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LOCAL PLANNING AGENCY

LEE COUNTY, FLORIDA

Transcript of proceedings had at the public hearings conducted by the Local Planning Agency, Lee County, Florida, at Board of County Commission Chambers, Lee County Courthouse, Fort Myers, Florida, on April 28, 2008, commencing at 8:30 a.m.

MEMBERS OF THE BOARD:

Leslie Cochran, Acting Chairman
Ronald Inge
Leland Taylor
Jaque Rippe
Noel Andress
Rae Ann Wessel

ALSO PRESENT:

Donna Marie Collins, Assistant County Attorney
Paul O'Connor, Director of Planning Division
James Mudd, Planner
Rick Burris, Planner

MARTINA REPORTING SERVICES
2069 First Street, Suite 201
Fort Myers, Florida, 33901
(239) 334-6545
FAX (239) 332-2913

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AGENDA ITEM

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1 THE VICE CHAIRMAN: At this time I will call to
2 order for the certification of affidavit.

3 MS. COLLINS: Donna Marie Collins, Assistant
4 County Attorney. I have reviewed the affidavit for
5 public hearing for this morning's meeting, and you may
6 commence at this time.

7 THE VICE CHAIRMAN: Thank you very much.

8 Item Number 2, all stand for the pledge of
9 allegiance.

10 (Whereupon, the pledge of allegiance was recited.)

11 (Whereupon, a discussion was held off the record.)

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1 THE VICE CHAIRMAN: Item Number 5, CPA2007, triple
2 zero 49, Buckingham Lee Plan Table 1 as stated in the
3 agenda.

4 MR. MUDD: Good morning. I'm Jim Mudd, with the
5 Division of Planning.

6 The purpose of this item is to address the year
7 2030 allocations for the Buckingham planning community.
8 The LPA recommended that the Board transmit staff's
9 recommended increase in allocation for the entire
10 county, including Buckingham, at its November 26, 2006,
11 LPA meeting. The Board, however, did not transmit the
12 Buckingham allocation. They wanted to wait until the
13 Buckingham community plan was completed so they could
14 address that during the plan. It was not addressed.

15 Staff recommends transmittal of the full
16 allocation listed in my memo dated April 21st. At a
17 minimum, staff recommends that -- transmittal of the
18 urban community allocation.

19 If you have any questions --

20 MR. ANDRESS: Some of the issues that came up
21 previously was there was some property that was along
22 the south side of Buckingham Road.

23 MR. MUDD: Lehigh Villages.

24 MR. ANDRESS: Right. And we had had previously a
25 proposal for industrial on that site and here it just

1 says that you're not making any change on that; but
2 what are you doing with it?

3 MR. O'CONNOR: Noel, if I can address that.

4 We had actually -- we had a plan amendment that
5 was a privately initiated plan amendment that was
6 before us a little over a year ago at this time and
7 that was a request to change I believe it was around 80
8 or 90 acres of land from rural to the industrial; and
9 that plan amendment was not transmitted by the Board.
10 And subsequent to that there has been an application
11 for a voluntary annexation of that property into the
12 City of Fort Myers. And so that annexation is moving
13 ahead. I think we all kind of thought in the back of
14 our mind that was probably what was going to happen
15 with that piece of property if the amendment didn't go
16 through anyway, and so that is why our proposal isn't
17 dealing with the industrial allocation at this time.

18 MR. ANDRESS: Okay, thank you.

19 MR. INGE: Mr. Chairman.

20 Paul or Jim. I have to assume that because you
21 all indicated, Jim, in your memo that there's some
22 increased acreages in certain categories, that's
23 because of growth that's occurred or amendments that
24 have been made or things that have happened that have
25 caused the need for this increase. Are there any

1 categories where we have -- where we're either bumping
2 up against the numbers or maybe we have exceeded those?

3 MR. O'CONNOR: I think I'll let Rick Burris
4 address you on them. My understanding is that we have
5 actually exceeded the allocation in the urban community
6 designation within the Buckingham planning community.

7 MR. BURRIS: For the record, Rick Burris with the
8 Division of Planning.

9 I have a handout here that has some revised
10 numbers for our allocation chart.

11 MR. O'CONNOR: While Rick is handing those out,
12 let me give you just a little bit of background on what
13 is happening here.

14 As you recall, during the evaluation and appraisal
15 effort for the Lee Plan, one of the main themes of that
16 effort was to change our planning horizon from the year
17 2020 to the year 2030; and as we went through the
18 amendment cycle following the evaluation and appraisal
19 report, we did propose to expand our planning horizon
20 to the year 2030.

21 I believe you're all familiar with the function of
22 what was the 2020 allocation table, which is now the
23 2030 allocation table; but when we expanded the
24 planning horizon on the plan, we added ten years worth
25 of growth to the county's comprehensive plan; and

1 normally what that would entail is changing colors on
2 the map. I think in just about every other
3 jurisdiction, if you add ten more years of population
4 increase to your plan, you're going to have to increase
5 your lands designated for urban development; but
6 because of the overallocation of the Lee Plan's future
7 land use map, we have in our plan the 2020 or now 2030
8 allocation table, which describes how many acres of a
9 type of development within a specific land use category
10 is allowed to happen through the planning time frame of
11 2030. And as we went through the amendment cycle after
12 the evaluation and appraisal report, we changed the --
13 what was then the 2020 to the 2030 allocation table and
14 we added ten years worth of population and commercial
15 and industrial growth to the acreage allocations in
16 those categories. Pretty much -- Rick can correct
17 me -- I think it was across-the-board increases. We
18 didn't go down in any of the planning communities. And
19 we went through that whole process.

20 When we came to the transmittal and the adoption
21 hearing, there was an issue that was raised in the
22 Buckingham planning community concerning amending those
23 figures in that table; and at the time the Board voted
24 to transmit and ultimately adopt no changes to the 2020
25 allocation, so we adopted a 2030 allocation, but we

1 kept all the acres the same in the Buckingham planning
2 community as they were in the 2020 allocation table, so
3 there was no room for increased development within that
4 entire community. And we did that across the board, we
5 did it for all land use categories, not just for one
6 particular land use category.

7 Now, there was a zoning case at the time that was
8 within the urban community designation. There's a
9 fairly small percentage of land in the Buckingham
10 community that is designated as urban community. The
11 majority of that property is a plat which was part of a
12 Lehigh Acres plat. I think if you think of the future
13 land use map, you will see kind of a finger sticking up
14 near Buckingham Road. It's kind of almost triangular
15 shaped. And the majority of that property are platted
16 single family lots, probably about quarter-acre lots,
17 pretty much like the majority of Lehigh Acres. There
18 is some vacant property immediately to the south of
19 those lots and then it ties into the rest of the Lehigh
20 community.

21 And so I'll let Rick explain now why we have come
22 up with these figures that we have come up with, which
23 is the planning division's best estimate of what kind
24 of development is going to happen within that platted
25 community and also what other type of development we

1 feel will happen within that community within the 2030
2 planning time frame.

3 MR. BURRIS: Again, this is Rick Burris with
4 Division of Planning.

5 What I have passed out, the first page is actually
6 an update of the table that's in Jim's memo, reflecting
7 data that we have updated our inventory with since the
8 allocations were done. The allocations were started in
9 the year 2005, so we basically keep the data the same,
10 stopped updating the inventory at that time, so all
11 that was 2000-January 1st, 2005, data that we were
12 using for the allocations. Since that time,
13 development has occurred; and in most of the land use
14 categories for residential development, we still
15 haven't run into a problem, but within the urban
16 community you will see on Line 3 that we actually have
17 a deficit of nine acres of residential. That's based
18 on development within the Buckingham Park plats that
19 Paul was discussing.

20 The second page of the handout shows residential
21 development by year. The green is everything that
22 existed prior to 2000; blue is stuff that would have
23 been already taken account of in our allocation update,
24 basically built between 2000 and 2005; and the shades
25 of reddish brown are 2005, 2006 and 2007, so you can

1 see that there was quite a bit of residential developed
2 between the time that we cut off our data and today.

3 The second page, the first map that you look at is
4 actually the overall existing land use within this
5 area. You can see the small platted areas and then
6 directly to the south big chunk. That's the area
7 that's urban community within the Buckingham planning
8 community.

9 I forgot to put the urban community boundary on
10 here for you. Might have made things a little bit
11 clearer. But that's the area we're talking about as
12 far as urban community.

13 You can see from --

14 MS. WESSEL: Rick, can you point out where that
15 is? I'm not following you.

16 MR. BURRIS: Sure.

17 MR. O'CONNOR: We should have gotten high tech and
18 used the overhead projector.

19 MR. BURRIS: This area.

20 MS. WESSEL: Yes.

21 MR. BURRIS: So you can see from these maps that
22 there's actually quite a bit of vacant land within the
23 Buckingham Park that already has been platted for
24 residential uses.

25 While, as you can see, we have a deficit, it

1 doesn't preclude development. Once you have your lot
2 platted, you are not stopped from building on the lot;
3 but the idea of the allocation is to reflect where
4 growth is going, so if we have all of these existing
5 lots that residential is already approved for, the
6 allocations should be accommodating those developments.
7 It's not a tool to only accommodate new growth; it's a
8 tool to show where the growth is actually going. And
9 if that were the case, you wouldn't need any allocation
10 in pretty much all of Lehigh Acres because it's all
11 platted residential lots. So if you're going to
12 acknowledge that this Buckingham Park subdivision is
13 here, the allocations should reflect that.

14 And then also, as Paul was discussing, where our
15 future growth area is in the county and is it
16 reasonable to accommodate some additional residential
17 on property to the south. Whether it comes in -- at
18 whatever density it comes in, the allocation still
19 needs to be there to accommodate new residential uses
20 or actually other than that whatever else is allowed in
21 the urban community.

22 MS. WESSEL: When you say to the south, what are
23 you referring to, Rick?

24 MR. BURRIS: That larger tract of land south of
25 Buckingham, the small platted lots of Buckingham Park.

1 MS. WESSEL: The area that you just outlined?

2 MR. BURRIS: Yes.

3 MS. WESSEL: Okay. That's currently single family
4 lots?

5 MR. BURRIS: All of Buckingham Park is single
6 family lots and then there is a large tract of land
7 that's not already platted into single family lots
8 that's north of Buckingham Road.

9 MS. WESSEL: And that's the portion where the
10 urban community is?

11 MR. BURRIS: That's also urban community as well
12 as all of Buckingham Park. All of Buckingham Park that
13 I just showed you the outline of is urban community.

14 MS. WESSEL: But the platted lots are all single
15 family lots?

16 MR. BURRIS: They are zoned -- I'm pretty sure
17 it's RS-1, so -- and they are in urban community.

18 MR. ANDRESS: So you're using the allocation
19 numbers as a guideline for staff and planning purposes?

20 MR. BURRIS: Correct.

21 MR. ANDRESS: What adjustments does staff make
22 once the allocation has been exceeded in a particular
23 category?

24 MR. BURRIS: Generally we'll do an amendment to
25 the allocation table to reflect the change in

1 condition. You generally don't run into this situation
2 the year after you update your allocations because you
3 should have already accommodated the future growth that
4 was happening as you were doing those allocations
5 changes.

6 MR. O'CONNOR: Noel, let me interject a little
7 bit. Maybe I'll try and explain it.

8 The allocations for 2020 were established in 1994?

9 MR. BURRIS: In '97.

10 MR. O'CONNOR: Well, that's when we adopted them;
11 but we proposed them -- well, '96 or '97. And they
12 were based on a population projection.

13 And the way the allocations work is if we're
14 sitting here now at the year 2008 and we have got our
15 allocations out to the year 2030, so we have 22 years
16 worth of growth included within those allocations; and
17 so as Rick was just explaining, when you're early on in
18 that cycle, it really usually is not any large need to
19 make any changes or amendments to the allocations
20 because if we have done our job halfway good, we ought
21 to be able to make it at least halfway through those 22
22 years without having to make any adjustments.

23 What we had found with the 2020 allocation was --
24 and, Rick, you can help me with the numbers here -- I
25 believe we were projecting a population of like six

1 hundred and ninety something.

2 MR. BURRIS: The 2020 population accommodation --
3 or accommodated a population of about six hundred and
4 fifty-three; and when we were doing the last estimate
5 that was available while we were going through this
6 process, it showed that the county's population was
7 already at six hundred and eighty -- no, five hundred
8 and eighty-five, so we were already getting close to
9 that.

10 MR. ANDRESS: Try to keep your -- so you have an
11 allocation number that includes all of the different
12 categories?

13 MR. O'CONNOR: All the different categories. The
14 way the allocation works is we have an actual
15 residential allocation by future land use category.
16 And you can understand the need for that. Certainly an
17 acre of residential development is a lot different than
18 an acre of central urban development.

19 So the residential acres are based upon specific
20 categories. Then there's also an industrial and a
21 commercial allocation, which is not category specific;
22 but it's for the planning community.

23 And the numbers Rick just gave you, you can see we
24 were rapidly approaching our 2020 projected figures,
25 and this was in the year 2006, so we were very happy

1 that we had the opportunity through the evaluation and
2 appraisal process to not only expand the planning
3 horizon, but to look forward to that projected
4 population. All the amendments that we have made to
5 the 2020 allocation table were all a zero net gain, so
6 that if we had a planning community that was about to
7 exceed its allocations and we made an amendment to
8 increase that allocation, we had to borrow that from
9 another planning community; and so we always kept our
10 projected population and then, of course, the projected
11 commercial and industrial needs that go along with that
12 population at the same figure and we made internal
13 adjustments.

14 This is the first time since we adopted the 2020
15 allocation that we have actually added additional
16 growth to that and then had the ability to add
17 additional acres across the board within all the
18 planning communities; and so we made some substantial
19 changes to it and we corrected our population
20 projections to the BEBR mid-range projection for 2030
21 and then determined the allocations necessary and set
22 them into the table. So this amendment was the first
23 time that we have actually increased across the board
24 the number of acres of development because we have that
25 new planning horizon, adding ten years worth of growth

1 to the county's population.

2 MS. WESSEL: Let me ask you, then, how did you
3 choose urban community? out of all the allocations
4 that were recommended, urban community was the highest
5 number of acres that was being added. These numbers
6 that you handed out this morning, Rick, are different
7 from what were in our packet; but based on the memo
8 from Jim Mudd, the largest increase was coming in urban
9 community and that's the one community that's least
10 compatible or least recognized, I guess, in the
11 Buckingham description in the Lee Plan. How do you
12 come up with more urban community than maybe rural or
13 outlying suburban or --

14 MR. BURRIS: The numbers that I passed out today,
15 that first page, the only change between the two tables
16 would be the existing development and then the
17 corresponding remaining development, so you will see
18 that the allocation for urban community, these are
19 today's allocations. That's what we're here to
20 discuss. There are 51 acres allocated for within the
21 Buckingham planning community within the urban
22 community land use category.

23 When we were going through the process before,
24 there was an existing 48 acres, but now there's an
25 existing 60 acres. So there was three positive acres,

1 now there's negative nine.

2 MS. WESSEL: Let me clarify, then, because the
3 memo that we got from Jim Mudd in our packet says that
4 the increase is to 150 acres -- desires to increase
5 that to 150 acres for urban community.

6 MR. BURRIS: The urban community land use category
7 is the -- of the four land use categories within the
8 Buckingham planning community for residential, that was
9 the one that was to the limit already; and that -- even
10 back then, I considered three acres, basically, to the
11 limit.

12 The other categories, the rural community preserve
13 still today has 317 acres available for future
14 development, rural has 57; and as Paul was discussing
15 earlier, a large chunk of that is actually being
16 proposed for an annexation into the City of Fort Myers.
17 The sub outlying suburban land use category is one
18 small -- not small, but one tract of land that has a
19 planned development on it; and the allocation that was
20 existing at that time was enough to accommodate that
21 development.

22 MR. O'CONNOR: One of the things you have to think
23 about as we do the allocations, we look at what the
24 zoning is on the ground today, what the development
25 pattern is on the ground today. For instance, in

1 Rick's handout, you can see we have platted lots, so we
2 have this fairly large area that is currently platted
3 lots. It's owned by numerous different people and they
4 have certain development expectations of building their
5 house on this property. We also look at zoning cases,
6 like, for instance, the planned development that Rick
7 was just talking about that's in the sub outlying
8 suburban category. We look at what kind of growth
9 patterns have happened in the past. And then we do our
10 projection out to the control figure that we have for
11 the particular planning community. We take the entire
12 expected population increase for the county and then we
13 make control totals for each of the 22 planning
14 communities and then we try and readjust our
15 allocations so that we meet those control totals within
16 each one of those planning communities.

17 And the bottom line is as we look at how single
18 family houses are developing in this one particular
19 subdivision, our projection is that we're going to see
20 that continue to happen; and so that's why we're
21 proposing that we increase that acreage allocation by
22 about a hundred acres to accommodate the next -- the
23 growth up until the year 2030 within this area
24 designated as urban community within the Buckingham
25 community.

1 MS. WESSEL: So just sticking with urban community
2 for a moment, the acres that -- it was about 99 acres
3 that is being requested to add -- would be in this
4 white area?

5 MR. BURRIS: Would be, and the neighborhood to the
6 north. You can see from the map that there's over half
7 the lots that have yet to be developed with single
8 family homes in that existing subdivision, and that's
9 excluding any development on that larger tract to the
10 south.

11 MS. WESSEL: So then to make sure I'm
12 understanding this, that would allow those platted lots
13 to have higher densities?

14 MR. BURRIS: No. It doesn't change their density
15 at all. They are still going to have -- if there
16 happens to be a lot that's been combined into two lots,
17 they can come back; but there may be other issues that
18 would preclude that. But it's not going to allow two
19 homes on one of those single family lots. It's the
20 same density as it is today.

21 MS. WESSEL: No, but if you acquire a series of
22 lots that are currently undeveloped, could you come in
23 with a planned development to increase?

24 MR. O'CONNOR: You could. You would have to go
25 through the public hearing process, you would have to

1 rezone the property; and if the board concurred with
2 what you were requesting and granted you that zoning,
3 yes, you could.

4 MS. WESSEL: Then the next question is the platted
5 lots, clearly there's an expectation that those
6 probably would be one unit per lot. This area to the
7 south, how has that been designated up until now?

8 MR. O'CONNOR: Well, it's been designated as urban
9 community by the future land use map. It's been
10 designated that since 1984. Now, what kind of --

11 MS. WESSEL: So where are we adding this acreage?
12 If that's been urban community -- I guess what I'm
13 trying to get to is where is the additional acreage.

14 MR. O'CONNOR: Okay. The additional acreage is a
15 number in between zero and the full allocation for the
16 land use category within a planning community. For
17 instance -- and I'll just pick a number because I don't
18 have it in front of me; but let's say that this area
19 that we're looking at, the platted lots and the larger
20 lots to the south, let's say that equals 300 acres,
21 okay? well, that would be a full 100 percent
22 allocation of the urban community within this planning
23 community. We don't give it 300 acres. We give it a
24 number that's less than 300 acres.

25 So in the 2020 allocation we gave it an allocation

1 of 51 acres, so we were saying 249 acres were not going
2 to be developed by the year 2020. Now we're looking at
3 it again and what we're saying in essence is 150 of the
4 300 acres will not be developed by the year 2030, so we
5 have added acres in the allocation but we have not
6 added acres to the land use category.

7 MS. WESSEL: You're not changing the area, the
8 number of acres in this designation?

9 MR. O'CONNOR: Correct. The area stays the same.

10 MS. WESSEL: Let's say this is 300 acres. It's
11 always been 300 acres.

12 MR. O'CONNOR: That's correct. Basically, that's
13 the function of the allocation table is it takes the
14 overallocated Lee Plan, which has this many acres
15 designated for development, and brings that number down
16 to a number that we expect to see by the planning
17 horizon; and so it basically says there will be vacant
18 acres still on the map when we reach the planning
19 horizon.

20 So we're not changing the physical land use
21 category on the ground, we're changing that allocation
22 figure; and we're increasing it, but we're not
23 increasing it above the maximum. The maximum is that
24 total and that would be -- if we thought an area was
25 going to build out by the year 2030, then we would give

1 it a hundred percent allocation. We're not giving this
2 area a hundred percent allocation.

3 MS. WESSEL: You know what would be helpful for
4 future -- just maybe it's just simple minds, but
5 under -- on the table to show a percentage of what this
6 would represent for that allocation, for the acreage
7 that's already designated what the allocation is just
8 so that it's clear where we are.

9 MR. O'CONNOR: I understand what you're saying;
10 and if my recollection is right, in the tables we had
11 on the 2030 allocation amendment that came by last
12 year, we showed what the full acre figure was, we
13 showed what was developed today and we showed what was
14 being proposed. I don't know that we had percentages
15 in those figures, but we did have more information at
16 that time.

17 MR. BURRIS: Basically, they had what the
18 assumption for the Lee Plan is because in this case
19 when you get into a smaller area, you're not so sure;
20 but generally speaking, all urban community isn't going
21 to be residential. We generally assume like 85 percent
22 is going to be residential, so that was just a Lee Plan
23 assumption. It wasn't a hard and fast rule.

24 MS. WESSEL: So are you able to say that with
25 these increases, the 99 acres for urban community, the

1 additional 17 for outlying suburban, the additional 43
2 for rural and 54 for rural community plan, where we are
3 percentage wise in that acreage allocation? Do you
4 have -- you know.

5 MR. BURRIS: I don't have that figure.

6 MS. WESSEL: Are we close to a hundred percent on
7 any of those?

8 MR. BURRIS: No. It's well over 50 percent now,
9 but not --

10 MR. O'CONNOR: Generally speaking, the 2030
11 allocation is looking at a population of a little bit
12 less than a million and the calculation on the land use
13 map is that will accommodate 1.4 million people, so
14 there's still 400,000 people to go.

15 We bring this to you all the time when we're
16 looking at plan amendments that are happening on the
17 ground, where we're actually changing what the acreage
18 figure is of a certain land use category, so generally
19 speaking, we've still got another -- I don't know --
20 another 43 percent or whatever of that population to go
21 across the board on the map.

22 Now, there are some areas on the map where by the
23 year 2030 we expect to see it pretty well built out and
24 then there's other areas on the map where by the year
25 2030 we expect to see less than half built out, so, you

1 know, all those factors are taken into how we do the
2 allocation table.

3 MS. WESSEL: Thank you.

4 MR. INGE: Mr. Chairman, if I may, that was a
5 great discussion. Thank you for asking those
6 questions. That explained it well.

7 So in summary, the request that's before us is not
8 to erode the character of the rural preserve areas or
9 anything else. It's just addressing acreage
10 allocation, which is the throttle mechanism we use to
11 get below the hundred percent allocations of the comp
12 plan. We're just adjusting the throttle, if you will,
13 on an area that's already been designated urban
14 community in the prior plan.

15 MR. O'CONNOR: I would agree with that statement.

16 MR. INGE: Okay.

17 THE VICE CHAIRMAN: The projection that 2020 was
18 based on, I think I heard you say it was developed in
19 '94?

20 MR. O'CONNOR: Well, I think the concept came out
21 in around '94 and we developed it in '96 and we finally
22 got the state to concur with it in '97.

23 THE VICE CHAIRMAN: Have the projections thus far
24 been pretty close to that?

25 MR. O'CONNOR: Actually, in the beginning, around

1 the late nineties, it was never an issue; and in fact
2 when we used to do zoning cases, when this was new, we
3 used to include the allocation figure in there; and the
4 Board got to a point where they basically told us no,
5 that's a development order issue, that's not a zoning
6 issue, it shouldn't be a problem. As we traveled
7 through time, we started seeing areas where, wow, we
8 were getting really close and in fact maybe approving a
9 zoning case might have put more acres on the table than
10 the allocation table was really allowing for.

11 The concept of the allocation acres has always
12 been one for us to use as a planning tool. Because our
13 map overallocates, if we were to just look at the
14 capacity of the future land use map when we were doing
15 utility planning or traffic planning or something like
16 that, we would be assuming more people were going to be
17 there and more facilities were going to be needed, so
18 by using the allocation figures, we helped to hone that
19 back to a more realistic number. So it's basically a
20 planning tool for us so that we're using the right
21 figures as we do our projections for our needs as we
22 move through time; and the issue has always been if we
23 do an overallocation, then we're going to have to
24 overplan for our infrastructure and then the costs for
25 our infrastructure are going to be even higher; and we

1 already have a deficit in a lot of our infrastructure
2 planning, so that deficit would even be bigger.

3 Of course, the glove on the other hand is if we
4 underallocate and then we think that we don't need as
5 many lanes on our road or as much capacity in a pipe
6 and then we actually build that project and then we
7 find out oh, we have undersized our infrastructure
8 needs and so now we're in trouble in the other
9 direction.

10 So the numbers are important to us; but as far as
11 being the tool to restrict growth, it's never been the
12 design of the allocation table to be that kind of a
13 planning tool.

14 Now, that philosophy could change and maybe it's
15 like oh, here's another tool in our toolbox that we can
16 use; and if we artificially -- or not artificially, if
17 we consciously lower an allocation within a specific
18 area, we can control growth within that specific area.
19 That's a way that this can be used. In the past that
20 has not been staff's instructions from the Board of
21 County Commissioners. Staff has always been told make
22 it work, planning department; we want this to be fairly
23 seamless; and so we do it -- we look at these numbers.
24 And we have changed the 2020 allocations on several
25 occasions. When we saw glass ceilings that were coming

1 into play and we would see an area where the Board was
2 approving zoning approvals and we knew the DO's were
3 going to come shortly behind, we would make
4 county-initiated amendments to the 2020 allocation and
5 then we would rearrange those numbers, staying with the
6 overall control total. So we worked hard to make these
7 numbers be as seamless as possible in the past.

8 MS. WESSEL: Seems to me that if you were really
9 going to use these numbers to help us keep our
10 infrastructure in line with what our demand is, because
11 we are chronically behind in a lot of that
12 infrastructure, why wouldn't one drive the other such
13 that you have these targets now, nothing prevents you
14 from being nine acres over in allocation, I mean
15 nothing falls out of the sky.

16 MR. O'CONNOR: Well, something does fall out of
17 the sky. It's called a development order. If you come
18 to get a development order and there is insufficient
19 available acres in the allocation, you will not receive
20 your development order.

21 MS. WESSEL: But in this case we have clearly
22 because --

23 MR. O'CONNOR: And we have not been able to issue
24 a development order in the urban community land use
25 category.

1 MS. WESSEL: But nine acres got through. I'm just
2 using that as an example.

3 MR. BURRIS: Those nine acres were -- that's a
4 platted subdivision which was prior to the development
5 order concept; but even had it been an existing
6 development approved with the development order, once
7 it gets approved and those lots are now created through
8 a development order, if there was sufficient acreage at
9 that time for that development order to get approved
10 and then other development occurs, you are still -- if
11 you purchase a single family lot in a subdivision, this
12 isn't going to stop you at the building permit stage.
13 It only stops you from getting that development order.

14 MR. O'CONNOR: One of the shortfalls of the
15 allocation is for a single family lot we don't require
16 that you get a development order, so therefore you
17 don't look at the allocation because it's only looked
18 at at the development order stage. So, for instance,
19 take Lehigh Acres. I mean the lots are platted, they
20 are out there. People have a right to build on those
21 lots. We have allocations for residential development
22 throughout Lehigh Acres by the various land use
23 categories that are out there.

24 That doesn't stop you from getting a development
25 order. It could. I mean if there's an empty vacant

1 piece of property and the acres are exceeded, you won't
2 be able to get the development order; but it doesn't
3 stop the single family homes from coming on line.

4 And so that's like one of the background numbers
5 where the acreage increases without us actually issuing
6 development orders on property.

7 MS. WESSEL: How do you ever bring those back in
8 to get a true assessment of where you are?

9 MR. O'CONNOR: By doing a reevaluation of the
10 allocation tables and looking actually at what is on
11 the ground and what's come on line within the last
12 period of time.

13 MS. WESSEL: How often is that done?

14 MR. O'CONNOR: Well, early on in the cycle, it's
15 not done as often as later on in the cycle.

16 MS. WESSEL: But the table in our packet was
17 January, 2005? Did somebody say that?

18 MR. BURRIS: Right. The table that went along
19 with Jim's memo, that was what was adopted last --
20 actually became effective last August. That was when
21 the Board had stated that they didn't want -- they
22 didn't transmit, didn't adopt any of the changes that
23 were proposed in the Buckingham planning community
24 because of the status of the Buckingham community plan.

25 MS. WESSEL: But its time frame, what is it

1 reflecting?

2 MR. BURRIS: That's reflecting January 1st of 2005
3 data that we were using for the allocation table. At
4 that time in our allocation amendment through the 2005
5 cycle, we were proposing the numbers that are reflected
6 in Jim's memo.

7 MS. WESSEL: So just to use that, so that I
8 understand, the urban community showed three acres
9 remaining as of January, 2005. Between then and now --
10 this that you handed out is as of when?

11 MR. BURRIS: That would be as of January 1st of
12 2008.

13 MS. WESSEL: So in that time, if I'm understanding
14 correctly, the nine -- 12 acres that have now been used
15 up were all taken up by single family?

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

17 MR. BURRIS: And basically it would have been in
18 that subdivision and those are for the most part
19 quarter-acre lots. There's some a little bit larger.

20 MR. ANDRESS: What I don't understand is you
21 already had an existing subdivision, which is where we
22 got the negative nine in your January 1, 2008, chart.
23 You had existing 48 in this 2005 chart and you
24 arbitrarily increased it from 48 to 60. Why wouldn't
25 you have increased it to 69?

1 MR. BURRIS: That was not arbitrarily.

2 MR. O'CONNOR: That's actual on the ground number.
3 That's a calculated what's on the ground number.

4 MR. ANDRESS: That's what I mean. You have got an
5 actual calculated number on the ground of 69.

6 MR. BURRIS: Of 60.

7 MR. ANDRESS: You have got 60, then you still have
8 this negative nine.

9 MR. O'CONNOR: That's because only 51 were
10 allocated and there's actually 60 on the ground, which
11 means we're nine over.

12 THE VICE CHAIRMAN: And the point is, as you
13 mentioned before, single family homes, it's not a
14 restrictive number. You're simply taking this planning
15 tool and getting your toolbox up to date with what is
16 happening and suggesting that based on what's happened
17 in the recent years we're going to need more of an
18 allocation.

19 MR. O'CONNOR: I think the negative nine says that
20 very clearly.

21 MR. INGE: Mr. Chairman, if you take just the
22 chart that Rick handed out a moment ago and look at the
23 colors for 2005, 2006 and 2007, Page 3, just in the
24 Buckingham Park there is about 51 or 52 lots that have
25 been developed in that three-year period. They're

1 quarter-acre lots. That's 13 acres that has changed in
2 that three-year period; and hence I think that's what
3 is driving this allocation, because of that change.

4 THE VICE CHAIRMAN: Let me go back to a comment
5 you made earlier. You said roughly 40 percent has not
6 been allocated or something. That's really what you're
7 talking about is a population of roughly 600,000 versus
8 going to a million; is that correct?

9 MR. O'CONNOR: No. I'm talking about the
10 difference between the projected 2030, one million, and
11 the carrying capacity of the Lee Plan at 1.4 million.

12 THE VICE CHAIRMAN: Okay, I understand.

13 The second thing, the basis for these projections
14 essentially were implemented in '97. Can you give us
15 any indication of how close the projections have been
16 paralleling this over the last ten years from '97 to
17 2007? Are the projections high, are they low?

18 MR. O'CONNOR: The projections were low. Our
19 figure -- as Rick said earlier, our projected
20 population for 2020 was the 650,000 people; and in
21 2007, was it, we had almost reached 600,000 people, so
22 our acreage allocations were -- in reality they were
23 low. They were based on the best projection we had at
24 the time that we did it.

25 Now, these new allocations are based on the BEBR

1 mid-range projection for the year 2030 from a couple of
2 years ago because that's when we started this effort.
3 we don't keep moving that target as things happen.

4 THE VICE CHAIRMAN: And based on what is happening
5 now in the last year or so and what may be happening
6 over the next four or five years, when is it likely
7 that kind of data would get into your projection
8 process?

9 MR. O'CONNOR: Probably following the new census,
10 which will be -- the data will probably start coming
11 out around 2012.

12 THE VICE CHAIRMAN: So we would use this,
13 essentially, for the next four years.

14 MR. O'CONNOR: Well, we use the census now because
15 it's some of the best data that we have, even though
16 it's fairly old now; but, yes, we'll be using -- as
17 soon as the census data comes in, we'll be -- probably
18 one of the biggest consumers of census data in Lee
19 County will be the Lee County Division of Planning.

20 THE VICE CHAIRMAN: Any other questions so we can
21 go to the public comment and then come back if we have
22 additional questions?

23 MS. WESSEL: I just wanted to follow up on what we
24 started to talk about on how you use this information
25 for keeping track of infrastructure needs relative to

1 growth.

2 It seems like if -- it would be more effective if
3 that were more accurately represented so that the -- I
4 guess current, not -- I'm not saying it's not accurate.
5 It's the lack of displaying or getting the numbers for
6 single family in the allocation current, keeping that
7 current, because that's generating a lot of traffic,
8 every single house, so it seems where we're chronically
9 behind is in infrastructure to support this. If we use
10 this more to help keep a focus on where we are with the
11 infrastructure, maybe we would have less of an angst as
12 we get to lagging behind and there would be more
13 priority put on the infrastructure needs because we
14 would be keeping track of where we are.

15 MR. O'CONNOR: We do keep track of where we are.
16 I'll let Rick explain.

17 MR. BURRIS: Through the inventory in the planning
18 division, we get that updated; and then we generally,
19 at least annually or semiannually, update these tables.
20 As you saw the one that was done for the amendment that
21 Jim had included in his memo and now the updated one,
22 those get published every six months; and when certain
23 issues come up, we will verify an area. If we think
24 there is an issue, we will go in and specifically look
25 right at that area to see how much development has

1 occurred. So we are constantly -- we're not changing
2 the allocation because that's a plan amendment; but the
3 existing column, the middle column there, does get
4 changed through the -- we use certificates of
5 occupancy, so we don't just assume when a building
6 permit gets pulled, but when it gets a certificate of
7 occupancy, it does draw down or gets added to the
8 inventory as existing.

9 MR. O'CONNOR: And just for your information, this
10 table is available for each planning community on the
11 Internet. You can go to the community development site
12 and you can go to the planning communities and you can
13 click on the map of the planning community. You can
14 bring this table up. And as Rick said, the only
15 numbers that change in this table are the existing
16 acres; and they usually go up unless there's a big fire
17 or something. Then it would wipe something out.

18 And so the -- actually, two columns change. The
19 allocation stays the same. That's set by the Lee Plan.
20 We have to go through this kind of a process in order
21 to change the allocation. The existing, the numbers
22 creep up. Sometimes they creep up faster than others.
23 And, of course, then the remaining is the difference
24 between the allocation and the existing, so those
25 numbers go down. As the existing goes up, what is left

1 remaining in the allocation goes down. And we do keep
2 our finger on that pulse.

3 MS. WESSEL: So if you're updating this every six
4 months based on CO's, you know that you're going over
5 because of the single family and it doesn't stop any
6 authorizations from happening.

7 MR. O'CONNOR: If --

8 MS. WESSEL: There's nothing that really
9 creates --

10 THE VICE CHAIRMAN: It's just a tool.

11 MS. WESSEL: -- that prevents all of these from
12 being over. There's no --

13 MR. O'CONNOR: There's nothing that prevents it
14 from being over; but once it's over, we're not going to
15 be issuing any new development orders within that area,
16 so we're not going to be exacerbating the problem.

17 You know, the biggest area of -- where this works
18 the least well is Lehigh Acres because, I mean, it's 97
19 square miles and it's all platted, so there really
20 isn't a lot we can do about that. We can watch how it
21 develops and we can keep our finger on that pulse; but
22 in areas of the county that weren't replatted, this
23 actually is a fairly good tool for us.

24 MS. WESSEL: So that I understand what you're
25 saying, then, right now anybody that's in urban

1 community in the Buckingham plan cannot get a CO or a
2 development order?

3 MR. O'CONNOR: They can't get a development order.
4 They can get a CO, they can get a building permit for a
5 single family home. We don't stop you from doing that.
6 And then when they build their single family home and
7 they and get their CO, that data will come to us and
8 we'll indicate that what was being counted as a vacant
9 lot is now being counted as an occupied lot with a
10 residential use on it and that will make the existing
11 acres go up by a quarter of an acre.

12 MS. WESSEL: Thank you.

13 THE VICE CHAIRMAN: Okay. I'm going to ask the
14 committee to hold the remaining questions and we'll
15 open the floor for comment.

16 First name, if you will come forward when I read
17 you name and state your name for the record.

18 Bill Burdette.

19 MR. BURDETTE: Good morning. I'm Bill Burdette
20 and I'm president of the Buckingham community planning
21 panel.

22 The -- as the memo stated, the Board withheld
23 transmittal of the allocation tables until the
24 community plan was developed, the thought there being
25 that the allocations should be consistent with the

1 community plan, with the goals and visions of the
2 community.

3 At the last Buckingham planning panel meeting
4 after our community plan had been approved by this
5 board, this committee, we discussed the allocation
6 tables. The general consensus was they were fine as
7 they are. There was no support for changing them, no
8 support to adjust the throttle and accelerate growth
9 within the community.

10 Part of the thought there I think is that you have
11 got a planning district that has no schools, no
12 utilities and failing roads; and is this where we
13 really want to encourage increased development.

14 Last comment I have got is regarding the memo to
15 the Board which suggests that the allocation tables
16 will be folded into the Buckingham plan amendment. I'm
17 not sure what that means, folded in. If we're going to
18 incorporate the allocation tables into the plan
19 amendment itself, that's unprecedented to me. Maybe
20 it's okay, maybe it's not; but I would question whether
21 that's appropriate if we've got an allocation table
22 that's inconsistent with the goals and visions of the
23 plan itself.

24 Thank you for your time.

25 MR. INGE: Mr. Burdette, quick question.

1 Did the planning panel talk about when these
2 allocations -- I understand your quandary on how it
3 might affect the Buckingham community overall and why
4 you ought to be concerned about that; but given this is
5 a platted subdivision and essentially the reason that
6 these changes are being made is because of the single
7 family permits that are being issued and that that
8 activity is going to continue because they have vested
9 rights as a platted subdivision, does that change your
10 thinking any? I mean if this were to take this vacant
11 acreage out in Buckingham and change it to central
12 urban, I can see where you might be concerned; but this
13 platted subdivision has been reflected as central
14 urban, the building permits are being pulled because
15 those lot owners have vested rights. I think, unless
16 I'm grossly mistaken, what we're essentially doing with
17 the central urban category is recognizing what has
18 occurred in the last three years due to the vested
19 rights that those folks already have.

20 MR. BURDETTE: You're partly accurate. There is
21 comfort within the community that people that have
22 those platted lots are not penalized, they will get
23 their building permits, they'll be able to proceed and
24 build on their lots. There is concern within the
25 Buckingham community about the large tract of land

1 that's immediately south of that, with the thought that
2 the major reason for the increase in the allocation was
3 to accommodate the Lehigh Villages development, which
4 is a high density proposed project that the Buckingham
5 community has vigorously opposed for practically two
6 years now. That was the concern there, not -- there's
7 assurance that single family homes will go forward.

8 MR. INGE: Thank you.

9 THE VICE CHAIRMAN: Thank you.

10 Don Kaski (Phonetic spelling).

11 MR. KASKI: Don Kaski. I live in the Buckingham
12 community. Good morning, everybody.

13 My feelings are that the people that live in the
14 community know more about what's going on than a bean
15 counter or someone outside that has it on his desk and
16 shoves it around a little bit. We live it, we breathe
17 it, we drive it. We know it better than anybody.

18 Bill Burdette and the planning committee has done
19 more than anybody here could ever think of. That's my
20 opinion.

21 Anyway, we talk about planning and you keep
22 talking about the future and the future and the future.
23 My question is: who planned the roads for 207? who
24 planned the road between I-75, Colonial Boulevard to
25 82? We're not impressed by your planning. No offense,

1 nothing personal.

2 But planning for the future, I hear it over and
3 over and over. This is the future right now from
4 somewhere behind us. What happened now? The
5 infrastructure, you spoke of that. You spoke of the
6 numbers going down, inserting the numbers that Lehigh
7 now has the largest numbers of foreclosures in the
8 country. Those numbers -- you know, the peak went up,
9 the peak is going down.

10 So we all feel that this is nothing more than an
11 end run by the Villages to get -- to win again; and we
12 have been fighting them over and over and we'll keep
13 fighting them.

14 And developers are not our friends. Our friends
15 are single family homes that come in and build and
16 stay, our neighbors; but a developer is not our friend.

17 Thank you.

18 MR. ANDRESS: Before you leave, let me clarify.

19 So your concern is that by increasing the
20 allocation that we are going to somehow allow a
21 development order to be issued for the Lehigh Villages?

22 MR. KASKI: I feel that in the end this is just
23 a -- when I listened to the gentleman here, believe me,
24 I could not understand his numbers and how he was
25 talking about all this future and everything and this

1 number doesn't exist and this will come out of the sky.
2 This is over my head. I'm sorry. And I just feel that
3 this is an end play for developers to get in.

4 MR. ANDRESS: That's your main concern?

5 MR. KASKI: That's my feeling, yes, and others.

6 THE VICE CHAIRMAN: Thank you.

7 MR. INGE: Mr. Chairman, can I ask a question of
8 Paul real quickly?

9 This Lehigh Villages, has that been zoned?

10 MR. O'CONNOR: I'm trying to remember. I
11 believe -- Chuck just reminded me that the zoning was
12 denied. One of the reasons the zoning was denied was
13 because the allocation was not available to accommodate
14 the zoning change.

15 MR. ANDRESS: So it's working, the allocation?

16 MR. O'CONNOR: Depends on your point of view.

17 MR. ANDRESS: Yes.

18 MS. WESSEL: To clarify that, this white area
19 that's vacant was the Lehigh Villages?

20 MR. O'CONNOR: Yes.

21 MS. WESSEL: How many acres is that?

22 MR. O'CONNOR: I think it was around 80, 90 acres.
23 Chuck will probably clarify that.

24 MS. WESSEL: It is currently being voluntarily
25 annexed?

1 MR. O'CONNOR: No. That was another property
2 further to the south. The old landfill property is
3 what I talked about in the beginning that was in for an
4 actual land use change. This Lehigh Villages was not
5 in for a land use change. That -- the property further
6 to the south was in for a change from rural to I
7 believe it was industrial, and that's that property
8 that's the old landfill. That's probably about four
9 feet higher than everything else out there. And that
10 property, that owner, has petitioned the City of Fort
11 Myers for a voluntary annexation of that property.

12 MS. WESSEL: Thank you.

13 MR. COCHRAN: The next speaker is Rose Kaski.

14 MS. KASKI: My name is Rose Kaski and I live in
15 the Buckingham community. Thank you for allowing me to
16 speak to you.

17 Number one, I realize that you have a difficult
18 job in trying to take numbers, adjust them around to
19 look good, change colors on paper; but what always
20 looks good on paper is not necessarily what works in
21 real life.

22 I do oppose the urban allocation for increasement.
23 I think this tool has no guarantee for the
24 infrastructure to allow for the extra added residents.
25 Right now Buckingham is a two-lane highway. It has

1 many developments at the present time allotted for that
2 and it is a dangerous road.

3 I do believe that the request to increase the
4 allocation is nothing more than a catering to a
5 developer like Lehigh, like Lehigh Villages, at the
6 expense of the safety and welfare of the citizens that
7 live there.

8 I am not opposed to development, but I would like
9 some good development where you have infrastructure in
10 place before you start allowing more people to be
11 coming into a community.

12 Thank you. And, again, I do oppose this. Thank
13 you.

14 MS. WESSEL: Can I ask a question? Your last
15 statement was insufficient infrastructure, but would
16 you support additional infrastructure in the community
17 plan?

18 MS. KASKI: The community plan I believe -- I have
19 not seen a guarantee for roads, a guarantee that there
20 will be water supply in our plan. Like in Lehigh
21 Villages, they said we don't have water, so we'll put
22 up a temporary water. Well, temporary means it's there
23 for good, which means we have to look at it, we have to
24 smell it and things like that.

25 Also along Buckingham Road, as I said, we do have

1 developments that the land is already cleared,
2 developers have pulled out because of the economy. We
3 have a plot of land for sale and it states there are
4 690 units that can be placed on that land. And the
5 road is only a two-lane highway, so if there's an
6 accident, an emergency vehicle cannot get down.

7 My question would also be how many people's lives
8 have to be taken before we start putting in a good
9 infrastructure before we allow numbers to increase.

10 MS. WESSEL: Thank you.

11 THE VICE CHAIRMAN: Thank you very much.

12 MS. WESSEL: Paul, do we know if there are plans
13 for infrastructure changes in this area? I'm assuming
14 that the last one, the six hundred some units, are in
15 this allocation, they're reflected, because obviously a
16 development order has been issued, so --

17 MR. O'CONNOR: The development order has not been
18 issued. The zoning was denied.

19 MS. WESSEL: So what she was talking about, the
20 six hundred --

21 MR. O'CONNOR: I'm not sure what the six hundred
22 was.

23 MS. WESSEL: Do we know if there are any --

24 THE VICE CHAIRMAN: Let's focus on the public
25 comment if we could, come back to that.

1 Charles Basinait, I believe.

2 MR. BASINAIT: Mr. Vice Chairman, my name is
3 Charles Basinait. I'll take penmanship class before I
4 come next time.

5 I'm here representing the interest of Max Lumas
6 and Jerry Peterson, Mike Hartley (Phonetic spellings)
7 and their affiliated legal entities. I'm the
8 individual who represents the nefarious property that
9 has been discussed today, the rezoning request that was
10 made some time ago and comprises the acreage that is
11 south of Buckingham Road and also north of Buckingham
12 Road.

13 I think what's been discussed here has only been
14 the portion that's been north of Buckingham. It was
15 this area right in here that was just below the platted
16 lots. My clients also own the property that was south
17 of Buckingham in that area, but that's in the actual
18 Lehigh area as opposed to the Buckingham area.

19 The total site is about 90 or 95 acres; but the
20 piece that's north of Buckingham was about 80 acres, as
21 I recall.

22 We had actually come in for rezoning some time ago
23 on that piece of property.

24 Well, let me back up for a second.

25 I support the staff's efforts to try and get the

1 reallocation accomplished for urban community property
2 in the Buckingham area. I think it's needed for a lot
3 of reasons and I'm going to go through those with you.

4 One of the reasons certainly is the piece of
5 property that's been discussed to the south of the
6 platted acres and north of Buckingham Road. We came in
7 for rezoning on that; and at the time we knew that
8 there was insufficient acreage in the Map 16, which is
9 the allocation table we're talking about.

10 Historically, though, what the Board has done is that
11 they will approve zonings even if there's insufficient
12 acreage; but then before you can get a development
13 order, there has to be something done with that
14 acreage. It has to be increased to such an extent that
15 you can get your development order approved and not
16 exceed that limit that's in the table. But it's always
17 been a development order issue, not a zoning issue.

18 Unfortunately, when we got to the BOCC this time
19 for this particular matter, they decided to what I
20 would call make a regulatory change on the fly and they
21 decided to apply tables to the zoning process as
22 opposed to the development order process; in other
23 words, accelerate when that table was going to actually
24 take effect. And what they said to us was we're going
25 to deny your zoning unless or until we can at least

1 consider whether or not these acreage allocations are
2 going to be increased because at the same time they
3 knew there was a plan amendment coming forward for
4 these acreage allocation changes.

5 And so discretion being the better part of valor,
6 we asked for a continuance at that point and continued
7 the case until after the Board was to hear the acreage
8 discussion, the allocation discussions on the comp plan
9 amendment.

10 When the matter got before the BOCC on the comp
11 plan amendment, the Buckingham folks appeared and -- by
12 right they appeared and spoke and said we would prefer
13 that you don't do this to Buckingham, we don't think
14 you should do the allocations, with the reason being
15 that they hadn't discussed it fully through the process
16 that they were going through, their comprehensive plan
17 revisions for their sector plan. The Board agreed with
18 that and said we're not going to transmit anything
19 having to do with Buckingham. We're going to transmit
20 all the other allocations that were requested, but not
21 the Buckingham allocation.

22 So at that point in time we -- shortly thereafter
23 we came back in on a rezoning. The Board denied the
24 rezoning request. It was based on lack of allocation,
25 certainly, among other things that they mentioned; but

1 the point was they were using it as a regulatory tool
2 as opposed to a planning tool, which is what Mr.
3 O'Connor said it had been used for historically; and in
4 point of fact that's what it had been used for, as a
5 planning tool.

6 So from that standpoint we had a denied rezoning.
7 The staff had said all through that process that they
8 would bring it forward, we didn't need to bring it
9 forward. Consistent with what they said, they did
10 bring it forward; but then the Board did something that
11 they hadn't done in the past. They ultimately did
12 decide not to send those allocations forward at that
13 time because the Buckingham community was going to be
14 looking at that as part of their planning process.
15 Unfortunately, when the Buckingham community did that,
16 and I think Mr. Burdette mentioned it a few moments
17 ago, they decided that the allocation tables did not
18 need to be amended, that they were just fine the way
19 they were; and what they attempted to do was to enlarge
20 the borders of the Buckingham community by including
21 this property in it and effectively making it a rural
22 preserve land as opposed to urban community.

23 Without getting into too much background, the fact
24 of the matter is this has been urban community, as Paul
25 had said, since around 1984. There have been a number

1 of plan changes made out there. Never was this
2 property changed from urban community to anything other
3 than that. I would have a huge problem at this point
4 if the Board attempted to make that change; but suffice
5 it to say that at this point they have made it very
6 difficult to move forward, to the extent that there are
7 insufficient acreages allowed or available in these
8 planning tables, Table 16 -- or Map 16, rather.

9 We would support the staff's efforts to have that
10 modified to bring it in conformance with what is
11 actually occurring in the area. We have a piece of
12 urban community property. We feel like we have an
13 ability to at least come forward and go through the
14 process and file for the planning development and move
15 through that process and hopefully get it approved some
16 day, but at this point in time the Board has
17 effectively stymied those efforts through their refusal
18 initially, at least, to make that modification.

19 I would suggest to you that in fact it needs to be
20 done. It is meant as a planning tool, not as a
21 regulatory tool, which is what it's being used as
22 currently.

23 There was a comment made by Mr. Burdette that the
24 area has failing schools, roads, et cetera, and use
25 that as a reason why there shouldn't be any more growth

1 out there; but I find it somewhat interesting in light
2 of some of the things that are being asked for
3 currently in the Buckingham community plan update, some
4 of which has been there all the way through the
5 process, some of which is new. But, for instance, the
6 extension of State Road 31 south of the Orange River is
7 prohibited; the extension of Ellis Road is prohibited;
8 the extension of Staley Road to State Road 82 is
9 prohibited; no new east-west collector roadways will be
10 planned or built within the Buckingham community;
11 future rights-of-way in Buckingham will be no greater
12 than 80 feet except for Buckingham Road and Lockett
13 Road extensions; the extension and connection of Long
14 Road to Ellis Road is prohibited.

15 The only reason I mention these is that on the one
16 hand they are saying that there's insufficient
17 infrastructure improvements being done. Flip side of
18 the coin is they by their very actions have prohibited
19 many of those things from taking place, so I think it's
20 not correct for them to stand here and tell you that
21 there's insufficient infrastructure there when in fact
22 they are the cause of at least some of that
23 insufficiency if in fact it exists.

24 I would respectfully request that the staff's
25 request to modify the allocation table in this case be

1 made. I think that the numbers that they are asking
2 for take into account not only the existing platted
3 lots north of the property that I represent, but also
4 that property. At this point in time those areas are
5 urban community. Without this reallocation they don't
6 have the ability to get a development order and move
7 forward.

8 I appreciate your time. Thank you very much. I'm
9 here to answer questions if you have any.

10 THE VICE CHAIRMAN: Are there any questions?

11 I have some other cards, but I'm not sure that
12 anyone has identified this particular agenda item.
13 Anybody in the audience like to speak to this agenda
14 item?

15 Please come forward and state your name.

16 MR. FARMELL: Good morning. Tom Farmell (Phonetic
17 spelling), a 20-year Buckingham resident, live very
18 close to where Lehigh Village, unfortunately, is going;
19 and that's the main reason that we're here.

20 First off, to address the infrastructure statement
21 that was made with the planning, I mean the main reason
22 for that is dealing with Lehigh encroachment. That was
23 the only reason. Buckingham Road is jammed every
24 morning with folks that are cutting through from
25 Lehigh. I think we're all familiar with that. They

1 are trying to avoid 80, they are trying to avoid 82 by
2 making more arteries through there, which is condoning
3 that and adding to the mess. So that's the only reason
4 that was put in there.

5 The infrastructure by itself would be nice if
6 Buckingham Road was a four-lane road. Then it could
7 handle the current traffic that's on it as far as all
8 the folks that are coming through Lehigh, but to
9 encourage more of it is insane.

10 Anyway, there are 27 land use categories listed on
11 the piece of paper that we had seen that was presented.
12 The third from the top, right behind intense land
13 development, which is kind of like New York City, and
14 then urban, which is city, is urban community. Now,
15 it's kind of illogical that urban community was ever
16 applied, 1984 or otherwise, to Buckingham. It's rural.
17 Drive through it, run off the goats and cows and
18 everything else and you see it as rural community. To
19 add to that does nothing more than encourage future
20 development.

21 I mean if I'm a developer, I look out and I could
22 buy five acres out in Buckingham a lot cheaper than I
23 could buy it on McGregor, so I'm going to go out there;
24 and then what happens with this planning process, it
25 becomes a self-fulfilling prophecy. Of course, the

1 increase in population will occur as a result of that
2 out in Buckingham. That's kind of not really where we
3 want it to be.

4 It seems from a county planning perspective we put
5 dump trucks, garbage trucks, school bus depots, et
6 cetera; and, honestly, that stuff actually works out
7 there and it's close enough to town to make it work.
8 Start jamming it up with some big developments like
9 Lehigh Village and it doesn't work.

10 That's all we're here today trying to avoid.
11 That's it. Thank you.

12 THE VICE CHAIRMAN: Any questions?

13 Thank you.

14 Anyone else have comment?

15 Okay, we'll close the public comment and go back
16 to the committee.

17 MS. WESSEL: Paul, how many of these platted lots
18 in urban community exist right now?

19 MR. O'CONNOR: I don't have a specific number.

20 MS. WESSEL: How did the number of 150 acres for
21 urban community get selected?

22 MR. O'CONNOR: I think Rick is probably the most
23 qualified to answer that.

24 MR. BURRIS: For the record, Rick Burris with
25 Division of Planning.

1 I just did a quick count of the vacant lots
2 remaining. I didn't count all the lots. There's
3 approximately 337 acres -- or lots unbuilt on today,
4 based on this map; and knowing the inventory, I know
5 that the average lot size in there is about point two
6 eight acres, just less than a third of an acre, so that
7 comes out to be about 95 acres.

8 MS. WESSEL: Thank you.

9 And do we know what the level of service is for
10 Buckingham Road and some of the roads through there?

11 MR. O'CONNOR: I don't offhand know the LOS on
12 Buckingham Road. We could probably find that out.

13 MS. WESSEL: Nobody from DOT?

14 It seems like this is the piece that's missing is
15 linking these allocations -- I guess that's where I was
16 trying to go before -- linking this exercise in
17 assessing and establishing allocations and
18 infrastructure. Here we have a community that in the
19 Lee Plan is described not as something you would expect
20 urban community at six units per acre to be promoting
21 because you don't have the infrastructure by design,
22 you don't have intensive development by design, you do
23 have rural and rural community; and for that to be --
24 and it sounds like since the single family lots aren't
25 keeping up in that inventory, obviously, we were able

1 to get over nine acres permitted without -- or used
2 without any trigger for infrastructure to support that,
3 it just sort of happened, because the single family
4 homes are operating under the radar a little bit; and
5 if we've got 95 acres of single family homes that are
6 already platted, there's an expectation of what that
7 use is. It's going to be a single family home. You
8 have then some large acreages that may be designated
9 urban community, but there's no development approval
10 yet. We just have a train wreck waiting to happen; and
11 adding to that two-lane roads that are adjacent to
12 Lehigh where that's just a problematic situation for
13 traffic, I don't see that this is helping to plan this
14 community.

15 I understand that it's been established as urban
16 community, and that is a question. That was one of my
17 questions, why we would be looking to increase that as
18 much as we are unless we have some infrastructure
19 change that's going to support that.

20 MR. O'CONNOR: And if I might respond to that.

21 It's a two-edged sword. If we don't assign the
22 allocation, we're not going to assign the growth to it
23 and then we're not going to apply for the
24 infrastructure.

25 MS. WESSEL: But you're already under -- I

1 suspect, I hear this all the time, I don't drive it
2 during rush hour through Buckingham; but I have heard
3 repeatedly that that -- the roads through there are
4 problematic, so I would be curious how that would be
5 the case. We don't have the level of service right
6 now, but it can't get any better with a higher
7 allocation at higher densities.

8 And when I read the community description in the
9 Lee Plan, it doesn't mention urban community.

10 MR. O'CONNOR: Well, you have to understand that
11 the goal in the Lee Plan that's specific to the
12 Buckingham area is not the same geography as the
13 Buckingham planning community. When the Buckingham
14 plan was done, it left this area out of the goal for
15 the Buckingham area; and if you look in the Lee Plan
16 and you see the map that defines what ground is
17 controlled by the Buckingham goal, it does not include
18 this urban community designated area. It was
19 specifically left out on the original planning effort
20 that was done out there.

21 Let's do true confessions, okay, true confessions
22 of a planner, all right? I'm the director of planning
23 for Lee County and I have specific charges that are
24 given me and things that I am supposed to do; and one
25 of those things that I'm supposed to do at this point

1 in time -- and these are my marching orders and they
2 can change at any point in time and you people may be
3 the beginning of a change, okay, that you sit here for
4 a reason and the Board listens to what you have to say.
5 But when we changed the planning horizon, I believed it
6 was my job to put the most reasonable numbers in all of
7 the planning communities that as a professional planner
8 I thought needed to be there; and so that's what we
9 attempted to do.

10 Now, along came a controversial zoning case and
11 all of a sudden my job got political and there were --
12 there was a new tool discovered as a reason to deny a
13 controversial zoning case and that was the lack of
14 allocation. And so now my job is that much harder
15 because what I was just trying to do the best job of
16 allocating what development would happen; and I think
17 what we have attempted to do here in order to be true
18 planners is we have looked at the platted portion of
19 this and we have given projections, our best
20 projections in accordance with what we think is going
21 to happen to those lots that are already there; and
22 that's where we've come up with our new allocation.

23 Now, yes, if this allocation gets adopted into the
24 plan and this property gets rezoned and they come in
25 for a development order and they are 80 acres and there

1 is a hundred acres available, they'll get their
2 development order, given -- if everything else is up to
3 par on the development order, so this plan amendment
4 does open a window of opportunity for this particular
5 property and this particular zoning case.

6 That is not why I'm recommending this allocation.
7 I'm recommending this allocation because as the planner
8 for Lee County, Florida, I believe this is the proper
9 allocation to give, given the circumstances of this
10 particular planning community which contains this
11 finger of urban community, which it's had since the
12 first future land use map was adopted in 1984.

13 So I'm taking the cards that were dealt to me, I'm
14 taking the instructions as I believe I should be taking
15 them; and I'm trying to do my best job to be a
16 professional planner and make the best recommendation
17 that I can make.

18 And with that, I'll answer any questions; but I'll
19 be quiet from here on.

20 THE VICE CHAIRMAN: We appreciate the difficult
21 role that you're now in; but it seems like what you
22 said earlier, and just restating, that this is a
23 planning tool and what you feel is best for the area
24 for what is likely to happen, that's your job to do
25 that. It seems, though, that the rules have changed.

1 The Board has decided, for whatever reason, good or
2 bad, that these allocations do have meaning, more than
3 just a planning tool; and what it says is that for
4 single family it does not have meaning. Single family
5 can continue to grow as it may.

6 And so then you have to go back and say if it does
7 have meaning for -- to developments, this 80 acres or
8 70 acres or ten acres, whatever it might be, well, then
9 we have to go back to the planning documents and the
10 people's views in that particular area, seems to me, if
11 we're going to match these inconsistencies, so to say.

12 And what we find is that the people in the
13 community are not interested in doing further
14 development. They would like to have it as single
15 family, lots continue to grow. Whether it's in the
16 community or adjacent to the community, it's still part
17 of the community.

18 And so there isn't any reason, if you put all of
19 these things together, to in fact change the
20 allocations because the allocations only deal with
21 development. People in the community, in the planning
22 group, don't want any development; and that means that
23 maybe when you're juggling these numbers to make them
24 come out countywide that you can't use this particular
25 area and you have to juggle it with some other part of

1 the county.

2 I understand your job is difficult; but, you know,
3 you have to look elsewhere. But this group, this
4 particular community, is not interested in seeing
5 further development.

6 Now, mainly roads, but those are transients,
7 people going through this community. That doesn't mean
8 the roads couldn't get better if they are failing,
9 because people are using these roads, not necessarily
10 the people in the communities, but as people coming
11 through the community, as I understand it.

12 And so I don't see any reason to support the
13 recommendations that are being made by staff because
14 they're right from a planning perspective. I
15 understand that. But they don't seem to be right from
16 the perspective of the people in the community.

17 MR. ANDRESS: Well, the thing about it is the
18 allocation is fixed at 51, so as time goes on, that
19 number is going to continue to grow as these lots are
20 all developed, the current existing lots, so sometime
21 in the future we're going to have over a hundred acres
22 of urban community because as they get developed and
23 you keep increasing the existing urban community. So
24 what difference does it make if we keep it at 48, which
25 was the previous chart which we approved, or take it to

1 the 60? Neither one of them changes the underlying
2 problem; and that is the problem that there's not any
3 more urban community available in this community to be
4 developed, so therefore the 80-acre or 90-acre tract
5 isn't going to be able to move forward anyway if the
6 Commissioners are going to stick to their previous
7 ruling; and that is that allocation is important in
8 zoning.

9 And so therefore I don't see why we're making any
10 change at all to it.

11 MR. INGE: Mr. Chairman. I disagree with both you
12 guys' positions from the standpoint that I have grave
13 concerns if we start using our land use map as a zoning
14 map all of a sudden. We have two separate processes in
15 Lee County. You have a land use map that designates
16 future land use. You still have a zoning process that
17 you have to go through that goes through the Hearing
18 Examiner and then that recommendation goes to the Board
19 of County Commissioners.

20 If these changes are made, it doesn't mean that
21 this contingent zoning case automatically happens. The
22 Board of County Commissioners, if they feel that that's
23 not the appropriate thing to occur in that appropriate
24 location, ultimately they make the final decision.
25 They still have the right to do so, regardless of what

1 the map says, if it's based on sound principles and
2 sound reasoning.

3 simply changing the allocation on a map to
4 politicize the land use map, future land use process,
5 is of concern to me; and I think that the staff has
6 made a presentation as to why they think these acres
7 need change. I'm in support of that, and so the zoning
8 case I don't think affects my decision at all. The
9 Board of County Commissioners and Hearing Examiner will
10 deal with that as the procedures are set forth in the
11 administrative code of Lee County. I don't know that a
12 zoning case needs to be the focus of our particular
13 decision and I don't think the land use designation and
14 acreage allocation certainly within the Lee Plan.

15 MS. RIPPE: I think that my major concern is not
16 really -- it's just the amount of the increase, you
17 know. You're going from 51 allocation to 150 and I
18 just think that that's a huge increased, you know,
19 projection out there. And I know that you have said
20 here is the increase that we have had over the years,
21 but is that increase going to keep going? So I think
22 not really even looking at the zoning issue as much as
23 is that a realistic number, that 150?

24 THE VICE CHAIRMAN: Seems to me if you're really
25 concerned about the planning aspect of this, you could

1 simply make a change in your planning parameters; and
2 every time a single-family lot, acre, is sold, you
3 simply move the allocation. You don't have a minus,
4 that it's simply moved up because it doesn't control
5 anyway, so you're only going to use this as an accurate
6 way to reflect the numbers in your total allocations
7 for the entire county. So you can have your planning
8 tool simply by modifying your procedure; and so
9 whenever it gets to 51, it gets to 52, the allocation
10 goes to 52; it goes to 53, and then right now the
11 allocation would be 60. And so rather than backing
12 into the system, you simply use that data to apply then
13 across the county and you have a new allocation, that
14 you have got to get nine slots from somewhere else.
15 What is wrong with that system?

16 MR. O'CONNOR: Well, we do use that system in that
17 as we see things change on the ground, it changes how
18 we look at things; but we cannot change the allocation.
19 The allocation is a fixed number that's established by
20 plan amendment procedure, so the allocation stays the
21 same.

22 Now, we do look at the existing. Now, if the
23 existing goes above the allocation, all right, there's
24 a problem in that area, there's no more development
25 orders going to be issued in that area. That 60 --

1 what we're saying is our best guess is that 60 is going
2 to go up to 150 by the year 2030.

3 THE VICE CHAIRMAN: But the point is, Paul, that
4 you have made the key point that is concerning to the
5 people that live here. The people are concerned about
6 the system. All you have to do, then, is take a
7 modification to the Board and say we would like to
8 modify the procedure that we used in the past and the
9 procedure will be one in which when there are single
10 family home lots sold, that the allocation will
11 automatically adjust.

12 That's all they are asking. And so you take that
13 recommendation to the Board and you change the
14 procedure. You don't penalize the people because the
15 procedure of the past may not be working as well for
16 the future as it did in the past. Couldn't you just
17 change that procedure?

18 MR. O'CONNOR: Les, I'm not following you
19 because --

20 THE VICE CHAIRMAN: Wait a minute. Let me try
21 again.

22 I thought you said the reason that we have to do
23 this is the procedure says that you have to increase
24 the allocation when you get more existing at some point
25 in time. Why don't you change the procedure that says

1 whenever a single family lot is sold, the allocation
2 automatically adjusts? You don't have to have an
3 approval. In other words, we don't have to take
4 action. Doesn't matter. Because it's not used for
5 anything but single family homes, anyway.

6 MS. WESSEL: Well, but the allocation is -- DCA
7 establishes that you have identified in your
8 application. Otherwise, you would have no planning at
9 all.

10 THE VICE CHAIRMAN: For single family homes it
11 doesn't matter.

12 MS. WESSEL: This is what I was going to ask about
13 was for those that are preplatted, is there a way to --
14 in other words, the big concern here is no one is
15 really envisioning stopping the single family platted
16 lots that we have 95 acres of that are currently
17 undeveloped, according to the numbers that have come
18 out. The big impact is going to be on larger acreage
19 that is not yet either zoned or issued development
20 order.

21 MR. ANDRESS: That's the problem. This property
22 is already in the FLUM at -- in this category, but it
23 can't be developed because of the allocation. The
24 zoning doesn't match the FLUM. And this is all over
25 the county.

1 MS. WESSEL: Right, so that's what I was going to
2 say, is that for those that are clearly -- I think what
3 you were saying, we may be looking at a change in the
4 way we look at things. Maybe we have learned from the
5 past, maybe it hasn't served us well. Maybe we do need
6 to start exploring. What do you do? You have single
7 family lots platted. That's not going to change.

8 MR. TAYLOR: What if we just decreased or cut in
9 half the amount -- instead of going to 150, what if we
10 went to 75 or a hundred, so it helps the planning
11 department and alleviates some of the concerns in
12 Buckingham about a huge development coming in.

13 MS. WESSEL: Well, it doesn't change the fact that
14 we aren't linking our infrastructure needs to these
15 development numbers because these development numbers
16 all represent people in cars, people that turn on the
17 faucet, people that flush the toilet, people that need
18 services and --

19 MR. O'CONNOR: Rae Ann, I think I disagree with
20 you in that if we do have an area that's platted like
21 Lehigh Acres, we do give acreage allocations in those
22 areas. Those acreage allocations ultimately come down
23 to people and those people are then put into our
24 infrastructure planning needs. So if we don't give
25 what we believe is going to be the best acreage figure,

1 we're not going to be planning for the correct number
2 of people within these areas. So if we artificially
3 lower the allocation, we have artificially lowered the
4 number of people that are going to actually be on the
5 ground and therefore our infrastructure planning is
6 going to be inaccurate.

7 MS. WESSEL: But I don't know that we're talking
8 about that.

9 THE VICE CHAIRMAN: But, Paul, the rules have
10 changed, according to the Board action; and so maybe
11 what that suggests is the planning division needs to
12 modify its planning procedures and maybe that means
13 that the term "allocation" is one thing, it's not
14 currently defined, and maybe we need another category
15 in here to allow you to plan and yet to make sure that
16 the plan is consistent with a particular community
17 plan.

18 MR. INGE: Mr. Chairman.

19 where I have the concern about where this
20 discussion is heading again is that we have a future
21 land use map, using that as a base example. The
22 property that we're discussing here has been designated
23 central urban for 24 years, I believe, more or less.
24 No one has taken it upon themselves, the Board, the
25 LPA, private citizens to change that land use

1 designation, to submit an application to change that
2 land use designation. It's still the controlling
3 factor over what happens on that land is the zoning
4 process, which is still in force and still in effect in
5 Lee County.

6 And if we hold on a wholesale basis, say the
7 process has changed now and tell Paul and his staff we
8 really want you to start looking at the specific use of
9 each particular piece of land in these particular
10 categories and make a decision on whether that should
11 be developed as this or that, now I think you have
12 pulled the authority away from the process that works
13 with the Hearing Examiner and the Board of County
14 Commission to be the ultimate deciders of that
15 particular task and now moves it over to a staff
16 function to where you're going to have them, if you
17 will, decide zoning cases as part of the planning
18 process; and I think that's incorrect and improper.

19 I don't know anything about the zoning case that's
20 being talked of here at all. I couldn't tell you what
21 they proposed other than that the people don't think
22 it's right for the community. The process worked. It
23 didn't get approved. Was the reason -- the only reason
24 why it didn't get approved because of the acreage
25 allocation? I have no clue. I wasn't there, I haven't

1 seen the staff report, I don't know. There may have
2 been other substantive reasons the Board relied on in
3 their decision. I would assume so, that it wasn't just
4 one factor; and if so, those factors still exist, so
5 that if this applicant decides to come forward and go
6 through the process once again because the allocation
7 tables are removed from the table, those factors that
8 the board felt strongly about in denying that
9 particular request will still be there. The process
10 will still work. The citizens will still have an
11 opportunity to provide input.

12 I'm really concerned if we start telling the
13 planning staff you guys have to start looking at the
14 properties and try to in your mind zone what you think
15 they should be used for and use that for the
16 allocations, I think that's giving them the
17 responsibility that they don't need to have.

18 MR. ANDRESS: The big problem was created when the
19 Commissioners approved the FLUM, the future land use
20 map, with all of these changes that didn't fit the
21 zoning on the ground. Like Pine Island is full of
22 commercial property. It has more commercial than it
23 needs for the next 150 years, but it's in the future
24 land use map as -- in some cases, a lot of cases, as a
25 different category and the zoning on it is commercial,

1 so we have the opposite problem.

2 And so this problem is created and now it's coming
3 back to -- I think it's coming back to roost here with
4 the county, where the zoning should have been changed
5 to match the FLUM and it did not, because the FLUM is
6 supposed to be the overriding concern on growth as far
7 as the DCA is concerned; and we don't have that
8 situation.

9 This property here they have known for some time
10 that it was central urban -- or is it urban community,
11 the current FLUM?

12 MR. O'CONNOR: Urban community.

13 MR. ADDRESS: Urban community is the current
14 underlying land use, and it's always been that that is
15 what controlled when you went in and it's been just a
16 formality to rezone it if you had the FLUM. So all of
17 a sudden to change this whole process is going to
18 create havoc throughout the county.

19 MR. INGE: I'm going to disagree with you on that.
20 Having had the fortunate opportunity to rezone a number
21 of properties in Lee County over my two-year career,
22 however long I have been here -- I'm just kidding here,
23 folks, I have been here 30 years -- but, nonetheless, I
24 can't tell you how overjoyed I would have been to get
25 the uses and the densities that the comprehensive plan

1 allows on any one of those zoning cases because the
2 process is one of an analysis by the staff, who does an
3 excellent job at defining, outlining, reviewing the
4 issues on any particular case. Then the Hearing
5 Examiner and that process, that looks at public
6 comments. The staff has to factor that in as well
7 because when a zoning case comes up, people in the
8 community have input into that. They write letters;
9 they come down, ask questions. They get their day
10 before the Hearing Examiner. The Hearing Examiner
11 considers all that information and the Board of County
12 Commissioners considers all that information. I have
13 never been involved in one zoning case in my entire
14 career where I got the density the comp plan allows.
15 So to say that the comp plan and the zoning is just a
16 formality is -- I can't agree with that. That's not
17 the case.

18 The process works and the process works by
19 considering what is applicable in the community, what
20 is compatible in the community, input from the
21 citizenry to determine what might work to try -- it's a
22 balancing act that the Hearing Examiner and the Board
23 goes through to try to ferret that out; and they do a
24 pretty darn good job of it. Does everybody come away
25 happy? No, but the process works; and that's what

1 ultimately decides what that use is on the land. And I
2 just want to make sure we don't forget that that
3 process exists and it's still a very strong and
4 well-done process.

5 THE VICE CHAIRMAN: And I applaud that effort and
6 agree with you that we need to keep the zoning separate
7 and that's an issue and that that ought to go forward;
8 and I also agree with you that maybe in fact the Board
9 used this reason, rationale, as a crutch. Maybe so,
10 but I assume that there were other kinds of factors, as
11 you do, that were in the mix, just not one
12 consideration. But using the same logic, I come to a
13 different conclusion; and the conclusion is if that's
14 the way the Board feels, let them do their zoning thing
15 and we in fact don't have to do anything. We don't
16 have to change this at all because the Board will deal
17 with the zoning issue. They deal with the zoning issue
18 and they can modify this or not, but our action really
19 doesn't matter.

20 Any other comments?

21 MS. WESSEL: What we're being asked is to
22 recommend to the Board to update the allocation as
23 identified?

24 MR. ANDRESS: To find the new thing consistent?

25 MR. O'CONNOR: No. This is an amendment to the

1 plan, so we're not looking for a finding of
2 consistency; we're looking for a recommendation from
3 the LPA on the proposed amendments to the 2030
4 allocation table for the Buckingham planning community;
5 and you can make whatever recommendation you desire.
6 We're recommending that the numbers be changed in
7 accordance with Jim Mudd's memo.

8 MR. INGE: Mr. Chairman, I'm willing to make a
9 motion that we recommend that the Board of County
10 Commissioners make the changes to the allocation tables
11 that are set forth in the April 21st, 2008, memo from
12 Jim Mudd to the LPA.

13 THE VICE CHAIRMAN: We have a motion. Do we have
14 a second?

15 MR. TAYLOR: I'll second.

16 THE VICE CHAIRMAN: Floor is open for discussion.
17 Anyone --

18 MR. INGE: And in support of my motion, the
19 comments I made earlier about the process being
20 separate between zoning and --

21 THE VICE CHAIRMAN: I won't add my
22 counterargument.

23 Any further comments?

24 Motion therefore is to approve in essence the
25 recommendations -- the recommendations of the memo

1 before you.

2 All those in favor say aye.

3 MR. INGE: Aye.

4 MR. TAYLOR: Aye.

5 THE VICE CHAIRMAN: Those opposed?

6 Aye.

7 MR. ANDRESS: Aye.

8 MS. RIPPE: Aye.

9 MS. WESSEL: Aye.

10 THE VICE CHAIRMAN: Motion defeated, four to two.

11 Any other comments?

12 Thank you.

13 MR. O'CONNOR: Will we have another motion?

14 MR. ANDRESS: Yes. I will make another motion.

15 I move that CPA2007-00049, Buckingham, Lee Plan

16 Table 1(b), Year 2030 allocations, that the previous

17 allocation table be the accepted allocation for the

18 Buckingham planning community.

19 THE VICE CHAIRMAN: Motion made. Second?

20 The intent of the motion is to --

21 MR. ANDRESS: To not change the --

22 MR. O'CONNOR: So basically the motion is leave
23 the numbers as they are today?

24 THE VICE CHAIRMAN: Reaffirm that those are the
25 numbers.

1 MS. WESSEL: With the negative allocation in urban
2 community?

3 MR. ANDRESS: It's -- yes.

4 MS. WESSEL: Because what we've got today --

5 THE VICE CHAIRMAN: It doesn't change.

6 MR. ANDRESS: There's no change in the allocation.

7 THE VICE CHAIRMAN: Really, the only number that's
8 being established is the allocation itself. The other
9 two numbers are what they are. So it would be to leave
10 the table with all the allocations the same as they are
11 in the current table.

12 MS. WESSEL: If we did that, then we would just
13 continually, as each of these single family lots get
14 developed, those would just continue to add to the
15 acreage that were in exceeding?

16 MR. O'CONNOR: Yes, it will.

17 MS. WESSEL: Which then is used to look at your
18 infrastructure to say we're getting further and further
19 and further apart.

20 MR. O'CONNOR: On the ground today. It's not
21 looking to the future.

22 MS. WESSEL: But I thought that these numbers
23 helped -- I thought in the very beginning you said that
24 these numbers helped to focus funding and attention on
25 infrastructure where it's needed.

1 MR. ANDRESS: That's only if there's --

2 THE VICE CHAIRMAN: We have a motion. Do we have
3 a second for the motion?

4 Motion dies. That means that the numbers are as
5 they are.

6 MS. WESSEL: I'm still not clear. How long could
7 we leave this allocation and just continually be
8 exceeding?

9 MR. ANDRESS: Forever.

10 MR. O'CONNOR: Forever.

11 I think the other bottom line is there is
12 relatively little development that can happen on the
13 vacant property currently designated as urban
14 community. You can get like maybe a single family home
15 on each one of these lots. I don't know how many lots
16 are included in that.

17 MS. WESSEL: Ninety-five acres.

18 MR. O'CONNOR: Well, that was 95 acres was north
19 and south of the road. The Buckingham community is
20 only north of the road.

21 MS. WESSEL: Let me ask this, then. Is there an
22 option to absorb some of this increase in a category
23 other than urban community?

24 MR. ANDRESS: Like sub outlying suburban?

25 MR. O'CONNOR: Yes, there is that opportunity. I

1 mean, as I said earlier, obviously, a sub outlying
2 suburban acre of development is different than an acre
3 of urban community development, so it wouldn't be the
4 same acre; and we actually have formulas where we can
5 decompose and recompose these numbers.

6 Ideally, we would be looking at unit counts on
7 this; but the statutes require us to do it through
8 spatial allocation as opposed to a unit number. But,
9 yes, that's a possibility, but do we put it in this
10 community, do we move it to another community? We have
11 taken a certain amount of 2030's allocation of
12 development and we are recognizing that a certain
13 amount of that is going to happen anyway because the
14 single family lots can continue to develop and some
15 portion of it may or may not be developed somewhere
16 else in the county.

17 THE VICE CHAIRMAN: Does it help your planning
18 system if we moved 51 to 60? Does that make everyone
19 happy?

20 MR. O'CONNOR: If we what now?

21 THE VICE CHAIRMAN: If we move the allocation from
22 51 to 60, does that help your planning process?

23 MR. O'CONNOR: It makes it so we don't have an
24 overallocation today.

25 THE VICE CHAIRMAN: Well, then, every six months

1 it --

2 MR. O'CONNOR: Well, within six months we're going
3 to be looking at the existing. We're not going to be
4 looking at the allocation every six months. The
5 allocation stays the same until we go through the plan
6 amendment process.

7 THE VICE CHAIRMAN: Doesn't matter.

8 MS. WESSEL: I know this is going to your secrets
9 of a planner comments.

10 THE VICE CHAIRMAN: He's already had the
11 confession.

12 MS. WESSEL: I know there's a book in here
13 somewhere. I'm just waiting to hear about it.

14 Is there a way to -- if we're going to be
15 making -- if we're going to be talking about ways of
16 changing, and that's a big if, how some of this is
17 done, would preplatted -- would separating out
18 preplatted lots from unplatted development be a more
19 reasonable, realistic, equitable way of keeping track
20 so that you are keeping track, you're not denying
21 people who have single family lots that don't trigger
22 any greater assessment anyway of being denied or
23 throwing you out of your allocation, but that's an
24 allocation that you know?

25 MR. O'CONNOR: Well, let me answer your question

1 this way.

2 The 2030 allocation grew from a finding of
3 inconsistency with the 1989 plan. Originally it was
4 known as the 2010 overlay; and by making it into the
5 2020 allocation, we simplified what was a very
6 complicated process. What you're proposing is going to
7 make it less simple, and it's pretty hard for a lot of
8 people to understand today. And I look towards Lehigh
9 Acres as the biggest example of what you're talking
10 about where the lots are already platted and they are
11 coming on line.

12 We do keep our finger on that pulse. We do know
13 what the existing use is; and as CO's come in, we do
14 know that those lots are coming on line and we can see
15 how fast they are coming on line and we can include
16 that in our thoughts to infrastructure needs and
17 improvements as time goes along. So we're already
18 doing that to a degree.

19 To actually break up the allocation to allocate X
20 acres to already platted lots and X acres to areas that
21 have not already received a development order, I think
22 that would make it a lot more complicated. You would
23 get down to smaller areas; and as you get down to
24 smaller areas, you get to more uncertainty when you're
25 planning over a long planning horizon.

1 MS. WESSEL: Wouldn't it make it easier to have
2 more accurate projections because if you know you have
3 got this many single family lots platted, some day they
4 are going to most likely be developed?

5 MR. O'CONNOR: And that's our future allocation.

6 THE VICE CHAIRMAN: I think that if you want to
7 have this dialogue, you can have this later; but unless
8 there's a motion before us, I think we need to move on
9 to the next agenda item.

10 MS. WESSEL: Where does this leave us?

11 THE VICE CHAIRMAN? Where it leaves us is we have
12 taken no action and what is before us is the existing
13 document.

14 Anyone propose a motion?

15 MR. ANDRESS: Do you need any reaffirming of the
16 past vote?

17 MR. O'CONNOR: No. You did what you did. We'll
18 write it down and we'll let the Board know what it was.

19 THE VICE CHAIRMAN: Any other motions?

20 Hearing none, we'll go on.

21 It is my understanding that Item 6 has been
22 withdrawn.

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

24

25

1 THE VICE CHAIRMAN: Next item is CPA2007 triple
2 zero 57, Southwest Florida International Airport, for
3 discussion purposes only.

4 MR. HORNER: For the record, my name is Bill
5 Horner. I'm with Lee County Port Authority planning
6 department. Ellen Lindblad is here to assist me if I
7 can't answer some questions.

8 Just a brief overview.

9 We are proposing to amend our project and phasing
10 schedule for the Southwest Florida International
11 Airport to add under our nonaviation category a use
12 called -- well, service commercial and service overall
13 district and to add a single use, animal kennels and
14 clinics, to that; and then the second part of our
15 request is to clear up quite basically some mistakes
16 that I and our consultants made in 2003 and 2004 when
17 we had a Lee Plan amendment to add 100 acres of
18 nonaviation uses at the airport.

19 First, just a brief overview. This is the
20 regional airport. This is the new terminal. Daniels
21 Parkway, I-75 on the edge, terminal access road coming
22 in. Later on I'll discuss the two sites for the animal
23 kennels and clinics being proposed is on the hotel
24 site. It's a 40-acre site just where the inbound and
25 outbound lanes to the terminals split. Forty acres --

1 a hotel is not planned to take up near that size, so
2 there will be plenty of space for this animal kennel.
3 Then there's another location somewhere in the parcels
4 that have been approved as part of the 100 acres up
5 here along Dougherty Parkway.

6 Moving along, the designation on the ALP is
7 airport, it will remain airport. This change impacts
8 the 100 acres I discussed earlier of nonaviation use.
9 FAA encourages nonaviation uses at airports for those
10 areas that are going to be surplus aviation; and FAA
11 encourages that because it supplies revenue to airports
12 which in many cases is alternative revenue when there's
13 a downturn in airplane revenue and general -- periodic
14 downturns that go on in air travel.

15 This particular use will not be, because I'm sure
16 it has a fairly high correlation with airport users
17 dropping their pets off; but our phasing schedule was
18 labeled Table 5. I have given you the location maps
19 for the kennels, which is taken directly from the
20 application and also Table 5. That map that I have
21 handed out is also what is referred to as Map 3-F of
22 the future land use map series.

23 For the animal kennel, as I have alluded to
24 before, there's been both public and developer interest
25 in adding such uses. It was an oversight that was not

1 considered in the long list of uses that we got early
2 on. We provide a service to the public that's coming
3 to the airport, rushing, who have pets. It would be a
4 convenient location for them to drop their pets off and
5 a convenient location for them to pick their pets up
6 once they return from their trip.

7 One of the specific proposals was for a fairly
8 deluxe location that would have an outdoor fenced pool
9 for dogs and might well have doctor on staff
10 permanently to take care. I suspect he would probably
11 pay for it, but it was considered fairly deluxe. This
12 is not unusual, such a clinic or animal kennel. There
13 is one located on the Jacksonville International
14 Airport site.

15 We spoke with the staff and they indicated that
16 both of these sites might be appropriate and might well
17 be considered, the hotel site and the acreage on the
18 north side might be appropriate for this; but it would
19 require a review and a change; and that's what we're
20 here for.

21 In addition, the second purpose for the amendment
22 is to change our Table 5, the phasing schedule.

23 If you note on the bottom, it was originally done
24 in 2003 for our late 2004 approval for our previous Lee
25 Plan amendment. At that time the terminal square

1 footage that was given to me was 761,000 plus. As it
2 was built following -- okay, 9-11 occurred before this
3 period; but FAA finally developed regulations requiring
4 scanning of checked baggage and so forth. We had to
5 have -- add considerable space on the air side of the
6 terminal to account for this additional baggage process
7 and scanning, so it brought the total square footage up
8 to 798,000.

9 We also had neglected to mention our airport
10 maintenance and auto maintenance shops at 23,000. We
11 had left out, somewhat embarrassing to say, the airport
12 training and conference center and an adjacent gun
13 range. Probably some of you have been at meetings at
14 that conference center.

15 MR. INGE: I thought I was, but it didn't exist
16 until now.

17 MR. HORNER: But in fact it was there.

18 There's a parallel taxiway that accompanied the --
19 excuse me -- parallel taxiway there that accompanied
20 the midfield project, and that's equal in length to the
21 runway. And we clarified that the 165,000 square yards
22 that are indicated for existing is actually the ramp at
23 the old terminal, which has now been torn down and
24 grassed. The as-built ramp for the terminal was just
25 under 333,000 square yards.

1 During this period we were in design in 2003, we
2 actually constructed in 2004 and 2005 a fourth fuel
3 tank for the jets in our tank farm. We also added the
4 airline catering facility, which since there are fewer
5 and fewer meals being prepared for travelers nowadays,
6 it's sort of a static operation. And then, of course,
7 down at the bottom we have added our commercial service
8 category; and the only use under that is animal kennels
9 and clinics.

10 And I'm prepared to answer any questions.

11 MR. INGE: Mr. Chairman.

12 THE VICE CHAIRMAN: Yes.

13 MR. INGE: Bill, I guess thank you very much for
14 going over that table.

15 What it seems like is if you look at Table 5, the
16 overall majority of the highlighted items just reflect
17 what is on the ground.

18 MR. HORNUNG: Absolutely.

19 MR. INGE: The real change is the addition of the
20 kennel.

21 MR. HORVATH: Absolutely true. And they are all
22 aviation related in one way or another; and when this
23 was prepared in 2003, 2004, it was felt by me and my
24 consultant -- my consultant and I that this would be
25 more generalized. It has since evolved to having to be

1 quite specific on what our existing and planned uses
2 are.

3 MR. INGE: Thank you.

4 Are you also looking at -- I know recently it was
5 in the press about the agreement that the Port
6 Authority has reached with the Madden company or group,
7 whatever the particular name is; and there is big plans
8 for that to be a big driver of economic development and
9 diversification of our economy in the airport area
10 because of the acreages we have there.

11 Do we have sufficient uses and square footage? I
12 know that's not the subject of your presentation today,
13 but we just need to think about that we have sufficient
14 square footage and uses provided for under that master
15 approval or whatever we have for the airport to allow
16 what the Madden company anticipates occurring and what
17 you guys anticipate occurring. I'm worried that we're
18 going to bump up against the limits real quick out
19 there, and the process takes some time to go through.
20 I know you have to deal with the FAA and you've got to
21 go through the Lee County process as well.

22 Just a word of encouragement -- I know you are
23 probably already doing this, but put on those long-view
24 glasses. We've got to make sure that that happens as
25 envisioned because that is a great opportunity for Lee

1 County as a whole to diversify our economy, especially
2 with some of the things I have heard the Madden group
3 is considering. Please make sure that you take that
4 into consideration.

5 MR. HORVATH: We certainly are. A lease has been
6 signed with the Madden company and there are
7 negotiations back and forth on are they going to back
8 down a little bit for the time being on the square
9 footage they are asking for to comply with the square
10 footage we already have approved or are we going to
11 have to make some slight changes? It's all being
12 discussed.

13 MR. INGE: Thank you.

14 MR. O'CONNOR: And, Ron, I fully expect that when
15 you see this again, you will probably see some numbers
16 changed in that last row of the table because we have
17 been looking at that.

18 Fortunately, the issue we had with the Department
19 of Community Affairs when we originally adopted this
20 into the plan dealt with the number of acres; and I
21 think we're talking about a hundred acres of approved
22 nonaviation use and a hundred acres of use can carry a
23 million square feet easily; and so I think we've got
24 room to move these numbers around in order to make sure
25 that we can accommodate the Madden venture, plus

1 anything else that may spring up from that in the very
2 near future and we are looking at that.

3 MR. INGE: Thank you very much. I know that I'm
4 glad you're on it.

5 MS. WESSEL: I just wanted to make sure. So
6 existing is 2008, the column?

7 MR. HORNUNG: Well, that's going to be a subject
8 of a future amendment. This sort of emergency to get
9 the animal kennel in the plan took precedence; but,
10 yes, we're going to in a future Lee Plan amendment sort
11 of reorganize the table to merge 2003, 2005 into the
12 uses that are there and --

13 MS. WESSEL: But the way you're showing it here
14 with the strike out and highlights, that's really
15 existing as of today?

16 MR. HORNUNG: Absolutely.

17 MS. WESSEL: And so you don't anticipate the
18 kennels if approved to be there before 2010, or they
19 would be constructed in 2010?

20 MR. HORVATH: They'll be in place by 2010, yes.

21 MS. WESSEL: Does it still include the spa
22 services?

23 MR. HORNUNG: One proposal did previously. I'm
24 not sure what his current proposal is, but it did
25 take --

1 MS. WESSEL: Would that involve new staff? That
2 would not be animal services?

3 MR. HORVATH: No. This will be a private
4 organization, a tenant that will be operating. They'll
5 have their own staff. We accounted for that in our
6 traffic analysis that was submitted here.

7 But most of that traffic also for the kennel, I
8 should add, is going to be already captured by going to
9 and from the terminal. There will be employee trips
10 and delivery trips of supplies; but most of the people
11 using the kennel we're envisioning are going to be
12 users flying into or out of the airport terminal.

13 MS. WESSEL: So that wouldn't be a restriction?

14 MR. HORVATH: No. If people want to drive in from
15 San Carlos Park and leave their dog or cat or whatever
16 at the terminal and then drive back to San Carlos Park,
17 they would be welcome. There would be even more
18 revenue for the Port Authority.

19 THE VICE CHAIRMAN: That's part of the point I was
20 going to ask. You don't really need a cost benefit
21 analysis because you're just building the space? We're
22 getting the authorization and building the space and
23 we're going to lease it to these individuals. There
24 will be no county employees involved in this?

25 MR. HORNUNG: No, other than me doing the plan

1 work. But we are -- we will lease them the site. They
2 actually will be responsible for construction and it
3 will be a long-term lease. The airport in general
4 doesn't -- FAA doesn't allow us to sell the property
5 because it's either useful as an open space, it's
6 useful for revenue for nonaviation stuff or it has an
7 aviation-related use, so it has to be quite special for
8 us to sell the property at the airport, like a road
9 right-of-way for the county or something that was
10 essential.

11 THE VICE CHAIRMAN: Other questions?

12 Thank you.

13 Paul, I have a question and it's I guess more of
14 procedure.

15 This really clarifies and makes sense out of what
16 is before us and maybe the first 14 pages here, but in
17 our procedures for discussion purposes do we need to
18 kill this many trees to have an open discussion?

19 MR. O'CONNOR: What we shared with you was the
20 application that the Port Authority had given to us
21 just so that you have all the information; and you will
22 be receiving a staff report and then the final numbers
23 for the table the next time you see this and then we'll
24 ask you to act on it. We're not good at saving trees.

25 MR. ANDRESS: You're not looking for any --

1 MR. O'CONNOR: I'm not looking for any action
2 today from your board.

3 MS. COLLINS: We encourage you to save the packet
4 of materials that you received today because you won't
5 be getting an additional one when it comes back for
6 your consideration.

7 THE VICE CHAIRMAN: In the future, Paul, once this
8 commercial service designation is created, whatever
9 things come under that, do they still have to come
10 through the process for approval; or is that just
11 given?

12 MR. O'CONNOR: There were some statutory changes
13 made several years ago now that the Port Authority took
14 advantage of. Normally an airport is a development of
15 regional impact and the statutory change said that if
16 through a comprehensive plan amendment process you get
17 your airport master plan included in your comprehensive
18 plan, you no longer have to be a development of
19 regional impact; and so a few years ago we went through
20 that process. We have got that established now within
21 the comprehensive plan and for the most part this is
22 cleaning up what we did at that time. But like I did
23 mention, we do have these nonaviation-related uses,
24 there's now a contract has been signed to use some of
25 that property; and we will be looking at those numbers,

1 making sure that they'll accommodate the nonaviation
2 use for the research and development that is expected
3 to boost and help our economy.

4 THE VICE CHAIRMAN: Any other questions?

5 Thank you very much.

6 (Proceedings concluded.)
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1 STATE OF FLORIDA)

2 COUNTY OF LEE)

3

4 I, John F. Martina, Jr., Notary Public and
5 Contract Court Reporter for the Circuit Court of the 20th
6 Judicial Circuit of the State of Florida, do hereby certify
7 that I was authorized to and did stenographically report the
8 foregoing proceedings and that the typewritten transcript,
9 consisting of pages numbered 1 through 93, inclusive, is a
10 true record.

11 IN WITNESS WHEREOF, I have hereunto set my hand
12 this 14th day of May, 2008.

13

14

15 
16 John F. Martina, Jr., Notary
Public, State of Florida at
Large.

17

18 
19 Notary Public State of Florida
John F. Martina Jr
My Commission DD388574
Expires 03/03/2009

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