

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
APRIL 25, 2016**

**MEMBERS PRESENT:**

Noel Andress (Chair)  
John Cassani  
Dennis Church

Stan Stouder  
Roger Strelow

**MEMBERS ABSENT:**

Jim Green (Vice Chair)  
Gary Tasman

**STAFF PRESENT:**

Peter Blackwell  
Brandon Dunn, Planning  
Michael Jacob, Managing Asst. Cty. Atty.

Dave Loveland, DCD Director  
Janet Miller, Recording Secretary  
Mikki Rozdolski, Planning Manager

**Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance**

Mr. Andress, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Mr. Michael Jacob, Managing Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Mr. Andress announced there was a sign-in sheet on the table directly outside the double doors for the public to fill out if they want future information on today's CPA cases.

**Agenda Item 2 – Public Forum** - None

**Agenda Item 3 – Approval of Minutes – March 28, 2016**

**Mr. Church made a motion to approve the March 28, 2016 LPA meeting minutes, seconded by Mr. Stouder. The motion was called and passed 5-0.**

**Agenda Item 4 – Lee Plan Amendments**

**A. CPA2015-00003 – Dusty Metro (Continued from 3/28/16)**

For the audio recording for this item, go to <http://www.leegov.com/dcd/committees/committeesearch>. Once the page pulls up, click on the blue hyperlink that says "Local Planning Agency (LPA)."

Mr. Andress stated it was mentioned at our last meeting that we will be changing our order where the applicant's presentation will be first followed by staff's presentation. Mr. Andress noted he had received inquiries as to why staff is making this change. He explained this change is being made in order to be consistent with how hearings are conducted by the Hearing Examiner.

Ms. Tina Ekblad from Morris-Depew & Associates, Inc. gave an overview of the project. Mr. Matt Simmons from Maxwell, Hendry, Simmons Real Estate Appraisers & Consultants discussed changing economic conditions. Mr. Ted Treesh from Transportation Consultants, Inc. reviewed transportation aspects of the project, and Mr. Dave Depew from Morris-Depew & Associates, Inc. concluded the presentation with some final comments.

Mr. Andress asked if another access point would be allowed onto Michael G. Rippe Parkway from this property. He also asked if it was a limited access road.

Mr. Treese stated it was a limited access road and the accesses were established by FDOT to this property when the right-of-way was acquired. Therefore; he believed it would be very difficult to receive any additional accesses. If an additional one was provided, it would be limited to a right-in/right-out.

Mr. Loveland clarified that there were two connections to Metro Parkway from this property. One is a right-in/right-out. The other is the full median opening.

Mr. Treese stated he was only referring to the full median opening to allow traffic to get back down to Alico Road.

Due to a question by Mr. Strelow, Mr. Treese stated their main concern about the exits and entrances had to do with getting to the airport.

Mr. Strelow asked for the time difference between having to travel up Daniels Parkway to the airport as opposed to traveling on Alico Road to the airport. Although there has been an emphasis on reaching the airport by way of Alico Road, Mr. Strelow noted this road also has heavy traffic.

Mr. Treese stated he had not conducted a travel time study, but noted that Daniels Parkway is 3–4 miles north. You would also have to travel east on Daniels Parkway through the I75 interchange meaning it would take considerably more time to reach the airport. The airport is much closer to Alico Road than Daniels Parkway. There are alternate routes, but they are longer. In addition to the time factor, Daniels Parkway is a constrained facility designated by the County so it is a heavily traveled east/west roadway. It can never be widened; therefore, adding more traffic to it would not be desirable.

Due to a question by Mr. Andress, Mr. Treese confirmed that if this property remained “Industrial” there would be some transportation problems in terms of getting access to Alico Road. The accesses are a circuitous route to get to Alico Road.

Mr. Brandon Dunn reviewed the staff report and recommendations.

Mr. Loveland reiterated there were two accesses to Alico Road even if they are somewhat circuitous. He noted there is access to two points on Michael G. Rippe Parkway including a full median opening, which is not signalized at this point in time. He noted this was basically a planning argument dealing with the loss of industrial land. It cannot be recreated in other places because no one wants industrial uses near their property. Staff is concerned with losing 300 acres of industrial in this area, which is targeted for “Industrial.” It has had this designation since the original 1984 plan. The applicant’s proposal involves a 1,500 unit residential community and 450,000 square feet of “Commercial.” Because of the limitations on the impacts to this residential community, based on our own policies, there will not be an inner-connection to Alico Road. Therefore, all of the units will be coming out onto Michael G. Rippe Parkway and ultimately heading north; which will impact Daniels Parkway. The applicant will have buffer requirements because there are existing industrial facilities to the south of this property that are in full operation. They generate dust and noise. This will cause conflicts with a residential community. It will

cause issues for other developers who try to put an industrial use near this residential community in the future. These developers will be required to meet new buffer requirements that they would not have been required to do before. Staff's argument is about the long term protection of what is designated for a use that is difficult to relocate. Staff is also concerned that this approval would cause a "domino" effect because there have been other inquiries in the Tradeport category regarding adding residential uses. Staff will see an increase in these requests if this project moves forward.

Mr. Address opened this item for public comment. Public input was received from Ron Inge who is the representative for landowners owning property within half of the 300 acres in an LLC, he is manager of the LLC, and a personal representative of the estate of the properties that are under that ownership. Mr. Pat Hayes, owner and manager of a property on Dusty Metro, also provided comments. No other members of the public wished to comment, so the public portion was closed.

Mr. Stouder referred to a graph displayed by Ms. Ekblad that showed the approved IL, heavy IL, and Tradeport. He asked if that graph illustrated the amount permitted or the amount of net square feet remaining.

Ms. Ekblad stated it represented the amount permitted through the Planned Development process.

Mr. Stouder asked if there would be a large amount of square footage that has already been consumed, such as Jetport or Coca Cola, included in that amount.

Ms. Ekblad stated this was possible. In order for them to equate that, it would require pulling all of the individual Development Orders.

Mr. Stouder stated it was an incorrect representation to say that amount of square footage is available. It might be the amount of square footage that has been permitted, but not what is remaining.

Ms. Ekblad stated that if you consider the amount of vacant land that is still available, based on Mr. Simmons testimony, it would be fair to say there is still a large portion available.

Mr. Stouder agreed there was an inordinately amount of acres of industrial, but noted this acreage was not valued or in demand equally. Although there is a greater industrial demand and value for the Alico corridor, it is not accurate to say all industrial acreage can be lumped into a general category. He referred to comments by Mr. Depew on the amount of residential permits. He asked if those permits were for Lee County only or for all five municipalities.

Mr. Depew stated they were the residential building permits for unincorporated Lee County.

Mr. Stouder noted there is a significantly greater number of permits that have been permitted for residential besides just unincorporated Lee.

Mr. Depew stated they had not included the incorporated areas because the County did not include the incorporated areas in their numbers. He explained that his office was just being consistent with what the County included.

Mr. Stouder stated the following:

- The demand for "Industrial" is largely correlated to the amount of rooftops that are being built. The amount of rooftops is significantly greater than just unincorporated Lee County. The correlation of services to this residential construction is highly connected to where those houses

are being built. Those houses are by-in-large on Alico Road and south. Many people who are occupying IL property are service providers to that residential construction making industrial inventory along Alico Road of greater value, which will be absorbed more quickly than industrial product elsewhere.

- He referred to comments made by Mr. Pat Hayes regarding the railroad. Mr. Stouder stated he did not believe the rail issue was an insurmountable hurdle. He noted there is a significant demand in this Alico corridor for sizable parcels that involve the railway. He believed the rail could be extended to accommodate uses on the north side.
- He agreed with the applicant that the subject parcel's access to Alico Road is not ideal, but believed this access issue could be overcome because there are parcels adjacent to the subject property that are available for purchase. These adjacent parcels could largely abate the access issue. It would require additional funding, but he felt it would be possible for the County and applicant to find a common ground and work together to create an additional access or improve the current access.
- Mr. Stouder agreed with Mr. Simmons' comments about eave height, but noted the eave height of 40 feet is anomalous. The only facility he could think of that comes close to that within 3-5 counties is the Chanty Brothers, which is a 348,000 square foot state of the art facility. He wanted to see more eave height, but asked staff for clarification that there is no eave height requirement with this application.

Mr. Dunn stated that heights are limited by the future land use category in the Land Development Code. Industrial development does not have any limitation. Staff would review it for compatibility purposes, but there is no strict regulation.

Mr. Stouder felt the proximity to the burgeoning residential development of this property, the proximity of this subject property to the Southwest Regional International Airport, and its proximity to I75 are significant. Another significant factor is that from Colonial Boulevard going south down Metro Parkway this property is part of a continuous ribbon of industrial product which offers a consistency as well as efficiencies for those that are delivering such as those that are manufacturing in this corridor.

Mr. Church referenced comments by staff in their conclusions about heavy industrial uses. He noted there had been a lot of discussion about how much industrial there was. He asked if there is a significant difference in what is allowed on this parcel versus all the other thousands of acres/square footage described in the applicant's presentation.

Ms. Rozdolski stated that what they were going to see is what has been developed and what Mr. Hayes mentioned. There are mulching plants, concrete batch plants, and transfer stations. These are the dirtier industrial activities that will have open storage uses. In other future land use categories such as "Urban Community," applicants are required to have substantial buffers (screening, fencing, setbacks) that are not necessarily the same as an industrial future land use category.

Mr. Church asked if this piece is unique in regards to what it is zoned for compared to the vast quantity of industrially categorized land.

Ms. Rozdolski explained that the industrial future land use category is unique in that we only have a little over 4,000 acres of industrial future land use category in unincorporated Lee County. This means that Lee County has only 1.2% for industrial. It is unique because of the types of uses that are allowed in industrial without the substantial buffers and setbacks.

Mr. Dunn noted that Policy 7.1.6 of the Lee Plan limits the industrial uses within the Intensive Development Central Urban and Urban Community to light industrial.

Mr. Church asked if the amendment as proposed by the applicant could exclude commercial and only have residential when they apply for their zoning.

Ms. Rozdolski confirmed this could potentially happen.

Mr. Church asked for clarification that if they wanted to do that they would run into compatibility issues on the south side due to the industrial facilities currently existing in the area or that have been approved.

Ms. Rozdolski stated that was correct. She noted that Mr. Depew had provided an illustration that showed the buffers of the industrial to the Briarcliff subdivision to the north. This would be the kind of buffers that would be necessary for the industrial south of this property. This means the project would encroach even further into the industrial future land use category because of the setbacks and buffers that would be required.

Mr. Church noted that commercial uses would not have great access to Alico Road. He was not sure where commercial uses would be placed because there is not good access on the south. He referred to staff's comments in their report regarding school capacity. He asked if that was a non-issue. He noted there was a letter from the School District stating they have capacity. He also referred to a reference in the staff report to the population accommodation where you have to shift acres. He asked if those two items were real issues that would cause denial of this application.

Ms. Rozolski stated they are issues and that staff would rely on the letter provided by the School District. The letter states there is capacity for elementary and middle school seats; however, there is a projected deficit for the High School. This would not be the sole basis for denial, but it would not be considered a non-issue. It is also something that would be looked at when working on future land use map changes.

Ms. Neale Montgomery noted the last line of the School District's letter does state there are sufficient seats available to serve the need within the contiguous Concurrency Service Area (CSA).

Mr. Cassani referred to the school issue and noted that adjacent capacity outside the district would create more trips, which he felt was a concern. If the conversion does occur, this would eliminate a little over 15% of the current vacant industrial. He asked Mr. Loveland if the County had plans to develop the potential access on Michael G. Rippe Parkway (the NW quadrant).

Mr. Loveland stated the County would not be developing that access because it is a State road. The State accommodated the two connections that were allowed as part of the right-of-way purchase. He did not know of any plans the State had to go further with that. He also noted there was nothing on the site currently to drive that.

Mr. Cassani referred to the development to the north of this property (Briarcliff) and asked how close they were to build-out.

Ms. Rozdolski estimated the build-out to be 70%.

Mr. Strelow stated he was now less skeptical about this proposal than he was initially after hearing the applicant's presentation especially due to the County's continued reliance on old studies that have been replaced with newer data and estimates. He was not certain it was realistic to assume we will have the same mix of heavy versus light industry as we might have earlier. He felt the current trend seemed to be high-tech light/streamlined industry. Therefore, he was more inclined to give precedence to the recent data. However, Mr. Strelow stated he was still skeptical on the transportation issue. There has been a lot of discussion about Daniels Parkway versus Alico Road, but Alico Road is heavily travelled as well. He was not convinced about the advantage of traveling on Alico Road. He appreciated Mr. Inge's discussion on the details of the costs for the additional transportation by having to travel on Daniels Parkway versus Alico Road; however, does the difference in cost per mile between Daniels Parkway and Alico Road matter when considering the total transportation costs and other costs such as the price of the property? These are issues a manufacturer or industrial operator will have to consider when deciding whether to have their business here, elsewhere in Florida, or in another state altogether. He was not sure the difference sited would play that big a role in the equation because a potential manufacturer or industrial operator may choose places farther away from the airport regardless of the route used to get to the property. Regarding the old data, Mr. Strelow questioned whether old studies should stand in the way of allowing a little more flexibility in an area that is difficult to attract industry.

Mr. Andress stated the County should be careful in how they look at lands that are available for infill development. To him, today's proposal was a prime example of an excellent site for infill development. The question is are we better off with a site like this where there is so much residential around it or do you want to have heavy uses there instead? In having an extensive background in marketing industrial properties, Mr. Andress vouched that access and transportation are important issues. To him, this will be a difficult area to get anyone to develop from an industrial standpoint because of the access. Mr. Andress spoke of a project he recently worked on located on Highway 41 just south of the intersection of Michael G. Rippe Parkway. The development involved a 65,000 square foot facility. When this project went before the Hearing Examiner to rezone the property, the room was filled with residents/property owners from the Emerson Square development which is across the street and 1,000 feet away from the proposed development. They complained about the truck traffic they felt would be generated by the proposed development. Mr. Andress noted a traffic signal had to be installed on Michael G. Rippe Parkway due to the number of accidents, so he felt the last thing it needed was heavy industrial trucks on the road. To him, the future of the property would be best served by having the Urban Community land use. All of the details, buffers, accesses, etc. will be handled as part of the rezoning process. He believed this area held a lot of promise for the County because the infrastructure is already in place. He stated it costs the County a lot of money when we allow development to occur in areas that do not have the infrastructure. He personally did not see a great demand for heavy industrial property. The demand seems to be for light industrial property. The Urban Community classification will allow for light industrial uses. Regarding the railroad, it has been cut off and it would cost millions of dollars to restore that connection in order to serve this property. Also, because it is a limited access highway, Mr. Andress had doubts that the railroad could obtain an easement for it. Therefore, he was in support of the applicant's proposal.

There were no more comments by the LPA at this point, so Ms. Ekblad and Mr. Depew made some concluding comments.

Mr. Cassani did not see anything in the materials from Economic Development. He asked if any analysis had been done by Economic Development on the implications of a conversion for this property.

Mr. Loveland stated that Economic Development had provided staff with some general comments, which were included in the staff report. He noted there was also a statement from the Robert's Study included in the staff report. The comment is, "*Whenever a proposal comes along to use industrially designed land for some non-industrial use, it will be tempting to permit it, on the grounds that the County has a great*

*deal of vacant land and that will continue to be the case for many years. But...the amount of land that is needed to provide for eventual industrial use is a tiny percentage of the County's total land area, and it is very important that it be available when and where it is needed.*" Mr. Loveland referred to a comment made by Mr. Depew that all existing industrial along Alico is not in an appropriate location. Mr. Loveland stated they are all viable businesses and if they should not be placed there, then where would you locate them?

Mr. Church felt the applicant made a compelling argument. Another compelling fact is that this property has been available since 1969 and has not been built on. He felt the property would be perfect for a residential transition area. He envisioned a site plan that had a right-in/right-out access as well as the full median opening. There could be a residential community with some buffering against the commercial property and light industrial properties. It is an infill development located near infrastructure. **He made a motion to recommend approval of the applicant's request, seconded by Mr. Strelow. The motion was called and passed 4-1. Mr. Stouder was opposed.**

#### **B. CPA2016-00002 – Lee Plan Map Amendments**

Mr. Blackwell gave an overview of the map amendments which consist of: 1) Map 3E: Airports, Seaports, Railways, and Waterways; 2) Map 3J: Evacuation Routes; 3) MAP 5: Coastal High Hazard Area; and, 4) MAP 10: General Soils Map. All of these maps are required by Florida Statutes 163.3177. It was noted that staff was not introducing any new maps; these are existing maps that are being updated.

Mr. Andress referred to Map 5: Coastal High Hazard Area and asked why staff removed the property on the corner by Burnt Store Road and Pine Island Road.

Mr. Blackwell stated this was based on updated data. He noted the SLOSH model used new modeling techniques, new modeling equipment, and new data gathering techniques. There were some places that had been in the Coastal High Hazard criteria, but that were not really part of that when you looked at them under more advanced techniques.

Mr. Andress stated he was referring to the Royal Tee Golf Club. He imagined the people in that community would be in favor of this change because it would lower their insurance rates.

Mr. Church asked for clarification on whether this change would actually affect home owner insurance rates.

Ms. Rozdolski stated this map was based on a model that is used by the Regional Planning Council. She noted it was not a FEMA map.

Mr. Andress noted a Coastal Study is currently being prepared and is proposed to be completed in 2017.

Ms. Rozdolski stated staff considered updating that map as well, but decided to wait until the Study is complete.

Mr. Church asked if changing this map would have an impact on what someone could do on their property. He also expressed concern that property owners would have no idea this change had occurred until they try to make a change to their property.

Mr. Blackwell stated that property owners in the Coastal High Hazard Area are subject to policies that become applicable such as not being able to get bonus density or transfer of development rights into the High Hazard zone.