

**MINUTES REPORT
LOCAL PLANNING AGENCY
November 19, 2007**

MEMBERS PRESENT:

Noel Andress
Derek Burr (Chair)
Les Cochran
Ron Inge

Carleton Ryffel (Vice Chair)
Leland Taylor
Rae Ann Wessel

STAFF PRESENT:

Donna Marie Collins, Asst. Cty. Atty.
Timothy Jones, Asst. Cty. Atty.
Dave Loveland, DOT
Dawn Perry-Lehnert, Asst. Cty. Atty.

Janet Miller, Recording Secretary
Matt Noble, Principal Planner
Paul O'Connor, Planning Director

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

Ms. Burr, Chair, called the meeting to order at 8:35 a.m. in the Community Development/Public Works Center, 1500 Monroe Street, Fort Myers, Florida. Ms. Collins, Assistant County Attorney, certified that the affidavit of publication was legally sufficient as to form and content and entered it into the record.

Mr. O'Connor explained a new recording system that was being implemented at today's meeting.

Agenda Item 2 – Pledge of Allegiance

Agenda Item 3 – Public Forum - None

Agenda Item 4 – Approval of Minutes – October 22, 2007

Mr. Andress expressed his concerns with abbreviating future meeting minutes. He also noted there was a gap somewhere in the system because the Board of County Commissioners do not seem to be receiving the LPA's comments and recommendations concerning the different items that come before them, such as the Wellfield Protection Ordinance.

After further discussion, Ms. Collins suggested instituting a policy where the LPA's comments and recommendations are summarized in a separate memorandum to the Board of County Commissioners. The summaries will be sent from the County Attorney's office, but will be in collaboration with Mr. O'Connor. A copy of these summaries will be provided to the LPA once they are finalized.

Mr. Ryffel noted he would be making this same recommendation for the Land Development Code Advisory Committee at their next meeting. He also asked that the meeting agenda be attached to future meeting minutes to clearly show what was discussed.

Mr. Andress made a motion to adopt a reporting of minutes policy for the LPA as suggested by Donna Marie Collins, Assistant County Attorney. The motion was seconded by Mr. Cochran. There being no further discussion, the motion passed 7-0.

Ms. Collins wanted to make a clarification regarding the Wellfield Protection Ordinance and noted it would be considered by the Board of County Commissioners on December 4, 2007. This allows time for the LPA to forward their recommendations as set forth in the September 24th meeting minutes to the Commissioners.

Mr. Andress stated that he highlighted the LPA's recommendations in yellow and provided additional comments in blue. This was forwarded to some of the Commissioners, however, he still asked staff to provide the Commissioners with a summarized memo.

Mr. Inge made a motion to approve the October 22, 2007 meeting minutes, seconded by Mr. Andress. There being no further discussion, the motion passed 7-0.

Agenda Item 5 – Meadow Road Designation as a Parallel Reliever Facility to SR 82

The LPA was provided with a copy of the Corridor Access Management Plan for SR82 as part of their meeting packet for today's meeting. Staff explained that this Management Plan was incorporated into the Lee Plan in the mid 1990's as part of the Lehigh Acres Commercial Land Use Study. The Meadow Road Designation is a continuation of that effort. It is meant to address the expanding commercial uses along the SR82 corridor as well as provide reasonable access to those parcels that are fronting SR82. This will provide direction to developers that they should be seeking access through Meadow Road. Staff is currently in the draft stage of bringing a resolution to the Commissioners.

This item is for informational purposes only. No motion from the LPA is needed at this time. Once the resolution is finalized, it will be presented to the LPA at which point they will be asked for a motion and vote.

Due to a question by Mr. Ryffel, staff clarified that if someone wanted to propose a different access point, they would be allowed to work with staff at FDOT and LCDOT to have the plan amended.

The discussion concluded.

Agenda Item 6 – CPA2007-49 Buckingham Community Plan Update

Handouts were distributed for this item. Mr. Mudd reviewed this proposal and his handouts. Questions and answers ensued regarding: 1) traffic counts/accident data; 2) population count; 3) location of existing commercial development; 4) the allocation table provided; 5) proposed allocation; 6) impacts due to a large tract of land on Tice Road purchased by the School District; 7) impacts due to a large tract being proposed to be annexed into the City of Fort Myers on Luckett Road; 8) the County's plans for mitigating some of these impacts from traffic in that area; 9) the red and blue lines outlining the planning community and boundary; 10) outreach efforts; 11) how staff will evaluate applications that are not within the community boundary but are adjacent to it; 12) Bert Harris issues; and, 13) Map 7 regarding sewage utility service and where it extends.

Ms. Burr asked if anyone from the public wished to comment on this issue. Public comment was received from the following parties:

Mr. Bill Burdette, President of the Buckingham Community Planning Panel
Ellie Boyd

Ms. Sandra Meador, Resident of Sanibel
Gordon Brandt, Secretary for the Buckingham Planning Council
Chris Bundschu, President of the Buckingham Conservancy.
Michael Roeder, Knott Consoer Law Firm
Dr. Margaret Bannion, previous consultant for Johnson Engineering

The public segment was closed.

Mr. Andress suggested the Buckingham Community Planning area be expanded to include the red-lined area (the planning community). This would give the community greater control over a larger area of land, especially growth that will affect the community itself. He believed the allocation table would need to be amended as well to reflect that it is an Urban community.

Mr. Ryffel suggested staff review the Urban Land Institute Standards Book for Population Versus Commercial Needs Allocation. Three types of commercial are listed in this document. Even though "Regional" does not apply to this situation, staff should review what the Urban Land Institute suggests and convey that information to the Commissioners.

Staff stated they would include this into the report along with the LPA discussion.

Mr. Inge expressed concern over Objective 17.6 with having people in various communities lobby the Property Appraiser to outline parameters by which the Property Appraiser should appraise properties in the plan and incorporate them in the plan. He had concerns with that level of specificity in the plan and having different manuals for the Property Appraiser to use for the different planning communities.

Mr. Andress referred to Ms. Meador's comments about horse farms and horse boarding businesses. He suggested language be stricken from Policy 17.6.6 where it says, "...if the owner or operator resides on site."

Ms. Burr noted there were many traffic problems on some of the roads, in particular, Buckingham Road and the Buckingham Rural Preserve area. She wanted to see LCDOT be more proactive in trying to address some of these issues by working together with the Buckingham community.

Mr. Inge noted that he did not have any overall objection to the Plan. His concern was that there are several areas that are not specific enough. He believed this would be a problem when it is submitted to the Department of Community Affairs for review. There needs to be a way to get the overall concept incorporated into a document that the Department of Community Affairs will approve as they will need measurable standards on implementing policies that the County can move forward with.

Mr. Cochran stated this community has been working on this plan for a long period of time. He did not feel the County should work on other goals and objectives that would override everything this community has been working towards. Mr. Cochran believed that many of the items staff proposed to delete, should be reinstated and that they needed to work with the community to help write some appropriate goal language to help them accomplish these goals. He felt there was a disconnect somewhere.

Mr. Address made a motion to recommend transmittal of CPA2007-00049 to the Board of County Commissioners with the following changes:

- 1. Adopt the planning community boundary as the new community planning area boundary for the Buckingham community.**
- 2. Policy 17.2.1 be revised to read “Lee County will work with the Buckingham community to reduce traffic and its effects through the Buckingham Community. This includes, but is not limited to, restricting the number of collector roads, analyzing alternative routes, and safety issues.” We also need to add “limiting light pollution and installing landscaping compatible with the rural character of the Buckingham Community.”**
- 3. Reinstate “No temporary or emergency operation disaster aftermath facilities will be allowed, including FEMA trailers,” into Policy 17.3.6.**
- 4. Remove the stricken portion from Policy 17.5.1 and have it rewritten to read, “Lee County will work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community.”**
- 5. Remove the stricken portion from Policy 17.5.2 and have it rewritten to read, “Any access to the Orange River within the Buckingham community will be limited to noncommercial residential use.”**
- 6. Have language in Policy 17.6.6 rewritten to read, “Boarding stables will be allowed to give lessons, if the clinic clinic and the operation does not create a use, road access, or drainage nuisance to its neighbors.”**

The motion was seconded by Mr. Cochran. There being no further discussion, the motion passed 6-1. Mr. Inge was opposed.

Mr. Inge explained that his opposition was due to comments he made earlier regarding the Property Appraiser language. He also referred to language on parks and riding trails and preferred that the community continue to work with the County Greenways Multipurpose map and try to amend that as opposed to trying to create another policy.

Mr. Cochran made an amendment to Mr. Address' motion to address Policy 17.3.8. He proposed the County modify the policy statement that was stricken to read "The construction of potential," strike the word "additional," and then go on with the rest of the statement on water treatment and sewage treatment. This amendment was seconded by Mr. Address. There being no further discussion, the amendment was passed 6-1. Mr. Inge was opposed.

Another clarification was made that when Mr. Address made a motion to change the community boundaries to be the red line for simplicity, that it included with it the corresponding change in the allocation tables.

Agenda Item 7 – CPA2007-01 Caloosahatchee Community Plan

Mr. Mudd reviewed this proposal with the LPA and Ms. Collins reviewed the County Attorney's memorandum. General questions and answers ensued.

Ms. Burr asked if anyone from the public wished to comment on this item. Public comment was received from the following parties:

Ms. Chris Cella, member of the Board of Directors of the East Lees County Council

The public segment was closed.

Mr. Address referred to the map provided and felt the boundary needed to be clearly defined, i.e. outline how many acres are in that boundary, show what the other uses are, the acreages, and the amount of population that would be permitted in the other uses.

Mr. Ryffel made a motion to continue this item to next month so that the information mentioned by Mr. Address above can be provided and eventually be forwarded to the Commissioners, seconded by Mr. Address. There being no further discussion, the motion passed 7-0.

Agenda Item 8 – CPA2006-26 Conservation Lands

Mr. Irving reviewed his staff report and attachments.

General questions and answers ensued.

Ms. Burr asked if anyone from the public wished to comment on this issue. Public comment was received from the following:

Ms. Emily Underhill, Assistant Division Director of Development for the LC Port Authority

General questions and answers ensued between the LPA and Ms. Underhill.

The public segment was closed.

Mr. Andress made a motion to recommend transmittal of CPA2006-26 Conservation Lands, and find it consistent with the Lee Plan, seconded by Mr. Ryffel. There being no further discussion, the motion passed 7-0.

Agenda Item 9 – Other Business - None

Agenda Item 10 – Adjournment

The next meeting is scheduled for Monday, December 17, 2007, at the Community Development/Public Works Center, 1500 Monroe Street, Fort Myers, at 8:30 a.m. The 2008 meetings will resume in the Board Chambers.

Mr. Andress made a motion to adjourn, seconded by Ms. Wessel. There being no further discussion, the motion passed 7-0.

The Lee County Board of County Commissioners

Request to Address

Please Print Information Clearly

Name Sandra Meador

Address 1449 Causey Ct

City Seibel State FL Zip 33957

Representing DaVinci Farms

Agenda Item Buckingham Plan

Date 11/19/07 For Against Other

Registered Lobbyist Yes No



LEE COUNTY
SOUTHWEST FLORIDA

For Agenda Information Contact
Public Resource at 335-2215
or visit our web site at lee-county.com

Speaker Card

Name

Agenda Item

8

Emily Underhill

AIRPORT MITIGATION LANDS
(CONSERVATION LANDS)

~~to~~

MIKE ROEDER

BUCKINGHAM PLAN

~~to~~

Ellie Boyd

" "

~~to~~

Sandra Meador

" "

~~to~~
7

Gordon / Prandt

* Buckingham Plan + Colosa Shores

~~to~~
8

JOE GLOWACKI

Consultant for Airport Mit. Lands

~~to~~

Chris Brundschu

BCPP - OR Resident

~~to~~

Bill Burdette

BCPP - officer

~~to~~

Margaret Banyan

BCPP - consultant

7

Kris Cella

Colosa Hatchee Shores Plan

**REGULAR MEETING
OF THE
LOCAL PLANNING AGENCY**

**Monday, November 19, 2007
Community Development/Public Works Building
Conference Room 1B, First Floor
1500 Monroe Street, Fort Myers, FL
The meeting will commence at 8:30 a.m.**

AGENDA

- 1. Call to Order; Certification of Affidavit of Publication**
- 2. Pledge of Allegiance**
- 3. Public Forum**
- 4. Approval of Minutes: October 22, 2007**
- 5. Meadow Road Designation as a Parallel Reliever Facility to SR 82**
- 6. CPA2007-49 Buckingham Community Plan Update**

Amend the Future Land Use Element, text and Future Land Use Map series to incorporate the recommendations of the Buckingham Community Planning effort. Update Goal 17 of the Lee Plan to revise policies specific to the Buckingham Community and expand the affect of Goal 17 beyond the Rural Community Preserve land use category to the Buckingham Planning Community boundary.

- 7. CPA2007-01 Caloosahatchee Community Plan**

Amend the Future Land Use Element, Goal 21, to add a policy that provides that no land use map amendments to the remaining Rural lands category will be permitted unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

- 8. CPA2006-26 Conservation Lands**

Amend the Future Land Use Map to update the Conservation Lands categories.

- 9. Other Business**

- 10. Adjournment**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 533-8585. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 533-8583.

LOCAL PLANNING AGENCY
ATTENDANCE RECORD FOR 2007

| Committee Member | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
|------------------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
| Noel Andress | P | NM | P | P | P | NM | NM | P | P | P | P | |
| Derek Burr | P | NM | P | P | P | NM | NM | P | P | P | P | |
| Les Cochran | P | NM | P | P | A | NM | NM | P | P | P | P | |
| Ron Inge | P | NM | A | P | P | NM | NM | P | P | P | P | |
| Carleton Ryffel | P | NM | P | P | P | NM | NM | P | P | P | P | |
| Rae Ann Wessel | P | NM | P | P | A | NM | NM | P | A | P | P | |
| Leland Taylor | V | NM | V | V | P | NM | NM | P | A | P | P | |

P - Present
A - Absent
NM - No Meeting
RES - Resignation

NEWS-PRESS

*Published every morning - Daily and Sunday
Fort Myers, Florida*

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Elisha Wells

who on oath says that he/she is the

Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a
Display

In the matter of

Meeting Notice Local Planning Agency public Hearing
In the court as published in said newspaper in the issues of
November 9, 2007

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee, Charlotte, Collier, Glades
and Hendry Counties and published at Fort Myers, in said
Lee County, Florida and that said newspaper has
heretofore been continuously published in said Lee
County, Florida, each day, and has been entered as a
second class mail matter at the post office in Fort Myers in
said Lee County, Florida, for a period of one year next
preceding the first publication of the attached copy of the
advertisement; and affiant further says that he/she has
neither paid nor promised any person, firm or corporation
any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in
the said newspaper.

Sworn to and subscribed before me this
9th day of November 2007 by

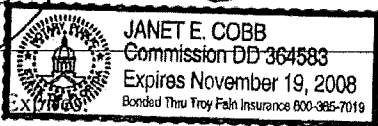
Elisha Wells

personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Print Name



My commission

RECEIVED
DEC 11 2007

COMMUNITY DEVELOPMENT



**MEETING NOTICE
LOCAL PLANNING AGENCY
PUBLIC HEARING**

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, November 19, 2007. The meeting will be held in Conference Room 1B located on the first floor of the Community Development/Public Works Building, 1500 Monroe Street, in downtown Fort Myers. The meeting will commence at 8:30 a.m.

AGENDA

1. **Call to Order; Certification of Affidavit of Publication**
2. **Pledge of Allegiance**
3. **Public Forum**
4. **Approval of Minutes: October 22, 2007**
5. **Meadow Road Designation as a Parallel Reliever Facility to SR 82**
6. **CPA2007-49 Buckingham Community Plan Update**

Amend the Future Land Use Element, text and Future Land Use Map series to incorporate the recommendations of the Buckingham Community Planning effort. Update Goal 17 of the Lee Plan to revise policies specific to the Buckingham Community and expand the affect of Goal 17 beyond the Rural Community Preserve land use category to the Buckingham Planning Community boundary.

7. **CPA2007-01 Caloosahatchee Community Plan**

Amend the Future Land Use Element, Goal 21, to add a policy that provides that no land use map amendments to the remaining Rural lands category will be permitted unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

8. **CPA2006-26 Conservation Lands**

Amend the Future Land Use Map to update the Conservation Lands categories.

9. **Other Business**

10. **Adjournment**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 533-8585. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 533-8583.