

LOCAL PLANNING AGENCY
LEE COUNTY, FLORIDA
VOLUME I

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

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ORIGINAL

1 (The proceedings were as follows:)

2 MR. COCHRAN: I would like to call the
3 meeting to order, and note that we have a
4 quorum. Please rise for the pledge of
5 allegiance.

6 (The Pledge was had and the
7 proceedings continued as follows:)

8 MR. COCHRAN: Item No. 3 deals with
9 the public forum for any item that is not
10 on our agenda. Anyone like to speak?
11 Hearing none, we have a request to reorder
12 the agenda, which we will honor.

13 The small scale amendment CPA 2007-61,
14 Formosa, will be placed at the end of the
15 agenda; is that request, and the committee
16 has requested that since we were having a
17 discussion last time with Item No. 2, or
18 CPA2007-54, that we continue that
19 discussion, so we'll move at this point to
20 Item No. -- the original Item No. 6.

21 We had entertained public comment and
22 that request has been closed. The floor
23 is now open for discussion among the LPA,
24 or staff, with the changes.

25 MS. HINES: Good morning. For the

1 record, my name is Lisa Hines in the
2 Department of Community Development,
3 Zoning Division. My comments will be
4 fairly brief this morning. I want to
5 touch on the revised staff report that you
6 had originally received in your September
7 22nd public hearing packet.

8 The Burnt Store Marina Village
9 Comprehensive Plan Amendment is a
10 privately-initiated amendment to the Lee
11 Plan that encompasses approximately 18.25
12 acres of the 626 Burnt Store Development.
13 The Burnt Store Marina Development has
14 been in existence in Lee County since the
15 early 1970's, and is currently located in
16 the rural future land use category.

17 The property is not consistent with
18 the description or definition of the rural
19 use, therefore, the applicant is
20 requesting to create a new land use
21 category entitled Burnt Store Marina
22 Village.

23 The existing development of Burnt
24 Store Marina has been high-intensity
25 residential and commercial uses, and the

1 proposed land use category establishes a
2 vision and guidelines for the
3 redevelopment of the Burnt Store Marina
4 Village. This would include expansion of
5 the existing marina and the related
6 services.

7 The proposal will also permit improved
8 water dependent recreational use in the
9 Burnt Store Marina Village area. Staff
10 feels that the creation of this new
11 category does not encourage urban sprawl,
12 rather represents the development of an
13 urbanized portion of the Burnt Store
14 Marina development.

15 The category contemplates multi-use
16 residential development, as well as
17 commercial uses, and improvements to the
18 marina. Staff supports the redevelopment
19 plan finding that is integral to maintain
20 a healthy and vibrant community.

21 Staff is recommending the full
22 intensity and density request for the
23 redevelopment plan, which includes a
24 maximum of 55,000 square feet of retail
25 uses, 525 wet slips, 825 dry storage

1 spaces, a maximum of 50,000 square feet of
2 commercial office space, 145 hotel units
3 and a maximum of 150 residential units.

4 Staff is recommending a maximum height
5 of 135 if the parking is not integrated
6 into the structure. If multiple layers of
7 enclosed parking are placed under the
8 multiple family and hotel uses, staff is
9 recommending an additional 50 feet for a
10 maximum height of 185 feet.

11 The applicant has demonstrated that
12 such property is not located within the
13 coastal high hazard and is within a
14 category two storm surge area as defined
15 by the Hurricane Storm Tide Atlas of Lee
16 County.

17 With your revised staff report you
18 received some attached maps, and those are
19 actually larger versions of information
20 provided by the applicant during the
21 September 22nd hearing. We thought you
22 might be able to read the larger versions
23 a little better than the smaller copies.

24 Staff is recommending a policy that
25 will require that all residential and

1 hotel development portions of the
2 redevelopment project must be located
3 outside of the tropical storm surge area.

4 Staff is recommending that the LPA
5 transmit the request of the new land use
6 category to the Board of County
7 Commissioners by establishing a defined --
8 a defining statement Policy 1.2.10 with
9 supporting language and goals, 25
10 objectives and policies. I'll be glad to
11 answer any questions, and, of course, the
12 applicant is here as well.

13 MS. WESSEL: I have a few questions.
14 Morning.

15 MS. HINES: Morning.

16 MS. WESSEL: Can you help me
17 understand how if 734 units are vested,
18 and they have 794, first how that
19 happened, and then how it's possible to
20 expand for the purposes of the board's
21 understanding, and the public's
22 understanding, how you have significantly
23 more units existing than are vested, and
24 all of that in a rural category and then
25 how we would be adding 160 residential

1 units to that plus hotel units?

2 MS. HINES: Staff -- we conducted
3 thorough research in regards to -- that
4 was the county attorney's opinion, I
5 believe. And staff interprets the maximum
6 amount of dwelling units as referenced in
7 that memorandum confined to the rural
8 future land use category.

9 Thus, if the property was not
10 requesting a comprehensive plan amendment,
11 they would be limited to that number of
12 residential units.

13 However, staff feels the request for
14 the new land use category would supersede
15 the rural land use category allowing the
16 development of additional residential and
17 hotel units.

18 MS. WESSEL: Okay, that's for it being
19 within rural, but the fact that it was
20 vested for 60 units less than it has --

21 MR. HINES: Under the current rural
22 future land use category, the way staff
23 made that interpretation, and the request
24 for the Burnt Store Marina Village
25 category would supercede the past vesting

1 and allow additional residence and hotel
2 units.

3 MS. WESSEL: So it is an increase in
4 density and intensity?

5 MS. HINES: Yes, ma'am.

6 MS. WESSEL: And what changed from
7 last week? I wasn't clear in the
8 write-up, other than what you now find it
9 sufficient to transmit, I didn't
10 understand what change was made to make
11 staff comfortable with that?

12 MR. HINES: Staff's main concern with
13 the additional residential and hotel units
14 was the location within the coastal high
15 hazard area. The applicant reviewed the
16 information based on the storm surge zone,
17 as well as the hurricane tide atlas, and
18 demonstrated with the maps, that all
19 residential and hotel units would be
20 located outside of that area within the
21 storm two category.

22 MS. WESSEL: Okay. I'm wondering
23 since the existing sites out there for the
24 high-rises are 80 feet, why if there's no
25 parking in -- there are no units over

1 parking, that wasn't limited to 80 feet
2 and why the 135 is acceptable to staff?

3 MR. HINES: Staff reviewed other, for
4 lack of a better word, high-rise
5 developments within Lee County, that may
6 not be the technical term, in regards to
7 height. Based on that research I located
8 buildings as high as 206 feet and 135, so
9 staff was willing to compromise with 135.

10 If parking was allowed, which is not
11 habitable space, that's why staff would
12 agree to the additional 50 feet for a
13 maximum of 185. It is our understanding
14 there would be four to five levels of
15 parking under the residential or hotel
16 units.

17 MS. WESSEL: And one other thing --
18 I'll hold.

19 MR. COCHRAN: Any other questions?

20 MR. INGE: I want to hear from the
21 applicant.

22 MR. COCHRAN: We'll allow the
23 applicant 15 minutes because of changes
24 from staff.

25 MR. UHLE: Matt Uhle for the record.

1 The applicant will be much more brief than
2 that. I'm sure you're grateful. We're in
3 agreement with the staff report with two
4 relatively minor changes that we're asking
5 to make. One of them is with regard to
6 the number of wet and dry spaces.

7 We've indicated we want 525 wet slips
8 and 800 dry slips because my client has
9 determined that he really would like to
10 have some flexibility to move between the
11 wet and dry slips.

12 What we'd really like to do is change
13 that to a total of 1,325 wet and dry
14 spaces. It's the same total but it gives
15 us the ability to do some wet slips in
16 lieu of the dry spaces. There should be
17 no difference in terms of the impact of
18 that. I don't think that should be a
19 problem.

20 With regard to the building height, we
21 would still prefer the 220 feet we asked
22 for in the application, and the reason for
23 that was explained pretty thoroughly by
24 Mr. Stout during his presentation last
25 week.

1 From the perspective of somebody who
2 lives in Burnt Store Marina, there is no
3 practical difference in the aesthetics or
4 anything else between 185 and 220, even
5 135 for this matter.

6 Whereas, if the additional height is
7 permitted, it has a substantial impact on
8 the economic feasibility of the project.
9 So we would prefer strongly to keep the
10 existing height.

11 The rest of the staff report is okay.
12 We had some discussions over the week
13 about a number of issues, but we have no
14 problem with the condition requiring us to
15 maintain the residential and hotel units
16 outside of the coastal high hazard area;
17 that's fine.

18 The parameters of intensity are okay.
19 The other references to controls within
20 the project, the planned development
21 requirement and so on, those are all
22 acceptable to the applicant.

23 If you want, I can, in addition to
24 that, I can go back over the public input
25 from last time if you want to hear a

1 response to that. If you don't, I'll just
2 shut up.

3 MR. COCHRAN: Thank you.

4 MR. STOUT: Good morning, everyone.
5 Thank for your time. Ma'am, let me
6 address your three questions.

7 MR. COCHRAN: Will you introduce
8 yourself, please?

9 MR. STOUT: Yes, I'm Will Stout. I'm
10 the principal that owns the Real Mark
11 Development Group and owns these
12 properties.

13 Your first question was how do we get
14 more units, and the answer that Matt and
15 planner gave you is correct, that's why
16 we're coming in for the village zoning.
17 We did go up and meet with the DCA. We do
18 have letters. There are no DRI problems.
19 There is no service requirement problems,
20 that should be a nonissue under this new
21 zoning.

22 Then your question was how in the
23 world did somebody get more than they were
24 supposed to have under the old category,
25 and first I'd like you to know we weren't

1 the developer that did that. Secondly, I
2 would like you to know that nobody knows
3 how to count, and I don't mean that as a
4 silly joke, but the staff counted, we had
5 Banks Engineering count. We had another
6 engineering firm counted. We counted.
7 Everybody seems to come up with different
8 numbers.

9 One thing that I know that the man
10 that came in and bought a very small piece
11 of land, I guess an acre and-a-half, Greg,
12 where we paid substantial money for it.
13 WCI had, in addition to what's there now,
14 zoned a building for that, and permitted
15 it. They were going to build a new
16 ten-unit building there.

17 So how that happened we don't know.
18 Papers on this project are 40 years old.
19 They've been wet, they've been
20 microfiched, things have been lost. It's
21 a very, very convoluted project for
22 anybody to understand what should have
23 been there, and what really is there, so I
24 would think that's the best answer I can
25 give you.

1 One of the challenges we have is when
2 we bought this property, we knew it was in
3 the rural category. Of course, you know,
4 you can't have 1,900 people living on 626
5 acres all with water and sewer, and with
6 many mid-rise buildings and call it rural.
7 We understood that mistake, but what
8 happened about 18 or 24 months ago is the
9 county came in, you all came in, and put a
10 height restriction on rural.

11 It had really nothing to do with Burnt
12 Store, and we worked for a considerable
13 period of time, I would say a year, with
14 staff, before anybody realized that none
15 of our work could be accomplished because
16 there was a new height restriction that
17 came into effect on rural, so that was
18 another motivation to change to village
19 zoning.

20 I guess your last question was why in
21 the world is staff recommending 135 plus
22 50, and why is the developer still
23 fighting for 220 if buildings there are 80
24 feet high? First of all, I'm not sure
25 buildings there are 80 feet high. They

1 are eight-story buildings, and the height
2 of the building, the actual height is a
3 function of how high the ceilings are in
4 each home.

5 So the average height of a current
6 generation new condo building is 13.75
7 feet. So that wouldn't be -- that
8 wouldn't be 80 feet, it would be eight
9 times 13.75, rather than eight times ten,
10 for example.

11 But the real reason is that if we come
12 in and put mid-rise buildings up, like a
13 good many are there, and if we put surface
14 parking, like most of the eight-story
15 buildings there have, then there is no
16 room to do this community activity area
17 down on the water.

18 What you wind up with is you wind up
19 with wealthy people living in mid-rise
20 buildings with surface parking and all the
21 water areas private. There is no room for
22 a downtown square area, and if you recall,
23 we have about two football fields. A
24 football field is about 9/10 of an acre.
25 We have about two acres for that

1 commercial area down there, and about one
2 acre of that really doesn't have anything
3 on it. This will be open for families,
4 and walkways, and bands, and parties, and
5 dogs and grandparents.

6 And our thought process was not to
7 take our land and either fence it off and
8 make it a commercial marina, which is
9 about all we could really do right now,
10 and not to come in and put up eight-story
11 buildings with surface parking that are
12 easy to do for us, and much more
13 financially -- we would be at much less
14 financial risk because they're about
15 one-third the price for us to build.

16 But we think that would eviscerate the
17 community of a downtown open area and
18 square area and we think it would
19 eviscerate the surrounding area as a
20 destination place to go. So that's why we
21 have come in and that's why we're working
22 so hard to go to 220.

23 As you recall the challenge I gave you
24 all last week was to drive in your car and
25 see whether you would agree that a three

1 and-a-half story building fills your
2 windshield, that a one-story building
3 blocks your view. And we think that
4 current day standards require us to do
5 first-class work, and first-class work is
6 to go up rather than the sprawl out,
7 particularly on land that has water ridges
8 open to the public.

9 I guess that's the only thing I do
10 have to say, other than the comment that
11 Matt made on the slips; that's a very,
12 very important comment to us. We have a
13 letter from Lee County, a current letter
14 of desirability, that says they've
15 ascertained that this is the marina to
16 expand for the expanding population for
17 the marina, rather than have small marinas
18 all over that don't have enough critical
19 mass and money to do the written
20 environmental things.

21 We also had a current meeting with
22 DCA, and as you all know, DCA and DRI's
23 now have nothing do with marinas. So we
24 don't think it's Lee County's business to
25 be restricting our number of slips; that's

1 what other agencies such as DEP do. So if
2 we could just aggregate those two numbers
3 together, I don't think staff had any --
4 they indicated they had no problem with
5 that in our meeting on Friday. On Friday,
6 Matt? And if we could go with that 1,325
7 number, that would solve our problems.

8 MR. COCHRAN: Okay.

9 MR. STOUT: So in review, we're
10 hopeful you'll let us go to the height,
11 and that's the background. Are there any
12 additional questions?

13 MR. COCHRAN: Yes, we have questions.

14 MR. ANDRESS: Mr. Stout, can you
15 clarify if the building is 220 feet tall,
16 how many floors of parking will you have
17 and what kind of height will those floors
18 of parking have?

19 MR. STOUT: It's difficult to really
20 give you an exact answer because, of
21 course, the building isn't designed. As a
22 practical matter, a building that height
23 would require a minimum of four levels of
24 parking. The parking would probably be
25 done on a cross easement basis with the

1 entire rest of the job, and certain of
2 those parking spots would be assigned to
3 the residents and certain of those parking
4 spots would be open to both public and
5 resident use.

6 What happens in a building of this
7 type, is the occupancy is remarkably low.
8 It's silly low. For example in a building
9 with 110 homes, I've never seen more than
10 22 or 23 homes occupied at any one time.

11 People buy these, and they come down
12 -- some people come down for a week a
13 year, some people don't come down for two
14 years, some people, of course, live there
15 full-time. So the parking ratio for
16 assigned parking to the residents can be
17 very, very low.

18 At our present project, with 110 homes
19 we have two floors of parking for the
20 residents, and two floors of parking that
21 are open to the public. I don't know
22 whether that answered you?

23 MR. ANDRESS: That's approximately
24 about 50 feet?

25 MR. STOUT: The height of the

1 parking -- well, it's higher than that,
2 it's the height of the parking lot. The
3 key to the parking lot, is it just depends
4 what price point you're targeting your
5 project to.

6 If you want to do it right where you
7 and your family walk in a parking lot,
8 instead of having a short ceiling like an
9 eight or ten foot ceiling, if you have a
10 15 or 20-foot height on the first floor,
11 it has a grand, open, happy, well-lighted,
12 safe feeling.

13 And you've been in parking lots here,
14 the one down the street that we all park
15 in all the time has very low plate
16 heights. Because it's a public parking
17 garage, nobody is going for a home run on
18 the aesthetics, they're just trying to
19 minimize the cost of structured parking.

20 So what you'd like to do is, you'd
21 like to have -- it really doesn't cost
22 much to go up another three to five cinder
23 blocks, and it provides so much -- such a
24 better feel. So the 50 feet is
25 restrictive on the parking, candidly, and

1 that's why we came up with the 220 feet.
2 As Matt pointed out, nobody can tell the
3 difference in the height of mid-rise
4 building 35 feet one way or the other. I
5 mean, just -- once you're above three
6 and-a-half stories, the key to making tall
7 buildings feel right, is to have colors
8 and awnings so that when people walk
9 around on the ground, the awnings bring
10 the height of the building down, and the
11 color scheme.

12 And aside from the first day in New
13 York City when you look up, other than
14 that, for example, at Cape Harbor, you're
15 just looking at awnings and colors, and
16 you don't know how high they go up.

17 The other key on this job is the funky
18 fish houses, because they give it a very
19 low-rise colloquial, for the lack of a
20 better way to express it, good old,
21 old-time Southern Florida feel. And those
22 are little tiny cottage-like homes and
23 rental units scattered throughout.

24 There are some out on Captiva like
25 that and Sanibel like that, and they bring

1 the scale down, so there is lots of clever
2 things we do on our project to make the
3 scale look right and feel right.

4 MR. ANDRESS: Thank you.

5 MR. COCHRAN: Other questions of Mr.
6 Stout?

7 MS. WESSEL: With respect to the 135
8 foot, that would be the building without
9 parking that staff has recommended, that
10 would equate then based on what you said
11 to ten stories; is that about right?

12 MR. STOUT: Again it's a function of
13 the price but --

14 MS. WESSEL: In general.

15 MR. STOUT: A 135-foot building well
16 done would be about an eight-story
17 building. What's eight times 14 Craig;
18 112.

19 MS. WESSEL: The change to the wet
20 slip and dry slip, if that's not
21 designated, wouldn't that require a change
22 to the size of the footprint of the height
23 of the buildings for dry storage?

24 MR. STOUT: Um --

25 MS. WESSEL: If that's undesignated;

1 in other words, it's allocated right now
2 by staff as wet and dry.

3 MR. STOUT: Undesignated, what it
4 would allow us to do in the real world is
5 put in less -- more wet slips and less dry
6 slips. We're not going to be able to --
7 the way I understand the process is we're
8 not going to be able to go higher or wider
9 or have a bigger footprint than what we're
10 proposing. We may not be able to get all
11 those in.

12 Again the number of spaces, either of
13 wet slips or dry slips, is a function of
14 if you're doing them for 60-foot boats or
15 16-foot boats. If you're doing them for
16 60-foot boats, you probably couldn't get
17 half of the density that we're requesting.
18 If you're doing them for very small boats,
19 you probably could.

20 My whole point is that it seems silly
21 to have a cap on the wet slips when the
22 agencies that are in charge of that, do
23 not have a cap on that, and where we know
24 in advance our plan is to increase that
25 number.

1 MS. WESSEL: So the flip side of that
2 would be that you would be looking for
3 more dock space in the existing marina --

4 MR. STOUT: Yes.

5 MS. WESSEL: -- or expand the location
6 of the marina?

7 MR. STOUT: Yes. In the real world
8 two things will happen, one, is there are
9 several areas where new slips can be put
10 in in front of existing condos and
11 people's homes, which is very desirable
12 for the residents because everybody would
13 like to be able to walk right out their
14 back door and get on their very own boat,
15 and there are several areas where slips
16 could be added, and that increases the
17 number of slips.

18 MS. WESSEL: Could you refer to a plan
19 to show us where those slips would be
20 added?

21 MR. STOUT: Sure. If you come in the
22 marina from the Gulf and you turn
23 immediately left, follow along that
24 waterway that could accommodate slips on
25 the right hand-side. Over time --

1 MS. WESSEL: Up and around the --

2 MR. STOUT: What happens between now
3 and 2030 a marina like this may be
4 redesigned as many as ten times, you know,
5 the boat sizes where everybody drives
6 changes. None of us know with what's
7 going on the national economy and with the
8 petrol dollars, we may well be all -- a
9 big boat in west Florida now is a
10 50-footer, golly, it might be a 19-footer
11 in five years. None of us may be able to
12 afford the fuel.

13 MS. WESSEL: Thank you.

14 MR. STOUT: On this pretty picture, if
15 you have the picture that has our graphics
16 in the back where the computer graphics
17 were, on the top on the -- you can see the
18 waterway going to the left, that should
19 have slips all along that waterway in
20 front of those WCI condos; that would be
21 one area of expansion. You have that in
22 your package?

23 MR. COCHRAN: Yes, we have it, thank
24 you.

25 MR. ANDRESS: We have it.

1 MR. STOUT: Another area of expansion
2 might be on the right. There's all kind
3 of things that are going to have to be
4 done. As this gets redesigned and new
5 boathouses go in, you lose slips, you gain
6 slips, sizes change. We just don't want
7 to have constraints on that in this order
8 because you are not the permitting agency,
9 and we may go down on slips.

10 I mean, DEP may say we can't have the
11 new boathouses to get that tongue of water
12 that goes in so the gantry cranes can lift
13 it out. They may require us to do all
14 sorts of things in order to get that. I
15 can assure you they are challenging at
16 times to work with.

17 MR. COCHRAN: Any other questions for
18 Mr. Stout? Thank you very much.

19 MR. STOUT: I think that would be well
20 received by the residents, because it's
21 slips right in front of their homes they
22 would want. Thank you all.

23 MR. COCHRAN: Thank you. I think we
24 have a question or two for staff.

25 MR. INGE: Yes. Lisa, you can

1 probably answer from there. The
2 combination of wet and dry slips making
3 those a total, not to exceed total, with
4 the combination underneath either/or; is
5 that acceptable to staff?

6 MR. HINES: The reason staff prefers
7 the request as written separating the two
8 is because that was what was relayed in
9 the binding letter from Department of
10 Community Affairs; that's the reason that
11 staff kept the two numbers separate. It's
12 in the July 31st letter from DCA; that's
13 why staff's recommendation is separated
14 into the wet slips together with the dry
15 slips.

16 MR. ANDRESS: What was the context of
17 that letter? What did it say?

18 MR. HINES: That letter first of all
19 referred to the vesting of what is
20 currently on the property as is now and it
21 compared that to the request from the
22 applicant, and that is why staff retained
23 the recommendation of the two separate
24 numbers in lieu of combining.

25 MR. ANDRESS: They made a specific

1 recommendation for that number?

2 MR. HINES: Yes.

3 MR. ANDRESS: And separated it?

4 MR. HINES: Yes.

5 MR. UHLE: May I respond to that?

6 Just so you understand there is a binding
7 letter, but there's also a separate side
8 agreement that we have with the Department
9 of Community Affairs that addresses the
10 wet and dry slips.

11 It says, in essence, there is no
12 longer a DRI threshold for wet and dry
13 slips, so those numbers don't count
14 against any kind of combined DRI. They
15 are relevant for DRI purposes.

16 So notwithstanding the fact that there
17 are specific references in the binding
18 letter to the wet and dry slip numbers,
19 the fact of the matter is that the side
20 agreement, in our opinion, along with
21 Florida statutes, makes it clear that the
22 number of slips on this property is not
23 relevant for DRI purposes.

24 MR. INGE: Matt, did you furnish that
25 information to staff?

1 MR. UHLE: Yes.

2 MS. WESSEL: Matt, can I ask a
3 question? This would represent
4 potentially a large increase in the number
5 of wet slips, leaving that open, and there
6 are concerns about water quality,
7 especially in the dead-end basins that
8 would be the target of where the slips
9 would go. There are certainly manatee
10 issues. Are there any considerations that
11 you've made, thought about, with respect
12 to how to address those?

13 MR. UHLE: Well, the fact of the
14 matter is we have to get permits in order
15 to do all this, environmental permits we
16 don't have, to do this hypothetical
17 expansion. So if and when it comes time
18 to do that, we will be run through the
19 ringer by DEP on manatee and all other
20 issues.

21 What we do know is the county manatee
22 plan shows this area is preferred, and the
23 number of slips is unlimited. It's
24 clearly a desirable place for a marina
25 expansion per the manatee plan. So from

1 what we know, this is a perfectly
2 appropriate place to provide that kind of
3 flexibility, and there are not many places
4 in Lee County where you can say that.

5 MS. WESSEL: Okay.

6 MR. STOUT: One more addition to that,
7 ma'am. There really isn't room for a lot
8 more slips, so you can't add a lot more
9 wet slips. You can add a few more. The
10 second part of the question you asked is
11 all of this is like an onion and there are
12 more and more layers.

13 Just like nobody knows how to count
14 density, believe me, nobody knows how to
15 count slips. You don't know whether at
16 the T-head of a dock that's zero slips,
17 one slip, two slips or four slips. No
18 agency has a definition of slip. Nobody
19 counts it the same. Nobody knows how many
20 slips are there.

21 You can do a count yourself, and if
22 the four of you were to do a count, I
23 would estimate that your numbers could
24 vary by as much as 50 slips. I know that
25 sounds bizarre, it's bizarre to me. You

1 would think that people in the business
2 over lifetime would define what a slip is
3 and define how they should be counted. I
4 would hate for somebody to come up with
5 some new determination on what a slip is
6 and say we are over our slip count. We
7 are not.

8 This is no longer an issue for DCA.
9 It's no longer an issue for DRI's. It's
10 been changed by state law and we have --
11 we had a meeting and a side agreement that
12 indicates that. So it just throws a real
13 monkey wrench in our ability to deal with
14 these other agencies if there is a
15 limiting number there.

16 Candidly, we'd rather have a zero
17 number in there. I don't see why it has
18 to be in the order at all, but if it has
19 to be in the order, then it has to be a
20 number that won't cause a problem with
21 other agencies when we go to permit slips.

22 MS. WESSEL: Thank you.

23 MR. COCHRAN: Thank you very much.
24 Last time we had public comment on this
25 issue, and we had two changes dealing with

1 the height of the building and the slip
2 issue. The Chair will entertain any
3 public comment dealing with those two
4 issues only. Hearing none, back to the
5 pleasure of the board.

6 MR. INGE: Well, Mr. Chairman, I
7 understand the economics of how these
8 things work, and I agree that the
9 difference between 185 feet and 220 feet
10 is imperceptible from the drive-by public,
11 so I have no concerns with leaving the
12 height increase at 220 feet as requested
13 by the applicant.

14 The combination of the slips that
15 gives some flexibility. We probably
16 should see if staff had any comment on
17 this so-called side agreement that
18 addresses that with the DCA.

19 Lisa, did you all have access to that,
20 and what is your opinion of that? I know
21 that your recommendation previously, and
22 what you mentioned earlier was, you
23 limited that combination based on what the
24 applicant requested and what that one
25 letter said from the DCA. What about this

1 additional agreement that Mr. Uhle brought
2 up?

3 MR. HINES: Again staff is maintaining
4 the separation of the two numbers based on
5 the binding letter. However, I may need
6 to refer to legal review in regards to
7 staff combining the two numbers. Again
8 staff agrees that the DRI threshold is not
9 an issue with the slips.

10 MR. O'CONNOR: And if I might add,
11 this is Paul O'Connor, the Director of the
12 Division of Planning, I don't believe we
13 control the number of wet and/or dry,
14 and/or slips anywhere else in the Lee
15 County Comprehensive plan.

16 I think it's a function of what, you
17 know, what they can get in there and
18 justify, and, of course, there is
19 environmental concerns and other issues,
20 but it's not normally a function of the
21 Comprehensive Plan to be putting an exact
22 number on that.

23 I will have to agree with Mr. Stout,
24 in that I don't think anybody can really
25 define a slip. You may put five boats

1 along one stretch of dock, or you may put
2 one yacht, so what is a slip exactly?

3 MR. COCHRAN: The Chairman is ready
4 for a motion, please.

5 MR. ANDRESS: I move that --

6 MS. WESSEL: I did want to say that I
7 do have a concern about how we are looking
8 at heights in the coastal zone, that based
9 on what staff said, there was no real
10 formula, or assessment, made about how the
11 height was set for 185, and it doesn't
12 relate in any way to the scale of the site
13 itself.

14 It's not really a big concern that I
15 think should -- that how someone feels in
16 the parking garage, I don't think should
17 drive how the height of a building is. I
18 think living units perhaps, but how happy
19 someone feels in the parking garage
20 doesn't seem to be a valid alternative to
21 expanding that height.

22 And, frankly, what we've seen along
23 the Caloosahatchee downtown, what we've
24 seen with Estero and Bonita with the
25 high-rises along the waterfront, it

1 changes the waterfront and it sets a
2 precedent. And since there was no formula
3 for the numbering system, I have a real
4 concern with not only the 220 feet, but
5 the staff's recommendation for 185 feet.

6 MR. COCHRAN: Okay. Any other
7 comment?

8 MR. ANDRESS: Okay. I move that we
9 transmit CPA 2007-54, as modified by staff
10 with the following two exceptions, that
11 the wet and dry slips be a cumulative
12 number, instead of a set number for wet
13 and a set number for dry; that the
14 cumulative number will be 1,325 wet and
15 dry slips, in whatever category. And also
16 the building height be increased to 220
17 feet, and not 185 feet, as recommended by
18 staff.

19 And also I would want the alternative
20 recommendation included that if the
21 building is increased -- if the building
22 is increased to 220 feet, that the
23 additional language as proposed by staff
24 on the onsite shelters be included.

25 MR. COCHRAN: We have a motion, do we

1 have a second?

2 MR. INGE: Second. For discussion the
3 additional language, Noel, that you spoke
4 of, what page is that on?

5 MR. ANDRESS: That is on page 2 of 24
6 from last week's alternative
7 recommendation.

8 MR. INGE: Okay, that was last week's.

9 MR. ANDRESS: An onsite shelter must
10 be constructed to accommodate residents
11 and hotel guests to withstand category
12 five hurricane force winds and storm
13 surge. The owner/developer must submit a
14 post-storm recovery plan, including
15 post-storm evacuation plan for review and
16 approved by Lee County Emergency
17 Management.

18 This plan must include annual training
19 of onsite shelter managers provided by the
20 Red Cross and approved by Lee County
21 Emergency Management.

22 MR. INGE: Well, my thoughts there,
23 Noel, is that alternate language didn't
24 carry over to this week's staff report.
25 I'm curious as to why?

1 MR. ANDRESS: I don't -- there you go
2 staff.

3 MR. HINES: Based on information
4 received from the applicant in regards to
5 the location of the building, staff did
6 remove that requirement with our
7 recommendation of 185 feet.

8 MR. ANDRESS: Okay. Well, remove that
9 last part.

10 MR. COCHRAN: Would you like to
11 modify?

12 MR. ANDRESS: I would like to amend my
13 motion.

14 MR. INGE: Second, I would agree.

15 MR. COCHRAN: So the motion now deals
16 with the cumulative total of 1,325 slips,
17 and a building height of 220.

18 MR. ANDRESS: That's correct.

19 MR. COCHRAN: Additional comments?

20 MS. WESSEL: No.

21 MR. COCHRAN: All those in favor of
22 the motion say aye. Aye.

23 MR. ANDRESS: Aye.

24 MR. INGE: Aye.

25 MR. COCHRAN: Those opposed?

1 MS. WESSEL: Aye.

2 MR. ANDRESS: Motion passes 3 to 1.

3 MR. STOUT: Thank you very much.

4 MR. COCHRAN: Let's now move back to
5 CPA2007-56. North Fort Myers Community
6 Plan.

7 MR. MUDD: Good morning. I'm Jim
8 Mudd. This amendment will provide a new
9 vision statement, goal, objectives and
10 policies specific to North Fort Myers. It
11 also includes the change to the future
12 land use map for approximately 85.3 acres
13 from suburban central urban and
14 sub-outlying suburban use of commercial
15 and conservation lands.

16 It was created by approximately 73.89
17 acres of commercial land and 11.41 of
18 conservation lands. I'm going to step up
19 here to the map, if you don't mind.

20 This site right here, environmental
21 sciences staff spent hours walking the
22 site, and they recommended placing into
23 conservation lands in those areas that are
24 shown in green.

25 This property is under -- it's

1 multiple parcels under multiple ownership.
2 I believe it's five or six LLCs. The
3 owner of this particular parcel, the
4 representative for that owner, has
5 requested that this not go forward because
6 much of the land that's on his parcel is
7 conservation.

8 Now staff's recommendation is to go
9 ahead and transmit this, that would allow
10 time for the owner to possibly get this
11 under unified control prior to adoption,
12 which would be five or six months from
13 now.

14 We would also remove this property
15 from the mixed use overlay map, because it
16 would be going to commercial, so it would
17 be commercial only. It won't be mixed
18 use. I'd appreciate it if somebody from
19 environmental could talk about the areas
20 that they're recommending for
21 conservation.

22 MR. MARTIN: Good morning. For the
23 record, Aron Martin, Lee County
24 Environmental Sciences staff. Lee County
25 Environmental Sciences staff reviewed the

1 application, and found the project to
2 contain two flow ways, one being Hancock
3 Creek and the other was an unnamed creek.
4 Both of these flow ways connect to the
5 Yellow Fever Creek, which in turn
6 discharges into the Caloosahatchee River.

7 The vegetative communities adjacent to
8 the flow ways are of high quality, due to
9 the native plant species present and low
10 percentage of exotic infestation. In
11 addition, the project abuts on three sides
12 with residential homes.

13 The Lee Plan provides policies for the
14 protection of the flow ways, preservation
15 of wildlife habitat and buffering for
16 residential properties. Staff worked with
17 the applicant to try and designate
18 conversation lands on the project but, we
19 were unable to reach an agreement.

20 Thus, staff designated the
21 conservation land use as you see down
22 there, which meets the intent of the
23 conservation land use policy along with
24 the Lee Plan, and the LDC. Questions?

25 MS. WESSEL: This is probably a Jim

1 Mudd question. We're looking at North
2 Fort Myers Community Plan, and this -- in
3 conjunction, sort of like what happened
4 with Olga last --

5 MR. MUDD: Yes, ma'am. The community
6 panel saw this and voted in support of it,
7 unanimous support, so we consider this as
8 part of North Fort Myers Community Plan.

9 MS. WESSEL: And the comment about the
10 unified control, is someone actively
11 trying to purchase and singularly control
12 this red area that's shown on the map?

13 MR. MUDD: We meet with Mr. Steven
14 Haywood last week, and an attorney
15 representing him, and he said that he just
16 needed more time to place this under
17 unified control. I believe he is working
18 to do that, but I don't know if he's here
19 to speak to you about that.

20 MS. WESSEL: And that's not the person
21 who owns the area in green that you said
22 was being objected to?

23 MR. MUDD: He represents an LLC that
24 owns that parcel.

25 MS. WESSEL: Okay. So that is the

1 parcel they own?

2 MR. MUDD: That 8.8 parcel, yes,
3 ma'am, and that is the majority of the
4 conservation lands, but we -- when
5 environmental went out there, they weren't
6 looking at parcels, they were looking at
7 valuable land.

8 MS. WESSEL: No, no, no, I understand
9 the separation of those two.

10 MR. MUDD: Okay.

11 MS. WESSEL: What I'm trying to
12 understand, he owns the portion that's
13 being shown in green on this map, but he's
14 trying to purchase the entire site?

15 MR. MUDD: Can you address that?
16 Chuck's going to address the ownership of
17 the properties.

18 MS. WESSEL: Okay. Thank you.

19 MR. BASINAIT: Good morning. Charles
20 Basinait, for the record, with Henderson,
21 Franklin. I represent the owners of the
22 Somerset Properties, Charles Felix, which
23 is a portion of those lands.

24 The entire site is about 85.3 acres --
25 83.5 acres.

1 MR. ANDRESS: Could you indicate on
2 the map there which lands you're
3 representing?

4 MR. BASINAIT: Sure. Actually, I'll
5 tell you what, rather than -- that's not
6 really broken down. What I can do is give
7 you some exhibits that indicate specific
8 land and which areas.

9 MR. ANDRESS: Okay. Great, Chuck.
10 Thank you very much.

11 MS. WESSEL: Never enough maps.

12 MR. ANDRESS: And you're representing
13 Somerset?

14 MR. BASINAIT: Yes, sir.

15 MR. ANDRESS: Okay.

16 MR. BASINAIT: Now we had
17 originally -- and when I say we, Cliff
18 Repperger and Linda Miller with Avalon
19 Engineering and myself -- worked on the
20 request to the county that covered the
21 entire 83.5 acres.

22 We had authorization from all those
23 folks to move forward to modify this
24 particular piece of property, as part of
25 the overall North Fort Myers Community

1 Plan, to a commercial lands category.
2 Where it got a little bit difficult was
3 that towards the end of the process a
4 couple weeks ago, the environmental staff
5 looked at this and determined that they
6 felt there was certain areas that should
7 be put into conservation lands, as part of
8 the overall comprehensive plan change as
9 opposed to waiting until the zoning or
10 development order stage.

11 And most of that worked out fine,
12 except for the -- on the -- you'll see the
13 8.8 Pine Island Road, LLC piece, which has
14 a large area of cross hashing on it, and
15 right next to it, just to the right of it,
16 if you will, or east, is the Del Prado
17 Corbit, LLC, and again that has a large
18 percentage of cross hashing on it.

19 If you look to the right-hand side
20 where the printing is, you'll notice that
21 the 8.8 Pine Island Road, LLC, has a
22 conservation area of 4.12 and 4.75 acres
23 not impacted, and then the Del Prado
24 Corbit piece has an impacted area or
25 conservation area of 1.14, with an area

1 not impacted of 1.19. So it's 50 percent
2 of the properties, basically, are being
3 requested to be put into conservation
4 land, so there was some trepidation on the
5 part of this particular owner, Mr.
6 Haywood, with respect to creating those
7 conservation land categories at this
8 stage.

9 I think what he's trying to do at this
10 point is to try to work through that
11 process, both with my client and the other
12 folks out there, to see what we can do
13 about unifying these properties and have
14 further discussion with staff relative to
15 the conservation land designation. I hope
16 that was of some help.

17 MS. WESSEL: Thank you.

18 MR. BASINAIT: Certainly if --
19 certainly if there is any other questions,
20 we're here to try to answer them for you.

21 MR. ANDRESS: Okay. Thank you.

22 MR. MUDD: And, again, Jim Mudd, we're
23 recommending that you recommend that we
24 transmit this amendment, and see what the
25 property owners can work out between now

1 and adoption. The alternative is to not
2 transmit this at all. We see this as
3 pretty good opportunity to put some really
4 nice lands into conservation, so that's
5 why we're recommending that you recommend
6 transmittal.

7 MR. ANDRESS: Have you talked with the
8 owners of the land that you plan to put
9 into conservation to try to work out some
10 type of compromise?

11 MR. MUDD: Yes, Matt and I both have.

12 MR. ANDRESS: And what was the result
13 of those meetings?

14 MR. MUDD: The result was we needed
15 more time.

16 MR. ANDRESS: Okay.

17 MR. MUDD: I think this would allow
18 for that time, probably five or six months
19 before we actually adopt this amendment.

20 MR. ANDRESS: So you don't think we
21 need to continue this until we have some
22 definitive answers as to the extent of
23 conservation area?

24 MR. MUDD: I don't think we have time.
25 I think it's transmit or don't.

1 MR. BASINAIT: It might be helpful to
2 know also that Steve Haywood is involved
3 in four of the six LLC s that make up the
4 entire site. My client has two of the
5 properties that have the conservation
6 lands designation. He's not objecting to
7 that at this point, and Mr. Haywood has
8 the other three, that have some
9 conservation land in there.

10 I say the other three, there's a
11 portion of a fourth one, too, which I
12 understand the owner doesn't object to.
13 So it's really the ones that Mr. Haywood
14 owns currently that he has some
15 trepidation in, and really two of them are
16 the major points, because they cover so
17 much of the land he owns; 50 percent of
18 those two particular LLCs, so that's why
19 he's concerned.

20 We had hoped to be able to resolve
21 this before today but the time -- we just
22 didn't have sufficient time between when
23 we found out about it, which is only a
24 couple weeks ago, and today's date, and
25 we're hopeful between now and the time

1 either it gets transmitted or comes back
2 to DCA that we'll be able to resolve this
3 issue.

4 MR. COCHRAN: But in your professional
5 judgment, it's reasonable to expect that
6 within the next two or three months this
7 will be brought to closure?

8 MR. BASINAIT: I think one way or the
9 other it's going to be resolved in the
10 next two or three months, I do think so.

11 MR. INGE: I would hope so, Chuck,
12 because if I were an owner and I was part
13 of an amendment where most of my property
14 was going to conservation lands, I would
15 want to have significant input into that
16 also.

17 MR. BASINAIT: Certainly, and we can
18 understand that, it's just that the timing
19 of it was such that we weren't able to get
20 it all done before we came to see you
21 today.

22 MR. ANDRESS: So you don't have any
23 problem with transmitting it and working
24 out the details at a later date?

25 MR. BASINAIT: I don't have any

1 particular problem with it. Mr. Haywood
2 and his attorney is here, they can speak
3 for themselves certainly, but it's my
4 understanding that they did not, but I
5 don't want to put words in their mouth,
6 sir.

7 MR. INGE: I have a couple other
8 questions.

9 MR. O'CONNOR: If I might just chime
10 in here for a second. This is kind of a
11 side issue for the North Fort Myers
12 Community Plan. The background stems to
13 actually an application for some of the
14 western most properties that petitioned
15 the City of Cape Coral for annexation.

16 And you can see that one area of
17 yellow in there, that would have been an
18 enclave under that, so I brought it to the
19 attention of the board. The board
20 instructed me to go to the city and object
21 to it.

22 I did go to the city and say that the
23 county would object to the creation of a
24 enclave, and basically the city put the
25 annexation on hold, and we've been working

1 with Chuck to try and come up with some
2 kind of resolution to this. Now we like
3 the idea of the commercial designation
4 here. We really think we're doing
5 something good for the City of Cape Coral.

6 This is pretty much almost in the
7 center of the entire platted area of Cape
8 Coral. It's on the major arterial. It
9 seems appropriate to do big box and those
10 kind of uses on here, and so that's where
11 we came up with the idea for commercial.

12 Now Chuck has worked very hard to
13 expand the original area, and he's
14 actually brought it all the way up -- the
15 hashing on this map indicates the city
16 boundary, and he's brought it all the way
17 up to where the city crosses Pine Island
18 Road on the east side of the property.

19 So, you know, we're doing this -- part
20 of the issue is, if the land's annexed the
21 county loses the permitting ability on the
22 land, and, quite frankly, the county
23 thinks that we have some better permitting
24 requirements than the City of Cape Coral
25 has, and so that's why we're desirous of

1 keeping it in unincorporated Lee County,
2 and not having it go to the Cape's
3 jurisdiction, so I thought that was just a
4 little bit of a side story that you could
5 hear that it makes a little bit more sense
6 to you now.

7 MR. ANDRESS: It does. Thank you.

8 MR. COCHRAN: Any more staff questions
9 before we open for public comments?

10 MR. INGE: Yes, sir. I have some
11 questions of Mr. Mudd, and probably other
12 members of staff. I want to focus my
13 comments not on this particular land
14 parcel, but on the overall plan itself,
15 Jim.

16 On page 12 of 40 wherein the staff
17 recommendation is discussed, this becomes
18 part of the plan document, is that --

19 MR. MUDD: This will become a part of
20 the Lee Plan.

21 MR. INGE: I'm concerned about a lot
22 of editorializing going into the Lee plan,
23 not that I disagree with the statements,
24 but that -- I don't know that it's
25 appropriate to have, as part of the Lee

1 Plan, a sentence that says older
2 neighborhoods are experiencing a quiet
3 renaissance. First-time home buyers are
4 fixing up older houses. That's very nice
5 and it's very true, but I'm not sure that
6 that kind of editorializing needs to be in
7 the plan, and I'd just like for you to
8 take a look at that. I mean, it is
9 accurate but --

10 MR. MUDD: Are you reading from the
11 vision statement?

12 MR. INGE: Yes.

13 MR. MUDD: Yes. It's their vision
14 statement. They came up with the vision.

15 MR. INGE: I understand, but there's a
16 lot of editorializing there, but I wanted
17 to bring that to your attention.

18 Page 16, in the middle of the page
19 under Policy 28.2.7, the corridor overlay
20 district, we outline where these areas --
21 or some of the standards for these areas,
22 and then at the very end of that we say
23 once adopted, deviations will not be
24 supported. I would prefer to say would be
25 discouraged, because there's going to be

1 an instance come up where a deviation is
2 going to make absolute sense to do, and
3 we're going to be prohibited from really
4 strongly considering that because of the
5 language saying it won't be supported. I
6 would prefer that to say will be
7 discouraged instead of will not be
8 supported.

9 MR. MUDD: I'm not finding where
10 you're at.

11 MR. INGE: The last sentence of Policy
12 28.2.7.

13 MR. ANDRESS: Page 16.

14 MR. INGE: On page 16, after the
15 bullet points.

16 MR. MUDD: After the bullet points?

17 MR. INGE: Yes.

18 MR. MUDD: Got it, okay.

19 MR. INGE: Wherein it says the last
20 three words of that entire section.

21 MR. MUDD: Change not be supported to

22 --

23 MR. INGE: -- to be discouraged.

24 MR. MUDD: Got it.

25 MR. INGE: Because there's going to be

1 an instance come up where there'll be a
2 need for a variance, it just always
3 happens. Page 17, the Lee Scape Master
4 Plan, the last sentence of Policy 28.3.2
5 says that before finalization, the plan
6 should be presented for review to the
7 North Fort Myers Planning Community;
8 that's just an informational process, as
9 opposed to North Fort Myers Planning
10 Community having veto powers, if you will;
11 is that correct?

12 MR. MUDD: That's for informational
13 purposes, and I would like that changed to
14 the North Fort Myers community, rather
15 than to the planning community.

16 MR. INGE: Okay.

17 MR. MUDD: That should have been
18 changed. It may have been further on in
19 the report and just not there.

20 MR. INGE: I don't remember seeing it
21 elsewhere, but that's an informational
22 step as opposed to a --

23 MR. MUDD: That's an informational
24 step, yes.

25 MR. INGE: Okay. Page 18, Policy

1 28.5.1, level of service standards for
2 community parks. Here it says to ensure
3 parks and rec facilities are accessible
4 and adequate. The North Fort Myers
5 community will work with the Department of
6 Parks and Recreation to evaluate the Lee
7 Plan non-regulatory desired level of
8 service standards for community parks and
9 the generalized service areas boundaries.

10 Should that say for the North Fort
11 Myers community or is that broad enough to
12 apply county wide?

13 MR. MUDD: You know, I sent this
14 policy to parks, they didn't have any
15 suggestions for change.

16 MR. INGE: I certainly agree that the
17 North Fort Myers community should have
18 input on parks and the level of service
19 standards for the North Fort Myers
20 community, but I'm not so sure that their
21 opinions should carry as much weight in
22 San Carlos Park.

23 MR. MUDD: I believe it would be more
24 accurate to say for the North Fort Myers
25 community.

1 MR. ANDRESS: I think it's implied in
2 a sense.

3 MR. COCHRAN: I think it's implied.

4 MR. INGE: It's implied but --

5 MR. MUDD: I think that's their
6 intent.

7 MR. INGE: I felt it was, but I just
8 wanted to bring it to your attention.
9 Policy 28.5.8, Conservation Policy
10 Requirements, top of page nine, second
11 bull point: Any outside mitigation of
12 impacts to indigenous areas, wetlands or
13 wildlife will occur in North Fort Myers --
14 I'm concerned about that limitation,
15 because there may not be mitigation banks
16 or mitigations opportunities within that
17 planning community. I would disagree
18 completely with that.

19 To limit the mitigation having to
20 occur within that planning community
21 itself, we've had that problem before on
22 some other items, even in road projects,
23 as I recall, where there was some concerns
24 over restricting that mitigation to a
25 certain geographic area.

1 MR. MUDD: How about adding when
2 possible?

3 MR. INGE: Where possible, or when
4 possible.

5 MR. ANDRESS: Or within Lee County
6 where possible.

7 MR. INGE: Where possible, I think,
8 gives us enough flexibility.

9 MR. MUDD: Okay.

10 MR. INGE: An undue limitation is my
11 concern. Page 20, future land use map
12 change, which I believe this addresses
13 this 80-some odd acres.

14 MR. MUDD: That's correct.

15 MR. INGE: How does -- how was the
16 floor ratio on the top of page 20 of .2597
17 determined?

18 MR. MUDD: They had originally had a
19 floor area ratio of .25, but then we added
20 all the conservation lands, and the
21 applicant asked, "Can't we just keep the
22 same amount of square footage, since we're
23 putting additional land into
24 conservation?" We said, "Fine." We
25 already agreed to that in concept.

1 MR. INGE: So the FAR was applicant
2 driven?

3 MR. MUDD: Yes. It was basically
4 allowing them the same square footage as
5 we had with the .25 FAR, but there was
6 less conservation land, if that makes
7 sense?

8 MR. INGE: I understand. Those are my
9 questions. Thank you. Do you have
10 something to address?

11 MR. COCHRAN: I think it's clarified.

12 MR. MUDD: There were -- there were
13 two policies that we recommended be
14 stricken, 28.4.2, medical district
15 planning, that was going to be a very
16 expensive study that the county was going
17 to have to undertake, and 28.4.5, septic
18 tank and waste water treatment.

19 The applicant has submitted some
20 compromised language. Matt and I looked
21 it over and I don't think we have a
22 problem with this. If you would like Mr.
23 Toth to explain what those compromises
24 were, I think he would agree to do that.

25 MR. COCHRAN: Which section?

1 MR. MUDD: 28.4.2.

2 MR. COCHRAN: What page?

3 MR. LOVELAND: If you go to page 31.

4 MR. MUDD: 28.4.2, medical district
5 planning, we had recommended that that be
6 stricken. It was going to require studies
7 and reports by staff, and we're not really
8 in the business of doing that.

9 However, there were revised policies
10 on that and I'll just read to you so Mr.
11 Toth doesn't have to get up. The North
12 Fort Myers community will work with the
13 Department of Community Development, the
14 Department of Human Services, Lee County
15 Health Department, Lee County Medical
16 Society, and Lee Memorial Health Systems,
17 to complete an analysis of the market
18 support for needed medical facilities in
19 North Fort Myers.

20 Basically that puts the burden on the
21 community to do this, and it says the
22 county staff would be glad to work with
23 them, and I don't think we have a problem
24 with that.

25 MR. COCHRAN: Other questions of staff

1 before we open the floor?

2 MR. MUDD: There was one other change,
3 excuse me. Policy 28.4.5, septic tanks
4 and water waste treatment. You'll see
5 that on page 32. We recommended that be
6 struck. Their revised language says North
7 Fort Myers community supports the concept
8 of a single source for sewage service
9 within the North Fort Myers community, and
10 that's just kind, like, a community vision
11 for that, and we don't have a problem with
12 that either.

13 That's all I had for you, if you have
14 any other questions?

15 MR. LOVELAND: Jim, your staff report
16 is showing more policies being stricken
17 than just the ones you highlighted.

18 MR. MUDD: Yes, there are more.

19 MR. LOVELAND: Okay. You just said
20 there were only two.

21 MR. MUDD: No, two that were changed.

22 MR. LOVELAND: Oh, I gotcha.

23 MR. MUDD: That they gave alternative
24 language to. They rest they have not done
25 that. I'm sorry if I confused you.

1 MR. INGE: I think overall there is a
2 lot of good work put into this plan.

3 MR. ANDRESS: I think it looks good.

4 MR. COCHRAN: Okay. Open the floor
5 for public comment. Mr. Toth, you were
6 one, and Mr. John Gardner. Either one.

7 MR. HAYWOOD: Steve Haywood. I'm all
8 for the amendment for the future land use
9 change. There's actually five parcels,
10 different LLCs, out of the seven parcels,
11 and I have a few real major concerns here.

12 If we take the different owners that I
13 have in the LLCs, if I go to take the two
14 corner properties, one on Orchid, and then
15 the other on Barrett and I say, "Hey,
16 let's all go into one," and they'll look
17 at me and say, "Heck, why should we take
18 this particular parcel, the 8.8 for Del
19 Prado Corbit, which is practically
20 worthless, except for maybe one acre on
21 Pine Island Road on the 8.8, and unify
22 everything?" So that's going to be my
23 most difficult problem that I'm going to
24 have.

25 The second that I don't quite

1 understand is that if we would have known,
2 not ten days before, that this change was
3 going to take place, then perhaps I could
4 have hired an environmental engineer and
5 said, "Hey, maybe it shouldn't be all this
6 conservation area in this particular
7 space." I don't have that opportunity.

8 Three, if I can't get everybody
9 together, why should my LLC members who
10 paid about 3.2 for the 8.8 with a 2.4
11 mortgage and paying \$30,000 a month, not
12 give it back to the bank? Then the bank
13 takes it back, the property is worth
14 \$500,000, if it's worth that, then what
15 happens?

16 But the most critical issue, I think,
17 is the issue of sewer and water. Ever
18 since I've been here 40 years ago, I've
19 been waiting for sewer on 41 north.
20 There's no sewer, I mean, except in
21 certain areas.

22 Whereas, if it was incorporated in the
23 city limits of the Cape, at least it would
24 have sewer. Heck, the city and the county
25 are fighting over and over again, no sewer

1 and water, how is anything going to get
2 developed there? You change it, and no
3 sewer. We go 10 years, we go another 15
4 years, no sewer. So what happens? You
5 haven't had sewer for 40 years.

6 If somebody could answer that, and why
7 would we keep paying a \$2.4 million
8 mortgage on a property and my investors
9 would say, "Heck, Steve, this isn't worth
10 it, just give it back to the bank." Now
11 the bank may sue us, what else can we do?

12 MR. COCHRAN: I have a question.

13 MR. HAYWOOD: Sure.

14 MR. COCHRAN: Deferring this question
15 in another month or so, does that give you
16 sufficient time to deal with the first
17 part of the issues, not the sewer problem,
18 but the other issues?

19 MR. HAYWOOD: Well, if we can take it
20 off until zoning about the conservation
21 areas later, I can try to work this out
22 with all my -- and I would hire an
23 environmental engineer, and talk to the
24 county, and have them come and see you and
25 say, "Hey, can we change this a little

1 bit?"

2 If we look where they have a DRI
3 across the street, the creek is much
4 wider, yet they don't have the same
5 conservation restrictions or anywhere
6 near, as they're putting on this
7 particular piece in the last ten days of
8 seeing this committee here. It's just,
9 boom, just like that.

10 MR. COCHRAN: Okay. Thank you.

11 MS. WESSEL: Can I ask a question?

12 MR. COCHRAN: There is another
13 question.

14 MS. WESSEL: I wanted to clarify, you
15 own this triangular piece?

16 MR. HAYWOOD: Yes.

17 MS. WESSEL: That's the piece you're
18 speaking of?

19 MR. HAYWOOD: No, no, no, that's just
20 a little piece; that's not effected at
21 all. There's a real little piece in there
22 we own that's across from Corbit. But the
23 8.8, if you look at the map, is really a
24 huge chunk that we own there, and then we
25 have the piece adjacent, and we don't mind

1 them taking any of the back parcels that
2 separate the residential, but taking it
3 right smack on Pine Island Road, it really
4 effects the value of that property.

5 MS. WESSEL: Okay. Thank you.

6 MR. HAYWOOD: Welcome.

7 MR. JET: David Jet, attorney for
8 Steve Haywood. Briefly I'd just like to
9 reiterate some of the issues that were
10 raised earlier about Mr. Haywood's efforts
11 to unify ownership of this property.

12 Clearly, in today's economic times, to
13 do that is an onerous task, to say the
14 least, with so many different players
15 involved. So four to five months is
16 probably not adequate time for him to
17 attempt to unify ownership of these
18 parcels, which would make it somewhat
19 workable for him and his members.

20 It's just clearly not going to be
21 enough time based on today's financial
22 constraints with most of the owners of the
23 property, so I would recommend this not be
24 transmitted as proposed. Particularly
25 with regards to the conservation areas.

1 We are not opposed, for clarity, to the
2 commercial zoning, or land use, I should
3 say, of all the parcels in play. Thank
4 you.

5 MR. COCHRAN: We are still in public
6 comment. Is Mr. John Gardner here?

7 MR. GARDNER: Good morning. For the
8 record John Gardner, president of the
9 North Fort Myers Community Planning Panel,
10 and resident of North Fort Myers.

11 The language that was given as, if you
12 will, amendments to the two policies that
13 were stricken by staff suggestion, because
14 of the limited time that we were given as
15 a panel to review staff changes, we
16 just -- for the board, and for the panel,
17 they wanted me to get on record that we're
18 aware we will be able to bring forth
19 additional changes if needed, not
20 necessarily before this is transmitted,
21 but before it's adopted.

22 Because there are several things that
23 we would like to encourage staff to
24 embrace on some additional policies;
25 that's really all I had.

1 MR. COCHRAN: Okay. Thank you.

2 MR. INGE: Just a comment, Mr.
3 Gardner. You need to make sure you get
4 those, and get those presented before the
5 board hearing, because once it gets
6 transmitted, it gets transmitted as such,
7 and it's a lot harder to address, I would
8 think.

9 MR. GARDNER: We're aware of that.

10 MR. INGE: Don't delay.

11 MR. GARDNER: We've only had less than
12 a week since we got staff's report back on
13 that.

14 MR. INGE: I want to caution you to
15 make sure you stay on top of it.

16 MR. GARDNER: Thank you.

17 MR. COCHRAN: Anyone else? I don't
18 have any other cards. Anyone else like to
19 speak from the public? Chair.

20 MR. INGE: How about a question?

21 MR. COCHRAN: Back to the committee;
22 questions?

23 MR. INGE: Paul and Becky, maybe you
24 can walk me through this. Mr. Haywood's
25 concern that he's expressed is a

1 designation of a conservation land on a
2 significant portion of his property, and
3 if that's the comp plan designation, walk
4 me through -- and for benefit of everyone
5 else -- walk us through how that
6 designation is treated as you go through
7 the zoning process and the development
8 order process.

9 Is that footprint a given that will
10 always stay that way, or is there an
11 opportunity for further work to modify
12 that based on ground work?

13 MR. MUDD: Maybe Becky could answer
14 this, but I believe that placing it in
15 conservation lands would be just that, it
16 would not be developable. We would rather
17 take care of this right now, frankly, than
18 fight about it at zoning time.

19 MR. INGE: I think everyone would, but
20 there's some concern, at least raised by a
21 portion of this parcel, that maybe that
22 drawing isn't correct. I don't have any
23 way of knowing.

24 MR. MUDD: Right. Well, you know,
25 this is our best recommendation from

1 environmental sciences. They spent a lot
2 of time out on that property; heritage
3 trees, there's a creek running through it,
4 I mean, I don't know how you get around
5 that.

6 MS. WESSEL: That was -- that kind of
7 goes to my question, which was that it's
8 designated as flood hazard areas and other
9 flood areas, so I wanted to ask staff, was
10 it done based on wetland soil delineation,
11 or was it done based on FEMA flood, or a
12 mixture?

13 MR. MUDD: Both. We looked at the
14 firm map it's a flood plane.

15 MS. WESSEL: Right. So this is pretty
16 much wetland to begin it?

17 MR. MUDD: Well, it's not all wetland,
18 part of it's a creek.

19 MS. WESSEL: Right, but in terms of
20 the way we look at those things.

21 MR. MUDD: Right.

22 MS. WESSEL: That we have come up one
23 way or the other because -- regardless of
24 this change to commercial?

25 MR. MUDD: Right. Well, their drawing

1 -- or their proposed commercial lands,
2 rather, doesn't exactly mirror, but it
3 looks really close to the flood plane map.

4 MS. WESSEL: Right, which make sense.
5 Which means that it's not --

6 MR. MUDD: I mean, you look at them
7 side by side, you see that.

8 MS. WESSEL: And we know that we have
9 some overflowing buffer issues with North
10 Fort Myers and these creek flow ways.

11 MR. MUDD: Right.

12 MS. WESSEL: I think the bottom line
13 to that comment is that this basically
14 would probably be restricted no matter
15 what, because you've got flood zones and
16 wetlands.

17 MR. ANDRESS: I understand that. I
18 believe what the applicant is saying or --
19 is that they would like the opportunity to
20 have their own environmental study done to
21 -- because it's such a small piece of
22 property, to more accurately delineate
23 where the wetlands are, so they can get as
24 much useable space in their property and
25 to increase the value as much as possible,

1 is what I hear them saying.

2 MR. MUDD: I would like to enforce
3 that -- reinforce that this is going from
4 two dwelling units an acre to nearly
5 900,000 square feet of commercial, so this
6 is, like, huge for the overall project.

7 MR. COCHRAN: I understand that, but
8 it seems that we've heard several
9 individuals say that they have not had
10 sufficient time to deal with the issues at
11 hand.

12 And there seems to be some way that we
13 ought to be able to separate the
14 conservation issue, and let all of this
15 other go forward and give us -- give these
16 people sufficient time.

17 We're dealing with significant dollars
18 and significant impact that we think may
19 happen in a couple months, but with what's
20 been added, it may not happen in a couple
21 months, so I think that's the issue and
22 I'd like to have the board address that
23 issue.

24 MS. WESSEL: Well, that's what I was
25 wondering with my first question was, if

1 this comprehensive plan amendment 56
2 couldn't be separated from the North Fort
3 Myers Community Plan or -- so that could
4 be resolved -- so that that could be
5 resolved so it would transmitted, I guess,
6 as-is in the plan; in the community plan.

7 MR. MUDD: I think maybe somebody from
8 their planning panel ought to address
9 that, I mean, they unanimously supported
10 this.

11 MR. ANDRESS: I'd like to ask Donna
12 Marie, is it possible for us to separate
13 out the --

14 MR. INGE: Hold on a second.

15 MR. ANDRESS: Can we have an
16 opportunity to transmit this with the
17 conservation lands designation not
18 included in the plan?

19 MS. COLLINS: Yes, you can do that.

20 MR. ANDRESS: Okay.

21 MS. WESSEL: But wouldn't that also
22 affect the designation of commercial?

23 MR. ANDRESS: Well, it has to be
24 worked out.

25 MS. COLLINS: I think you can make a

1 recommendation to do so, but I don't know
2 whether or not it will be supported by
3 anybody other than the panel.

4 MR. ANDRESS: Sure. Right.

5 MS. COLLINS: It's possible.

6 MR. ANDRESS: I just don't personally
7 feel comfortable moving that aspect of it
8 forward when I can relate to the problems
9 that have been expressed here, and, to me,
10 it's something that can be worked out,
11 along with some of other aspects that Mr.
12 Gardner delineated that have to be worked
13 out before a final adoption, and, so,
14 therefore, if you're ready for a motion,
15 I'm ready to make it.

16 MR. COCHRAN: Sure. Entertain a
17 motion.

18 MR. ANDRESS: I move that CPA2007-0056
19 be transmitted with staff's changes, and
20 also the comments -- the changes proposed
21 by the board, and also that the
22 conservation designation of lands within
23 this area be omitted at this time, and be
24 allowed to continue on, and be -- a
25 conservation area be adopted at a later

1 date before the final adoption of the
2 plan.

3 MR. COCHRAN: Before we have a second,
4 I neglected one more card, so Mr.
5 Basinait.

6 MR. BASINAIT: I just have one
7 question on the motion, actually, if you
8 don't mind. For the record Charles
9 Basinait. If you delete the conservation
10 lands designation from moving forward at
11 this point, are you at the same time
12 saying that those -- it's 11.41 acres in
13 its entirety -- are you saying that those
14 lands will be then designated under the
15 motion as commercial lands?

16 MR. ANDRESS: No.

17 MR. BASINAIT: Okay, so those are not
18 going to have a designation?

19 MR. ANDRESS: Those lands are not
20 going to have a designation, and before
21 final adoption they will have a
22 designation.

23 MR. BASINAIT: Either commercial lands
24 or conservation lands?

25 MR. ANDRESS: Or whatever the county

1 commissioners decide.

2 MR. BASINAIT: Okay.

3 MS. WESSEL: That's what my question
4 is.

5 MR. COCHRAN: Do we have second?

6 MR. INGE: I'll second that for
7 discussion.

8 MR. COCHRAN: We have a second.

9 MS. WESSEL: How is the rest of it
10 being designated then, the area in red and
11 yellow?

12 MR. ANDRESS: Everything would be as
13 proposed by staff.

14 MS. WESSEL: Except conservation land.

15 MR. ANDRESS: With the changes
16 recommended by staff, that includes
17 everything except for those conservation
18 land.

19 MR. O'CONNOR: Is all three pieces of
20 it conservation lands?

21 MR. COCHRAN: Yes.

22 MR. ANDRESS: Yes.

23 MR. O'CONNOR: So those would stay the
24 same future land use designation they have
25 today?

1 MR. ANDRESS: That's correct.

2 MR. INGE: Which is what, suburban?

3 MR. O'CONNOR: Which is suburban with
4 about 300 feet of urban community on the
5 one piece that touches Pine Island Road.

6 MR. ANDRESS: That's correct.

7 MR. COCHRAN: Any further discussion?

8 MR. INGE: Noel, the changes that you
9 mentioned, just to be clear --

10 MR. ANDRESS: The ones that you
11 recommended.

12 MR. INGE: Changes on page 16, 17, 18,
13 19 and then the new two policies that Jim
14 spoke of before?

15 MR. ANDRESS: Yes.

16 MR. INGE: Now back to this map.
17 Paul, again, I just want to make sure I'm
18 clear on this, for lack of a better way of
19 expressing it, the green areas on the 80
20 some areas --

21 MR. ANDRESS: Three areas.

22 MR. INGE: Those three areas stay
23 suburban, and a small strip of something
24 on Pine Island Road?

25 MR. O'CONNOR: It's actually out-lying

1 suburban, and there's a strip along Pine
2 Island Road that changes somewhere along
3 the road there from suburban to urban
4 community. I believe where the green
5 touches Pine Island Road, it's urban
6 community underneath that, but whatever it
7 is underneath that, I guess, is what we're
8 saying.

9 MR. ANDRESS: Stays the same.

10 MR. O'CONNOR: I mean, the other
11 option would be to say turn it all red at
12 this point in time.

13 MR. INGE: Or exclude the parcels with
14 the conservation land on it from the
15 amendment.

16 MR. O'CONNOR: Well, are we excluding
17 the parcels, or are we excluding the green
18 lines?

19 MR. ANDRESS: The green areas.

20 MR. O'CONNOR: Okay. All right. I
21 understand the motion then.

22 MR. ANDRESS: Okay.

23 MS. WESSEL: And the reason for us
24 doing that, as opposed to waiting,
25 giving --

1 MR. ANDRESS: Designating them today
2 to give the applicant enough time to do
3 the study and then convince the County
4 Commissioners there needs to be some
5 change in what staff is recommending here
6 today on the green areas.

7 MS. WESSEL: As opposed to -- what I
8 was going to ask -- as opposed to
9 continuing this for a month to be able to
10 look at it?

11 MR. COCHRAN: No, because it's going
12 to take some time.

13 MR. ANDRESS: It's going to take some
14 time.

15 MR. COCHRAN: Because they couldn't
16 get it done in two or three months, or
17 four or five months.

18 MR. O'CONNOR: I think the real issue
19 is, as you can see from the parcels on the
20 map, there's a lot of owners and several
21 LLCs involved in this. Then the real
22 question is can all those LLCs get
23 together and come up with one plan for all
24 of this property, or are we go to see four
25 or five different rezonings happening on

1 this property through time?

2 If it comes in as one piece it will
3 probably end up with that area being
4 green, because that's the native
5 vegetation; that's where the wetlands,
6 that's where the flood plane; that's where
7 the creek is.

8 MR. ANDRESS: Sure.

9 MR. O'CONNOR: And so that would --
10 most likely if it comes in as a unified
11 development, it's probably going to look
12 pretty much like you're looking at it
13 today.

14 MR. ANDRESS: I agree.

15 MR. O'CONNOR: If it comes in as seven
16 or eight or nine different rezonings, it
17 may look very different, and it probably
18 won't function as well as if it can come
19 in as one or two larger projects.

20 MS. WESSEL: But as far as you're
21 aware, the rest of these property owners,
22 whose property is now red, are copacetic
23 with that?

24 MR. O'CONNOR: Well, as Jim said, for
25 the most part these properties are going

1 from out-lying suburban at two units an
2 acre, because this is a footnote in Table
3 1-A that limits it to two dwelling units
4 an acre, to the commercial with this
5 fairly, intensive floor area ratio.

6 MR. COCHRAN: Paul, have we ever
7 established, for example, a target time
8 frame or goal that this would be done by
9 February 1st or something to give some
10 reasonable time that they pull this
11 together and not have it linger and linger
12 and linger?

13 MR. O'CONNOR: No, is the short
14 answer.

15 MR. COCHRAN: You haven't done that?

16 MR. O'CONNOR: I don't really have
17 control over that.

18 MR. COCHRAN: Has this committee ever
19 done something like that, or would that be
20 appropriate?

21 MR. ANDRESS: We haven't done that.

22 MR. O'CONNOR: It's the property
23 owners that need to accomplish this.

24 MR. COCHRAN: I'm just trying to move
25 this around, rather than have all the

1 splinters.

2 MR. O'CONNOR: Well, I mean, there
3 will be dates established for this,
4 because once it's transmitted, when it
5 comes back, the board will have 60 days to
6 respond to the org report and adopt the
7 amendment, and so that's when the people
8 with red will have gotten the increase in
9 the intensity on their property and the
10 people in green will be where they are
11 today.

12 MR. ANDRESS: Right.

13 MR. COCHRAN: Okay. Any further
14 questions or comment? Hearing none, all
15 in favor of the motion say aye.

16 (All members said aye.)

17 MR. COCHRAN: Opposed same sign.

18 (No response.)

19 MR. COCHRAN: Motion carries 4-0.

20 Next item is CPA2007-55,
21 commercial/industrial lands. Go ahead,
22 please.

23 MR. NOBLE: For the record, Matt
24 Noble, Division of Planning, CPA2007-55 is
25 a request by the Board of County

1 Commissioners to evaluate the recently
2 completed commercial/industrial land study
3 for Lee County. It is recommending a
4 variety of modifications to policies.
5 Typical phrases being added, that it's
6 encouraging mixed use and R&D in a variety
7 or categories, such as intensive
8 development, central urban, urban
9 community, as well as some modifications
10 to the industrial development land use
11 category to clarify how we're treating
12 commercial, such as retail and office
13 uses. If I could answer any questions?

14 MR. ANDRESS: Is there a reason that
15 you didn't address in this report all of
16 the commercial/industrial areas around the
17 airport?

18 MR. NOBLE: I think we've been
19 struggling long-term with that question.
20 Certainly, the residential has been a hot
21 topic with the staff. We've got
22 conflicting things going on out by the
23 airport.

24 MR. ANDRESS: I'm just wondering why
25 you -- I know we've been considering the

1 airport a separate issue every time it
2 comes in for amendment, and we keep
3 saying, Ron keeps saying this, that we
4 need to really address the commercial
5 potential at the airport in greater
6 detail, and rather than on a piecemeal
7 basis, and yet here we have a
8 commercial/industrial lands for the
9 county, and that critical area is left
10 completely out of the plan.

11 MR. NOBLE: Again, those conflicting
12 points, I mean, we've got the passenger
13 air service going into the airport with
14 the consequential affect of the noise.
15 Staff's been concerned about that, the
16 conflicts that are inherent with an
17 airport.

18 MR. O'CONNOR: Noel, are you talking
19 about the actual airport property itself?

20 MR. ANDRESS: Yes.

21 MR. O'CONNOR: I think we explained to
22 you last time when we were here with the
23 airport that that's going to be an active
24 amendment in this next round.

25 MR. ANDRESS: Okay.

1 MR. O'CONNOR: And we are going to
2 address the table, which is very limited
3 right now. In development on the airport
4 property proper. I mean, we have 100
5 acres designated as developable.

6 MR. ANDRESS: Right.

7 MR. O'CONNOR: We have a very small
8 floor area that's allowed at this point,
9 so that will be addressed in the next
10 amendment cycle. I don't think that
11 really was the point behind this round of
12 amendments.

13 This is following the
14 commercial/industrial study, where they
15 basically told us we need to build a
16 little more flexibility into our
17 industrial lands and into our trade port
18 area.

19 MR. ANDRESS: Okay, thank you.

20 MS. WESSEL: I have a question for
21 Matt.

22 MR. COCHRAN: Matt?

23 MS. WESSEL: Sort of going back to
24 last week's discussion about the airport,
25 and on page 4 where we're in Policy 1.1.7

1 talking about adding the research and
2 development laboratories, and a comment
3 that Ron had made. What about the
4 opportunity for housing in proximity? We
5 had some concerns, I guess, from the
6 research group that some of the
7 researchers and laboratory workers
8 appreciate having housing in proximity.
9 This wouldn't allow that, it appears; how
10 would that work?

11 MR. NOBLE: Now R&D is a use itself
12 that is typically classified as an office
13 use; that's allowable in many locations in
14 the county. Most of the county's land use
15 categories are mixed use and would allow
16 that. Industrial development is the
17 exception to that, and we're kind of
18 concerned about opening that category up
19 to that use.

20 MS. WESSEL: But we're adding that
21 language for R&D laboratories under the
22 industrial development category.

23 MR. O'CONNOR: Which we're doing just
24 to increase our flexibility.

25 MS. WESSEL: So if someone wanted that

1 ability, they would just go to commercial
2 use as opposed to industrial use?

3 MR. O'CONNOR: Correct, they could go
4 to intensive development, or central urban
5 or urban community and accomplish that.

6 MS. WESSEL: By adding the research
7 and development laboratories it would not
8 open this industrial development area up
9 to any kind of inhabitation?

10 MR. NOBLE: No.

11 MS. WESSEL: Okay, thanks.

12 MR. NOBLE: And we also view it that
13 industrial development category itself is
14 relatively rare, and there is only a few
15 locations in Lee County, probably the
16 largest one being along Alico Road.

17 MR. COCHRAN: Ron?

18 MR. INGE: A couple questions. Thank
19 you guys about mentioning the residential
20 use. I know that that's something that
21 came out of the economic development work
22 that the Horizon Council has done. As I
23 understand it, Matt, and please correct me
24 if I'm wrong, by adding on page 3, the
25 ability in the intensive central urban and

1 urban community categories, the Policy
2 2.1.2.3 that has a combination of uses,
3 one of which is residential, would allow
4 residential and proximity to research and
5 development facilities in those
6 categories?

7 MR. NOBLE: Yes.

8 MR. INGE: So three out of four it's
9 allowable, the industrial category is
10 where it would not be.

11 MR. NOBLE: Correct. Correct.

12 MR. INGE: Kind of keep in mind, don't
13 draw a line in the sand. There may be
14 some opportunity that would come in, and
15 so kind of be flexible in your thinking in
16 the future.

17 MR. NOBLE: We've struggled with that
18 and we don't want it to be black or white,
19 we're still thinking about that.

20 MR. INGE: Okay. On page 4, Policy
21 1.1.7 numbered item 3 commercial, I
22 understand this is opening up some
23 flexibility to allow certain combinations.
24 How was the number of 10 percent
25 determined for the commercial service and

1 retail uses? How was that derived?

2 MR. NOBLE: That is out of our land
3 use database. It's basically what's
4 existing.

5 MR. INGE: Do you think that's --
6 that's what has happened in the past? Is
7 that a good indicator of what we're
8 flexible on and what we're going to have?

9 MR. NOBLE: It's the existing
10 restrictions, too, but it is being
11 broadened a little bit if you look at
12 number four.

13 MR. INGE: Yeah, but isn't a corner
14 store like 5,000 square feet or something?
15 It's pretty small.

16 MR. NOBLE: Yes, it's meant to service
17 daily kinds of need for the people in
18 these areas. You have to read it all in
19 conjunction, that there's a variety of
20 opportunities here to do those kinds of
21 support uses you're in doing a project.

22 You have these opportunities available
23 to you to do a little bit of commercial to
24 support the office complex, if it is going
25 to be an R&D complex.

1 MR. INGE: That 10 percent is a
2 limitation within the planning community
3 industrial areas not per project?

4 MR. NOBLE: That's right.

5 MR. INGE: So there could conceivably
6 be a smaller project that could be all
7 commercial, as long as it doesn't exceed
8 the totals?

9 MR. NOBLE: That's correct.

10 MR. INGE: It's almost like a map --
11 or not a map, the land use category tables
12 that we keep, a subtotal.

13 MR. NOBLE: It's an overall figure by
14 the planning community.

15 MR. INGE: Okay. At the bottom of
16 page 4, Policy 1.2.2, the last sentence,
17 future development in this category,
18 that's the trade port, must include a
19 mixture of land uses as described in
20 2.12.2, is that for each proposal or the
21 overall area?

22 So if any application comes forward it
23 has to have a mixture of uses, there is
24 not any single use that could come
25 forward?

1 MR. NOBLE: I think it is trying to
2 get people to bring mixed use projects in,
3 yes.

4 MR. INGE: So if someone in the trade
5 port area wanted to do an all lab thing as
6 an example, we wouldn't look kindly on
7 that because of this sentence?

8 MR. NOBLE: I think we'll be talking
9 to them to try to get some of that daily
10 need taken care of.

11 MR. INGE: Now the next sentence says
12 residential uses are prohibited, so that
13 would eliminate any residential; that's
14 the thing we talked about last month?

15 MR. NOBLE: Uh-huh.

16 MR. INGE: I still have concerns about
17 that. Those are my main questions. Thank
18 you.

19 MR. COCHRAN: Other questions of Matt?
20 Thank you, Matt. Open it for public
21 comment. Stephen Sposato.

22 MR. SPOSATO: Thank you. Stephen
23 Sposato with Ensite. I would like to
24 address -- sort of follow up on Ron's
25 comments to changes to Policy 1.1.7

1 industrial. This should be the discussion
2 on the corner commercial, which I think is
3 inappropriate in the industrial
4 classification. It's like a square peg in
5 a round hole.

6 If you look at the definition of
7 corner commercial, I'll read it briefly.
8 It says a small store servicing a range of
9 daily needs within a neighborhood and
10 accessible by pedestrian friendly streets
11 and/or plazas, and having a building
12 footprint of less than 5,000 square feet.

13 As Matt said the majority of the
14 industrial designation in Lee County is
15 north of Alico, west of I75. There's not
16 any infrastructure or resident population
17 to support that type of land use.

18 It's a nice -- it has a feel good --
19 you know when you say corner commercial
20 feels good, but it may only feel good in a
21 mixed use environment where you have a
22 substantial resident population within
23 like a quarter mile walking distance, it's
24 not going to work.

25 I have been involved in many IPD

1 rezonings. This is a big deal. I would
2 like to see in the staff report some pure
3 discussion pros and cons of this concept.
4 How it would actually impact what's
5 current. Are there other examples that
6 can be used that better serve what the
7 intent of the study, that BBP study had to
8 do, and I think it's inappropriate to
9 recommend such a limiting concept to the
10 -- that's the only model of a
11 free-standing commercial in that
12 designation.

13 If you try to apply that through the
14 zoning stage, what does that really mean?
15 Does it mean a 7-Eleven and gas pumps and
16 that kind of thing as long as you can walk
17 to it? I think it's not well-developed or
18 thought out to be part of the
19 Comprehensive Plan, and as you know once
20 you change the Comp. Plan, it's not easy
21 to go back and change it again.

22 MR. ANDRESS: Are you proposing some
23 additional language?

24 MR. SPOSATO: Well, I think the small
25 scale retail that supports the business

1 environment, I mean, most of the
2 development along that corridor is going
3 with the IPD, and a lot of it is already
4 zoned IPD, that's inconsistent.

5 I read the study I'm not sure how to
6 pronounce it, the Basil Bowman Prostudy, I
7 didn't see anything in there that
8 recommended a limitation on the type of
9 commercial to that extent.

10 I did see you need to be more
11 creative, you need to have -- be more open
12 and broad in allowing a mixture of uses.
13 If you read that definition and you apply
14 it during the zones stage it's not going
15 to work.

16 I understand not wanting to have big
17 box retail, that kind of concept in the
18 industrial, you're not trying to attract
19 people off the road to go shopping, but
20 there is a substantial business population
21 when you are at lunch, you want to go have
22 something to eat, you want to do business,
23 you want to get a paper, you want to do
24 these things. It's better if it's
25 approximate to those uses so you don't

1 have to drive to U.S. 41 and traffic that
2 are areas outside that business zone, and
3 really applying to the Alico corridor as
4 well.

5 MR. COCHRAN: Thank you.

6 MR. INGE: Question, Mr. Sposato?

7 MR. SPOSATO: Yes.

8 MR. INGE: Did you have a chance -- I
9 know you just looked at it, but Item No. 3
10 on Policy 1.1.7, the 10 percent building
11 area, what's your thought on that
12 limitation?

13 See, I think what staff was trying to
14 do is somewhat related, or is related
15 specifically to concerns that the BBP
16 study said that you gotta be careful where
17 you don't open it too wide so those areas
18 become all commercial, so I understand the
19 reason for some type of limitation.
20 What's your thought on the 10 percent
21 limitation?

22 MR. SPOSATO: There currently is
23 language in the Comp. Plan that caps it at
24 10 percent of the industrial
25 classification, but there is also the

1 caveat that no individual project can
2 exceed 30,000, so again there is that sort
3 of tension. In a large project, if you
4 have a million square feet of industrial,
5 10 percent would be hundred thousand plus,
6 but in actuality the actual IPD's have
7 only been getting maximum of 30,000 square
8 feet.

9 I like the flexibility in the Comp.
10 Plan, but how that is going to be applied
11 at the zoning stage I think that's why I
12 have concerns. I would like to see more
13 analysis on how this is going to be
14 applied and what's the real life example
15 of this. If we bring the project in,
16 what's going to happen? That can be used
17 to significantly limit what occurs on a
18 parcel by parcel basis.

19 MR. INGE: Thank you.

20 MR. SPOSATO: Thank you.

21 MR. COCHRAN: Okay. I have a card
22 from Mike Roeder.

23 MR. ROEDER: Good morning, Mr.
24 Chairman, members of the LPA. My name is
25 Mike Roeder, director of planning and

1 nonconcere. I was actually a
2 subconsultant on this study to BBP, and
3 while what the staff has sent to you bears
4 some resemblance to the original intent of
5 the study, I don't think it really
6 captures what they were trying to
7 accomplish, and overall I think it's a
8 step backwards.

9 When they were hired over two years
10 ago, there was a feeling that the county
11 was running out of industrial and
12 commercial land, and I think that was
13 partly driven by that residential frenzy
14 that was ongoing, and a lot of commercial
15 land was being converted at the time.

16 And I think the Horizon Council asked
17 for the county to look at whether or not
18 we had enough commercial and industrial
19 land designated on the plan. And BB&P
20 went out, did a lot of research, conducted
21 a lot of interviews, studied all the
22 plans, and they came to the conclusion
23 that the county had a lot of industrial
24 and commercial land available in theory.

25 What their study concluded, though,

1 was that the county definitions and
2 regulations and land use entitlement
3 practices made some of that not available
4 as it should be. So they recommended some
5 changes to definitions to the allowable
6 uses in certain categories, and more
7 particularly to how the zoning and
8 entitlement process would go forward, and
9 a lot of that didn't make it to the final
10 report.

11 But I would pick up on what Stephen
12 was saying, they pretend like this is a
13 line for more flexibility in the
14 industrial land use category and the main
15 thing they've done is add a research and
16 development laboratory, which is quite
17 specifically defined. Then it says
18 offices are only allowed still in
19 conjunction with an industrial use.

20 And what BBP said is that the county
21 really is not an industrial county. We
22 don't have the kind of manufacturing
23 activity you found up north. In fact, the
24 Roberts Study from '88 probably started
25 everybody off on the wrong foot by saying

1 the county should have enough land
2 designated industrial to have 3 percent of
3 its population engaged in manufacturing,
4 and given our location and transportation,
5 that just wasn't realistic.

6 What BBP did say is that office and
7 research is going to be a big part of our
8 industrial base. It's a white collar
9 industry and we need to make sure our land
10 use regulations accommodate that.

11 But if you read this you still have
12 only added research and development
13 laboratory very specifically defined to
14 industrial land uses, and you can still
15 only have offices that support that.

16 So as I read it, if a big, national
17 insurance company wanted to come in and
18 set up an office, they would have a hard
19 time doing that. This wouldn't be
20 allowed. I think more particularly the
21 related retail, the consultants found that
22 to be very unworkable the way it was
23 written and thought it should be loosened
24 up a bit. This recommendation actually
25 makes it more difficult. Now the only

1 free standing retail is the quote unquote
2 corner store, and if you can imagine a
3 convenient store on Alico Road being
4 designed as a pedestrian friendly
5 facility, I just don't see that happening.
6 It's just not practical.

7 Now they do recommend mixed uses in
8 all these new categories, and everybody is
9 in favor of that and so is BBP, and they
10 say that's part of the secret. Allow more
11 light industrial into our regular land use
12 category, allow more office into our
13 industrial category; that's a way to make
14 more land available for more uses.

15 I'm afraid the way it's written it's
16 not going to be more of a requirement when
17 you get to the zoning stage. I don't
18 think it's going to make it easier. It's
19 going to be harder now when you get to the
20 zoning stage with this language.

21 And another point that is not in here,
22 they specifically did not recommend
23 regional activity centers, which is a
24 designation in the Florida statutes, which
25 is a place for a bigger county to really

1 encourage concentrated industrial
2 development. In the Florida Statutes they
3 give you incentives to have mixed use
4 development and the report says, well,
5 we're not recommending that because we
6 believe if the applicant had to apply for
7 that, it would add another layer of review
8 and approval, and actually make it more
9 difficult, and I think that's true.

10 But BB&P had recommended that the
11 county designate that, that the county be
12 the one to designate the regional activity
13 center, lay out some ground rules for it
14 and make it more available on a wider
15 basis to a lot of land owners, and that
16 would have been a plus, but the staff
17 chose not to accept that.

18 And one of the reasons, I think, is
19 that state statute clearly envisions
20 residential being an important component
21 of that, and we had originally recommended
22 that residential be allowed in the trade
23 port and even in the industrial lands
24 category, as a way to have true mixed use
25 and reduce traffic, because right now

1 Alico Road is scheduled to fail in 2030
2 and nobody solved that problem. We only
3 think the way to do that is have more
4 people, like, living along Three Oaks and
5 Treeline, and that's still not in here.
6 That would be a step forward in the mixed
7 use.

8 The only real incentive here for mixed
9 use is you're allowed to double count the
10 density. When you get to that point you
11 really need it, and that's good, but
12 that's the only place in here where I see
13 that mixed use is becoming easier. I'm
14 afraid it's going to be harder.

15 One thing that is not in here that was
16 in the BBP study was get a handle on
17 annexation. The Arbor Wood DRI was a
18 prime example of the county losing
19 thousands of acres of trade port to a golf
20 course community, and BBP says just get a
21 handle on that.

22 The commissioners have independently
23 pursued that idea, and it's really not in
24 here, but that came out of that study as
25 well. In general I believe we're really

1 not pushing the ball forward with this
2 recommendation. We need to go back to the
3 drawing board and really make it more user
4 friendly.

5 MR. COCHRAN: Thank you.

6 MR. ROEDER: Thank you.

7 MR. COCHRAN: Greg Toth.

8 MR. TOTH: Yes, my name is Greg Toth
9 from Select Real Estate by Stephanie
10 Miller, talking about this item as a
11 property owner, and also as Mike was, a
12 subconsultant to the Basil Study. We came
13 and we helped with the Basil Study, and
14 talked to the county from kind of a
15 different area.

16 We watched the economic -- the Horizon
17 Council's study about bringing economic
18 diversity to the area. We had meeting
19 subsequent to the Basil Study, with Paul,
20 and Ray Judah, and the head of economic
21 development, and I think that this does
22 move forward a little bit, as it loosens
23 these ratios for office, but we brought
24 specific examples to the Basil and to the
25 county of users that wanted to come here.

1 As Mike said a large insurance company
2 wasn't able to be done, a pharmaceutical
3 company that had a more office space than
4 it had manufacturing space, wasn't able to
5 be done, and we were hoping that this
6 study was going to take some of these
7 issues off the table. Basically as I read
8 it it did loosen up the office ratio.

9 I have a question on the retail also
10 that we brought up in the meetings with
11 the county, is that we drew a map of
12 approximately 400 acres to the west of I75
13 basically directly across from the trade
14 port area.

15 And we looked at other areas that made
16 requirements, as far as close to freeways,
17 close to the university, close to homes,
18 other places, Orange County, Broward
19 County, have already really tackled this
20 in years past.

21 It's been taking a two-year process,
22 but in this retail, in this area if you
23 were a 100-acre land owner, and your --
24 part of your part was on the corner, and
25 you have 400 acres of development, and you

1 wanted to do a retail, not to draw people,
2 but to service the area in there, and you
3 put your 7-Eleven on the corner of your
4 property, as the ratios go for retail, you
5 wouldn't be -- you wouldn't have anymore.

6 So we ask do site location standard
7 override the ratio to -- in other words,
8 if you could have some of that under the
9 regularly developed development codes, why
10 is that taking away from your property?
11 Because what's going to happen -- the
12 ratios are not workable for real users, I
13 guess that's what I'm trying to say.

14 We were hoping for a new land use
15 category, whether it be a business park,
16 or retail park, and I don't see that we
17 got that. In order for us in Lee County
18 to bring businesses from a broker
19 standpoint economic diversity, we have to
20 be competitive.

21 I mean, already we have higher impact
22 fees than Charlotte and Hendry. We have
23 higher land costs, and this is really just
24 going to make it a longer process when you
25 do get a user that would like to come to

1 this area, and they take the other
2 counties and our county, this language is
3 so vague that it takes another year or two
4 going through. We were hoping that each
5 one of these places wouldn't need
6 comprehensive plan changes.

7 Although for the Madden project I was
8 a little upset as a taxpayer, there's a
9 lot of brokers in town that could bring
10 these users here, but it goes under county
11 and underwritten at a \$.50 a square foot
12 lease rate.

13 If we made the language so everybody
14 could try to bring these economic diverse
15 companies here -- to give you an example,
16 we were the local broker for Source
17 Interlink a couple years ago. They in
18 turn went to McGarvey's River Place
19 Center, 200-some odd thousand square lease
20 phase.

21 Subsequent to that they bought a
22 magazine rack company. Well, before this
23 if they were going to build one facility
24 they weren't able to do it under our
25 development codes. Another example, Bill

1 Smith Electronics, we're part of the
2 consortium building Three Oaks to the
3 north of Alico. He wanted to go in there
4 and have a large retail showroom, his
5 offices and a large warehouse in the back,
6 again impossible to do under our
7 development codes, because the ratios were
8 not large enough, as Mr. Inge brought up,
9 10 percent to facilitate that.

10 Also I notice that we're trying to
11 move forward to get other types of
12 businesses with diversity in, but as I
13 read the plan, we upped the green space by
14 10 percent. In other developments we were
15 okay with 30 percent.

16 Now if you want to go out and bring
17 somebody else in, it's another 10 percent
18 of your acreage off for that, it's almost
19 like a penalty, I think, you know. I
20 don't know that sites look so bad at 30
21 percent green space or not, you know.

22 We were hoping that we would get an
23 area -- and you mentioned the trade port
24 center and the four or 500 acres to the
25 north of Alico Road, that will soon be

1 connected to Daniels. If you look at
2 other counties in the state, who have made
3 requirement lists, like I said earlier,
4 they made requirement lists, you had to be
5 so close to a freeway or interstate, so
6 close to a university, so close to this.

7 I think if we could come up with some
8 kind of requirements and come up with a
9 land use category that opened it up for
10 everybody, all brokers in Southwest
11 Florida, to try to bring these companies
12 here without stretching out the time that
13 it takes to get the project through with
14 clear language that doesn't -- I do want
15 some answers about the retail because I
16 still don't understand if you're going to
17 allow retail in this area to take care of
18 that, how does that affect your ratio at
19 the 10 percent if you're a land owner?
20 Can I ask that question?

21 MR. COCHRAN: Matt, can you answer
22 that question?

23 MR. O'CONNOR: I think I can give a
24 partial answer to the question.

25 MR. COCHRAN: Okay.

1 MR. O'CONNOR: It seems like the
2 concentration here is on the industrial
3 land use category, and I think what staff
4 is saying is these kinds of uses can go in
5 many areas of the county. We're not
6 restricting these kinds of developments
7 that we're talking about only to the
8 industrial category, and then choking them
9 by not allowing them to have the proper
10 amount of retail and service uses in it.

11 If you look to the urban community,
12 the intensive development or the central
13 urban categories, there's no restrictions
14 to how much retail and service can go into
15 these areas, so we have opened up those
16 categories specifically to research and
17 development, which we thought they were
18 already opened up to to begin with.

19 So we're talking about really specific
20 parcels of land that aren't in those
21 categories that are desirous really of
22 having all those capabilities, and there's
23 very little land designated as industrial
24 development. You look at the future land
25 use map, and you do not see a lot of it.

1 There is some down on Iona McGregor,
2 of course, there's the strip along Metro
3 Parkway. The largest single designation
4 is that area north of Alico Road, and that
5 was basically put into the industrial
6 category back in '86. About half of that
7 was industrial prior to '86, the southern
8 half.

9 The northern half was added on, really
10 at urging of a couple things, number one,
11 there has been some changes that took
12 other lands that were designated
13 industrial out of the categories.

14 So there was concern that we balance
15 that and put some back in, and, number
16 two, that corridor north of Alico Road is
17 a very noisy place, and I don't care what
18 the 150 Part Study says, or what anything
19 says, those airplanes are coming right
20 over that land, and it's not a very
21 desirous area for these campus-type
22 developments, and so we've kept that in
23 mind as we've been doing this.

24 And, yes, we haven't opened up the
25 industrial lands, which is not a lot of

1 land in Lee county, but we have made the
2 efforts to show that within these other
3 land use categories, these kinds of things
4 are a go, and let's put these uses in
5 other areas where they are more
6 appropriate and where the service and the
7 infrastructure is available.

8 MR. NOBLE: If I could chime in, for
9 the industrial development category
10 itself, there is no limitation, that if
11 you're a widget manufacturer and you want
12 to sell widgets on the same site, you
13 know, we'll use the old planning school
14 widget factory, there in no limitation.
15 Now for other additional support --

16 MR. INGE: Hold on.

17 MR. NOBLE: Okay. So there is the
18 manufacturing of the widget, you can sell
19 the widgets on or off the site, but also
20 for those other support commercial retail
21 uses, we're now defining that at 10
22 percent of the total building area of
23 projects by planning community in the
24 industrial, the development could be just
25 that. It could be commercial, retail,

1 support services.

2 MR. TOTH: But I believe the way it's
3 written, if you had a piece of property,
4 100 acres, and you wanted to put a
5 7-Eleven and a bank on the corner and you
6 did so, then you've used your retail
7 square footage for the rest of the 80
8 acres or 85 acres.

9 MS. WESSEL: That's only in
10 industrial.

11 MR. TOTH: Well, isn't that what the
12 Basil Study was about, to see whether or
13 not we had enough industrial property
14 because of the residential run out, and
15 their recommendations were if you wanted
16 to bring the type of business that we were
17 telling them about, whether it's R&D,
18 pharmaceuticals, insurance companies, that
19 we should get a new land use categories,
20 and probably get rid of these ratios, so
21 we could actually show people that they
22 could do that project here.

23 I know it's a step in the right
24 direction by loosening the office ratios,
25 but I don't really think it's serving the

1 purpose of what we're trying to do. Now I
2 guess my question would be if you had that
3 piece of property, and you went ahead and
4 did a 7-Eleven or a bank just to take care
5 of the businesses around that area that's
6 not a retail draw, what do you do with the
7 rest of your property?

8 You have to build all warehouse on it.
9 You can't even sell it to another end user
10 because you've already used up your 10
11 percent retail space.

12 The Basil Study was basically saying
13 that ratios, you know, they're too -- it's
14 too tough to gauge a ratio when you want
15 to bring these type of people in. Again,
16 Mike's Insurance, I just flew back from
17 Ohio, I had a project up there.

18 Progressive Insurance just bought over
19 150 acres. They have a huge campus style,
20 again it's right next to the freeway.
21 They were able to, on that property, put
22 40 acres of vehicle maintenance, and big
23 garages, and that type of thing; that was
24 not possible before. Now that would be
25 possible now because we've loosened up the

1 office ratios, but other users are not --
2 still could not go in there without
3 another comprehensive plan change, and
4 when you're trying to lure users in of
5 that type and they have a community next
6 door like Charlotte or Hendry where the
7 impact fees are less, and they can work
8 faster, and you say, look, you have to pay
9 more road impact fees, you have to pay
10 higher for the property, but now it might
11 take you another two years to do another
12 Comp. Plan change, so it's a hard sell to
13 these people.

14 MS. WESSEL: Let me ask you. When you
15 were referring to the pharmaceutical and
16 the insurance company, those were -- you
17 were looking at industrial properties, not
18 commercially zoned properties?

19 MR. TOTH: Correct, because
20 commercially you could do the office, but
21 not the manufacturing, and the industrial,
22 you could do the manufacturing but the
23 office ratios didn't work for the other
24 half. So you're basically telling
25 somebody, you know, we want you here, but

1 you'd have to do two facilities and that's
2 not a good sell.

3 MR. COCHRAN: Thank you.

4 MS. WESSEL: Thank you.

5 MR. COCHRAN: Paul, if we take action
6 on this, for example, the next agenda item
7 Formosa, does that preclude this kind of
8 development that's being talked about?

9 MR. O'CONNOR: As long as there's
10 still area left in that 10 percent for the
11 community, that would be allowed.

12 MR. COCHRAN: I don't want to take
13 action today that precludes something that
14 is coming up. So this is still possible?

15 MR. O'CONNOR: I think that was our
16 conclusion, if that is under these
17 revisions that would be allowed.

18 MR. COCHRAN: Okay.

19 MR. O'CONNOR: Because it would be
20 under the 10 percent of that retail use
21 within that planning community.

22 MR. COCHRAN: Okay.

23 MR. INGE: I have question. Question
24 of Matt, on Policy 1.1.7, Item 4, the
25 corner store commercial, that is a

1 limitation that trumps the 10 percent
2 issue, as I read it, because it's an and
3 as opposed to or. So let's say you had,
4 for discussion, an 80-acre proposal come
5 forward that had some mixed use, and that
6 they proposed 10 percent of that, which
7 would be eight acres for commercial
8 services and retail uses, Item 4 would
9 still limit you to a 5,000 square foot
10 building, or a commercial building on that
11 eight acres; is that correct?

12 MR. NOBLE: I believe so.

13 MR. INGE: Okay. Is office included
14 in the commercial service, the definition
15 of commercial services, or is that
16 separate?

17 MR. O'CONNOR: That's separate.

18 MR. NOBLE: Separate.

19 MR. INGE: I'm ready to make a motion.

20 MR. COCHRAN: Last question, tell me
21 again why do we have not to exceed 10
22 percent? What if we had a furniture
23 manufacturer and he wanted to have
24 manufacturing going in the back and had
25 this retail outlet, why is there a 10

1 percent factor at all? I don't understand
2 the basis for the 10 percent.

3 MR. NOBLE: For that example, that's
4 the widget example. They're making the
5 furniture there, and they can sell it
6 there. There is no 10 percent limitation.

7 MR. O'CONNOR: I think the 10 percent
8 is being looked at incorrectly. As Matt
9 said, we're saying that if you're selling
10 what you're making there is no limitation
11 on that.

12 MR. COCHRAN: Right.

13 MR. O'CONNOR: The 10 percent is a
14 limitation on commercial service and
15 retail uses, and it's not 10 percent of
16 your particular project. It's 10 percent
17 of the building area in the industrial
18 development category within your planning
19 community.

20 So if you're the first project in the
21 door you could be 100 percent retail and
22 service, as long as you don't exceed 10
23 percent of the total area of industrial in
24 that planning community, and again the
25 limitations are to the service and retail

1 uses, not to the office uses, and not to
2 the related sales of what you're making.

3 MR. COCHRAN: One final comment.

4 MR. SPOSATO: Just one other point, if
5 that's the case, does that mean we can
6 have, you know, ten corner commercial
7 style -- I don't mean to be sarcastic but
8 a project that's at an interchange or
9 signal, does that mean we can have four,
10 5,000 square foot boxes that are all
11 defined as corner commercial, or is each
12 IPD going to have its own corner
13 commercial?

14 The reality and what's on the page,
15 just doesn't fit. What if I had a 10,000
16 square foot office supply store? What if
17 I had a bank that was two stories and
18 12,000 square feet? That's my only
19 comment. Thank you.

20 MR. ANDRESS: Is there an urgency for
21 moving this forward at this time? Do we
22 have some time here to incorporate some of
23 the recommendation we've heard today and
24 bring this back in a month or two?

25 MR. O'CONNOR: In the next month or

1 two it will be in the next amendment
2 cycle. It will be a year off if we put it
3 off today.

4 MR. INGE: I have a suggestion, people
5 can continue to work with staff as they go
6 forward.

7 MR. ANDRESS: Do we have any
8 additional public comments?

9 MR. COCHRAN: No, we're finished with
10 public comment.

11 MR. INGE: I move that we transmit
12 CPA2007-55 with the following changes:
13 That in Policy 1.1.7 for industrial
14 development we include office as a use.
15 On Subparagraph 3 we add the word office
16 so that it would then say office,
17 commercial service and retail uses may not
18 exceed, and change 10 percent to 20
19 percent, and delete Subparagraph 4
20 limiting the commercial uses to a 5,000
21 foot corner store.

22 So with those changes it increases the
23 ability to have more flexibility by adding
24 office, by increasing the ratio and
25 deleting the 5,000 square foot limitation.

1 Further, that we recommend the Board of
2 County Commissioners add to the 2008, 2009
3 regular amendment cycle items for review,
4 further analysis of the regional activity
5 centers and consideration of adding
6 residential to the trade port and
7 industrial development categories, where
8 appropriate, to be able to address some of
9 the opportunities that may come forward
10 for research and development facilities.

11 MR. COCHRAN: Do we have a second?

12 MR. ANDRESS: I'll second that.

13 MR. COCHRAN: Discussion?

14 MR. O'CONNOR: Might I make a question
15 so I understand the motion? Ron, the four
16 numbered paragraphs at the end of 1.1.7
17 only deal with retail and commercial
18 service, and you're adding office into
19 that and then putting a limitation --
20 raising the limitation to 20, but you're
21 applying that limitation to office. The
22 limitations is not there to office at all
23 today.

24 MR. INGE: Okay.

25 MR. O'CONNOR: I don't think that's

1 what you really wanted to do.

2 MR. INGE: Well, in that category
3 would office be permitted at more than 10
4 percent?

5 MR. O'CONNOR: Yes, it's only the
6 commercial service and retail services
7 that are limited.

8 MR. INGE: Thank you very much for
9 that correction.

10 MR. O'CONNOR: Take the word office
11 out and still go to 20 percent.

12 MR. INGE: Thank you for that
13 clarification.

14 MR. ANDRESS: I agree to the change.

15 MR. COCHRAN: Any further comment?
16 Hearing none, all in favor of the motion
17 say aye.

18 (All members said aye.)

19 MR. COCHRAN: Opposed, same sign.

20 (No response.)

21 MR. COCHRAN: Motion carries. We'll
22 take a break until 10:45.

23 (A recess was had and the proceedings
24 continued as follows:)

25 MR. COCHRAN: I'm like to call the

1 meeting to order, please. Next item is
2 CPA 2007-51, San Carlos Island. The
3 committee has expressed considerable
4 concern that the volume of material that
5 we've received as to e-mails was almost
6 impossible to give thorough consideration
7 to this.

8 We recognize that there are a number
9 of people in the audience, and we have
10 decided that we will defer action on this
11 item, but we will take public comment. I
12 have public comment cards. Charles
13 Whitehead. Excuse me, Charles, you can
14 sit down. I'm sorry. We should hear
15 staff comment first. Who from staff is
16 going to present this?

17 MR. O'CONNOR: I understand you
18 haven't had, maybe, sufficient time to do
19 this, but this will go on the 22nd, to the
20 board for their consideration for
21 transmittal, and so whatever action you
22 take today, and if your recommendation is
23 you don't know what to recommend on it,
24 then that's what we'll tell the Board of
25 County Commissioners, but it will be

1 moving forward. I apologize for that.

2 MR. INGE: Hold on. Don't take what
3 the Chair said -- at least I'm speaking on
4 behalf of everyone, I think, as criticism.
5 We know that you guys have had a lot of
6 things on your plate.

7 This came out at a late time, and
8 didn't give us chance to look at this as
9 thoroughly as we'd like, and I think
10 that's the reason for our discomfort, we
11 will sort through it as best we can, but
12 it's not a criticism for the staff in any
13 way.

14 MR. O'CONNOR: This is CPA2007-51 San
15 Carlos Island redevelopment. The request
16 is to amend the Lee Plan to establish a
17 new future land use category to be called
18 destination resort mixed use water
19 dependent, and the proposal requests the
20 change of 28.97 acres from urban community
21 and suburban and industrial development to
22 this new mixed use category.

23 That also is a change of 7.09 acres
24 from currently designated as wetlands to
25 be changed to the conservation land. It

1 would be conservation wetlands in the end.
2 The existing condition is for the 36.06
3 acre parcel located on San Carlos Island.
4 It touches -- it extends both north and
5 south of Main Street on San Carlos Island.

6 The current use of land there is a
7 recreational vehicle park on there with
8 some 271 dwelling units. There's a
9 marina, there's a restaurant, and there is
10 also a paint testing yard on the property.
11 There is some -- there are transportation
12 concerns with the existing congestion in
13 the area. There is water and sewer
14 available and solid water waste
15 collection.

16 Staff is recommending transmittal with
17 the following changes: We recommend
18 creation of the new land use category
19 destination resort, mixed use water
20 dependent.

21 We're recommending adding a new
22 descriptor, Policy 1.1.10, to the Lee Plan
23 which would define that category. We're
24 recommending a new goal, objectives and
25 policies to guide development in this

1 area, and we're recommending the revision
2 to the future land use map as requested.
3 With the 28.97 acres of upland to the new
4 destination resort mixed use water
5 dependent and the 7.09 acres to the
6 conservation lands, we're also
7 recommending that we add a new category,
8 and sufficient acreage to Table 1B, so the
9 property can be developed.

10 Staff changes from the applicant's
11 proposal is a reduction in the requested
12 density from a maximum of 17 dwelling
13 units per acre to ten dwelling units per
14 acre, a reduction of the requested height
15 from 230 feet to 135 feet with an
16 additional 50 feet, if multiple floors of
17 parking are included under the buildings,
18 the residential and hotel building.

19 We're requiring that onsite category
20 five shelters be contained on this site,
21 along with training, and the delivery of a
22 post-storm recovery plan for review by
23 emergency management.

24 Also that Main Street, the bicycle and
25 pedestrian improvements that will be

1 needed along Main Street will be
2 considered site-related improvements.
3 Some of the applicant's included
4 enhancements are enhanced landscaping and
5 buffering requirements and required
6 pedestrian and bicycle facilities on the
7 property. If there is any questions, I
8 would be glad to answer them.

9 MR. COCHRAN: I think we'll try and do
10 our best, since it's going to go forward
11 anyway, we might as well -- Mr. Whitehead,
12 I'm not sure where you are, you've been
13 deferred a little bit. Questions of
14 staff? Applicant, please.

15 MR. UHLE: For the record Matt Uhle
16 representing the applicant. I guess I'm a
17 little confused by the initial discussion.
18 We have roughly a half-hour presentation
19 to put on. I'm fully sympathetic with the
20 problems. We got the staff report
21 probably the same time you did. But we
22 are prepared to go forward, if, you know,
23 if you don't want to hear it --

24 MR. COCHRAN: You have until 11:30.

25 MR. UHLE: Okay, that's fine. Our

1 presentation will consist of me making a
2 fairly brief introduction. Joe McHarris
3 is going to do a Power Point presentation
4 that will last somewhere in the
5 neighborhood of 20 minutes.

6 Following that we have Ted Treise and
7 Drew Fitzgerald who will be talking about
8 traffic and engineering issues and then
9 when they're done, I have about a
10 one-minute closing.

11 Just to begin with the introduction
12 here, the subject property in this case is
13 located on San Carlos Island. It's a
14 relatively large parcel by San Carlos
15 Island standards, and located on both the
16 north and south sides of Main Street.
17 It's located in a number a different
18 future land use categories.

19 The property north of Main Street is
20 suburban, the property to the south is in
21 industrial development and urban
22 community, portions of that property are
23 in the water dependent overlay, and
24 portions are not. This mishmash of future
25 land use map categories makes it difficult

1 to develop this parcel as an integrated
2 and coherent whole. As a result of that
3 we're asking to do something about it.
4 The something we're asking to do is to
5 change it to a new future land use map
6 category.

7 There is no category in the Lee Plan
8 that really resembles what we're proposing
9 here, although as sort of an ironic aside,
10 I would say it is somewhat similar to the
11 Burnt Store Marina Village category.

12 There are a number of planning
13 concepts that are incorporated just within
14 the name of the category, which I will
15 tell you is a mouthful. I'm not going to
16 try to say it.

17 First of all there's the notion of
18 destination resort, which implies that
19 this is an area where we're trying to
20 bring people to it and keep them on the
21 site, rather than go elsewhere, which has
22 some implications for traffic.

23 There is also written into it the
24 mixed use concept, which is consistent
25 with what we're proposing to do and of

1 course consistent with the planning
2 direction in the Lee Plan, and then
3 finally the water dependent element of it
4 is a very key component. We are seeking
5 to enhance the water dependent element of
6 the property; that's also consistent with
7 the goals, objectives and policies of the
8 Lee Plan.

9 A few general comments about the
10 category. First of all, the category is
11 the product of extensive consultations
12 with the staff, although it didn't turn
13 out exactly the way we expected, with the
14 people of San Carlos Island and with the
15 town of Fort Myers Beach. We had made
16 presentations to both the local planning
17 agency and to the town council for the
18 town of Fort Myers Beach.

19 And I mentioned that because you
20 probably notice that there is a memorandum
21 that is in your package, if you had a
22 chance to read through all that stuff from
23 a consultant who works for the town,
24 expressing concern about it, but I need to
25 tell you that when we made the

1 presentation to the town council two weeks
2 ago, we were advised by the town council
3 that they had not seen that memo, had not
4 approved it. It was not necessarily their
5 position.

6 They have not taken a position on this
7 application as of this time, so it's
8 important that you understand that the
9 town is not opposing us. That letter does
10 not necessarily represent the position of
11 the town, and we'll discuss our
12 presentation in the letter and reach a
13 position in some later date.

14 Secondly, I would point out that this
15 category, even after the staff has
16 illuminated pages and pages of it, is
17 still more complex and longer than most
18 Lee Plan categories.

19 The reason for that is to provide
20 legally binding assurances that some of
21 the planning challenges that this
22 application presents will be addressed in
23 the zoning process. There is no
24 alternative to that. And then finally I
25 would point out that this is just the

1 beginning of the process, and we would
2 have to go through a planned development
3 rezoning, that's a time where even more
4 detail can be addressed, including all the
5 operational stuff.

6 As far as we can tell, the major
7 issues with this property are traffic,
8 density and height. And let me address
9 each of those individually. With regard
10 to traffic, Mr. Treise is going to talk
11 about that very briefly. But suffice it
12 to say that the first version of this
13 category was significantly more intense
14 than the one that's in front of you today.

15 He did an analysis based on 20/30
16 conditions and the 20/30 network, found
17 that this particular project would not
18 create concurrency problems in 20/30.
19 There was some criticism from the
20 consultant from Fort Myers Beach about us
21 using certain parts of the network that
22 are on the financially feasible plan.

23 Our response to that is we don't have
24 a right to choose what parts of the
25 network we like and which parts we don't.

1 We ran it with the network that is
2 approved, that's the conclusion we
3 reached. It's also important to note this
4 is a destination resort. We're trying to
5 keep people off the roads.

6 And then finally to the extent that
7 there is an impact to Fort Myers Beach,
8 that's intended to be mitigated by the
9 mass transit options, most notably the
10 water taxi, which should be a very viable
11 approach to getting to Fort Myers Beach
12 during season.

13 With regard to density, I would point
14 out that we have an offset on this
15 particular property of roughly a little
16 less than 300 RV units that are relatively
17 old for the most part, are park models for
18 the most part. Those will be removed and
19 replaced by state-of-the-art buildings,
20 that will be better from an evacuation and
21 hurricane protection perspective.

22 Mr. McHarris will also be addressing
23 some of the other benefits, in terms of
24 water management, aesthetics and so on.
25 With regard to height, we acknowledge

1 these buildings are taller than other
2 buildings on San Carlos Island. Mr.
3 McHarris will be showing you pictures of
4 buildings in the Fort Myers Beach and
5 Punta Rassa area which will show you this
6 particular proposal is not out of scale
7 with other developments that are somewhat
8 similar in the area.

9 I will conclude at this point by
10 saying we're essentially in agreement with
11 the staff recommendation. We disagree
12 with two things, one of them is with the
13 height. And it's basically for the same
14 reason we discussed in the Burnt Store
15 Marina case. Joe will be providing you
16 some graphics that will show you that more
17 explicitly.

18 We also need to put 100 time share
19 units back into this project. As it is,
20 the staff has reduced our density
21 drastically. We can accept most of that
22 reduction but we need the additional 100
23 units. If there is any questions for me,
24 I'll be happy to answer them. Otherwise
25 I'll turn it over to Mr. McHarris.

1 MR. ANDRESS: What is the height
2 you're proposing?

3 MR. UHLE: The height that was
4 requested and needed was 230.

5 MR. ANDRESS: And how many floors of
6 parking at 230 feet?

7 MR. UHLE: I'll let Mr. McHarris
8 answer that.

9 Mr. MCHARRIS: Hi, my name is Joseph
10 McHarris, and I'm with the planning firm
11 of McHarris Planning and Design. Thank
12 you for allowing us to speak today. The
13 reason we're here is to discuss the future
14 of San Carlos Island and its need for
15 redevelopment. If everyone will look to
16 the right, I have a slide show.

17 After many years of trying to work
18 with the context of the land development
19 code and the existing Lee Plan, we're
20 proposing a Comp. Plan amendment for the
21 creation of a new category called
22 destination resort, mixed use water
23 dependent.

24 This amendment does not effect the
25 entire island, as there would be no viable

1 means to gain consensus on such a large
2 area with so many small land owners. What
3 this amendment does is provide larger
4 parcels the ability to redevelop and
5 rejuvenate an area that has seen decline
6 over the last 10-20 years.

7 The vision statement for this area
8 from the Lee Plan states residents of this
9 area will address current planning
10 concerns, and future amendments to this
11 plan will be made to address these
12 concerns, and this is exactly what we are
13 doing and why we are here today.

14 The property in the amendment is
15 located north of Fort Myers Beach on San
16 Carlos Island that has frontage on
17 Mantanzas Pass and Hurricane Bay. The
18 project is bisected by Main Street, you'll
19 see Main Street right here, and San Carlos
20 Boulevard is right there.

21 The total acreage for the site is
22 76.25 acres, 32.1 acres of uplands.
23 Current zoning as Matt had mentioned is
24 mobile home residential, marine
25 commercial, marine industrial, light

1 industrial, and agricultural. The future
2 land designation is urban community,
3 suburban, industrial and wetlands. This
4 is the area today north of Main Street.
5 The existing uses here include RV parks
6 with somewhat less than 300 units.

7 Many of these units are 40 years or
8 older. The increase in property taxes
9 over the last ten years has resulted in
10 annual rents almost out of the reach of
11 many of these residences, while putting
12 undue burden on the land owners.

13 This stock of outdated housing is of
14 major concern because of its age and
15 construction in respect to hurricanes and
16 storms, and its close proximity to the
17 water. The potential for flooding,
18 destruction displacement is very real.
19 The land as developed today, and can be
20 seen in these photos, have very few trees,
21 if any, and very little water management,
22 if any, also.

23 Most of the surface water today
24 currently runs into the bay, the pass, and
25 the wetlands untreated. This is the area

1 south of Main Street. Today these parcels
2 have been functioning as a marina,
3 restaurant and a Key West cruise ship
4 terminal.

5 These properties have been defunct of
6 any commercial fishing activities for more
7 than ten years. The only new activities
8 on the sites are uses that are similar in
9 nature to the ones requested as part of
10 this amendment.

11 The future land use map was created to
12 save the fishing industry on the island
13 and unfortunately this action has not
14 helped. Both the current and future land
15 use designations have been unable to
16 provide any stimulus to create a viable
17 future for this area, but instead has
18 stifled the island as a whole.

19 The area has become more blighted over
20 the years because of these types of
21 impositions on the properties. This
22 amendment does not want to change the
23 working waterfront, what we want to do is
24 celebrate it and share it with others.
25 This amendment was first designed based on

1 the history of this island, and based on
2 other existing successful examples of
3 waterfront developments, including Sanibel
4 Harbor. We then applied these concepts to
5 our site. After the design was worked
6 out, we then and only then wrote the
7 amendment to fulfill the vision.

8 The Comp. Plan amendment we are
9 proposing provides for sound, sustainable
10 planning practices. It preserves and
11 enhances traditional activities with a new
12 and expanded mixture of uses. Provides
13 public access to the waterfront using
14 environmental and green practices
15 standards to ensure quality of
16 development, creation of value, increased
17 tax base and job creations for the area in
18 these economic hard times.

19 And the broader benefit that will
20 allow the area to stay competitive
21 year-round in a world market for resort
22 destination.

23 Before you it -- before you is a
24 conceptual site plan. The north portion
25 -- can you put that back? The north

1 portion, which is this area right here of
2 the project, will be mostly residential to
3 reflect the current development pattern on
4 the island. This area will have limited
5 commercial activities, instead the focus
6 will be on residential and nature, with
7 activities like kayaking, a learning
8 center, preserve area with new formative
9 trails and a manmade lake to name a few.

10 The southern areas along Mantanzas
11 Pass will be a mixture of hotel,
12 condominiums, time share, public marina
13 and a public promenade with restaurants,
14 retail shops, charter boats and other
15 amenity to create a self-sustaining
16 destination of its own.

17 The facility will be focussed around
18 water type uses and activities to reflect
19 the uniqueness of a working waterfront.
20 Challenges for the project, as Matt has
21 mentioned, is density, height and traffic.

22 The height and density requested is
23 similar to many projects that exist in and
24 around this area. The height we are
25 requesting is varied with a maximum set

1 between 190 and 230, depending on where
2 it's located within the site, to provide
3 variations in the building and to provide
4 transitional massing between the
5 properties.

6 The density we are requesting is
7 actually lower than other similar projects
8 in the area shown in this density height
9 analysis. Here you have a project, Ocean
10 Harbor, which is directly across Mantanzas
11 Pass at mid-island. It is 8.7 acres, has
12 150 units, 16 stories tall and 16.5 units
13 per acre, Riva Del Largo is 11.06 acres,
14 161 units, 21 stories tall and is 14.6
15 units per acre.

16 Treviso Bay is in the southern portion
17 of the county, is 4.6 acres, has 76 units,
18 20 stories tall and again 16.5 units per
19 acre. Our proposed project is 28.94
20 acres. We're requesting approximately 13
21 units per acre for residential and four
22 units for time share.

23 Before you I have a very simple
24 diagram based on density, height and view
25 diagrams for waterfront properties. I'd

1 like to note that each of these is the
2 exact same square footage. Each of these
3 has the exact same number of units so that
4 they are comparable; apples to apples.

5 Example A is an example of sprawl, and
6 is what is present on the site today.
7 Units are spread out over the land, little
8 if any green space is provided. A very
9 inefficient use of land.

10 Example B right here is spread up and
11 out, is a design which the units are
12 stacked on top of each other and spread
13 out. This creates open space, which is
14 much better than Option A. This option is
15 better for non-waterfront lots because the
16 units can be broken up and better located
17 around the site.

18 On waterfront lots the units will be
19 pushed to the rear as shown here, where
20 the view creates a wall for the neighbors
21 and the properties.

22 Example C is what we are proposing.
23 Here units are spread up and not out,
24 which is a very efficient use of land.
25 Open space is abundant and units are

1 designed to maximize water and the view
2 without taking out the views from the site
3 and around it. And, again, the only
4 difference between B and A is that the
5 building is turned up on its side creating
6 additional view quarters and additional
7 green space.

8 The existing density for the -- the
9 existing density for the RV part today is
10 placed at 18.27 units per acre. We are
11 proposing a density of 13 units per acre
12 for residential, and four units for time
13 shares. This will amount to 100
14 additional residents over the entire 32
15 acres, not just the 18.2 acres of RV
16 units.

17 The additional time share units we
18 have requested is critical for two
19 reasons: It helps as early revenue stream
20 making the project economically viable.
21 It provides tremendous flexibility to the
22 hotel conference center by providing
23 different types of units to the hotel mix
24 that hotels normally do not carry.

25 Height. Height will be the most

1 immediate change to San Carlos Island, but
2 not to the area at large as we have height
3 all around us. Without the additional
4 height, we would be limited to how much
5 open space and water management we would
6 be able to provide above and beyond the
7 minimum standards.

8 The lack of height on the island today
9 is the major reason the island looks the
10 way it does. It is spread out, instead of
11 spread up to take advantage of the views.
12 Limited height is not the answer either,
13 as it would only wall off the property
14 instead of opening it up for views.

15 All of the new buildings as we have
16 proposed, will provide transitional
17 massing as a technique to transition
18 between adjacent properties. This is a
19 massing strategy that sets up or down the
20 buildings to gradually assimilate with the
21 neighbors.

22 Traffic, while the traffic study does
23 show this road network will handle the
24 traffic generated by this project, to
25 ignore the area's traffic concerns during

1 the two months of season would be
2 irresponsible on our part. Instead, we
3 have taken this issue head on by mandating
4 within the land use category the use of
5 multi-modal transportation systems that
6 are integrated together and provide
7 residents and visitors with alternative to
8 the car.

9 This is done with such items as
10 airport shuttles, bus shuttles, taxi
11 service, water taxi service to and from
12 the project, bike rentals, and our own
13 private lake to name a few. This project
14 is designed to draw tourists and residents
15 to the area year-round, not just high
16 season. This will help make the area
17 economy diversified for everyone.

18 I would also like to remind everyone
19 that these traffic issues are only for a
20 couple months of the year and not all year
21 long. During these months when our
22 residents and visitors want to visit the
23 area, they will not take their cars, but
24 use the multi-modal transportation system
25 provided.

1 The mixed use nature -- or the mixed
2 use nature of this amendment will spur
3 revitalization, create cross-pollination
4 of businesses, and enhance the viability
5 of the project, provide housing
6 opportunities, promote alternative modes
7 of travel, while reducing auto dependency,
8 roadway congestion, and air pollution by
9 co-locating multiple destinations into one
10 area.

11 It will promote a sense of community
12 for the island and provide such items as
13 festivals and events for the area. It
14 promotes efficient use of land and
15 existing infrastructure, also known as
16 smart growth.

17 The mixed used nature of this project
18 will also provide the ability to
19 accelerate the development by dividing up
20 the project into more manageable pieces.
21 Risk can be reduced by spreading it out
22 over multiple revenue streams as well as
23 creating diversified market sectors like
24 the hotel, time share, retail and housing.

25 The time share component again is

1 critical of our request because it is a
2 major component on the early revenue
3 stream that will be used to fund the
4 project while providing a long-term,
5 steady stream of vested vacationers to the
6 project and the area over time.

7 Benefits to the entire area. We will
8 have a world-class destination hotel with
9 the state-of-the-art convention center to
10 help maintain Southwest Florida's share of
11 the competitive market of resort
12 destinations, increase public access to
13 the waterfront, in fill development
14 instead of sprawl, preservation and
15 enhancement of a working waterfront, job
16 creation, alternative modes of
17 transportation, environmental design and
18 stewardship of land, alternatives to the
19 beach experience, increased visitors to
20 the beach without the car, and a
21 year-round world class resort conference
22 center destination.

23 This amendment has been designed and
24 written to accommodate the needs of
25 properties like ours that have incredible

1 potential, a declining industry and
2 economic blight for the area. This
3 amendment also takes into account the
4 needs of the surrounding area.

5 This is done by taking a proactive
6 approach to issues such as traffic,
7 alternative modes of transportation,
8 environmental stewardship, water quality,
9 design regulation and interlocal
10 coordination to create a partnership with
11 our neighbors in their endeavor.

12 We are asking for your help and
13 support on this amendment, as we believe
14 it is the right thing to do. And now I'll
15 have Drew, please, talk about
16 infrastructure.

17 MR. FITZGERALD: Good morning. For
18 the record my name is Drew Fitzgerald from
19 DeLisi Fitzgerald, and I'll keep my
20 remarks very brief. I think staff
21 indicated early on that there is capacity
22 for utilities to serve this project.

23 Lee County utilities services the
24 property now. They will continue to serve
25 the project with the new development. Any

1 type of infrastructure improvements that
2 are needed will be looked at at the
3 permitting stage. From a water management
4 standpoint, Joe indicated that there are
5 no dedicated water management facilities
6 on the property now. Right now storm
7 water pretty much discharges uncontrolled
8 into Hurricane Pass and Mantanzas Pass.

9 With the development we'll be able to
10 design and construct a modern water
11 management facility that will provide
12 water quality treatment and flood
13 protection. It will be up to south
14 Florida water management district
15 standards and meet FEMA requirements. Do
16 you have any questions? I'll be glad to
17 answer them.

18 MR. INGE: Drew, is this area
19 currently serviced by septic and wells, or
20 is there central service now?

21 MR. FITZGERALD: There is central
22 service there along Main Street.

23 MR. ANDRESS: Is there capacity in the
24 plant to accommodate the additional units?

25 MR. FITZGERALD: Yes, both water and

1 sewer. There is actually an improvement
2 going on with the water treatment plant,
3 they are getting ready to double capacity
4 in the next couple of years.

5 MR. ANDRESS: Any marine effects that
6 your environmental studies indicate, sea
7 grass beds, manatee?

8 MR. FITZGERALD: Well, we did a
9 manatee protection plan as part of our
10 submittal. There are some live-aboards
11 currently there. I think they would
12 continue to be there probably with the
13 proposed development, but there hasn't
14 been any contemplation of changing the way
15 that the waterfront is used currently.

16 MR. ANDRESS: Are you planning any
17 additional slips or boat storage?

18 MR. FITZGERALD: No, we're planning
19 the same number of live-aboards that are
20 there right now.

21 MR. ANDRESS: Okay, thank you.

22 MR. TREISE: Good morning, Ted Treise
23 with TRG Transportation Consultants. I
24 just wanted to make a few brief comments
25 on the transportation aspects of the

1 project. As indicated by Mr. Uhle, our
2 initial analysis did look at some more
3 intense uses than what the application is
4 currently requesting for today.

5 In our analysis that was submitted for
6 review it did indicate that this project
7 would not have any adverse impacts on the
8 surrounding infrastructure, meaning there
9 would no required changes to any of the
10 long-range transportation plans in the
11 area or to the five-year CIP as well, in
12 terms of impacts that this project would
13 have.

14 As Mr. McHarris said, this project is
15 indicated to keep people on the property,
16 based on the amenities that will be
17 provided; that's one thing that our
18 analysis did not consider. We looked at
19 it as a standard stand-alone type of
20 facility in terms of trips it would
21 generate.

22 So obviously any impacts from keeping
23 those trips internal to the project and
24 the impacts of the water taxi, for
25 instance, and keeping those trips from

1 going over the bridge to Fort Myers Beach,
2 those will be looked upon further at the
3 time of zoning and local development
4 order, but really weren't addressed in
5 terms of this analysis. We wanted to look
6 at the worst case impacts in terms of
7 transportation.

8 The other one item I wanted to address
9 was in the transportation memo prepared by
10 Mr. Loveland, indicated some concerns
11 regarding Main Street. As you can see on
12 the aerial here, Main Street, as it
13 traverses the island in an east/west
14 direction. He uses the term curvy. I'm
15 not sure that I quite agree with that term
16 curvy.

17 There are two slight bends in the
18 road. You can see on the aerial
19 photograph. One bend occurs within the
20 boundaries of our property, so if there is
21 any geometric concerns, we can address
22 that at the time of the local development
23 order.

24 The other bend occurs just further to
25 the west, and, again, we are in agreement

1 with the conditions of policies that are
2 included, in terms of the impacts and the
3 improvements that we'll have to be doing
4 to Main Street, as part of this project,
5 and we can address those, any concerns,
6 that the county DOT has in terms of that
7 slight bend in that road as well.

8 But I would also like to point out
9 that there -- as you come down San Carlos
10 Boulevard, you do have the opportunity to
11 turn at the traffic signal, which exists
12 up here.

13 Here is Main Street, you can turn at
14 the traffic signal and come down this
15 roadway here. The name of it escapes me
16 at this time. You can actually access the
17 project without coming down to the Main
18 Street intersection.

19 As we get through zoning and local
20 development order, as Mr. McHarris said,
21 this is going to be a world class
22 destination, and improvements are going to
23 be done to Main Street, and we'll be able
24 to provide traffic patterns and routes to
25 request the residents and visitors to

1 utilize that access, to be able to get
2 into and out of the project, thus,
3 minimizing the impacts that it would have,
4 again, over the bridge leading to the
5 island. That really concludes the
6 comments. I'll be more than happy to
7 answer questions at the conclusion. Thank
8 you.

9 MR. UHLE: Just to finish up very
10 briefly and we are going to meet your time
11 here. We agree with the staff report.
12 Obviously, the staff has recommended
13 removing several pages worth of policies
14 that were put in there that provide
15 additional detail about this project.

16 I assume the rationale for moving that
17 is simply the thought that that was too
18 much detail that was appropriate for the
19 Lee Plan, and I don't personally disagree
20 with that, so all of that is fine.

21 We agree with virtually everything
22 else that's left. We do have a problem
23 with the height. Mr. McHarris has made
24 the case, I think, for the increased
25 height, based on his graphics. There's

1 both an economic and planning
2 consideration that supports the additional
3 height, and we do ask for the 100 time
4 share units, over and above what the staff
5 has recommended.

6 In support of that, we would note that
7 even with those units, the project is
8 significantly less dense than the project
9 that Ted and Drew analyzed for
10 infrastructure impacts, and it was found
11 to be acceptable for purposes of level of
12 service.

13 And to the extent that the concern is
14 adding density to the coastal high hazard
15 area, we are also agreeing to the
16 mitigation that the staff is proposing
17 with the category five storm shelter
18 onsite. We don't have a problem with
19 that, that should address that issue
20 completely and we ask that you approve the
21 project. If you have any questions, we'll
22 do our best to answer them.

23 MR. INGE: Mr. Uhle, just so that I
24 can get my arms around where it is in the
25 staff report, what recommendations, what

1 pages address both the height and the time
2 share units? I think the height I can
3 find.

4 MR. ANDRESS: Page 54 and 59.

5 MR. UHLE: They don't specifically
6 address the time share as a separate use.
7 They simply establish a density as the ten
8 units per acre, and they permit hotels.
9 They don't put a particular limitation on
10 the number of hotel units. I can tell you
11 from experience that dealing with time
12 shares and trying to figure out what side
13 of the divide they fall in can be a
14 problem.

15 I'm assuming for purposes of
16 discussion that the staff is reviewing the
17 time share units as being residential
18 rather than hotel, and so if that's the
19 case, limiting us to ten units per acre
20 presents a problem with the time share.

21 With the height they've, if I recall
22 correctly, they have created a new policy
23 that specifically addresses that.

24 MR. INGE: That's on page 23, now that
25 I've found it.

1 MR. UHLE: Yes.

2 MR. INGE: Okay. So the issue with
3 the time share units, if you -- are
4 partially used on occasion by various
5 people, residential units; that's really
6 the density issue on page 29, wherein the
7 staff's recommended reductions from 17 to
8 10; is that where that will be covered?

9 MR. UHLE: Yes, although we're not
10 objecting to all of the staff's proposed
11 reductions. We are simply saying that we
12 can live with the staff recommendation as
13 a base, we just need to have the 100 time
14 share units back in, whether those are
15 considered hotel units or whatever.

16 MR. INGE: I need some suggestions on
17 how that would be done. I don't know.

18 MR. UHLE: That could be included
19 in --

20 MR. ANDRESS: Which policy?

21 MR. UHLE: I think probably the best
22 way to handle that would be to include it
23 in policy XX11, where it talks about the
24 density ranges. I think you could add a
25 sentence in there that also makes

1 reference to the time shares.

2 MR. INGE: That's on page 21.

3 MR. ANDRESS: Yes.

4 MR. COCHRAN: You're still living
5 within the ten dwelling units?

6 MR. UHLE: For those uses are that
7 unquestionably residential, yes, because
8 time shares are kind of half one, half of
9 the other. It's appropriate I think to
10 have a separate allocation on them; that's
11 why it was done that way.

12 MS. WESSEL: This is basically adding
13 100 units over what's --

14 MR. O'CONNOR: I think what we're
15 saying is density of ten plus 100 time
16 share units in addition to that density.

17 MR. UHLE: Yes.

18 MS. WESSEL: But that density is 100
19 more than is there now?

20 MR. O'CONNOR: Be almost another -- a
21 little over three -- somewhere between
22 three and four units an acre.

23 MS. WESSEL: On total it would be a
24 total of how many more?

25 MS. COLLINS: 100.

1 MR. INGE: 28.9 times three point
2 something or another.

3 MR. COCHRAN: The dwelling units per
4 acre of 14 would solve the whole problem.

5 MR. O'CONNOR: It would give them more
6 than they're asking for by 40 units or 41;
7 something like that.

8 MR. COCHRAN: All right, 13.5?

9 MR. UHLE: 13.5 would work.

10 MR. COCHRAN: 13.5 would work?

11 MR. UHLE: Yes.

12 MR. INGE: And then you wouldn't have
13 to specify time shares units at all, they
14 can classified as residential and still
15 fit there?

16 MR. UHLE: Right.

17 MR. O'CONNOR: We would look at a time
18 share unit most likely as a residential
19 unit because it has the full kitchen
20 facilities in it.

21 MR. COCHRAN: Other questions of the
22 applicant? Thank you. Now open for
23 public comment, Charlie Whitehead.

24 MR. WHITEHEAD: Just so you all know,
25 I'm going to be talking about right here,

1 this is Emily Lane. I live right about
2 there.

3 MR. INGE: I'm glad I know that now.

4 MR. ANDRESS: Now we know.

5 MR. WHITEHEAD: My name is Charlie
6 Whitehead. I live at 20 Emily Lane. I'm
7 a -- I happen to be president of the Emily
8 Lane Association. Right now there is 84
9 units on that street I just pointed out
10 there.

11 One thing I will react to, I was
12 interested to find out that the plan was
13 concocted with the input of Fort Myers
14 Beach and San Carlos Island and stuff
15 because until I got public notice in the
16 mail a couple weeks ago and until this
17 important -- I had not met these guys so
18 -- we got people there that have lived,
19 seriously lived where they are for
20 decades, literally generations some of
21 them.

22 This certainly looks like a big,
23 intense proposal which these folks have
24 told us that it is. We're concerned,
25 obviously, with what happens on Main

1 Street. It's our only access. We have
2 had some redevelopments and building back
3 at the end of Main Street in recent years,
4 and Main Street hasn't been touched, as
5 far as making it safer and making it
6 better. We don't think that was right.

7 We assume if something like that goes
8 forward that would be taken care of. I
9 would certainly expect that to be done.
10 We have those residents on the right-hand
11 side of the road there, shucks, that must
12 be, see if that's north that must be east,
13 huh?

14 Those folks brag about their million
15 dollar views and their million dollar
16 views to them is the moon coming up over
17 the bay. I don't think that high-rises
18 fit into what they call their million
19 dollar views; that's a concern for us.

20 The bridge that's in the 2030 plan,
21 you guys have been around, you understand
22 there is a lot of stuff in the 2030 plan
23 that's never going to happen, and that may
24 be one of them. It may be in the 2030
25 financially feasible plan, but Dave has

1 told me in the past the one thing you know
2 for sure is what it says in that plan is
3 not what's going to be there in 2030.
4 Something will be different, and that one
5 will surprise me if it's there. Of
6 course, I'll be surprised if I'm here.

7 I don't know what the tallest building
8 on San Carlos is right now, it's not very
9 tall. Looking at, yes, there are
10 high-rises on the beach. There is
11 high-rises in south Lee County, there is
12 high-rises in Punta Rassa. There are not
13 high-rises on San Carlos Island.

14 One of things I read and I know that
15 they said that the Bill Spakowski's memo
16 was not endorsed or accepted or approved
17 by town council, whatever. One of the
18 things he points out if you put this where
19 it's proposed, in all likelihood you're
20 canceling out the possibility for the
21 bridge. I don't know about that.

22 I don't know how that works. Bill
23 said that would make building the bridge
24 infeasible. I don't know if that's true.
25 I'm just repeating what I read there. We

1 are concerned with the increase in the
2 density down there, the coastal high
3 hazard. You know, we live in mobile homes
4 and we're on a barrier island and we
5 understand that's perhaps not the most
6 intelligent approach to take, that's where
7 we are and that's what we are. We need to
8 get out of there when the big storm comes.

9 Let me see. I was glad to hear
10 there's central sewer and water down
11 there. We are a little -- not confused,
12 but when we talk about uses being
13 outdated, and something that maybe should
14 be replaced, we live in an old mobile home
15 park. We like it there.

16 My grandparents bought there 30 years
17 ago. You don't find too many people with
18 roots in a mobile home park, but there you
19 go, I've got mine there.

20 We were concerned when we heard that
21 those were outdated uses because we have
22 bought the two Main Street frontage lots
23 at our place to give ourselves a little
24 buffer. Right now we've got a county MSTU
25 coming in to put a brand new sewer system

1 on our street. We're not building a sewer
2 system to be paid for over the next 30
3 years to be replaced as an obsolete use,
4 if that's the word. I don't think that's
5 the word.

6 Let's see, I took a couple notes while
7 these guys were talking. Yeah, there is
8 sprawl on there today. I understand that
9 that may be, you know, if you're going to
10 start from scratch and build back there
11 that wouldn't be what you put back there.
12 We understand that.

13 To say that -- and I know how the
14 concurrency rules work. I know that
15 they're kind of set up to allow you to
16 keep building once the roads are still
17 jammed, I know how that works, but to say
18 there is not a traffic problem down there,
19 I mean, that's just not -- you know, you
20 can't really say that. It's just not
21 true.

22 I'm not here against the project. I
23 want to find out about it. You'll see on
24 my card I just said that I was here, I'm
25 not here for or against, but I do want to

1 know, I think we should be involved in
2 what goes on back there, and I'll look
3 forward to talking to these guys about it.
4 And now this is that part where you guys
5 get to ask me questions for a change, if
6 you have any.

7 MR. INGE: Do we have to limit it to
8 this topic?

9 MR. WHITEHEAD: You can ask me
10 anything, Ron. I may even answer.

11 MR. ANDRESS: It looks like most of
12 this site is south of the street you live
13 on, and it looks like, depending on where
14 the building is sited on their site, that
15 they would, in most cases, not be in the
16 way of the visual, especially if you're
17 looking out towards the east and the
18 northeast.

19 MR. WHITEHEAD: It does look that way.
20 It's kind of hard to envision. I do know
21 that when I've sat across the road on my
22 neighbor's dock and had a cold libation in
23 the evening, there is nothing out there
24 that's taller than, well, a double wide.
25 Nothing out there now that's taller than

1 the trees, and that will, in fact, change
2 the view. I mean, I was there when
3 Pelican Landing got approved for
4 high-rises because it did not quote
5 unquote negatively impact the view, that's
6 a value judgment, and they said it does
7 impact the view; whether it's good,
8 whether it's bad, it is there. And,
9 again, I look forward to talking to these
10 guys and working with them. I'm not here
11 to throw rocks at them.

12 MR. INGE: As you said you're not
13 adamantly opposed to it, what changes do
14 you suggest should occur?

15 MR. WHITEHEAD: Well, the Main Street
16 is in desperate need of being rebuilt. I
17 -- when I say rebuilt, we make a left-hand
18 turn to come into the -- come on to our
19 street, and when the gambling boat drops
20 off now, or when the bar closes, you take
21 your life in your hands trying to turn
22 left to get on to little old Emily Lane.

23 I got two daughters that are -- well,
24 one daughter is a brand new driver, one is
25 fixing to be; that concerns me. I'm

1 worried about that. I don't know. You
2 guys can argue the merits of planning to
3 put more people out in the coastal high
4 hazard area, we're pretty jam packed now.
5 I suppose a couple more hundred is not
6 going to kill us.

7 Like I said I'm concerned with the
8 intensity, with just the shear numbers,
9 the shear sizes of things, and maybe it is
10 the right thing. I don't know. But let's
11 work through it and talk about it. And I
12 know you guys are last minute here, but I
13 guess with you or without you the
14 commissioners are going to vote on it in a
15 couple weeks I hear.

16 MR. ANDRESS: I think we need to weigh
17 in after hearing what we've heard from
18 Paul. We need to say something here.

19 MR. WHITEHEAD: That's all right with
20 me.

21 MR. INGE: Thank you, sir.

22 MR. WHITEHEAD: Thank you.

23 MR. COCHRAN: Thank you very much.

24 Any other cards?

25 MS. GREEN: My name is Kelly Green. I

1 live now in the Alva area, but my family
2 moved to Fort Myers Beach in 1969 and I
3 spent a good portion of 30 years on Fort
4 Myers Beach.

5 And I just wanted to clarify for those
6 who are not maybe totally familiar with
7 accessing Fort Myers Beach from San Carlos
8 Boulevard, that during the season, which
9 lasts far longer than just a couple of
10 months, you are looking at a period
11 starting about the first of October when
12 seasonal residents start coming to their
13 six-month home, and they taper off about
14 two weeks to ten days before Thanksgiving,
15 and then start making another pilgrimage
16 back to the island areas about a week
17 before Christmas. Sometimes we get a lull
18 there, but after that it is solid traffic
19 until Easter, until the week after Easter
20 to ten days. You're looking at six
21 months.

22 With the addition of traffic with this
23 project, it takes a minimum during the
24 seasonal times on San Carlos Island, it
25 takes about an hour to get just to the

1 little bridge that -- the small pass
2 bridge. I'm sorry, I've forgotten the
3 name of it. Then you're going to sit for
4 another 20 minutes dealing with not only
5 the two-way traffic, now we have the
6 trolleys, and at this time of year they
7 split the Mantanzas Bridge to allow the
8 trolleys to pass over in lieu of the
9 traffic having direct access on and off of
10 individual car drivers.

11 So you're dealing with a lot of
12 traffic, a very heavy time of year, and
13 while, you know, Fort Myers Beach has a
14 wonderful resort reputation and I
15 understand there will be benefits from
16 this project, I do want to make sure it is
17 not very likely that this will not
18 contribute significantly to the traffic
19 problem that already exists for Fort Myers
20 Beach, so it's something to consider.

21 It's something to consider when you're
22 speaking with residents that already live
23 on San Carlos Island. Thank you.

24 MR. ANDRESS: Thank you.

25 MR. COCHRAN: Thank you. Bob

1 Wiesenaur.

2 MR. WIESENAUR: I also live on San
3 Carlos Island, and I live on the eastern
4 part. Port Carlos Cove is the name of
5 that development, and unlike the pictures
6 which were presented of 40-year old mobile
7 homes, many of those homes are very
8 recent, semi-expensive, well taken care
9 of.

10 We're proud of our community. We
11 don't think we're inefficiently located.
12 The high-rise, obviously, will block our
13 view since we are on the east side of it.

14 We have concerns with the traffic
15 obviously, and that's been addressed here;
16 that's a parking lane during high season,
17 and to add several hundred residents down
18 there, whether they be temporary or
19 transient, or whatever, is obviously going
20 to have an effect on traffic.

21 This multi-modal transportation system
22 of water taxis and whatnot is not going to
23 accommodate an additional 400 people on
24 that island. It's preposterous. We won't
25 be able to get home. Essentially we're

1 blocked now an hour at a time trying to
2 get across the first bridge, another 20
3 minutes as she said to get down to Main
4 Street. Main Street is a narrow, two-lane
5 road, not in very good condition.

6 There is other development taking
7 place on Main Street right now, there is
8 another boataminiu being built down
9 there, which is going to impact the
10 traffic on that road. The infrastructure
11 just will not support something this big.

12 Now if there's a plan to develop the
13 infrastructure to support it, fine, but
14 the way it's presented now, that there's
15 no impact is just ludicrous. It's silly.

16 We have concerns about the zoning of
17 wetlands. I know nothing about zoning,
18 but I'm not aware that elsewhere in Lee
19 County we have wetlands that are zoned.
20 We don't understand the purpose for that.
21 Why are we putting wetlands in the water;
22 submerged land I guess is the -- it's
23 referred to. Why is there submerged land
24 in the zoning application?

25 As a point of information, I don't

1 know whether you're aware, most of
2 Hurricane Bay is unnavigable, it's an
3 oyster bed. There is a channel along the
4 very edge of the development there. We
5 have a self-dug channel, if you will, from
6 Port Carlos cove on the eastern side that
7 we can get access to the water, but
8 essentially putting any kind of boats in
9 there, other than kayaks is just not
10 feasible.

11 We are concerned that we were not
12 addressed. Again, it's been said we were
13 contacted. We got the public notice hung
14 up about two weeks ago. Some of us,
15 myself not included, got mailed notices of
16 this meeting. So there has not been
17 attempt to work with the other residents
18 of the island as it's been stated.

19 Again on both sides of this
20 development are large residential areas.
21 If this becomes a resort area, I haven't
22 heard anybody address the concern of
23 noise. On the west side there are young
24 children, on the east side where we live,
25 we have grandchildren often visiting. As

1 it is developed now, we have a minor noise
2 problem, and little irritant. When the
3 Parrot Key, the restaurant down there, is
4 operating on weekends, we hear that band
5 going at midnight. If we now add a huge,
6 big resort development in there, what is
7 that going to do to the noise level when
8 we're trying to sleep? And most of us are
9 asleep way before that.

10 Anyway, we have some very serious
11 considerations, I would ask this board to
12 ask the commissioners not to do anything
13 rash. Let's think about this a little bit
14 more. We're not opposed to this
15 necessarily, we just don't think it's very
16 well planned at this stage. Thank you,
17 gentlemen, lady.

18 MR. COCHRAN: Thank you. Any other
19 public comment? Hearing none, we're back
20 to the committee.

21 MS. WESSEL: Well, I'll start off. If
22 you don't think that precedent is part of
23 this, you forgot about what talked about
24 first; the very first proposal. This is
25 talking about adding 100 units in a

1 coastal high hazard zone where there are
2 significant -- probably the most
3 significant traffic issues for our
4 community.

5 In an area where we have established a
6 blueway trail, a paddling blueway trail, a
7 bucolic experience, we're going to take
8 one more barrier island and we're going to
9 start the dominoes falling with high-rises
10 that are significant in size.

11 I'll grant the advantages that have
12 been identified for open space, green
13 space, for management of property compared
14 to what it is now, but any kind of
15 increase in density in the coastal high
16 hazard zone, have we forgotten what we
17 just saw in Galveston with Ike?

18 I think this is a -- I think that is
19 very bad precedent to set to start,
20 because as this one falls, so will fall
21 the rest, and so I can't vote for this in
22 its current form.

23 MR. ANDRESS: Well, I think what we're
24 looking at here today, what we're being
25 asked to do is we're being asked to make a

1 comprehensive plan amendment. We're not
2 being asked to look into all of different
3 developments aspects of the project. The
4 transportation issues will definitely have
5 to be addressed, as they go for rezoning,
6 as they go for a development order.

7 Main Street in particular will have to
8 be addressed, the concurrency issues on
9 San Carlos Boulevard will have to be
10 addressed. All of these other issues that
11 have been raised today will have to be
12 addressed in the development process.

13 And if you're looking at the
14 alternative of the site being currently
15 zoned for mobile home parks, I mean,
16 that's something we really don't want to
17 put back into that area.

18 And to me it is much better to have a
19 smaller footprint on the property than it
20 is to have sprawl all over the property,
21 and, so, therefore, I'm going to support
22 the amendment -- the land use change.

23 And also as I said earlier, I don't
24 think there is any difference between a
25 185-foot building and 230-foot building,

1 and modern buildings today have a lot
2 better economic viability, if you have
3 higher ceilings in each one of your floors
4 of your units. If you can stick to
5 eight-foot floors, you're going to have
6 trouble marketing the units.

7 So, therefore, it's conducive to
8 better marketing of the project so we have
9 a more viable project. I think we need to
10 go with the recommendation of the
11 developer with 230 foot, and also the
12 staff has recommended building a hurricane
13 shelter in the area.

14 If the extra 100 units are granted,
15 which would yield 13.5 units per acre, and
16 I would support the addition of those
17 units with the addition of a hurricane
18 shelter.

19 MR. INGE: Mr. Chairman, I think Noel
20 made some good points. I would like to
21 commend staff, whoever recommended not
22 including all the policies that are land
23 development and building permit
24 requirements, I gotta thank you because we
25 keep getting the Plan more and more

1 cumbersome with specific standards, and
2 there was even a proposal to put what kind
3 of siding was allowable on the buildings,
4 and that does not belong in the
5 Comprehensive Plan, so thank you guys very
6 much for not including that.

7 There are some other items that appear
8 maybe should be in the land development
9 code, some of the water related permitted
10 uses. If you put those in the plan, and
11 document them in the plan, they're much
12 harder to change if there's some
13 additional use you may want in the future,
14 as opposed to them being in the land
15 development code, where there's a little
16 more flexibility and a little bit more
17 opportunity to adjust them if you need to.

18 On page 29 there's discussion about
19 service areas and visibility and where
20 equipment is stored and screening devices,
21 I'm not sure that all those policies that
22 are sticking through on page 29 aren't
23 appropriate to be in the land development
24 code also.

25 Again, I don't like to see the Comp.

1 Plan get so bogged down with specific
2 design standards. It's very difficult to
3 change and makes the plan very cumbersome.
4 But overall I think that Mr. Whitehead and
5 the other gentleman and the lady that
6 spoke made some good questions, or arose
7 some good questions, about traffic and the
8 impact of getting on and off the island.

9 I don't know how many of you guys were
10 here in the 70's, but I remember going
11 from the intersection of Gladiolus and
12 McGregor to the Lee Civic Center, because
13 that's the only way you could get out of
14 town, took three and-a-half hours.

15 Traffic is nothing now compared to
16 what it was then. I gotta tell your there
17 is a huge improvement made now. Is
18 traffic still an issue in that area, yes,
19 we're constrained there.

20 Lee County took a lot of effort to put
21 some overpasses over San Carlos Boulevard
22 and Gladiolus at Summerlin to alleviate
23 that, and we're just starting to see the
24 effectiveness of those changes as well.
25 So those issue are going to have to be

1 addressed. I would have thought if there
2 was a large amount of opposition, we might
3 have had more folks than two or three
4 speak. For that reason I think I can
5 support the comments that Noel made.

6 MR. COCHRAN: I have the same beliefs.
7 I think the destination resort is not
8 going to compound the problems anymore
9 than 300 permanent locations and people
10 there traveling every day back and forth.

11 I do think that the developer needs to
12 form some kind of citizen advisory group.
13 Obviously, we don't hear great opposition,
14 but we hear we need more information, we
15 would like to know more about that. I
16 think the developer would be well-advised
17 to form such an advisory group.

18 Other than that I don't see any
19 difference in 185 feet or 230 feet. Once
20 you're over 185, it doesn't seem like it's
21 going to matter very much. With the lack
22 of public concern, I will support the
23 motion too.

24 MS. WESSEL: Lack of public concern I
25 would point out could be because we didn't

1 get the staff report. As the speakers did
2 mention, several of them haven't even
3 heard about it, so there is that
4 consideration which we ourselves have an
5 issue as well.

6 MR. ANDRESS: I think they need to do
7 a better job of talking to the community
8 about the project. To not even have a --
9 one meeting with the community regarding
10 the project, I don't think is acceptable.

11 So I think that you need to, as you go
12 -- because you're going to be going
13 through a lot of other public meetings
14 concerning this project, and as you go
15 down the road, you need to give the
16 community a chance to comment before you
17 get into the public hearing examiner to
18 move the rezoning forward and to move the
19 development order process, itself,
20 forward.

21 MR. COCHRAN: Additional comment?
22 Hearing none, motion is in order.

23 MR. ANDRESS: I recommend that we
24 transmit CPA2007-51 with the following
25 changes: Policy 20.1.1 strike ten

1 dwelling units per acre and include 13.5
2 dwelling units per acre. On Policy 20.2.6
3 maximum height of 230 feet, and also the
4 -- all of the areas that were stricken by
5 staff be accepted as stricken. And, Ron,
6 did you want to do anything on those other
7 policies?

8 MR. INGE: No, those are just comments
9 for staff to consider and whether they
10 should be in the LDC as opposed to the
11 Comp. Plan.

12 MR. ANDRESS: That's the motion.

13 MR. INGE: Second.

14 MR. COCHRAN: Any further discussion?

15 MR. O'CONNOR: Just for clarification,
16 I think the density and height limitations
17 show up in more than one place, so they
18 will be changed everywhere?

19 MR. ANDRESS: Yes.

20 MR. COCHRAN: Yes.

21 MR. O'CONNOR: Okay.

22 MR. COCHRAN: Any other further
23 clarification needed?

24 (No response.)

25 MR. COCHRAN: All those in favor of

1 the motion say aye.

2 MR. ANDRESS: Aye.

3 MR. COCHRAN: Aye.

4 MR. INGE: Aye.

5 MR. COCHRAN: Opposed same sign.

6 MS. WESSEL: Aye.

7 MR. COCHRAN: Motion carries 3 to 1.

8 MR. NOBLE: For the record, Matt
9 Noble, Division of Planning. What is the
10 Board's pleasure? Did you want to forge
11 on, or take a lunch break? What's the
12 will of the board?

13 MR. COCHRAN: We'll keep going.
14 Change of item, before us is CPA2006-12.
15 Staff report, please.

16 MR. NOBLE: For the record, Matt
17 Noble, Division of Planning. This
18 amendment affects two separate properties.
19 This is a request essentially by the
20 Bonita Bay Group, through one of their
21 LLC's.

22 The first property under the request
23 is known as the North River Village
24 Project. It's essentially located up near
25 the intersection of State Road 31 and

1 North River Road.

2 The request is to redesignate the
3 rural and outer islands categories to a
4 new river village and inner islands
5 category with conservation lands. It also
6 is requesting to amend the existing Policy
7 36.1.1 to reflect a committed
8 transportation improvements.

9 It also is seeking to incorporate a
10 new objective and policies guiding the
11 development at river village, as well as
12 adding two footnotes to Table 19(a)
13 proposing an amendment to Table 1(b), to
14 incorporate the new future land use
15 categories and lines on that table.

16 It also requests seeking to amend map
17 six, which is the utilities future water
18 service area, by placing the property
19 within that -- as depicted on that map.

20 The second request is to amend the
21 Verandah site. This is a site located
22 along State Road 80, immediately south of
23 the North River Village site on the south
24 side of the Caloosahatchee River.

25 The request there is to go from the

1 suburban land use category to the
2 sub-outlying suburban category. I first
3 want to thank the Bonita Bay Group. This
4 project does bring many benefits to the
5 county. The staff recognizes the effort
6 that Bonita Bay has put into this request.
7 It's been a long time in the making. We
8 understand that.

9 This staff has only one minor
10 environmental issue with the request at
11 this point, and that was detailed in the
12 environmental sciences staff report. On
13 the whole, we're very supportive of the
14 request to place the lands that they so --
15 we've come to agreement with into
16 conservation lands.

17 We recognize the benefits to the blue
18 ways, the interface with the water that
19 the request is seeking to establish on the
20 property, and we also understand it would
21 be better to put the project on utilities
22 versus well and septic.

23 I think in the interest of time,
24 there's a lot of public here. I want make
25 sure that everybody who came gets a chance

1 to speak, so I'm going to be pretty brief.

2 We found that the requested
3 development in the outer islands category,
4 that's the development that they're
5 proposing on Williams Island, could be
6 accomplished with the existing categories,
7 so we didn't recommend the adoption of the
8 new inner island category. We had a
9 couple of issues that led to that, and I
10 can go into that further, if you have
11 questions about that.

12 We did provide a set of strike through
13 and underlined language, if the will of
14 everybody is to transmit this amendment,
15 we recommend that that language be
16 transmitted. If I can answer any
17 questions?

18 MR. ANDRESS: What is the main reasons
19 that staff is recommending not to transmit
20 this plan?

21 MR. NOBLE: Basically we view it as
22 incorporating a large, new, future urban
23 area into the plan and we don't see that
24 that's warranted at the moment, that
25 there's no demonstrated need for

1 additional urban lands in Lee County.

2 MR. ANDRESS: And I'm also curious as
3 to know, this was on the agenda a week
4 ago, and, so therefore, you would have
5 thought the staff report would have been
6 ready a week ago, and so we had to
7 reschedule because of our full schedule
8 last week to this week, and we didn't get
9 this staff report until Friday.

10 MR. NOBLE: Uh-huh.

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

13 MR. NOBLE: I agree.

14 MR. ANDRESS: That's such a big
15 proposal.

16 MR. NOBLE: I think we've been trying
17 to do the best we can, given the
18 circumstances.

19 MR. ANDRESS: Well, I just didn't
20 understand, if it was scheduled a week
21 ago, why you would not have had staff
22 comments ready at that time, and
23 especially the fact that we did continue
24 to be more thorough with our review, and
25 we did not get an opportunity to review

1 this until Friday. You know, we do have
2 other jobs as well, as members.

3 MR. NOBLE: I appreciate that.

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

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

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

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

24 MS. WESSEL: Okay.

25 MR. NOBLE: It could be accomplished

1 in the outer island category.

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

8 MR. NOBLE: We have not had the
9 opportunity to, no.

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

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

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

25 MR. O'CONNOR: I can tell you from the

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

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

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

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

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

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

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

10 MR. ANDRESS: Thank you.

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

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

25 MR. NOBLE: I feel pretty good about

1 this request and the traffic. As I said,
2 Dave can bear out and correct me if I'm
3 wrong, we pretty much reached an agreement
4 with the traffic and what needs to happen.

5 MR. LOVELAND: For North River
6 Village; distinguishing that from Babcock.

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

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

11 MR. ANDRESS: Yeah. The reason I ask
12 that, I saw a lot of different
13 improvements that were contemplated if
14 this project were to go forward.

15 MR. COCHRAN: Ron?

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

21 MR. NOBLE: Correct.

22 MR. INGE: Okay.

23 MR. NOBLE: I just want you to
24 recognize, you know, how hard they've
25 worked on this request. Most of the

1 issues have been resolved.

2 MR. INGE: And the main issues are
3 still traffic and --

4 MR. NOBLE: No, just the creation of
5 the new land use category and a new urban
6 area.

7 MR. COCHRAN: Urban sprawl.

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

19 MR. COCHRAN: I think we all share
20 that concern, but it's our understanding,
21 the same comment prevails on this matter;
22 it will go forward?

23 MR. O'CONNOR: Yes, it will go
24 forward. We did look at some possible
25 dates, if you were looking for a

1 continuance of the meeting. I think we
2 should probably take public input and take
3 its temperature after that.

4 MR. ANDRESS: Okay.

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

7 MR. NOBLE: I'm sure that Bonita Bay's
8 got an extensive presentation to orient
9 you to the project.

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

12 MR. DELISI: Okay. For the record, my
13 name is Dan DeLisi. I am planner with
14 DeLisi Fitzgerald. You know, I do need to
15 beg your indulgence for a moment on the
16 issue of time. As you see, there's a
17 giant notebook in front of you.

18 We originally submitted this in
19 September of 2006. We have gone through
20 an extensive process with staff. There
21 are a lot of issues here. We have cut our
22 presentation down to just myself, David
23 Depew, and Kitty Green, to make some
24 closing remarks, but it's going to be a
25 very difficult time constraint. If that's

1 a set in stone time constraint, we'll try
2 and rush through it but --

3 MR. COCHRAN: 12:45.

4 MR. DELISI: Okay. All right. Staff
5 has pointed out a lot of areas of
6 agreement, and just one major issue of
7 disagreement. I think in their staff
8 report they really have four issues that
9 we're going to concentrate on in this
10 presentation. Number one is sprawl. Dave
11 Depew, who's passing out some information
12 now will talk about that. Number two is
13 precedent. I'll talk about that a little
14 bit and so will Dave.

15 Economic viability, you know, I want
16 to take a moment to discussion economic
17 viability. The question here is not
18 whether or not the developer can make some
19 money off of this project. The question
20 that you all need to think about is
21 whether or not this makes the most sense,
22 from a planning standpoint, for Lee
23 County. All right?

24 Does 1,000 units individually sticking
25 their straws into the stand stone aquifer

1 for potable water and irrigation, does
2 that make the most sense for the county?
3 Staff has recognized that a central water
4 and sewer is a major benefit.

5 Does it make sense to be along an
6 impaired -- a waterway and have a 1,000
7 septic tanks in the area? You know, that
8 clearly does not make a whole lot of
9 sense. You know, there are a lot of
10 issues from a sprawl standpoint, from an
11 open space standpoint, from a habitat
12 standpoint that we'll go through. But the
13 question is whether or not the rural land
14 use category of one unit an acre in the
15 current comprehensive plan is the best
16 form of development to implement the
17 county goals.

18 The fourth point that has come up is
19 the proposal for Verandah and population
20 accomodation. We never really thought
21 that this was a major issue of staff
22 concern.

23 We heard that it was an issue of
24 concern that the DCA may have. We did a
25 significant amount of data and analysis on

1 population accommodation justifying this
2 request.

3 Verandah, we threw in at the last
4 moment and said, "Look, if you're
5 concerned about maximum density on the
6 future land use map, we can retire some
7 units at Verandah and decrease that to
8 sub-outlying suburban."

9 If that's an issue that's confusing
10 people, or if that's an issue that staff
11 is no longer in support of, we don't mind
12 removing it. Verandah by itself has no
13 benefit for the applicant outside of this
14 context.

15 I'm not going to go through the
16 amendment request itself. Staff did that
17 to some extent. You all have the
18 application in front of you. I do want to
19 talk about some of the issues directly.

20 We have heard a lot from the community
21 and also the county just now, about how
22 this is a rural context, you know, rural
23 area, rather, and I just want to put that
24 in the proper context.

25 To the south we have the Fort Myers

1 Shores community, directly across the
2 river; that's developed at about three
3 units an acre. We're directly adjacent to
4 State Road 31 on the west, County Road 78
5 on the north. We're in proximity to
6 services.

7 You can see on the west-hand side of
8 78 is the Lee County Civic Center;
9 distinctly urban-type use, and you can see
10 the FPL power plant is directly to the
11 southwest. There is a lot of service in
12 the area.

13 When you look at the surrounding
14 context overall, I want you to think about
15 two points: One is precedent, and two is
16 how this area really fits into everything
17 else.

18 You can see to the south there is the
19 Fort Myers Shores community -- planning
20 community area on the Caloosahatchee
21 shores planning community -- or community
22 plan area. Sorry. You can see that's
23 generally built out, and it has existing
24 urban designations. To the west is the
25 Bayshore community, and again as far as

1 land use form goes, that's also built out
2 with larger lot development, but it's
3 built out.

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

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

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

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

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

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

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

25 We have heard people say that this

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

14 (Volume I concluded and the
15 proceedings continued in Volume II.)
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C E R T I F I C A T E

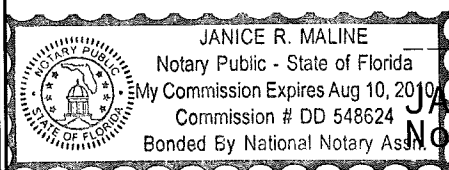
STATE OF FLORIDA)

COUNTY OF LEE)

I, JANICE R. MALINE, Court Reporter
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Florida at large, do hereby certify that,
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cause.

WITNESS my hand and official seal in
the County of Lee, State of Florida, this 15th
day of November, 2008.



JANICE R. MALINE
Notary Public, State of Florida