a great benefit and asset
14 to our county. I submit that it's good public
15 policy to maintain this diversity by respecting
16 the existing characters of our communities.

17 And the constant efforts by Bonita Bay and
18 other developers to homogenize our county, does
19 a great disservice to this county. Ordinary
20 citizens, like myself, rely on the Lee County
21 Comp. Plan to guide us in our choice of
22 lifestyle.

23 Virtually everyone in the Bayshore
24 community lives there because we desire and
25 value a rural lifestyle. We have a reasonable

1 expectation that the land use plan will protect
2 our communities from those who want to change to
3 a more urban environment. Now I would mention
4 in passing that the applicant again said they
5 had contacted and worked with many people in the
6 area.

7 They did not contact our organization, that
8 is adjacent to their community, proposed
9 community. They did, however, contact somebody
10 that was an urban area far to the west of us, so
11 they leapfrogged over us to talk to some more
12 urban areas, and left us out of the picture
13 completely.

14 It's inherently unfair and unjust to allow
15 one property owner to arbitrarily change the
16 character of the community to the detriment of
17 its neighbors. These changes due to land
18 development, of course, can take many forms.
19 Including but not limited to increased traffic,
20 increased noise, increased light pollution,
21 increased water quality, increased flooding and
22 increased taxes.

23 We're asking that you recommend against any
24 increases in density in any areas that are
25 currently considered and classified as rural or

1 low density. There are those that believe they
2 have a right to profit from the urbanizing in
3 commercial rural areas. You see this all around
4 the county.

5 I don't believe that a land owner has the
6 right to arbitrarily change the existing
7 comprehensive land plan just because there's
8 potential profit to be made. It must be
9 recognized that this profit comes at the expense
10 that they bring residents. Neighbors are not
11 compensated for these losses. We feel this land
12 use change is considered a taking by the
13 developer.

14 Again, on behalf of the Bayshore community,
15 I ask that there be no change in the comp. plan
16 that allows this increase in density in the
17 proposed North River Village. Thank you very
18 much.

19 MR. COCHRAN: Thank you. William Fields.

20 MR. FIELDS: Thank you. Well, I live on
21 Olga Road. I'm William Fields and I live on
22 Duke Highway, right behind the project. I'm
23 probably one of the people most highly affected
24 by the project. Coming up my driveway I have to
25 look at the project day in and day out.

1 When I got up this morning, I woke up this
2 morning about 5:30 because my grandson is
3 staying there and he wakes me up then. The
4 first thing I do every morning, I go riding down
5 the road and feed the donkeys, and this morning
6 we seen a possum. We seen a raccoon. We seen
7 cardinals. We seen a blue jay. We have an owl
8 every morning that flies directly over my head
9 and lets us know he's there. A lot of this will
10 disappear with this.

11 We moved there 10 years ago. We bought it
12 15 years ago because stumbled on the piece. We
13 thought it was just magical. It was beautiful
14 out there. It was stunning. We lived in Cape
15 Coral. We always hated Cape Coral, not a little
16 bit, I mean, we really hated Cape Coral. It's a
17 nice enough place, but it just didn't have the
18 feel. And we got out there and we just fell in
19 love with this place. We love our life there.

20 And you gotta get my wife off my back. She
21 gets up every morning and yells at me like
22 it's my fault they're putting in 2,500 houses,
23 25 (sic) residents. She's distraught over it.
24 I'm not real happy.

25 The watershed problem that goes on and on.

1 It seems to me that there was an election not
2 too long ago, Republican primary, I think it's
3 called where Sellinger was supported and heavily
4 financed by Bonita Bay and other developers, and
5 Frank Mann was going against him, and it seemed
6 everyone in our area thought it was really an
7 election about North River properties, because
8 Sellinger was going to support it, and Frank
9 Mann was going to support against it.

10 Well, 3 to 1 it was gone against by the
11 people of Alva. I mean, that alone shows what
12 the people of Alva thought, and it's all about
13 density. It's all about density. It's all
14 about traffic increase.

15 Urban sprawl is a funny word, you know.
16 How you can use -- what was I thinking -- how
17 you can use the word increase in density and
18 smart growth in the same sentence is just mind
19 boggling for me, and somehow it's been perceived
20 as this. Anyway those are my thoughts, and I
21 thank you for your time on this.

22 MR. COCHRAN: Thank you very much. Betty
23 Warden.

24 MS. WARDEN: Hi. My name is Betty Warden
25 and I live in Alva. I live next door on Terrell

1 Road next door to where they're building, and
2 I'm just listening to everything and I agree
3 with everything that has been said.

4 I have seen the river go from being able to
5 catch off of my dock red fish and snook, to
6 cashing gar. I've seen turkey walking down my
7 road, and deer crossing the highway and gopher
8 turtles crossing the highway to no more.

9 I don't know where they've gone, you know,
10 and it's like, okay, what's going on? You know,
11 I still see turkeys out in the fields and things
12 like that, but that will be gone to. So I am
13 against an increase out there because it is a
14 beautiful area and it's part of Fort Myers that
15 needs to be kept beautiful.

16 And I do think Bonita Bay is a great
17 builder and they're doing a great job of trying
18 to do this, but I don't understand why when they
19 went into this project, and they knew exactly
20 how many houses they could build, why are they
21 trying to increase it? Did they go into it
22 knowing that they could come here and increase
23 it? Is that why they did it?

24 I mean, now they say they can't build this
25 if they can't get the increase. Well, why did

1 they buy originally? My mother told me to count
2 all the costs before I purchased something. Why
3 didn't they count all the costs before they
4 purchased it? And that's just what I had to
5 say.

6 MR. COCHRAN: Thank you very much. Melinda
7 Brown.

8 MS. BROWN: Hi. I, too, have lived in Alva
9 my entire life, and have chosen to raise my
10 children in Alva and plan on being there for a
11 very long time, and things like this -- when I
12 was growing up, I've lived in the same home my
13 entire life. When I was growing up, my mom used
14 to say to me, "This isn't always going to be
15 this way. One day you'll probably see a
16 subdivisions in this area." I was little. I
17 was scared to death of subdivisions. I didn't
18 know what they were.

19 And you know, I still -- it's a shame to
20 say that I'm still scared of subdivisions on
21 this level because the area I've chosen to live,
22 I've chosen to raise my family, and maybe my
23 kids will want to raise theirs, is rural Alva,
24 and they said they want to create a community.

25 I don't think you can create a community

1 like the community we have in rural Alva
2 already, where people have lived there their
3 entire lives. They plan on living there with
4 their kids, and their kids, and I just don't
5 think that you can create that with today's
6 money and today's builders, and the type of
7 amenities that they propose.

8 I think that comes with something deeper,
9 and it's the type of life that we live in Alva,
10 and I just really hope that it stays that way,
11 and with increased density I see increased --
12 with 2,500 homes I see 5,000 cars.

13 My kids, it's so wonderful to let them ride
14 their bikes down the road and not worry about
15 them so much, but with what they bring to the
16 neighborhood, and what they bring to the area,
17 it makes you feel like you just don't have that
18 sense of security that you had -- that we've had
19 and I've had my entire life. I just hope that
20 they put a lot of thought into this before they
21 make the decision. Thank you.

22 MR. COCHRAN: Okay. Ellen Erickson.

23 MS. ERICKSON: Hi, I'm Ellen Erickson.
24 I've been a resident of East Lee County since
25 1972. We moved to Alva three years ago for the

1 rural lifestyle. I think Bonita Bay is a great
2 developer. My opposition is the density. All
3 of us who buy property know what the density is.
4 We do not try to double and triple density.
5 They know what they bought, and I think it
6 should be held to the one home per acre.

7 If you'll look just for a second to the two
8 photos I've looked at for five hours behind you,
9 and the awe factor. This is awe factor we have
10 in Alva and we don't want to lose that.

11 And when they said they're mid-way between
12 Fort Myers and Alva, on the map they are, but
13 they're worlds apart. We all moved there for
14 the same reason, or most of us did. The wall
15 they talked about, the green wall on the map is
16 not a green wall that divides us. It's a green
17 wall that keeps us together. We love our parks
18 and green area out there and all the wildlife.

19 The density would increase the traffic
20 tremendously, and I know the platter. They're
21 adding things to the platter. The platter gets
22 heavier and heavier. They'll do this and
23 they'll do that, but it will ruin our area.
24 Please make them keep the density to one home
25 per area. Thank you very much.

1 MR. COCHRAN: Thank you. Frank Musco.

2 MR. MUSCO: My name is Frank Musco and I
3 live at the corner of North Olga Drive and Duke
4 Highway. I'm going to make it short and sweet.
5 There's been a lot of conversation, a lot of
6 thoughts, a lot of opinions. The only opinion
7 that I have is that the increased density is
8 going to increase traffic, and with traffic
9 there will be problems along with other things
10 that will come that way.

11 I have a concern also about the water and
12 the river because I do live on the river. I've
13 been out in Alva now about 15 years, been in Lee
14 County for almost 30, so I hope that Bonita Bay
15 listens to what they're hearing. They're a good
16 company. They develop well, but in this
17 particular case, my main objection is the
18 increase in density. Thank you.

19 MR. COCHRAN: Thank you. Jim Green.

20 MR. GREEN: Good afternoon. My name is Jim
21 Green. I live in Alva, and I have property
22 about a quarter mile east of North Olga Road.
23 I'm a realtor and developer, and while I depend
24 on growth for my livelihood, I believe growth
25 must be balanced with not destroying the quality

1 of life. I've been active in East Lee County
2 planning for over ten years. I welcomed Kitty
3 Green and Verandah when they came, and I
4 believed that was a great thing for East Lee
5 County.

6 I'd also like to point out that the LPA and
7 the Board of County Commissioners and your
8 predecessors, in my opinion, have made the right
9 calls on East Lee County and we thank you for
10 that. You've helped us maintain our quality of
11 life and preserve our rural character, and I
12 hope that you will see fit to continue to do the
13 same.

14 I commend the staff on their thorough and
15 professional analysis of the proposal and their
16 wisdom and courage to call a spade a spade.
17 Urban sprawl is urban sprawl. They left
18 unspoken this morning, if you have a chance to
19 go through the written word that they provided,
20 you'll see other very succinct comments that I
21 agree with, and I believe are very pertinent.

22 Their proposal is inconsistent with the
23 surrounding area. The approval would be
24 precedent setting for conversion of more rural
25 lands to urban, and I might also add it might be

1 precedent setting for permitting more urban
2 sprawl in other areas of Lee County. There is
3 no demonstratable need for new urban areas, and
4 the property is in one of the last truly rural
5 areas of Lee County.

6 You've heard many speakers stating their
7 opposition to the proposed amendments,
8 coinciding with staff's written recommendations;
9 the Alva community, many North Olga residents,
10 East Lee County Council, the Concerned Citizens
11 of Bayshore, the Conservancy of Southwest
12 Florida, the Responsible Growth Management
13 Coalition, the Sierra Club.

14 I'd like to acknowledge Bonita Bay's
15 history of offering quality development, and I
16 think you've heard from everybody here, nobody
17 -- everybody believes Bonita Bay is a quality
18 organization that builds a good product. The
19 problem is it's in the wrong place. It's just
20 in the wrong place.

21 Why are we here? What's before us? In my
22 opinion this is not an entitlement issue. It's
23 not a property right. It's a gift. It's a gift
24 to Bonita Bay Group, paid for at the expense of
25 the residents of East Lee County. I recommend

1 the staff endorse -- excuse me -- I recommend
2 the LPA endorse the staff's recommendation not
3 to transmit the proposal.

4 If it is transmitted, I would add or
5 request that you add to the conditions maximum
6 allowable density as were currently planned, and
7 building heights as currently planned, and my
8 remaining 10 seconds I'll present a scientific
9 test to prove North River Village is in fact
10 urban sprawl.

11 Mr. DeLisi has helped me structure this
12 with some background work. This is a scientific
13 testing field in which I have significant
14 experience, although I do not wish to be
15 established as an expert today. The hypothesis
16 for the test is as follows: One can ascertain
17 the true nature of an object by observing the
18 object's readily identifiable traits.

19 This test is sometimes used to counter
20 abstruse arguments by developers that something
21 is not what it appears to be. The scientific
22 name is the duck test. If it looks like urban
23 sprawl, sounds like urban sprawl, the staff
24 experts say it's urban sprawl, it probably is
25 urban sprawl. Thank you.

1 MR. COCHRAN: Richard Durling.

2 AUDIENCE MEMBER: He was here earlier but
3 left.

4 MR. COCHRAN: Tom Mulling.

5 MR. MULLING: Mulling.

6 MR. COCHRAN: Mulling.

7 MR. MULLING: Good afternoon. I'm Tom
8 Mulling and I've lived in North Olga for 28
9 years, been a resident of Lee County for 50
10 years. I am current president of the North Olga
11 Community Association. We feel that there's a
12 difference between Olga and Alva.

13 We've worked on our history, both towns are
14 established about the same time along the river
15 as a waterway to get all the produce,
16 vegetables, lumber and cattle back into Fort
17 Myers to be shipped.

18 We lost our bridge when they widened the
19 river and deepened it during the cold war of the
20 50's. When they put the cross state barge canal
21 in to get the goods from the Atlantic to Gulf of
22 Mexico quicker, that kind of separated North
23 Olga and South Olga. We are very much
24 interested in the history, character, the safety
25 of our community.

1 We feel it's a beautiful place, and we want
2 to enhance it. So far in our community we have
3 adopted seven miles of State Road 78 that we
4 keep cleaned up. We also are now putting in
5 crime watch in our area.

6 We, our organization is open to every --
7 anyone that wants to join and the people that
8 has joined in our meeting. We whole-heartedly
9 endorse this Bonita Bay North River Village. We
10 think it will be an extension to our community.

11 Our community for the last few years, all
12 the houses and homes that's been built in our
13 area has been from the \$400,000 to over \$1
14 million homes. One of the reasons that we
15 formed the North Olga Association was we needed
16 some vast improvements in our road system.

17 We had been stymied for over ten years
18 trying to get some road work done. Finally we
19 was able to break through the red tape and the
20 politics and get the road work completed. The
21 gentleman talked about the marina, didn't need
22 anymore marinas on the river.

23 Owl Creek has been a marina for many, many
24 years, been a boat works and a marina and a boat
25 storage place. Bonita Bay will enhance that

1 marina. One of the things that is proposed is
2 to take the damn out of Owl Creek. Years ago
3 there was a weir or damn, or whatever you want
4 to call it, put in Owl Creek so they could have
5 a fresh water storage space; that's all going to
6 be taken out and the creek is going to be put
7 back to its natural area.

8 North Olga is nine miles from Alva, and
9 nine miles is from here to Daniels Road
10 basically; that's how far we're separated, and
11 we feel that we should have a voice in our
12 community. We love our community.

13 And my last note, about two weeks ago it
14 was mine and my wife's 50th wedding anniversary,
15 took her out to dinner. I drove 47 miles round
16 trip to get to an upscale restaurant. It cost
17 me just about as much in gas as it did for
18 dinner.

19 Now, with the new approach that Bonita Bay
20 has to this development where they're going to
21 open all the public amenities to the public,
22 upscale restaurant and marina and all the shops
23 and everything, again, we whole-heartedly, 100
24 percent of the North Olga Community Association,
25 we back this thing and encourage you to approve

1 it. Thank you very much. Any questions?

2 MR. COCHRAN: No. Cheryl Quillen.

3 MS. QUILLEN: Hello. My name is Cheryl
4 Quillen, myself and my husband live in Alva.
5 We're approximately two miles east of the Alva
6 middle school. I would like to quickly as
7 possible, go over the past history that brought
8 me in front of you today, possibly give you some
9 insight on why today's decision is so important
10 for all of us, especially the folks of East Lee
11 County.

12 As I mentioned we live in Alva. It's our
13 homestead, and we also own other properties in
14 Lee County. We are very committed to Lee
15 County, and during 2001 to 2006, we had over 350
16 employees in Lee and Collier County annually --
17 residents annually.

18 We currently employ just over 200
19 residents. With that large of a deduction, it
20 has caused us great certain and pushed us to get
21 involved to somehow make a difference.
22 Previously to this point in 25 years of small
23 business, we never got involved, or had to get
24 involved, in county politics. It's been
25 frustrating, somewhat interesting, but being

1 politically correct was never my strong point,
2 and I have personally had my struggles with
3 this, so I'd appreciate it if you will bear with
4 me.

5 I feel I have to be involved because I owe
6 it to the employees that haven't left Lee
7 County, or as we unfortunately call it, ground
8 zero. My husband and I are proud members of the
9 North Olga Association, Alva Inc., Alva Middle
10 School and Bishop Vero PTO, East Lee County
11 Business Council and Lee County Public Issues
12 Committee.

13 This is taking quite a bit of our time, but
14 as we know, there's a lot at stake. My husband
15 and I have attended several of the meetings with
16 neighbors and other concerned folks from the
17 area.

18 When it was officially announced, my
19 husband and I were very excited that Bonita Bay
20 was going to be developing in our area because
21 we know of Bonita Bay's excellent reputation and
22 the commitment to the area in which they build,
23 and their national recognition for the
24 environment.

25 This was the first time that we actually

1 had a chance to be involved with them prior to
2 starting a project. Once we had the chance to
3 meet with them, they didn't disappoint us with
4 their commitment to our neighborhood, the
5 quality of their project, their sincere concern
6 on what issue items that were important to us as
7 residents.

8 Equally important were the fact that there
9 were actual homes being built in their
10 communities and may provide us with some
11 desperately needed work for our employees.

12 After these meetings they actually revised
13 their plans several times, different times, to
14 address all of the issues that the community
15 have brought up. We have yet to hear the word
16 no come from anyone representing Bonita Bay
17 Group when being ask if there was something else
18 the community and its residents envisioned.

19 We have never been involved with a
20 developer that was so concerned about what the
21 residents wanted. It was completely refreshing
22 and quite frankly unprecedented. I would like
23 to share with you some examples that were
24 brought up that Bonita Bay has incorporated in
25 their plan: The public access to the river and

1 its amenities. First time ever for a Bonita Bay
2 job, an equestrian trail, wildlife corridor, no
3 significant berms or massive gates as seen in
4 Naples, enhanced fire protection, new growth,
5 actual living growth and the use of existing
6 creeks for kayaking, protecting, improving our
7 most cherished asset, the Caloosahatchee River.

8 When the Duke Highway residents who wanted
9 to see the fronts of homes across the road
10 rather than pool cages, Bonita Bay modified that
11 particular section of the division. When the
12 president, Ruby, requested that green homes be
13 built with the Florida green standard building,
14 they did it without hesitation.

15 When the residents along 78 asked them to
16 create setbacks on North River Road to preserve
17 rural character of the area signature road, they
18 again immediately changed their plan to
19 accommodate those folks.

20 All of us residents have been given the
21 opportunity to make an impact on this community,
22 to have their say. We're thankful and proud
23 that Bonita Bay has allowed us this opportunity
24 to actually contribute to their plan. We really
25 feel we have made an impact in our contribution

1 for the North River Village. We believe that
2 together as people of this area working with
3 Bonita Bay that we have set a standard for our
4 area, a standard that's long overdue and very
5 much needed.

6 The comp. plan amendment that is before you
7 today is the result of a three-year process, and
8 throughout that time, Bonita Bay Group went well
9 above and beyond to listen to the residents for
10 suggestions, and they applied those wishes into
11 their plan.

12 Bonita Bay River Village has everything
13 that our community desperately needs. They are
14 a financial, stable developer. They have
15 guaranteed to maintain a rural character and
16 beauty of our area. They'll create much needed
17 jobs, and has the community participation. A
18 developer that has a proven track record
19 locally, and last but not least, they are
20 committed to the neighborhood and its neighbors.

21 As a property owner of Lee County, I am
22 requesting that you approve the comp. plan
23 amendment including North River Village. In
24 regards to Mr. Smith stating that Bonita Bay has
25 not made themselves available to them or has not

1 attended their meeting, I would like say in the
2 past year I have personally e-mailed the
3 Bayshore Group with the current members and
4 phoned them without success. So I find it very
5 hard to believe that Bonita Bay has not made the
6 same attempt that I have. Thank you.

7 MR. COCHRAN: Thank you.

8 MR. LOVELAND: I need to make a quick
9 announcement. There is a white suburban in the
10 parking lot, license plate EN48S, with its
11 lights on. Thank you.

12 MR. COCHRAN: Thank you. We needed that
13 break anyway. Dennis Van Roekel.

14 AUDIENCE MEMBER: He's gone.

15 MR. COCHRAN: Glenn Cary.

16 MR. CARY: My name is Glenn Cary. My
17 family has lived in the Olga area for two years
18 short of 100 years. They first settled in South
19 Olga and moved across the river around 1920, but
20 what I want to talk to you today about is the
21 history of North Olga.

22 Through 90 percent of this discussion
23 everybody's referring to Alva. Well, Alva never
24 has been part of North Olga, or Olga at all.
25 There were two separate communities established

1 in the 1880's. Alva was established first, Olga
2 second. Alva got the first bridge across the
3 Caloosahatchee River, and the second bridge was
4 put in in Olga. Then in the 1950s when the
5 dredging came along, they took that bridge out
6 and opened the Wilson Puckett Bridge and that
7 created North Olga. Before that north and South
8 Olga communities were basically one in the same.

9 In North Olga over the years we've had four
10 different schools in that area. We've had
11 churches, we've had libraries. On the south
12 side they've had three schools in that area; had
13 nothing to do with Alva whatsoever. We've
14 always been Olga and always will be Olga.

15 I won't bore you with a lot of history
16 today, but back in the old days, if you wanted
17 to get to Fort Myers from Punta Gorda, there
18 were no bridges across the river, no way to get
19 south. So you'd get on a horse and buggy or a
20 stage coach, or if you were lucky enough to have
21 an automobile, you could come down to Punta
22 Gorda on the rail, get in the vehicle that you
23 were using, go to Bermont station, which is the
24 north edge of Babcock Ranch, and come down 31
25 and hit the river, go through North Olga to Alva

1 across the road, came back down and went around
2 Buckingham back into Fort Myers. That was the
3 only way to get into Fort Myers. When North
4 Olga got their bridge, that saved about 15 miles
5 of travel going to Alva and coming back to get
6 into Fort Myers.

7 Like I say we've had schools there. We've
8 had schools for the colored people, as well as
9 white people. There's a long, long history of
10 that area, all of the little small communities
11 of Caloosa, Old Juanita, Realto, Idalia and Olga
12 were all landings where people would bring their
13 produce and their oranges to put onto the boats
14 to be shipped over to come into Fort Myers, to
15 either go to Key West or up to Tampa for the
16 market. Yes, sir?

17 MR. COCHRAN: One minute.

18 MR. CARY: One minute. Thank you very
19 much. I appreciate it.

20 MR. COCHRAN: No, go ahead.

21 MR. INGE: You have a minute left.

22 MR. CARY: I know I had a minute.

23 MR. INGE: No, you have a minute left to
24 go.

25 MR. COCHRAN: One more to go.

1 MR. CARY: I understand that, but I don't
2 have anymore to say.

3 MR. INGE: We were learning about the
4 history, so it's kind of worth listening to you.

5 MR. CARY: Well, I'll give you a two-hour
6 discussion.

7 MR. COCHRAN: No, that's all right. Are
8 you for or against the proposal?

9 MR. CARY: I'm for it.

10 MR. INGE: That's what I thought.

11 MR. COCHRAN: Cheri Mulling.

12 MS. MULLING: Hi, my name is Cheri Mulling,
13 and as Mr. Cary and Mr. English, my family has
14 been a lifetime resident of Fort Myers. My
15 grandfather has a historical site on McGregor
16 Boulevard, as he ran Slater's sawmill when it
17 was in North Fort Myers.

18 I don't know how many times my aunt has
19 told us that Thomas Edison gave her her diploma
20 when she graduated from high school. Therefore,
21 we've sign a lot of changes in Fort Myers from
22 way back. I have been a resident of North Olga
23 for 26 years, and I also live on Duke Highway.

24 I have seen a lot of changes and a lot of
25 good things and a lot of bad things. I have

1 seen our little area grow from what we had,
2 what, maybe ten houses to we have, what, maybe
3 25 houses now, and you know that was sad for me,
4 because I lived out there for so long and then
5 everybody else came out and they've all built
6 also.

7 The thing is, I still see gophers in my
8 yard. I still see alligators. Otters run
9 across my back pasture, and I really think that
10 the Bonita Bay Group will do a great job with
11 their development. As far as septic tanks and
12 wells that's a problem that really bothers me.
13 I wish that you would propose that they could
14 bring in sewer and water.

15 As you know, I don't know if you read in
16 the newspaper that Mediterranean (sic)
17 development actually developed a way to conserve
18 water. They have -- they water their lawns
19 through satellite, and the lawns only are
20 watered when they need to, and if they don't
21 need to, the water doesn't come on.

22 I figured if they did that in one
23 community, they would be able to do it into
24 another community, and if they decided, then why
25 not the North River Village? And I just know

1 there's a lot of, I don't know, a lot of things
2 have been said, and I know that we have our
3 groups in the North Olga Association, which I'm
4 a member of, and we don't -- there is really not
5 a wedge between the two groups, as was said
6 earlier, we only developed the group in order
7 for us to be able to have a decision as to what
8 goes in our area, as to what goes into, say, my
9 backyard.

10 I am actually the one that, like Bill and
11 others who are here have to live there, so I
12 figured that if I have to live in an area and
13 somebody wants to develop it, might as well be
14 Bonita Bay. So what I'm trying to propose to
15 you, I guess, is to urge you to approve this
16 project, and that's all I have to say.

17 MR. COCHRAN: Thank you.

18 MS. MULLING: Thank you.

19 MR. COCHRAN: Frank Jenkins.

20 MR. JENKINS: Hi, I'm Frank Jenkins, past
21 president -- past, past president three times,
22 of the Lee Building Industry Association, and
23 I'm the president of Harborside Custom Homes.
24 I'm here today to support Bonita Bay Group, the
25 developer that has supported me and my family,

1 as well as thousands of people in this community
2 they've supported. I've been a builder in many
3 of the Bonita Bay communities for the past
4 decade. I can testify that they have
5 consistently done an outstanding job with
6 environmental responsibility, attention to
7 detail, and creating an exceptional quality of
8 life for the residents and the communities they
9 serve.

10 They have received local, national and
11 international awards, as you've heard, for
12 setting new standards, and North River Village
13 will once again raise the bar with green
14 building, which I'm a green builder as well; a
15 clean marina and wildlife corridors, which I can
16 testify I've been -- like I said I built a lot
17 of their communities.

18 I go in and I see deer, alligator. I've
19 seen quails walking across the street. You're
20 not going to lose the wildlife, actually they'll
21 be protected, so, low impact water management
22 techniques and much, much more.

23 I ask that you please approve the North
24 River Village, and a little side note, if
25 anybody wants to know about the quality of

1 water, just drive up the Moore Haven right now
2 and look at the water coming out of the damn
3 right now; that's where the water quality issues
4 lay.

5 MR. ANDRESS: What part of Lee County do
6 you live in?

7 MR. JENKINS: I live off of Daniels on two
8 and-a-half acres. I actually bought out there
9 knowing that two developments were going to come
10 in, one right across the street and one down the
11 road, and it actually enhanced my property.

12 MR. ANDRESS: How do you balance the needs
13 and wants of the community against such a large
14 increase in density proposed? Any ideas about
15 that, how to be fair to that community and still
16 put over double the density that's already
17 approved for that area?

18 MR. JENKINS: Just the way they're
19 proposing to do the development and bring in all
20 the -- open it up to the public and so forth.
21 Like I say, I have a development right across
22 the street from me, with high density Piseo, the
23 people that I actually bought it from, they
24 moved out of there, knowing that was going to
25 come. It didn't bother me. I bought two

1 and-a-half acres. I'm a country boy myself.
2 I'm from Kentucky, but to move on, I wanted that
3 country setting, but I knew that was going to be
4 across the street from me. It doesn't bother me
5 one bit. I've got my own little piece of
6 paradise, and, yes, somebody can build in my
7 backyard, but you know what, I'll build a hedge
8 if I have to. I don't know if that answered
9 your question?

10 MR. ANDRESS: I didn't mean to put you on
11 the spot.

12 MR. JENKINS: No, that's okay.

13 MR. ANDRESS: But that's what we're trying
14 to balance here.

15 MR. JENKINS: Right.

16 MR. ANDRESS: Thank you.

17 MR. COCHRAN: Debra Van Roekel.

18 MS. VAN ROEKEL: My name is Debra Van
19 Roekel and I live on North Olga Drive. I've
20 lived there for 30 years. My husband and I are
21 both veterinarians, so we're used to the rural
22 atmosphere and we love it out there.

23 Unfortunately right now I think what should
24 drive us, as well as the whole country, is the
25 economics of this. We need jobs in this area.

1 Even my own client base is leaving me, so I hope
2 that with that development there's going to be
3 more jobs and more clients for me to keep me in
4 business because mine are leaving right along
5 with everybody else.

6 And I certainly welcome the fact that
7 there's going to be shopping and there's going
8 to restaurants very close to me. My husband and
9 I were talking about this today, you know,
10 everybody complains about the traffic. Of
11 course we travel 80 lots because our business is
12 large animal veterinarians, and we really, since
13 that development has come about, have not
14 noticed any increase in traffic.

15 Another thing I think, as I'm sure
16 everybody in the Alva/Olga community is very
17 thrilled, to have the new Publix and the shops
18 that are at the Verandah, so I personally are in
19 favor of having this development in my area.

20 MR. COCHRAN: Thank you. Dennis Pearlman.

21 MR. PEARLMAN: Good afternoon, or early
22 evening. I would like to echo on some of the
23 comments made by the citizens here today, even
24 the ones that are opposed to the plan, regarding
25 the integrity of Bonita Bay, and the process

1 that they went through to talk about this comp.
2 plan amendment. My name is Dennis Pearlman.
3 I've lived in Lee County for 15 years, along
4 with my wife. We're raising three young boys;
5 13, 11 and 7; and 10 of those I spent as the
6 executive director for then state attorney Joe
7 D'Allesandro, so I had the opportunity to see
8 our county grow in Lee, Charlotte, Collier,
9 Hendry and Glades.

10 For the past five years I've worked as
11 president for a local employee benefits company,
12 so I've seen the impact of that growth on our
13 local businesses. Because of that private,
14 public blend of experience that I have, I was
15 invited to participate in the community process
16 regarding North River Village, a process that I
17 understand had over 300 other citizens involved
18 in it, and took upwards of three years to seek a
19 shared vision and solicitation of our ideas for
20 our shared community.

21 It gave me pause to come here, and for
22 several reasons why I felt compelled to address
23 this panel today. First, I appreciate the fact
24 that Bonita Bay is a local company with many of
25 its employees living and working in the

1 communities that they create. Local people,
2 local commitment, local acceptance of the
3 responsibilities of building consensus with
4 neighbors. So, in other words, in my opinion
5 doing the right thing for our community. And I
6 think that's been echoed here several times
7 today.

8 Second, in the case where I mentioned I'm
9 raising three boys, there's dwindling access to
10 our creeks and rivers. The fact that they're
11 going to have public access and facilities
12 enabling someone like myself, who currently does
13 not live in that community, to access to this
14 beautiful part of that county is exciting for
15 me.

16 And third I mentioned local people with a
17 local commitment. If we look at other Bonita
18 Bay communities, you look at the jobs they've
19 created, tax base they support, and the
20 consensus building that they foster, I believe
21 that history tells me that they'll deliver on
22 the promises.

23 And as a prime example of that collaborated
24 effort, look at their original and legacy
25 community Bonita Bay. They are still involved

1 in that community over 20 years later, so I
2 would ask that you would consider approving the
3 amendment to the comp. plan. Thank you.

4 MR. COCHRAN: Thank you. R.J. Cloinski?

5 AUDIENCE MEMBER: Not here.

6 MR. COCHRAN: Not here. Bob Barber?

7 AUDIENCE MEMBER: He left.

8 MR. COCHRAN: Rob Cary -- Robbi.

9 MS. CARY: Hi. I'm Robbi Cary, and I live
10 out in Alva and I am also with the North Olga
11 Association. I feel like this is a fairly
12 complicated issue. Our -- I wrestle with this
13 decision, and the issue that's before us myself.
14 Our group has wrestled with the issue over and
15 over again, and a couple things that I would
16 like to point out are, we talk about it being a
17 rural area, and it is right now.

18 Unfortunately, most of the farmers and
19 ranchers have already been driven out from the
20 area, and those that are still there are biding
21 their time until they leave.

22 Ideally it would be great if we could have
23 developers come in and do what we're talking
24 about of, you know, sticking by the one unit per
25 one acre, and -- but then still setting aside

1 environmental lands and having public access,
2 but developers don't do that. And one of the
3 issues that keeps coming out before our group
4 that we continue to talk about is -- and I'm
5 going to read from my statement.

6 We've had developers coming out our way
7 mainly from out of state. They scrape the land,
8 they put in their plots, their homes, and they
9 leave. The developers meet the current density
10 requirement, which I wish it wasn't one unit per
11 one acre, but they meet those current density
12 requirements but then they don't benefit our
13 area in any way. They come in, strip the land,
14 sell to other investors, not necessarily home
15 owners who are just out for the personal gain.

16 One development out our way sold out in one
17 weekend and they were having a party to
18 celebrate their financial windfall. Shortly
19 after that, the development now sits almost
20 barren, having been cleared and cut into the
21 approved one-acre parcels.

22 Bonita Bay is to us what we call a neighbor
23 developer. They put down roots in their
24 communities that they build. They ask for and
25 seek input from area residents. They provide

1 ongoing, positive support. I don't understand
2 all the economics of what it is they want to do.
3 If they're talking about bringing in water and
4 sewer, my brain tells me that's probably a good
5 idea at this point.

6 We've had other people get up here earlier
7 in the day that said their communities are still
8 waiting 40 years to get water and sewer, and
9 Bonita Bay is offering to bring that in.
10 They're offering to clear out the creek to make
11 the environmental enjoyable, so that we can
12 actually enjoy the amenities, the marina, the
13 river.

14 So it's a tough issue, I can't believe -- I
15 never in my life thought I would be speaking for
16 a developer. My mom's probably rolling over in
17 her grave right now, but I like Bonita Bay, and
18 I don't -- those other developments, they
19 haven't done anything for us, and I know that
20 Bonita Bay will. Thank you.

21 MR. COCHRAN: Thank you. Joseph Sterlacci.

22 MR. STERLACCI: My name is Joe Sterlacci.
23 I live on Duke Highway. I've -- one of the --
24 I'd like to take this from an economic
25 perspective, some of the things I've heard

1 today. We have a local developer who invests
2 probably over the next three to five years, \$100
3 million in our community to do the
4 infrastructure. We talk about \$20 million,
5 approximately, these numbers are in impact fees.

6 I heard one of the engineers say \$23
7 million for transportation fees. Add valorem
8 taxes of \$40 million, create 3,000 jobs at a
9 time when Collier County -- I'm sorry -- Lee
10 County has probably lost 20,000 people, because
11 most of the subcontractors that I've used in the
12 past have all moved to the Carolinas or Alabama
13 or Mississippi to find work. It's a matter of
14 economics.

15 Now Mr. Andress asked the question about
16 how do they justify -- how could we possibly
17 justify the two and-a-half times density. Well,
18 if you want water and sewer, if you want the
19 roads repaired or increased, if you want all
20 these advantages, they have to have some, some,
21 bonus in my opinion.

22 To penalize them -- they stay in projects
23 for 20, 25 years. The last thing in the world I
24 want to see is them get involved in a project
25 and not have it be financially viable for them.

1 I want them to make money. I want them to be
2 successful, because they, in turn, will provide
3 the things for us. We talk about forming a
4 river institute, talking about doing things to
5 improve the area, clean out the creeks, possibly
6 a location for some community services there,
7 public access.

8 The very thing -- the very thing that the
9 municipality is charged with providing, they're
10 doing. I mean, they're providing a lot of
11 advantages to the community, to the public. A
12 lot of -- they're privately owned. They bring
13 jobs.

14 They're going to keep 50 percent of it in
15 open space. You'll drive along 78, you will not
16 be able to probably even see the project, so all
17 the rural character concerns have been met. I
18 vote in favor. I'd appreciate if you would vote
19 in favor of the 2,500 units.

20 The other thing I'd like to say is most of
21 the opposition that you've heard today, with the
22 exception of just a couple of people, don't even
23 live in our area. They live nine miles away.
24 They live on the south side of the river. They
25 live in other areas, and they're being very

1 vocal about what should be done. When I pick up
2 my newspaper, I look, like, Bill, I look exactly
3 at this project. When I asked them to rearrange
4 those buildings there so I'd have a buffer, a
5 road, and then frontage of houses equivalent to
6 mine, they accommodated me in a heartbeat.
7 They've accommodated everyone that's had a
8 concern.

9 Because of that level of cooperation, and
10 you heard Mr. Noble say it earlier, the level of
11 cooperation he's gotten from them, if you don't
12 approve this, I don't see how you can approve
13 any development that comes in front of you that
14 brings these kinds of advantages to the
15 community. I encourage you to vote for it.
16 Thank you.

17 MR. COCHRAN: Guile Anderson.

18 (No response.)

19 MR. COCHRAN: Larry Nisbet.

20 MR. NISBET: Good evening -- yeah, good
21 afternoon.

22 MR. COCHRAN: Whatever.

23 MR. NISBET: I pity you. I'm actually here
24 just for two aspects. I won't take much of your
25 time. One of my fire commissioners asked me to

1 bring a letter to the commission here to -- for
2 the review of his personal views in the project,
3 and I told him I would do so.

4 The other aspect is I just want to let you
5 know on a public safety aspect the North River
6 Village Project lies completely within the
7 Bayshore fire district. The Bonita Bay
8 community, as well as the staff of Lee County,
9 have met with us, have identified those needs,
10 and Bonita Bay community has identified
11 proactive steps, including to the point of
12 location of a fire station on Highway 31, if the
13 project would progress, but both -- we're
14 committed to working with both sides on whatever
15 needs to be done to protect our community as a
16 whole.

17 MR. COCHRAN: Thank you.

18 MR. INGE: You have that letter? Pass it
19 up.

20 MR. COCHRAN: Andy Tilton.

21 MR. TILTON: Good afternoon. Andy Tilton,
22 for the record. I live at 18810 Serenova Court,
23 and some might ask, well, where is that? I have
24 an Alva zip code. I have an East Fort Myers
25 phone number and I live on the north side of the

1 river. I live in North Olga. Some people's
2 definition of neighbor can be different than
3 other people's definition. My south property
4 line is one of the north property lines of this
5 project, so I think I qualify as a neighbor.

6 I'm a lifelong resident of Lee County. I'm
7 a short time resident of North Olga. I only
8 moved out there in '91, so I've only been there
9 a little while.

10 When I moved out there, there was a
11 discussion of -- some of you on the group
12 probably remember there was a discussion of a
13 beltway around Lee County, 78 was a part of that
14 beltway. So I went to the far end of the
15 street, and I saw there was some trees there,
16 and I knew there was vacant land all around it.
17 Vacant land rarely stays vacant.

18 I said I'm going to leave my house up near
19 the road and leave the trees in behind it so I
20 have a buffer. When I heard that Bonita Bay was
21 going to purchase this property and develop on
22 it, I couldn't have been happier, because I've
23 watched what they've done as far as development,
24 clustering their development. They're putting
25 an additional buffer behind the subdivision that

1 I live in, which is North River Oaks. I don't
2 know of any other developer that I've worked
3 with that's had the quality that they have.
4 It's the only developer I've worked with in the
5 last 30 years of working here in Lee County that
6 has their sales staff learn about the water
7 management system, so they can explain it to the
8 people buying the property.

9 I've worked for a lot of people in this
10 place. They are the first and the only client
11 that's ever done that. I look forward to having
12 them as a good neighbor. Thanks.

13 MR. COCHRAN: Kelly Green.

14 MS. GREEN: I'm sorry. Thank you.
15 Chairman, board members. Again my name is Kelly
16 Green, and I am a resident of Alva. I live in
17 the Alva zip code, and I believe I am your
18 neighbor, if not immediate --

19 MR. INGE: We can't hear you.

20 MS. GREEN: I would like to just very
21 quickly hand these out to you. When I met my
22 husband he -- the first thing he did, he took me
23 dancing and then he took me out to see his
24 tractor.

25 MR. COCHRAN: Sounds like a perfect date.

1 MS. GREEN: The second date we had, the
2 second date we had, he took me to the Whiteman
3 House, which we wound up moving from its
4 location at Hickey Creek to another location in
5 Alva to preserve it from being destroyed by the
6 developer that had purchased the land at the
7 site.

8 And the third date, my husband took me on a
9 drive along 78, and we wound up buying our
10 property in Alva for a homesite. We bought some
11 investment property on the other side, and,
12 again, we are preserving Alva as we understand
13 the rural community, and the charm, and the
14 character, by this investment where we live, you
15 know, and I think that it's just really
16 important to support the communities.

17 You know, nobody -- I think Bonita Bay is a
18 wonderful developer. When I was a kid going to
19 Bonita Springs Middle back in the 70's -- I
20 guess it was the early 80's, when they were
21 first starting the Bonita Bay project.

22 You know, we used to see it every day. I
23 didn't know what it was then. I know what it's
24 become. I know what the group is capable of,
25 but at that time I think it was Gary Anderson,

1 who was the CEO and president in '87, he was
2 interviewed and he said the reason that project
3 was a success was because we didn't force the
4 plan into the environment.

5 And I think that's really important to
6 recognize that Bonita Bay can accomplish great
7 things along 78 and 31, but I am absolutely
8 opposed to the density increase, and I wish that
9 you would consider that in embracing staff
10 recommendations. Thank you.

11 MR. COCHRAN: Thank you. Frank Mann.

12 MR. MANN: Thank you, Mr. Chairman,
13 honorable members. Thank you for taking your
14 time. You guys don't get paid time and-a-half
15 for this, and it's been a long day for you.

16 I appreciate all the Alva neighbors on both
17 sides who have given up virtually their entire
18 day to come here. I'm speaking not as an
19 elected official, but there's no way I can
20 separate that role, I suppose, and my honorable
21 council seated over here says, Frank, I wish you
22 wouldn't speak at a county commissioner, so,
23 frankly, I don't have to.

24 I live on North River Road actually on
25 Brenfield Lane, but that fronts 300 feet on

1 North River Road. This is my home and my
2 neighborhood, too, since 1996. I was born in
3 Lee County and have been here all my life. My
4 property actually was shown when you guys were
5 doing the -- your presentation and showing
6 Serengeti as the good/bad example. My property
7 is very -- is adjacent to that on the east side.

8 I want to first echo, I have to, at the
9 risk of taking a little extra time, echo what
10 I've heard said about Bonita Bay, and I have met
11 with Kitty Green, and their top staff level, and
12 I have told them the same thing I've heard
13 today, if you're going to have somebody develop
14 next door to you, you can't pick anybody better,
15 and they have a track record to show it, and
16 thank you for what you have done for Lee County.
17 Yes.

18 Well, I'm not here for that all that, we
19 don't even allow that downtown, as you know, you
20 get in trouble for it.

21 I also want to say if you're picking
22 neighbors, you can't pick anybody better than
23 Glenn Cary, whose has been here a lot longer
24 than I have, played football at Fort Myers High
25 School, and his family members. On just about

1 every Wednesday night, you will find Glenn Cary
2 down at the Baptist Church in a joint
3 get-together with the Methodist and
4 Presbyterians on a Wednesday night. I used to
5 be down there on a regular basis myself, until a
6 political campaign came along.

7 There are no finer neighbors then the folks
8 here that find themselves -- one minute left?
9 All right. Let me say it in case I forget to
10 say it, I'm against this project. Now having
11 said that and tried to make love to everybody,
12 make everybody happy, you can't when you're on a
13 situation like this.

14 I want to speak on a couple of items that
15 came out in the presentation, one has to do with
16 the water and the sewers. I'm glad they're
17 suggesting they're going to use water and sewer
18 and they should take advantage of it. North
19 Fort Myers utilities is right across the street
20 on State Road 31 and available to them, and it
21 would be foolish not to take advantage of that.

22 And my guess is that if you tried to permit
23 even 1,000 homes at one unit on wells and septic
24 tanks, the state health department is probably
25 not going to permit that anyway, so I really

1 don't think it's fair to waive that fear flag,
2 that if we don't this, the next crummy developer
3 is going to come in here and put nothing but
4 these homes that you see all over Lee County.

5 Nobody is going to try to develop that in
6 that way. It's not going to happen. They're
7 going to use the more appropriate way rather
8 than put septic tanks along the Caloosahatchee
9 at a 1,000 a pack.

10 And, Dan, I've done a lot of play acting in
11 my career, but yours was the best I've ever
12 seen. When you said we're going to -- our rural
13 regulations -- or road rule regulations are that
14 whatever we do in our development company can't
15 be any worse off than what we have today.

16 Well, if we put 2,500 units out there, that
17 equates to 5,000 cars, and my smart growth
18 people tell me that equates to probably around,
19 7,000 trips per day, and if you can tell me that
20 7,000 trips is no worse off today at the 31
21 intersection, then my hat is off to you, Dan;
22 that was wonderful. And you said it with a
23 straight face; that's why I was so impressed. I
24 couldn't have done that.

25 Lee County has a build out today of

1 1,400,000 people, and Lehigh Acres, we can put
2 another 100,000, they're already vested, the
3 owners out there, the same thing, 100,000,
4 150,000 in Cape Coral. We don't have much rural
5 land left. The largest single area is what
6 we're talking about right here.

7 When I was in the legislature in a previous
8 life, we asked -- we passed a law that says
9 counties have a comprehensive plan about what
10 you're going to do in the future, so that you
11 don't wreck what you have down there, and we now
12 have a comprehensive plan, and it calls for
13 large areas where it was still possible to
14 maintain them as rural in character, and that's
15 what we have and it's one of the last ones we're
16 about to destroy.

17 These wonderful people do work hard at
18 this. They make a living at it. We make a life
19 out of where we are, not a living, and we're
20 saying why have a comprehensive plan if you're
21 going to ignore it? Why have this fine,
22 hard-working group, if ya'll are going to ignore
23 the comprehensive plan?

24 It's a tough decision, I know, but these
25 are real live people out here that live in the

1 rural and they protect it, and they care about
2 it, and they want it for their grandchildren
3 too. I wouldn't take your job if it paid.
4 Thank you.

5 MR. MCNAMARA: There's a couple more people
6 back here that would like to speak.

7 MR. COCHRAN: Bring your cards.

8 MR. MCNAMARA: My name is Kevin McNamara,
9 and my accent is probably polar opposite of Mr.
10 English, but I love Alva. I moved there for
11 very specific reasons, and I can tell you
12 without a doubt if you allow this development to
13 go through, those specific reasons cease to
14 exist.

15 But there's something more technical or
16 specific that has been broached upon in this
17 whole conversation that I just haven't really
18 heard specifically spoken about. The staff is
19 not recommending this to be transmitted, if
20 that's the proper phrase, for a very specific
21 reason, as I understand it, and forgive me if
22 I'm wrong. I'm brand new to this and I've
23 learned an awful lot in the last six or seven
24 hours.

25 The very specific reason is because the

1 type of property that it is right now, versus
2 the type of property that Bonita Bay wants turn
3 it into, and I don't know the terms for which
4 piece of property it is, isn't balanced, and
5 there's no more need in Lee County for us to
6 turn more property into this new property. Am I
7 correct with a layman's explanation of that?

8 MR. NOBLE: You're close.

9 MR. COCHRAN: Pretty close.

10 MR. MCNAMARA: And I haven't heard -- my
11 neighbors I think did a good -- great job of why
12 we shouldn't have this, and Bonita Bay did a
13 great job of how it will benefit the community
14 and how they're going to live with the Alva
15 lifestyle and everything else, but I haven't
16 heard anyone say, "Well, we're out of this type
17 of property so, therefore, we need to change the
18 piece of property to this."

19 All I'm getting out of this is, "Hey, we
20 bought this piece of property, and we can make a
21 lot more money if we change it into this piece
22 of property." I have not heard anyone said,
23 "Well, we're running out of that type of
24 property so let's change it so we can continue
25 developing."

1 Apparently, based on what I've heard,
2 there's is whole bunch left in Lee County and
3 that it be used to continue these type of
4 developments. When we run out of it, then look
5 at Alva, not before. Thank you.

6 MR. COCHRAN: Thank you. George Emmert.

7 MR. EMMERT: My name is George Emmert. I
8 live in Olga. I wanted to say think about what
9 thousands of yards and golf -- and a golf course
10 that's going to be sprayed with pesticides and
11 fertilizer, where do you think that that's going
12 to end up? And where do you think that that is
13 going to go? It is going to go down to Sanibel,
14 and the Gulf.

15 We've got a chance now to -- to -- to -- to
16 clean this up and to stop this. We are spending
17 \$16 billion to clean up the Glades. What are we
18 going to have to spend to come back and clean up
19 this? This might be a very good plan, but this
20 is a wrong site for this. Thank you.

21 MR. COCHRAN: Cherie Foster.

22 MS. FOSTER: Thank you for the opportunity
23 to speak. I also am opposed to this. I live in
24 South Olga, I guess you would call it, and it
25 does affect it. Our river where we're talking,

1 the place is right across the river from us.
2 Right now there's a lot of river traffic.
3 There's boats on there all the time.
4 Unfortunately, there's no place to go east on
5 the river because the locks are there, so what
6 they do is just go back and forth from 31 to the
7 locks. So add more boats to that, so now we
8 have boat traffic.

9 But also I think that one thing that I want
10 to ask you to consider, and consider seriously,
11 is our water. It's our most natural, precious,
12 most valuable, precious resource that we have.

13 And when you're adding more -- I understand
14 that they're planning on putting plumbing and
15 sewer and that in, but they all still want to
16 have beautiful lush lawns, and swimming pools in
17 their backyards and this is all going to be
18 taken right out of the aquifer.

19 And as we all know from the experience at
20 Verandah, there were people that were there that
21 their wells went dry. I think there's six or
22 eight people that they drilled new wells for
23 them, which is fine, but it doesn't -- you know,
24 if we put in this many more homes, I think we
25 embrace Bonita Bay. And the thing is that we

1 just want them to stick to what, for many
2 reasons, but mostly to what the land use map
3 states, is one unit per acre. Thanks so much.

4 MR. COCHRAN: Thank you very much. That
5 ends the public comments. Final comments?

6 MR. DELISI: Yeah. Again, Dan DeLisi for
7 the record. I hope you'll indulge just a little
8 comment on what we heard. I'm going to start
9 off with the second to last speaker, thousands
10 of acres sprayed with golf course and pesticides
11 and whatever effecting Sanibel, that is exactly
12 why we should do what we're doing.

13 The rural land use category would allow
14 1,000 units and a golf course with very little
15 extra protection. We're proposing a low-impact
16 development that's -- you know, the criteria
17 established with the South Florida Water
18 Management District doesn't even give us credit
19 for the low-impact development techniques that
20 we're asking to do as part of this.

21 So when you talk about a trade-off with
22 increased density, with increased density our
23 goal is to make net positive environmental
24 benefits to the community. If you were to allow
25 this to develop in the rural land use category

1 of one unit an acre with that golf course that
2 people are worried about, which can happen in
3 the existing land use category, you don't have
4 those extra protections.

5 We are building in something where the
6 water comes -- that comes off this development
7 is clean. It's not worse by this development.
8 You know, I just want to make it clear. We need
9 to compare apples to apples. When we talk about
10 transportation, again, I thank Frank Mann for
11 his hat, I'll wear it and cherish it.

12 The fact of the matter is, we need to
13 compare apples to apples. If we talk about
14 2,500 new units, let's talk about the \$23
15 million of impact fees that those 2,500 units
16 pay for. All right. Now let's talk about over
17 and above the impact fees, what do we pay to
18 make net positive benefits to the
19 infrastructure?

20 We're not talking about just leaving the
21 community no worse off, which is what just
22 paying impact fees would do. We're talking
23 about making net positive benefits to the
24 infrastructure; that's every proposal that we've
25 talked about.

1 Let's face it, density, all right, I went
2 to planning school. I have a master's in city
3 planning. The field of planning has changed in
4 the last 25 years since the rural land use
5 category was established.

6 Since that time one of the most fundamental
7 things that we've learned -- and the Sierra
8 Club, the National Sierra Club put out a
9 publication with the Urban Land Institute called
10 Density, Myth and Fact, which talks about how
11 density can be used to improve upon the
12 environment. Everybody in the planning field
13 understands this.

14 Everything that has come out in the field
15 of planning for the last, say, 15 to 20 years,
16 on density, has been overwhelmingly positive
17 towards the benefits of density.

18 Now, you know, I'll qualify that to say
19 that doesn't mean high density spread out over
20 everywhere is a good thing, that means if you
21 use it as an incentive to decrease the
22 development footprint, which is what we are
23 doing, we are increasing our preserve
24 requirement, we are increasing our open space
25 requirement.

1 If you do it to decrease your footprint,
2 your development footprint, that is smart
3 growth, that is what we're proposing. So this
4 idea that somehow density is bad just simply
5 does not fit with the planning profession. I'm
6 not sure there's a whole lot more I can say
7 about that at this point, but thank you for your
8 time.

9 MR. COCHRAN: Thank you very much. Back to
10 the board now.

11 MS. WESSEL: I'd like more time.

12 MR. COCHRAN: I have a comment.

13 MR. ANDRESS: Go ahead.

14 MR. COCHRAN: I, too, live in a Bonita Bay
15 community, so there isn't any question about the
16 quality, but I think your opening statement
17 raised and closed the whole question as far as
18 I'm concerned. You asked us does this make the
19 most sense for Lee County? That was the
20 question that we started this a little while
21 ago.

22 And I think you effectively constructed a
23 strong man argument, giving some indication that
24 if this doesn't happen in some way, that
25 somebody else is going to do something bad with

1 1,000 units. As a matter of fact, you still own
2 the property, so you are in control of this
3 whether we build 2,500 or whether we build
4 1,000.

5 The second point, regardless of all the
6 comments that have been made by all the
7 individuals, we are dealing with the Alva
8 planning community; that is the guidelines that
9 we're following. And unfortunately some of you
10 live in other areas, but we are following -- we
11 are bound to follow the Alva planning community.

12 Next, Bonita Bay has defined this as an
13 urban area, and we have staff saying we don't
14 need any more urban areas in our county, and the
15 people in the Alva planning community say we
16 don't need any in our community.

17 So it isn't anything about the quality of
18 Bonita Bay, it isn't anything about what this
19 will do for this group or that group, it is a
20 matter of fact, it does not meet the definition
21 that we have to follow, and as result of that, I
22 don't need anymore time.

23 MR. ANDRESS: Well, I've been here for a
24 long time on the LPA, and I was here when the
25 Alva Plan first came through, and there was a

1 lot of discussion about the scope of the Alva
2 Plan, about they were -- the first time it was
3 brought forward, it didn't go anywhere because
4 it was so broad that there were a lot of large
5 land owners that did not want their property
6 incorporated into the plan.

7 It was -- it was so spotty, because so many
8 parcels had been taken out of the plan that it
9 wasn't contiguous, it wasn't consistent with a
10 unified area of the county for a community plan,
11 and so I have some problems with Alva being nine
12 miles away and wanting to include all of these
13 other areas, when these areas originally were
14 not even included in the plan, and the plan --
15 there was lot of disagreement in the community
16 itself about what -- which plan they wanted to
17 do.

18 I do have a problem with 2,500 units. I
19 think that if there is a 1,000 units that are
20 permitted with the current land use in that
21 area, that we need to take a look at what is a
22 reasonable number of units that would be able to
23 -- if the lot is worth -- a developed lot in
24 this subdivision is going to be worth \$100,000
25 and you got 1,500 extra lots, is that too big of

1 a bonus in density to allow for that big of an
2 increase? So, therefore, I think that we need
3 more time. This is a big issue. And Bonita Bay
4 is a good citizen for Lee County. They have
5 provided many high-quality paying jobs and have
6 been a very good citizen, and I think we need to
7 give them adequate time to respond to some of
8 the things we've heard here today, and I think
9 we need to have them work with staff to work out
10 something that is more reasonable.

11 I think that we've heard that 2,500 is
12 unreasonable, and so we start at 1,000, and what
13 is a reasonable bonus that would allow them to
14 do the amenities they need to do to have the
15 environmental improvements they're proposing for
16 this property?

17 So, therefore, I for one, think we ought to
18 continue this, and I think we ought to continue
19 it to give them adequate time to respond to
20 this.

21 MR. COCHRAN: Okay.

22 MR. INGE: Rae, I can --

23 MS. WESSEL: You what?

24 MR. INGE: You go ahead or I will.

25 MS. WESSEL: No, go ahead.

1 MR. INGE: It's very interesting dialogue
2 we had today. I appreciate all the input from
3 everyone about the -- your thoughts on this
4 particular development. There are a significant
5 number of environmental uplifts that this
6 project provides that speaks well as to what
7 Bonita Bay does, and I think everyone was
8 complimentary of that.

9 The issue about the septic tanks and wells,
10 just as I recall, you can do -- put a septic
11 tank and well on a parcel of a platted lot of a
12 quarter acre or larger, if it's platted after
13 1972.

14 So the point about being able to put wells
15 and septic tanks out there, you can do that, and have
16 1,000 of them out there, if you want, and that
17 can work, if someone so chooses, but I don't
18 think that's Bonita Bay's intent. I think what
19 they were trying to demonstrate is that's what
20 could happen, here's what we're proposing, and
21 tried to contrast those two.

22 I do respect the concerns of the people
23 that live out there, about what they think
24 should be in their back door, what they should
25 look at. The Olga folks were pretty adamant, at

1 least the majority seemed to be pretty
2 supportive of it. The Alva folks that live a
3 bit further away weren't.

4 I do have concerns about the height of 85
5 feet. Again, not having a chance to look at the
6 materials well enough in advance, I learned a
7 lot from some of the discussions today. I'm not
8 prepared to say that I know about all this
9 project I need to to go forward today either.

10 I do think there is some great benefits
11 that it provides, that I am sensitive to the
12 comments that the community has made about the
13 density issue, about what's compatible with
14 their neighborhood.

15 I think we should give the applicant and
16 the staff more time to look at these issues
17 together, and take into consideration the
18 comments that were made today before we go
19 forward.

20 MR. COCHRAN: Do we have a motion?

21 MS. WESSEL: In the interest of time I
22 would like to make a motion that we continue
23 CPA2006 --

24 MR. ANDRESS: 6-12.

25 MS. WESSEL: -- 6-12, to a time when --

1 that will give us enough time to have a chance
2 to look at the plan in detail, since we got it
3 on Friday night, Saturday, some of us, give the
4 public a chance, give the applicant a chance to
5 nail down some of the issues that have been
6 discussed.

7 I think there are a tremendous number of
8 issues that just have -- that deserve the time
9 to be reconciled. I would continue this to a
10 date not to exceed one month.

11 MR. COCHRAN: Well, I think Paul has some
12 dates for us, but we have to have a second
13 first.

14 MR. ANDRESS: I'll second.

15 MR. COCHRAN: Paul, what are the possible
16 dates that we might have?

17 MR. O'CONNOR: I believe the dates that we
18 saw available space for this was October 7th and
19 October 9th.

20 MR. ANDRESS: I don't think that gives us
21 enough time. When is our next
22 regularly-scheduled meeting?

23 MR. O'CONNOR: That would be the end of
24 October, towards the end of October.

25 MR. NOBLE: Like the 27th, beyond the board

1 transmittal.

2 MR. ANDRESS: The board can make their
3 decision if they want to make it before they
4 want to hear from us, but I don't think we can
5 hear it again before the end of October.

6 MR. O'CONNOR: Well, if you put it off
7 beyond the 22nd --

8 MR. COCHRAN: I think we should meet before
9 the board. I think we have an obligation to try
10 to meet before the board. When is the next
11 board meeting?

12 MR. O'CONNOR: The board date is set at
13 October 22nd, with a hold-over date of the 23rd.

14 MR. INGE: Is our next scheduled meeting
15 the 27th?

16 MR. O'CONNOR: That's correct.

17 MR. COCHRAN: Well, if next week -- what
18 about the following week?

19 MS. COLLINS: There is no board zoning
20 meeting on the 13th, so chambers would be
21 available that day. I don't know how that
22 coincides with everyone's schedule?

23 MR. COCHRAN: I think we just have to have
24 staff poll the committee as to the time we can
25 get together. We don't have three members here

1 anyway today and we're trying to do it at least
2 a week or 10 days away --

3 MS. MILLER: Okay.

4 MR. COCHRAN: -- to give people more time
5 and yet before the board meets; is that
6 acceptable?

7 MS. WESSEL: Yeah, as long as it's not the
8 week of the 13th.

9 MR. DELISI: Mr. Chair, can I ask a
10 question?

11 MR. COCHRAN: No.

12 MR. ANDRESS: The week of 13th, I'm going
13 to be gone.

14 MS. WESSEL: Yeah, I'm gone, too.

15 MR. COCHRAN: Do you have a problem getting
16 -- if we have an alternative -- is it related to
17 our discussion?

18 MR. DELISI: It is.

19 MR. COCHRAN: Okay, I'm sorry.

20 MR. DELISI: As long as we can remain
21 within this cycle, we're fine continuing it.

22 MR. COCHRAN: Our goal is to be in this
23 cycle.

24 MR. DELISI: Okay.

25 MR. ANDRESS: To get back to you before the

1 meeting with the commissioners.

2 MR. DELISI: All right. Thank you.

3 MR. O'CONNOR: Can I ask counsel, would we
4 want a motion in case this can't happen between
5 now and then, so that the board would have some
6 kind of an action by the LPA?

7 MS. COLLINS: You can invite them to make a
8 motion. This will go to them with or without
9 their finding. The statutory obligation is that
10 it be presented to them.

11 MR. O'CONNOR: Okay.

12 MR. COCHRAN: I've heard a majority of the
13 comments, that the board is not ready to make a
14 decision. We need more time.

15 MR. INGE: Let me ask this question: If by
16 chance we don't get together before the board
17 meeting, the board can still take action on the
18 29th; correct?

19 MS. COLLINS: That's correct.

20 MR. INGE: So our role as advisory is
21 essentially we fulfill the statutory function.

22 MR. COCHRAN: Right.

23 MR. INGE: If for some reason we can't, we
24 can't, but I'd like to give everyone one more
25 chance to take a look at this. I think some

1 good points were made.

2 MR. COCHRAN: I would like to have -- I'd
3 like to have an opportunity to see if there is
4 some middle ground. As we've heard, I think we
5 need more time to discuss it. I also feel
6 strongly that we have an obligation as an
7 advisory group, within all feasible time
8 constraints, to make a recommendation.

9 And so the motion is that the staff will
10 try and poll the committee members and find an
11 acceptable date prior to the next board meeting.

12 MR. O'CONNOR: Let me just be clear, okay,
13 we had possible dates of the 7th and the 9th,
14 that's too soon.

15 MR. COCHRAN: We have three --

16 MR. O'CONNOR: I did also hear that two
17 people are going to be gone the week of the
18 13th.

19 MR. ANDRESS: We may have to do it the 9th.

20 MR. INGE: Let's do it the 9th.

21 MR. COCHRAN: Let's try for the 9th. We
22 have three members that are not here.

23 MR. O'CONNOR: Well, if it's the 9th, we
24 can continue this meeting to a date and time
25 certain.

1 MR. ANDRESS: Let's do that. We're not
2 going to get to the next one either.

3 MR. O'CONNOR: The motion could be changed
4 to continue it to the 9th. Is it in chambers?

5 MS. MILLER: No, it would be in our large
6 conference room in our building.

7 MR. ANDRESS: So at 8:30?

8 MR. O'CONNOR: Yes.

9 MR. ANDRESS: 8:30 the 9th.

10 MR. O'CONNOR: In the large conference
11 room.

12 MS. MILLER: Let me clarify, they both are
13 available; conference room and chambers is
14 available.

15 MR. O'CONNOR: I think chambers would
16 probably be more appropriate.

17 MR. ANDRESS: Okay, then chambers, October
18 the 9th at 8:30. So we have a motion and a
19 second?

20 MR. COCHRAN: Motion is on the floor to try
21 and have a quorum on the 9th at 8:30.

22 MR. MANN: Could I ask just a simple
23 question?

24 MR. COCHRAN: Yes.

25 MR. MANN: What does that mean to these

1 people? Do they come again or do they get to
2 talk again, or what will be the forum?

3 MR. COCHRAN: Public comment is closed,
4 unless there are substantial changes that come
5 before us.

6 MR. ANDRESS: If changes are made by staff,
7 then it opens it up to public comment again.

8 MR. MANN: I just want to know the rules.
9 It applies to everybody.

10 MR. ANDRESS: Okay.

11 MR. COCHRAN: That's all we know. The
12 motion is before us. All those in favor say
13 aye.

14 (All members said aye.)

15 MR. COCHRAN: Opposed same sign.

16 (No response.)

17 MR. COCHRAN: Motion carries.

18 MR. NOBLE: We have one more case.

19 MR. COCHRAN: We're beyond our time and
20 we've lost a quorum.

21 MR. ANDRESS: I move to continue Formosa
22 until October the 9th at 8:30.

23 MR. INGE: Second.

24 MR. COCHRAN: All in favor say aye.

25 (All members said aye.)

1 MR. COCHRAN: Opposed same sign.

2 (No response.)

3 MR. COCHRAN: Motion carries.

4 (Said proceedings were concluded at 3:08
5 p.m.)

C E R T I F I C A T E

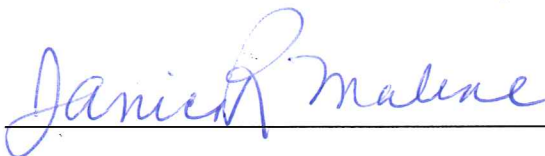
STATE OF FLORIDA)

COUNTY OF LEE)

I, JANICE R. MALINE, Court Reporter and Notary Public in and for the State of Florida at large, do hereby certify that, pursuant to notice of hearing in the above-titled cause, the foregoing proceedings were reduced to print by means of computer-assisted transcription under my personal supervision, and that the said transcription constitutes a true record of the proceedings.

I further certify that said proceedings were taken at the time and place specified hereinabove and that I am neither of counsel, nor solicitor to either party in said suit, nor interested in the event of the cause.

WITNESS my hand and official seal in the County of Lee, State of Florida, this 2nd day of October, 2008.



JANICE R. MALINE
Notary Public, State of Florida