

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 November 19, 2007, commencing at 8:30 a.m.

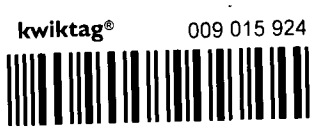
MEMBERS OF THE BOARD:

- Derek Burr, Chairman
- Ronald Inge
- Carleton Ryffel
- Rae Ann Wessel
- Noel Andress
- Leland Taylor
- Leslie Cochran

ALSO PRESENT:

- Donna Marie Collins, Assistant County Attorney
- Paul O'Connor, Director of Planning Division
- Matt Noble, Principal Planner
- Robert Irving, Planner

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I N D E X

AGENDA ITEM

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1 THE CHAIRMAN: I would like to go ahead and call
2 this meeting to order. Do we have the certificate of
3 affidavit?

4 MS. COLLINS: Yes. Donna Marie Collins, Assistant
5 County Attorney.

6 I have reviewed the affidavit of publication for
7 this morning's meeting. It is legally sufficient as to
8 form and content and I enter it into the record at this
9 time.

10 You may commence.

11 THE CHAIRMAN: I would like to do the pledge of
12 allegiance.

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

14 THE CHAIRMAN: Next item on the agenda is the
15 CPA2007-49, Buckingham Community Plan Update.

16 MR. MUDD: Good morning. I'm Jim Mudd. Janet's
17 got some handouts for you.

18 Basically, Janet's going to hand out some of my
19 talking points so you can look them over as we're going
20 over them, some acreage allocation tables for the
21 future land use map and then a map that shows the
22 difference between the current Buckingham planning area
23 and what they propose to expand to.

24 THE CHAIRMAN: Is this information from Lee County
25 staff or --

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MR. MUDD: The list with the bullets on it is my prepared notes to talk to you about. The future land use allocation tables were put together for me by Rick Burris, as was this map. Okay?

I'm going to be following this bulleted list to talk to you to begin with.

First of all, it's very clear that the Buckingham community wants to retain its rural character. They have made that very clear to us. There's a couple ways they are trying to accomplish that. One is to limit the amount of infrastructure that could support additional density. Another way would be they would like to expand their platting area to place some controls adjacent to the rural community preserve.

Goal 17 of the Lee Plan, which applies to Buckingham, currently applies to that as depicted on the future land use map. The planning community boundary, which is what they want to expand to, includes some additional areas. Basically, if you look to the map that I gave you, it includes Harn's Marsh; Buckingham Park; about 95 acres south of Buckingham Park, this little triangular area here, which is being annexed into the City of Fort Myers now. So we're really talking about this 95-acre piece of property. Buckingham Park is currently vested in Lehigh plat, so

1 it's not really going to affect that property.

2 Now, staff tried to be careful not to recommend or
3 to recommend modifications to any policies that would
4 take rights away from what is currently allowed for the
5 properties in between the two different planning areas.

6 There is a limitation. If you look to this
7 allocation table, we now have three acres left of urban
8 community land left to be allocated; and that would be
9 for that entire 95-acre tract of land. And that is
10 something we definitely need to talk about.

11 Now, I would like to make a point that Buckingham
12 is located between Lehigh Acres and Fort Myers; and
13 although the community does not want additional traffic
14 through their community, it's going to happen. That's
15 kind of a like it or not scenario. Buckingham is
16 surrounded by future urban areas, so there's going to
17 be growth up to the borders of Buckingham. The
18 community doesn't particularly want that; but it's by
19 plan, our future land use map designations.

20 At some point Lehigh Acres is going to need to be
21 served by a regional wastewater facility and the county
22 would like to keep its options open for where to place
23 that facility. One site that's been talked about is
24 the Gulf Coast Center. There could be other uses for
25 that area as well.

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The county is currently looking for a place to expand for an emergency operation center and one area that they are looking at is that property that's owned by Lee County Mosquito Control.

Those are just some points that I wanted to get out in the open. I think those are fairly factual.

If you look at Page 10 of 21 of the report, that's where we begin our comments, our proposed modifications to the policy. If you look to Policy 17.1.3 on Page 10 and 17.1.5 on Page 11, those are very important policies. Currently, to develop in Buckingham, you need a full acre of land per site. This would allow for clustering, so it is a fairly significant change. Staff is supportive of that, by the way.

We move on to Page 12 of 21, Policy -- at the bottom of the page, Policy 17.2.2, this talks about improving safety on several roads in the Buckingham area. Department of Transportation staff's comments were that how in the world do we accomplish that. We could possibly do that by four-laning it and putting a median down the middle, but I don't think that's what the community really wants. We recommended not to transmit that policy.

On Page 14 of 21 -- I'm skipping over some policies that we either didn't make changes to or we

1 just tried to clean up without really changing the
2 effect of the policy.

3 Policy 17.3.4 would require underground utilities
4 for all large development, and that is defined by the
5 Land Development Code as a development of ten acres of
6 more or that has two or more acres of impervious
7 surface. It probably would increase the cost of
8 development; but that would be somewhat offset by the
9 ability to cluster, so we would have to analyze that on
10 a case-by-case basis.

11 Policy 17.3.6 precludes any emergency housing or
12 FEMA trailers, and several county departments were very
13 opposed to that for obvious reasons.

14 Policy 17.3.8 would preclude that regional
15 wastewater treatment facility that I was talking about
16 earlier. That's going to be an absolute necessity as
17 Lehigh gets up to 300,000 people. We have to have a
18 place to put that.

19 On Page 16 of 21, Policy 17.5.1, the community
20 wants to restate this. This is already part of the
21 Greenways Plan, so staff didn't feel -- we felt it was
22 redundant, but we wish to include that and we certainly
23 could.

24 Policy 17.5.2 would preclude any commercial use of
25 the property, county-owned property, that accesses

1 Orange River. We thought that might be a perfect spot
2 for like a canoe rental type of facility or something
3 of that sort. That's exactly what the community does
4 not want. They are afraid that's going to affect the
5 Orange River adversely.

6 I suppose my last comments are on Page 17 of 21
7 under agriculture. Most of these policies affect the
8 Property Appraiser and I think Margaret Bannion can
9 discuss how these policies were generated. We don't
10 know that they really belong in the Lee Plan or that
11 they have any real effect. We don't have any real
12 control over the operation of the Property Appraiser.

13 And that concludes my comments. If you have
14 questions, we'll try to answer them.

15 THE CHAIRMAN: I do have some questions for staff
16 and I think other members of the LPA do as well.

17 Regarding your concern about I guess the traffic,
18 on Page 13 of 21 staff stated there is no data and
19 analysis that indicates there is a safety problem on
20 those roads and no funding sources. When I went to the
21 Lee County DOT web site and pulled the 2006 Lee County
22 traffic crashes, Buckingham and Cemetery Road was
23 actually ranked number five out of the entire county,
24 so apparently there's some data already out there; and
25 I know that you have traffic counts. Has staff looked

1 at the traffic counts and looked at the accident data
2 before that statement was made?

3 MR. BURRIS: I'll have Dave talk to you about
4 this. These were his comments, I believe.

5 MR. LOVELAND: Well, the point is the community
6 put the planning request together and suggested a
7 policy without any data and analysis to back it up. We
8 can go and pull what data that we have.

9 You have cited one location. They have cited four
10 roads that they want us to improve safety on with no
11 real discussion in the documentation of what the safety
12 problems are, what kind of improvements are really
13 expected there. If we have identified a safety problem
14 at a particular location, we'll attempt to address that
15 within the budgetary limitations that we have and
16 whatever else we need to do to try to address that; but
17 the point of the comment was you have a general policy
18 proposal that says the county will improve safety on
19 these four roads. That's all it says, without any real
20 explanation as to what really is trying to be achieved
21 there.

22 The county has a goal of improving safety on every
23 road that we're responsible for. What exactly is being
24 pursued there? And, you know, part of the comment was
25 safety can be addressed through four-laning and the

1 provision of a median. I don't think that's what the
2 community really wants in the case of some of these
3 roads, but there's no specificity as to what the
4 community is looking for.

5 MR. RYFFEL: I have a few questions.

6 Jim or Matt or Paul, can any of you tell me what a
7 rough count of what the population is out there in the
8 study area? I know this sounds like it's coming out of
9 left field, but it isn't.

10 MR. MUDD: I don't know if Rick might have that
11 number for you.

12 MR. RYFFEL: Okay.

13 MR. MUDD: We can get that for you.

14 MR. RYFFEL: Okay. Can you tell us the policies
15 and so on -- we looked at and talked about commercial
16 development and had a very specific location of where
17 that was. Can you tell me generally where that is on
18 this map? Is it one area, one node?

19 MR. NOBLE: Yes. It's basically at the
20 intersection of Buckingham and Cemetery and Orange
21 Grove.

22 UNIDENTIFIED SPEAKER: And Orange River Boulevard.

23 MR. NOBLE: On the east side of Buckingham Road.

24 MR. RYFFEL: I guess this -- let's see what my
25 questions are.

1 Looking at your table, Jim, it looks like there's
2 eight acres left of commercial to be allocated and
3 there is a total of 18 and eight is what's left. Well,
4 generally speaking, 18 acres is about 180,000 square
5 feet of floor area; and eight acres remaining, that's
6 about 80,000 square feet of floor area.

7 This is why I asked the question about the
8 population. I'm wondering if that's enough to service
9 the population. That's why I need to know what the
10 population is.

11 UNIDENTIFIED SPEAKER: Four thousand.

12 MR. MUDD: Rick's getting the population number
13 for you.

14 MR. RYFFEL: This gentleman -- I don't know who he
15 is exactly -- said there's about 4,000, so -- that
16 would be fine to get that from Rick.

17 And I guess the other question would be: where is
18 the nearest commercial center of any size outside of
19 the study area? Can you tell me in miles? Like a
20 shopping center in Lehigh or something like that.

21 MR. MUDD: Chris is telling me 80 and Buckingham,
22 Route 80 and Buckingham Road.

23 MR. RYFFEL: well, I'm asking the question. The
24 idea is to reduce trips in this rural area to keep it
25 the way it is and you don't want a whole lot of trips

1 to go out of the area. To me as a planner, it's always
2 better to have commercial uses to serve the population
3 nearby; and my question is: Is this allocation
4 sufficient for what the population is now and what we
5 expect it to be in, say, five years? So I'm not making
6 any judgments, I'm just raising the point.

7 MR. MUDD: I appreciate that.

8 I think the important thing you want to look at is
9 our proposed allocation that actually the Local
10 Planning Agency recommended for transmittal back in
11 November was 135 acres. We have three acres left in
12 the urban community. That's essentially killing all
13 but three acres of development.

14 Now, the Board voted not to transmit it on
15 December 13th and they asked us to work on it between
16 the transmittal hearing and the adoption hearing. It
17 was brought up again at the adoption hearing. They
18 decided not to transmit that allocation. This is the
19 one area of the county that's locked in time. The rest
20 of the county, the allocation tables were increased to
21 the 2030 planning horizon. So that is something that
22 you all need to consider and hopefully make
23 recommendation.

24 MR. RYFFEL: well, it's philosophical and it's a
25 convenience question. I see the pluses and the minuses

1 of having more or less of the commercial and I
2 understand the character generally of the area. I just
3 throw that out for something to think about.

4 Thank you.

5 THE CHAIRMAN: Noel?

6 MR. ANDRESS: I have a couple of questions. I'm
7 not sure who from staff can address these questions.

8 Number one is I know that the school district has
9 just purchased a large tract of land out on Tice Road;
10 and how is that -- is that taken into consideration
11 with your traffic patterns and the congestion on the
12 road and the land allocation that you have? Is all of
13 that, those criteria necessary for that school site,
14 included in this proposed amendment to the plan?

15 And then another question I have is the -- there's
16 a large tract that's being proposed to be annexed into
17 the City of Fort Myers on Lockett Road and there is a
18 proposal to carry Lockett Road through this planning
19 area. How is that -- those particular proposals going
20 to affect the Buckingham area and the plan that we have
21 before us?

22 MR. MUDD: I can comment on the area to be
23 annexed. Basically, I pointed it out when I first
24 showed you the map. This little triangular area down
25 here.

1 Really, this amendment is not going to have any
2 effect on that because it's not going to be under your
3 jurisdiction, possibly, in another six or eight months.

4 MR. ANDRESS: How about this large piece here in
5 Section 13?

6 MR. O'CONNOR: Noel, first off, the county has
7 very little control over the city's annexation
8 policies.

9 MR. ANDRESS: I understand that, but I'm wondering
10 what impacts that's going to have on the rest of the
11 planning area and if that's been taken into
12 consideration, what impact that's going to have.

13 MR. O'CONNOR: The Lockett Road annexation is not
14 within the Buckingham planning community. It's west of
15 it. That large portion of Section 13 was annexed by
16 the city several years ago. I believe some of the
17 Buckingham people can probably talk to you a little bit
18 more about the agreement that they have with the
19 property owner, but I believe the property owner's also
20 changed on that.

21 MR. ANDRESS: And the school district sites?

22 MR. O'CONNOR: The school district sites are
23 immediately west of the Buckingham planning community
24 and the school is contemplating a fairly large facility
25 there and there will be traffic impacts to Tice Street

1 from that.

2 THE CHAIRMAN: I believe the school district was
3 planning on a high school, middle school and an
4 elementary for that site.

5 MR. ANDRESS: That would seem to me it will have
6 quite an impact on Orange River, Tice and Staley in
7 that area; and what is the county going to do to
8 mitigate some of those impacts from traffic in that
9 area?

10 MR. LOVELAND: For the record, Dave Loveland, Lee
11 County DOT.

12 Are you asking what the county's going to do to
13 mitigate the impacts of a school site put there by the
14 school board?

15 THE CHAIRMAN: No. I think that the question is
16 what is the county going to require to do to mitigate
17 the impacts.

18 MR. LOVELAND: We have an agreement with the
19 school board where we deal with their impacts for each
20 site as they come forward as best we can. We have a
21 hard time getting a lot of improvements external to a
22 site out of the school board. They do some
23 site-related improvements at their entrances, typically
24 not a lot of other improvements beyond that.

25 At this point it's a proposal, so, you know, there

1 hasn't been a traffic analysis of that specific
2 development, of that site, by the school board in
3 relation to this particular comp plan proposal. As
4 things become firmed up with particular development
5 proposals, they can be included in the growth forecasts
6 used to develop the long-range transportation planning.
7 A lot of this is still very tentative, hasn't actually
8 been approved.

9 MR. ANDRESS: One other question I'd like to ask
10 just for clarification.

11 I notice the red line is the planning community
12 and the boundary for the blue line is the community
13 planning area. Why are the two lines different?

14 MR. MUDD: What you're looking at with the blue
15 line is actually the map that's depicted in the future
16 land use map, special treatment areas. You're looking
17 at the red line, you're looking at the actual planning
18 community; and they are different.

19 MR. ANDRESS: Why are they different?

20 MR. NOBLE: For the record, Matt Noble, Division
21 of Planning.

22 The blue line was essentially that area that the
23 community self-identified as the Buckingham community,
24 the Buckingham planning area, when they originally did
25 their plan back in the late eighties; adopted by the

1 county, I believe, in 1991. Then the red line is the
2 larger planning community area when we went into our
3 stipulated settlement agreement with the State of
4 Florida over our overallocation issue. These lands
5 were essentially added to what had been recognized by
6 the county as Buckingham for purposes under the overlay
7 for allocation purposes.

8 That's kind of the different --

9 MR. ANDRESS: Should the plan be amended now to
10 incorporate those areas into the -- that we have in the
11 planning community incorporated into the community
12 planning area?

13 MR. O'CONNOR: That's an area you're discussing.
14 That's why this map is in front of you. If you look at
15 the blue line, you will see that it pretty much
16 outlines the perimeter of the rural preserve future
17 land use category. The exception to that is in the
18 lower left, where the waste to energy facility and the
19 county park is there. That was included in the
20 original Buckingham plan as the area that now currently
21 Goal 17 would apply to. And the request in front of
22 you now is to move that line to the red line.

23 There has been some confusion caused because of
24 the two lines being so similar but not being the same;
25 and I think the area that Jim has pointed out to you

1 is -- the kind of triangle that sticks up on the south
2 towards the center, that area has a Lehigh residential
3 plat in it where you can see all the streets to the
4 north; and then there's a fairly large vacant piece of
5 property on either side of Buckingham Road there, so
6 some of that property is in the Buckingham planning
7 area. The southern portion of it is in the Lehigh
8 Acres planning area. That property is designated as
9 urban community, not rural community preserve; and I
10 think that we're trying to bring together several
11 issues here that need to have some kind of resolution
12 to them.

13 As Jim mentioned to you, these figures that are on
14 the table in front of you was planning staff's
15 recommendation to change the acreage allocation to
16 indicate the new planning horizon of the year 2030 in
17 the plan instead of the year 2020, so we're
18 basically -- we're adding ten years worth of growth.

19 There was an issue concerning a rezoning case on
20 that vacant piece of urban community property and
21 because there were only three acres -- well, no, let me
22 take back that.

23 There was a concern from several of the Buckingham
24 residents that that project was too intense to be so
25 close to the Buckingham community. They were looking

1 at applying some of the policies and goals that applied
2 to the Buckingham planning area. But as you can see,
3 that property technically at this time is not in the
4 Buckingham planning area; and so there were some
5 questions -- there was confusion over the Buckingham
6 goal and the property that it applied to and the
7 Buckingham planning community and what applied to it;
8 and what staff was recommending was an increase in
9 these acreage allocations as seen in the proposed
10 allocation list on the table.

11 when the Board transmitted the amendment that
12 changed the allocation table, they instructed staff to
13 keep the same 2020 numbers within the Buckingham
14 planning community; and we did transmit the amendment
15 that way.

16 The Board gave us instructions to come back with
17 some kind of a compromise on that at the time of
18 adoption. Staff came back with the figures that you
19 have in front of you in the proposed area. We based
20 these numbers on trends of growth within the urban
21 community portion of the Buckingham planning community.
22 At the time of adoption the Board decided to keep the
23 2020 allocations for the Buckingham area; and so
24 therefore, right now in the plan within the red line,
25 the Buckingham planning community, there are only three

1 acres remaining in the urban community for residential
2 and there is vacant property within the platted area.
3 We looked at trends of how that was developing and we
4 came up with this 135-acre figure as what would be
5 needed in order to accommodate that.

6 Now, because these are only building permits, this
7 property doesn't fall under the allocation acreage. It
8 only applies at development order time. So the fact of
9 the matter is on these residential lots, development
10 can keep happening even if this allocation gets into
11 the negative number in what's left. So what planning
12 staff is recommending, that we increase these numbers
13 as indicated on this table at this time; and again, as
14 I said, there's a debate which I would like to hear the
15 Local Planning Agency's input on as to whether or not
16 we should just have one line that applies to the goals
17 and objectives of the Buckingham area or whether we
18 should have the two that we have today.

19 MR. NOBLE: And if I could, for planning staff
20 it's kind of a philosophical position with the
21 allocation issue. Do we as a community really envision
22 that that property, and we're really talking about the
23 Lehigh Villages property, that 95 acres south of
24 Buckingham Park, is that property going to remain
25 vacant until the year 2030? We're not passing a

1 judgment whether it's appropriate or not, the
2 particular form of development that's going through
3 rezoning and those processes, but just a bigger
4 picture, is it logical and rational to assume that that
5 property, the majority of which was already encumbered
6 by a plat of Lehigh Acres, originally I don't believe
7 was included in the Buckingham community because of
8 that fact. It had a different land use category, urban
9 community, and was formally part of the Lehigh plat.

10 If you go back to the '91 documentation, there is
11 documentation that they looked at those issues; and
12 that's where the land use line fell in 1991, was
13 excluding so of those properties that already had urban
14 designations or with encumbered by plats for
15 development.

16 So for planning staff, that's really the simple --
17 do we think it's going to remain vacant to 2030? If
18 so, well, then the allocation is okay, we have taken
19 use of the property in some fashion. Or do we assume
20 that there's going to be some kind of development on
21 that urban community designated land? Then we should
22 allocate for it.

23 THE CHAIRMAN: Matt, just for clarification, isn't
24 this area actually Harn's Marsh?

25 MR. NOBLE: Yes. That's Harn's Marsh. We're not

1 really talking about that.

2 THE CHAIRMAN: You're talking about this area
3 that's currently in East County Water Control, a little
4 bit south of it?

5 MR. NOBLE: Correct.

6 MR. ANDRESS: What about the area that's down here
7 in the bottom? It shows it being in the community
8 planning area, but yet it's not in the planning
9 community. What would do you with that piece of
10 property there?

11 MR. O'CONNOR: Well --

12 MR. ANDRESS: If we change, do we have one line,
13 would there be any problem in changing your planning
14 community line to where it also included the same
15 boundary as the community planning area for that
16 specific piece of property at the bottom of the map
17 here, this Section 24 piece?

18 MR. O'CONNOR: Well, that piece was annexed into
19 the city. I'll have to ask Rick Burris.

20 Rick, is that a recent change to the planning
21 community line?

22 MR. BURRIS: Yes. We updated it.

23 MR. O'CONNOR: So we moved the red line because
24 the land had been annexed, so we took it out of the
25 planning community. The blue line hasn't changed.

1 It's been the same line since 1991.

2 And I think the answer to your question is I think
3 yes, certainly we think that line should change because
4 that's not within the county's jurisdiction anymore;
5 it's within the city's jurisdiction.

6 MR. ANDRESS: How about Section 13 up above?
7 Should the red planning line exclude that portion if
8 that's in the city now also?

9 MR. O'CONNOR: Well, that's probably a debatable
10 point because the Buckingham people did negotiate some
11 kind of an agreement with that property owner that
12 limited the density on that property even with the
13 annexation to the city; and I think the fact that it
14 was included in the Buckingham planning community went
15 a long way to helping them negotiate that deal.

16 MR. ANDRESS: I for one would like to see the
17 Buckingham community planning area expanded to include
18 the red-lined area, the planning community, which would
19 give the community greater control over a larger area
20 of land, especially land that's going to affect -- the
21 growth of that land is going to affect the community
22 itself.

23 MR. INGE: Noel, by making that recommendation are
24 you also saying that the land use allocations should
25 increase? Because that triangle area now is urban

1 community, so if you pull it in, are you advocating
2 that it stay at urban community and therefore we have
3 to change the allocation tables?

4 MR. ANDRESS: I would think that we would want to
5 include that piece; and if we need to make a change in
6 the allocation table, we would want to make that to
7 reflect that that's urban community.

8 THE CHAIRMAN: Matt, is that correct? Is that
9 where the 135 is coming from, this area that's in
10 Lehigh currently?

11 MR. O'CONNOR: That's the only area designated
12 urban community.

13 MR. INGE: So the point would be if you increase
14 the boundaries of the community planning area to be
15 consistent with the planning community, then you will
16 have to accommodate this chart as part of it?

17 MR. ANDRESS: Yes.

18 MR. INGE: Is that correct, Matt?

19 MR. NOBLE: Yes.

20 MR. INGE: Thank you.

21 MR. RYFFEL: Paul, where do all the doughnut holes
22 in this green map -- what are those things?

23 MR. O'CONNOR: Let's start on the right side of
24 the map. That's property that's Harn's Marsh. It's in
25 the conservation lands category, okay -- public

1 facilities, I'm sorry. I'm being corrected.

2 The circular-shaped pieces are wetlands
3 designation on the future land use map. The strip
4 between the urban community strip and Harn's Marsh is
5 mosquito control airfield. That's in the public
6 facilities category. The big rectangular hole with the
7 protrusion to the north in the center is the Gulf Coast
8 Center. The waste to recovery facility and the county
9 park is in the southwestern area down here. And the
10 three areas up along Orange River Boulevard, the larger
11 of those is outlying suburban.

12 I might just add editorially one of the reasons
13 that the Buckingham plan originally happened was there
14 were proposals to move urban lands farther along the
15 Orange River and into the Buckingham area and it was
16 one of the main reasons that the Buckingham community
17 got together in the first place; and the other two
18 smaller areas, I believe, are designated as rural.

19 MR. RYFFEL: Okay.

20 MR. O'CONNOR: And I'm not sure what the triangle
21 is.

22 MR. RYFFEL: Just to follow up to my question,
23 question Jim, about the population -- Jim, did you get
24 something?

25 MR. MUDD: Yes, I did; and that was a very good

1 estimate, by the way. Four thousand thirty-one.

2 MR. RYFFEL: Okay. The number at the bottom of
3 this table, population distribution, 6,114, is that the
4 2020 population?

5 MR. BURRIS: 2030.

6 MR. RYFFEL: So you're looking at a 50 percent
7 increase?

8 Related to all this, to kind of tie it all
9 together, one thing I would suggest you do is look in
10 the Urban Land Institute standards book for population
11 versus commercial needs allocation; and what you're
12 going to find is they are going to have three different
13 kinds of commercial in there. One is community, one is
14 neighborhood and one is regional. Clearly, regional
15 doesn't apply; but you may want to look at that and see
16 what the Urban Land Institute suggests. It's not
17 always accurate for every community and sometimes it
18 needs a lot of tweaking; but just for your own
19 information and to convey this to the Board, I think
20 you should know what that says, what makes sense. So
21 you may want to write a little memo or something based
22 on whatever motion happens here today to kind of pull
23 that out.

24 MR. O'CONNOR: We can include that when we put in
25 the LPA's discussion into the report.

1 MR. RYFFEL: I don't know what that is, but I
2 think what you have here is low.

3 MR. O'CONNOR: I hear what you're saying and I
4 would agree that it's low and I think that's part of
5 the sentiment of the community. They are not trying to
6 be a self-contained community. They know they are an
7 island of rural that's surrounded by urban uses and a
8 lot of their commercial needs will be taken care of in
9 that surrounding urban space. They have a very small
10 internal commercial node that's not going to take care
11 of their everyday commercial needs; but I think that's
12 part of what the Buckingham plan is trying to do is to
13 keep the chickens and keep the goats and keep the cows
14 and not necessarily fit into like let's say a
15 self-contained new urbanist type community.

16 MR. RYFFEL: I think the point is to see how far
17 you're off.

18 THE CHAIRMAN: Any more questions from members of
19 the LPA for staff?

20 MR. INGE: I have a couple I would like to touch
21 on.

22 The -- several of the changes to the language on
23 Pages 9 and 10 are trying to reconcile that difference
24 between the blue line and the red line, if you will.
25 what is staff's ultimate recommendation? That the

1 planning community should be the same as the community
2 planning area boundary and the language reflects that,
3 or is it the opposite? I tended to read it that it was
4 the opposite, that you were going to leave the planning
5 community boundary as is in the recommended language
6 that you have.

7 MR. MUDD: Actually, we don't have an issue with
8 them expanding the boundary to match up with the
9 planning community. However, you'll notice through our
10 comments, there's really no effect on any area with
11 this amendment outside of the existing planning area.

12 We did that to remove any possible Bert Harris
13 issues.

14 We still think that the planning community
15 boundary, the planning area, can be the same as the
16 planning community boundary, the reason being if they
17 would come back with Land Development Code revisions
18 that might affect some design standards, then it would
19 affect the entire area, so they could derive some
20 benefit from that.

21 MR. INGE: I know that in Donna Marie's memo she
22 raised the question of -- and it's reflected in the
23 staff report -- of several Harris issues.

24 Donna Marie, are you comfortable with the language
25 resolving those or do you still have some concerns

1 about that?

2 MS. COLLINS: No. I still think that there are
3 issues. I think some issues still remain. I have not
4 read anything that gave me a comfort level that they
5 sought to inventory the properties that would be
6 affected by the proposed expansion of the boundaries
7 and the policies that they are proposing. How many
8 parcels are affected, how many acres are affected,
9 that's the scope of our liability, potential claims.
10 Maybe not everybody would file one, maybe some of those
11 property owners are on board with this proposal. We
12 don't know, but -- and I don't have any type of
13 analysis by the planning department that says that we
14 looked at that and it turns out there are no parcels
15 that are actually going to be affected by this. So no,
16 my issues have not been resolved, my concerns, as to
17 liability for the county on those issues.

18 MR. INGE: Thank you.

19 Jim, what type of outreach -- and maybe we'll hear
20 from members of the community, but what type of
21 outreach was undertaken to try to touch base with those
22 folks that will now under the proposed expansion of
23 boundaries would be included to address the very
24 questions that Donna Marie spoke of?

25 MR. MUDD: Well, I attended more than one meeting

1 out there in the Buckingham community. I attended at
2 least a few meetings out there in the Buckingham
3 community while they were going through their plan.

4 After I wrote up the staff report, I had a meeting
5 with Margaret Bannion, Bill Burdette, Jim Mathison,
6 Mike Roeder to go over it point by point. So they are
7 very clear on what our position is. They may not agree
8 with everything; and they'll speak to you about that,
9 I'm sure.

10 MR. O'CONNOR: One thing I would like to add. If
11 you will look at staff's proposed changes, there are
12 several instances in here where we have changed the
13 language that talks about the Buckingham community and
14 replaced that with the rural community preserve so that
15 those policies only apply to the rural community
16 preserve area, not to the entire area. We did that to
17 address some of Donna Marie's concerns by having these
18 policies now apply to the urban community designated
19 areas, so they do not apply to the entire Buckingham
20 planning community. Several of these policies with
21 staff's revisions apply only to the rural community
22 preserve future land use category.

23 MR. INGE: Thank you for that clarification. If I
24 may continue.

25 THE CHAIRMAN: Go ahead.

1 MR. INGE: Policy 17.1.6 on Page 11. The intent
2 was to try to put some guidance on what happens
3 adjacent to the preserve or the community boundary.

4 How is staff going to evaluate applications that
5 are not within this community boundary but are adjacent
6 to for what type of density, intensity or uses they are
7 going to have? Does that extend -- the very question
8 that's in here: Does that extend the scope beyond the
9 borders without having to actually extend the boundary?

10 MR. MUDD: And I spoke with them about that and
11 they pointed to the word "should".

12 They pointed to the word -- we had originally
13 suggested that that entire policy be struck and their
14 comments to me were well, it says should, it's not a
15 requirement; and they thought that's kind of their way
16 of getting their opinions expressed to the Hearing
17 Examiner through this policy.

18 MR. ANDRESS: Doesn't say must.

19 MR. INGE: Thank you, Jim.

20 On Page 12 of 21, Policy 17.2.1, this is a policy
21 that the language says DOT staff cannot support this;
22 however, you're still -- staff -- planning staff is
23 still recommending that it be left in here? We have an
24 inconsistency between staff?

25 MR. MUDD: I kind of caved to their wishes on this

1 one. I said I'll tell you what. I'm going to remove
2 the strike through, but I'm going to leave the negative
3 comments. That was my compromise. It was for you to
4 decide?

5 MS. COLLINS: Which policy are you discussing?

6 MR. ANDRESS: 17.2.1.

7 MR. MUDD: Department of Transportation staff
8 objected to it. I don't think that we felt strongly
9 enough to actually recommend that you not transmit the
10 policy and we're here to discuss it today.

11 MR. INGE: Dave, do you have anything to add on
12 that?

13 MR. LOVELAND: Well, our comments are attached,
14 part of the package of attached staff comments. We had
15 the general issue of trying to treat Buckingham like a
16 gated community in terms of limiting the traffic
17 through here, potentially to the detriment to the areas
18 outside of this. We have to look at the county as a
19 whole in terms of overall traffic circulation.

20 I understand what they are trying to achieve in
21 terms of preserving their community, but we still have
22 to address the larger traffic needs; and if we start
23 attempting to restrict traffic too much on these roads,
24 it may push it to roads that can't handle it.

25 We also had some issues with how it was worded.

1 Restricting the number of collector roads is not really
2 a measurable standard. How many is too many? There's
3 nothing referenced in here. The presumption is having
4 more collector roads somehow destroys the rural
5 community, but there's no real data and analysis to
6 explain if that's really the case.

7 MR. INGE: Thank you very much. Just a couple
8 more.

9 Page 13 of 21, the discussion under Objective
10 17.3. Have you advised Bass Pro Shop that they have to
11 move because you need a wastewater treatment facility
12 there? Because you're referring to the Gulf Coast Town
13 Center instead of the Gulf Coast Center.

14 THE CHAIRMAN: I think that's a typo.

15 MR. MUDD: That's an error, I think. You didn't
16 let me have more of a delivery time there. That's a
17 mistake.

18 MR. INGE: One more.

19 THE CHAIRMAN: Go ahead.

20 MR. INGE: Objective 17.6, agriculture.

21 As Jim pointed out earlier, there's several
22 provisions in here that address things that another --
23 that a constitutional officer should or shouldn't do.
24 I don't remember seeing that anywhere else in the plan
25 and I'm concerned about putting those types of things

1 in the plan that may be, number one, unenforceable; and
2 what requires that officer to follow that guidance.
3 I'm not sure that -- what we're trying to get done
4 here. I understand the theory, but I don't know that
5 the mechanism is appropriate.

6 MR. MUDD: We agree with you on that. I have to
7 let Margaret or Mike Roeder talk to you about how these
8 policies were developed. Evidently the Property
9 Appraiser helps write these, so, I mean, they can
10 explain it more.

11 MR. INGE: Well, if that's the case, I mean what
12 I'm concerned about here is that we're going to start
13 having folks in various communities lobby the Property
14 Appraiser to outline parameters by which the Property
15 Appraiser should appraise properties in the plan and
16 incorporate them in the plan, so now we're going to
17 have 21 or 22 different run manuals for how the
18 Property Appraiser's supposed to operate in each of the
19 communities. That's my concern for getting to that
20 level of detail in the plan.

21 THE CHAIRMAN: I have a question for staff.

22 Going back to your comments regarding the -- using
23 the community park for a boat launch facility,
24 currently that's a test site for I think some plants
25 for Commissioner Judah and I'm not even sure how you

1 would arrange for parking for something like that. How
2 could you even envision that to be something for
3 commercial?

4 MR. MUDD: I don't think we had a specific site in
5 mind. I think we were taking from time out of mind
6 into the future if the county acquires property that
7 has access to the Orange River, it has to be
8 residential development.

9 THE CHAIRMAN: Members of the LPA have any more
10 questions for staff?

11 MR. ANDRESS: I'm just curious as to Policy 17.2.1
12 on Page 12, how if you're going to take -- if Lockett
13 Road does get extended through the community, how you
14 would be able to enforce this policy as written.

15 MR. LOVELAND: Well, Dave Loveland again for the
16 record.

17 First of all, Lockett Road will be extended at
18 some point. It is part of our long-range plan. We're
19 doing the alignment study for that now. We are
20 following the proscriptions of the plan as currently
21 written, which indicates that it is allowed through the
22 Buckingham rural community preserve but that it be
23 aligned in a way that skirts it as far south as
24 possible to minimize the impact; and we believe that's
25 what we have done in the process of defining an

1 alignment. We are at the point where we have a
2 preferred alignment. We have a public workshop coming
3 up in January for -- to present that alignment to the
4 public and get their input.

5 That is an arterial road. It is allowed by virtue
6 of the previous policy -- yes, the previous policy,
7 17.2, Subsection 1, so presumably this is an attempt to
8 limit traffic by virtue of other roads. I'm not sure.

9 Again, there's not a lot of explanation behind
10 this policy other than generally they seem to want to
11 try to limit traffic in their community; and from our
12 point of view I recognize that that's what they would
13 like, but we have to look at the needs for the county
14 as a whole.

15 MR. ANDRESS: I was just wondering if we need to
16 make -- amend this language while we're here today. Is
17 that something we should look at doing?

18 MR. LOVELAND: My suggestion would be to delete
19 this policy as written. That's not what the planning
20 staff was recommending, but that was my suggestion.

21 MR. ANDRESS: Thank you.

22 THE CHAIRMAN: Any more questions for staff by the
23 LPA?

24 This is a public hearing. Anyone wishing to
25 speak, you need to fill out a blue speaker card and

1 provide it to Janet.

2 MR. O'CONNOR: We actually just have a list for
3 people to put their name onto.

4 THE CHAIRMAN: At this time we would like to hear
5 from the Buckingham community.

6 MR. O'CONNOR: They need to come up and speak at
7 this stand.

8 MR. BURDETTE: I'm Bill Burdette, president of
9 Buckingham Community Planning Panel.

10 First of all, I would like to recognize the help
11 and support we have gotten from county staff in getting
12 to this point. Really appreciate that.

13 Efforts here, first of all, were to provide goals,
14 not engineering, in the course of the plan. With
15 regards to the map, we did meet with the Lehigh
16 planning district. The only areas where there were
17 gaps between Buckingham planning district and any other
18 planning district were on the southern boundary between
19 Buckingham and Lehigh. There were no conflicts with
20 Lehigh Acres. So this just eliminates those gaps
21 between planning districts.

22 If I may go through some of these questions that
23 have been raised, and maybe I can clear some of this up
24 pretty quickly.

25 Regarding transportation and roads, which was

1 17.2, Item 6 there does acknowledge the Lockett Road
2 extension. The comment -- or Policy 17.2.1 regarding
3 reducing traffic and its effects, that was a very
4 important issue to the Buckingham community; and the
5 goal there is to encourage Lee Transportation
6 department to look for alternatives. Maybe going
7 through Buckingham is the easy answer, but is it the
8 best answer?

9 Regarding 17.2.2, operational and safety issues,
10 the intention there was not to deal with expanding or
11 adding roads, but the -- it was primarily intersection
12 improvements, ideas like visibility, angles of
13 intersections, signage, shoulders, perhaps turning
14 lanes. That was the intent of that language.

15 And the safety issues have been -- the data on
16 traffic accidents on those roads that we noted of
17 particular concern, I do have that information
18 available on those accident reports.

19 The -- 17.3.1 regarding sewer, public utilities,
20 Buckingham community and the planning panel was firm in
21 their desire to not expand utilities or locate
22 utilities that would lead to urbanization of the
23 Buckingham community. We did discuss -- in 17.3.1
24 there was a discussion of the emergency operation
25 center facility proposed for the Buckingham airfield.

1 That center was not objectionable with the exception of
2 high communication towers, which was primarily a
3 concern with mosquito control and airfield use. The
4 issue of bringing sewer service in to support the
5 emergency operation center was not objectionable to the
6 Buckingham community. It was objectionable, the
7 concept of having the Buckingham residents subsidize
8 that sewer service by having to connect into that and
9 have that sewer provide service to the community, not
10 just to emergency operations.

11 The 17.3.6, the statement that prohibits temporary
12 emergency housing, FEMA trailers, if you will,
13 community felt very strongly about opposing that.
14 Beyond community sentiment, there may be some practical
15 issues. I mean it requires in the land use five acres
16 for a trailer now. Roads and utilities are limited in
17 that area as far as serving a high density residential
18 project like that.

19 There's a note on here that wasn't discussed.
20 Well, Mr. Mudd brought it up, 17.5.1, regarding trails.
21 The Greenways map that was adopted in 2005 does not
22 include any trail systems within the Buckingham area.
23 There are a couple of connector trails that are
24 impractical, so I believe the community would not be
25 satisfied with the Greenways map as satisfying their

1 goal of having a trail system in the Buckingham
2 community.

3 On 17.5.2, which was access or commercial use of
4 the river, the intention there was to protect the
5 resource from excessive and irresponsible use, not to
6 prohibit access to the river. Understand Orange River
7 is only about five miles long. There is a manatee
8 park, there is a canoe and kayak rental operation.
9 That's fine. The Veranda community has a canoe rental
10 and launch serving fifteen, sixteen hundred residences
11 in that area; and then there's individual use and
12 access at the rivers -- or at the bridges, rather. The
13 point is a couple of dozen boats scattered around the
14 river, you still have a nature experience. You have an
15 outfitter dump 30 boats in the river at once, you have
16 a party; and it brings a whole other raft of problems
17 with it and the wildlife disappears, the nature
18 experience is gone. And that's what I mean by trying
19 to preserve that resource, not to overburden it.

20 Regarding the agricultural policy -- and I believe
21 this may do more to keep Buckingham green, if you will,
22 than anything else we've got in this plan. This was
23 developed jointly with the Property Appraiser. One of
24 the reasons we wanted to include it in the plan
25 amendment, we spoke to the Property Appraiser. He has

1 concerns as a state officer creating separate local
2 policy. Our position was, you know, an amendment to
3 the Lee Plan is then ratified by the state, so
4 basically what we're doing is we're providing him with
5 backup from the local level that this is a special area
6 and can be treated in a special manner. And he was
7 comfortable with that. He did a great job of helping
8 us write some policy here that's going to do a lot to
9 protect the small family farms that are so important to
10 Buckingham. In fact, within -- after we had agreed on
11 that language with the Property Appraiser, within about
12 three weeks he had sent revised TRIM notices throughout
13 the Buckingham area, so it's already had a good effect.

14 One other item I wanted to bring up is a proposed
15 lot split provision that we're considering. It's not
16 in this information we've given you, but I'll pass out
17 copies of it because if approved by the planning panel,
18 we may bring this up to the Board of County
19 Commissioners to amend the plan to include another lot
20 split provision.

21 I should comment on the allocation tables. Mr.
22 Mudd asked me to comment on that.

23 The rationale for -- back in December the Board's
24 rationale for keeping the allocation tables in
25 Buckingham unchanged was -- the rationale for that was

1 to let's do the community plan first, establish the
2 community plan; and then once we have those goals in
3 place, the allocation tables would follow that and be
4 an implementing device. I hadn't seen or -- personally
5 or considered allocation tables as a component of a
6 plan amendment, but that is my thought on that; and I'm
7 available to answer any questions.

8 THE CHAIRMAN: Any members of the LPA have
9 questions?

10 MR. INGE: Bill, can you go over -- thank you very
11 much for your input. Can you go back over your last
12 point about -- can you go over that last point that you
13 raised about the allocation tables again?

14 Are you saying the panel supports the revised
15 tables sent out because your objective is to pick up
16 additional lands and bring that boundary out to the red
17 line?

18 MR. BURDETTE: The planning panel did not address
19 allocation tables specifically other than the fact that
20 let's do the plan, get the goals in place; and once
21 we're set there, then the allocation tables -- you
22 would have the guidance to do the allocation tables
23 because you're right, you're changing acreage.

24 MR. INGE: Thank you.

25 MR. BURDETTE: With regard to those land use

1 issues, the staff has suggested rewriting some of the
2 language that the panel submitted. As pointed out, the
3 Buckingham Rural Community Preserve as it exists today
4 does -- it is a land use category; but within it are
5 these doughnut holes that were described, areas that
6 have separate designations, so there's precedent for
7 that by extending the boundaries and including areas
8 with other land use designations. There was no intent
9 to take away anybody's development rights by doing
10 that.

11 Did that answer your question, Ron?

12 MR. INGE: Yes, sir. Thank you.

13 THE CHAIRMAN: Any more questions from members?

14 MR. COCHRAN: Yes. Is there any disagreement in
15 the community regarding the combining of the two lines?

16 MR. BURDETTE: No.

17 MR. COCHRAN: That's something that you think
18 should be done?

19 MR. BURDETTE: Absolutely.

20 MR. COCHRAN: Thank you.

21 MR. ANDRESS: I have -- so are you proposing,
22 then, that a policy on Page 16, Policy 17.5.1 and also
23 17.5.2, be included and not stricken?

24 MR. BURDETTE: 17.5.1 regarding the parks and
25 trail systems, that should be included.

1 MR. ANDRESS: And then the one below that, 17.5.2?

2 MR. BURDETTE: That should be included as well.

3 MR. ANDRESS: So you're not in favor of the staff
4 recommendation of striking those?

5 MR. BURDETTE: No, sir.

6 MR. ANDRESS: Thank you.

7 THE CHAIRMAN: Any members of the LPA have any
8 more questions of the applicant at this time?

9 Thank you.

10 I do have several people that are on this list to
11 speak. The first one on this list that I have is Mike
12 Roeder.

13 The next person is Ellie Boyd.

14 MS. BOYD: My points have been covered. Thank
15 you.

16 THE CHAIRMAN: The next person is Sandra Meador
17 (Phonetic spelling).

18 State your name for the record when you get up
19 there, please.

20 MS. MEADOR: My name is Sandra Meador, and I fit
21 into this whole thing in sort of an odd way because I'm
22 actually a Sanibel resident, but I'm a horse person,
23 and I have spent a lot of time and lot of years in
24 Buckingham and love Buckingham. It's very close to my
25 heart. I have actually been a real estate paralegal

1 for 16 years. I used to work for Joe Madden. He's the
2 one that gave me the guts to come here today and talk
3 to you guys.

4 I just started a horse boarding business out in
5 Buckingham and trying to go by all the rules. Just
6 picked up my certificate of use across the hallway here
7 and I'm ready to go.

8 Part of what Buckingham is looking to amend
9 affects me particularly on Page 17. It's 17.6.6. Just
10 bring a little clarification to this.

11 The current code says that unless I have a
12 commercial stable license, I can only do horse boarding
13 and offer riding lessons for people that board their
14 horses there. Getting a commercial license requires a
15 special exception. It's an expensive undertaking for
16 someone in the horse business because it's a really
17 tough business to make money in. Part of this for me
18 is self-serving, but part of it is not.

19 We have an issue in Lee County in that development
20 has started to take away the horse farms. We have more
21 people that want to have horses and be able to take
22 riding lessons, less places where they can do this.

23 Buckingham is suggesting that boarding stables be
24 allowed to give lessons to nonboarders, which is great;
25 but they have a thing in here which says if the owner

1 or operator resides on site. I am not an owner. I'm
2 leasing this property and I do not reside on the site.

3 There's a couple other people in my situation also
4 and I'm just wondering if there's any way we can
5 broaden that language just a little bit to include
6 people like me because I'm not looking to increase
7 traffic counts or make a big buck. I'm just trying to
8 help preserve the whole horse thing in Lee County, and
9 it's very important.

10 I think that's basically it.

11 Any questions?

12 THE CHAIRMAN: Thank you.

13 MR. ANDRESS: Donna Marie, is that something that
14 we could consider in Policy 17.6.6, strike the
15 statement where it says to nonboarders by right if the
16 owner/operator resides on the site?

17 MS. COLLINS: Okay. So you're suggesting that the
18 LPA make a recommendation to strike the language if the
19 owner or operator resides on site?

20 MR. ANDRESS: That's correct.

21 MS. COLLINS: Certainly that could be part of your
22 motion recommending transmittal.

23 MR. ANDRESS: Okay. Thank you.

24 MR. INGE: It would seem that in looking at Policy
25 17.6.6, the points that the speaker raised are good

1 points; but again I have the overriding concern that we
2 start to burden the comp plan with things that should
3 be somewhere else. In this instance, if we start
4 putting LDC-related provisions on hours of operation,
5 all those things in the plan, that burdens the plan
6 with more of a level of detail that I think should be
7 in there. Those should be LDC provisions.

8 Staff recommends and accepts some changes to 17.6.
9 We have operating hours in here. I don't know that I
10 have seen operating hours elsewhere in the plan. We
11 have some unique things that are being proposed that
12 are more to a level of detail than we previously have
13 got them in other plans, and I'm concerned about that
14 level of detail in a comp plan.

15 THE CHAIRMAN: would you find it acceptable if the
16 after 7:00 p.m. was stricken from that?

17 MR. INGE: I can see an instance where if it says
18 after 7:00 p.m. and then because in the summer hours,
19 summertime, daylight is until about 9:00 or so, you are
20 going to start having problems with folks that want to
21 have lessons from 7:00 p.m. and later.

22 THE CHAIRMAN: No. I agree with you. I'm saying
23 if that's stricken.

24 MR. INGE: I think that should be stricken.

25 THE CHAIRMAN: would that still be okay with you

1 as far as having a policy?

2 MR. INGE: Yes.

3 THE CHAIRMAN: The next speaker I have listed is
4 Gordon, B-R-A-U-D-T?

5 MR. BRANDT: B-R-A-N-D-T.

6 My name's Gordon Brandt. I was secretary for the
7 Buckingham Planning Council.

8 The gentleman who was wondering about the
9 commercial aspects, whether we needed more commercial
10 in Buckingham. At Buckingham and 80 we have got a
11 Winn-Dixie, several banks, gas stations; and that's to
12 the north of us. A little bit further down, at the
13 intersection of 31 and 80 we also have a -- the Veranda
14 shopping center, which has a Publix in it, restaurants,
15 real estate, insurance, et cetera. To the south off of
16 Buckingham Road at Lee and 82, we've got The Corners
17 area, another large shopping area; and that whole
18 intersection in there has got plans, my understanding
19 is, for hundreds of thousands of square feet of
20 commercial. So I think there's enough commercial to
21 satisfy the residents of Buckingham; and they are very
22 used to driving out of the area to get most of what
23 they need.

24 The other thing on traffic, it wasn't specific,
25 that's true, but I think the major thought that we got

1 from most of the people who put comment in was that
2 Buckingham was turning into a pass-through area. The
3 roads are not capable of handling it. In the morning
4 it's very easy to sit at Cemetery and Buckingham Road
5 and try to get out because the northbound traffic going
6 to Riverdale -- the school that is open on Tice Street
7 right now is an elementary school. The middle school
8 is supposed to open up next year. I'm not sure where
9 the majority of the population is going to come from;
10 but if it comes from the Lehigh area, they have two
11 options to get there. They're going to come up
12 Buckingham or they're going to come up Neal. They are
13 going to wind up on Orange River, they're going to go
14 down Staley. They're going to go down Tice. They are
15 two-lane country roads, and that's a lot of traffic
16 just with the normal traffic of people trying to get
17 around.

18 I think what we really need is for DOT to come out
19 and do a very serious study of the traffic patterns in
20 the Buckingham area.

21 The other concern with Cemetery Road, we are
22 getting a lot of bleed over, for lack of a better term,
23 from Lehigh. They have discovered that rather than go
24 down Sunshine and deal with the mess on Lee, they can
25 come through -- I believe it's Strayhorn -- or

1 Stratton, I'm sorry, to Kittyhawk and take Kittyhawk
2 south or take Stratton south off of Kittyhawk, wind up
3 on Cemetery Road. Again, that's a two-lane country
4 road.

5 Our traffic counts that were done in the spring
6 showed somewhere in the neighborhood of 2,600 cars in a
7 24-hour period, of which over 2,000 of them came from
8 east of Skates Circle, which is the last north-south
9 road coming off Cemetery before you get into the area
10 that's known as the Buckingham section of Lehigh. So
11 we're seeing a lot of traffic that is not indigenous to
12 Buckingham or Cemetery coming out of Lehigh.

13 And the only other thing is in regard to the area
14 that Jim was talking about, that is where Ray Judah has
15 decided to put these trees for demonstration purposes.
16 There was discussion of making it a park, not
17 necessarily for where people could launch canoes or
18 boats and such, but just a part of the county park
19 system because it's right close to Buckingham Community
20 Center and the county owns the land north of Cemetery
21 Road in that regard, so parking could be accommodated.
22 And that piece of ground could have been used as an
23 open air community park with picnic tables or whatever.
24 Just the community did not want it to be a launch site,
25 as there has been some problems with people canoeing up

1 or down the river and deciding that that wharf looks
2 very nice and I think I'm going to stop and have lunch
3 there. That was really where the resistance came from,
4 the people who do live on the river, with their
5 property being utilized by the people going up and down
6 the river.

7 That's really all I have to add to that.

8 THE CHAIRMAN: Thank you.

9 The next speaker is Chris Bundschu.

10 MR. BUNDSCHU: I'm Chris Bundschu, the president
11 of the Buckingham Conservancy. We're the group
12 different from the Buckingham Community Planning Panel
13 but the group that originally in the late eighties and
14 early nineties enacted the Buckingham Preserve. It's
15 been in effect since that time. Time goes by. So
16 early on the Buckingham residents were very proactive
17 in creating this rural preserve because being a
18 developer myself, I thought it was only fair that we go
19 of record as a community and share what the citizens of
20 Buckingham wanted to happen out there. So we have been
21 of record all of that time with our goals.

22 I would like to thank the staff also for the
23 process that they have helped us participate in. It
24 was suggested that we upgrade our rural preserve to
25 accommodate some additional details. We really

1 undertook this process and the Buckingham community
2 Planning Panel -- there's Bill Burdette, Margaret -- a
3 lot of the people spent a considerable amount of time,
4 evenings. A great deal of effort went into this plan
5 because the residents cared. We had numerous public
6 meetings, we had numerous committee meetings. We would
7 break out. We met with various county people,
8 researched data ourselves, went to a lot of work to
9 create this plan. We were under the understanding that
10 the process here was for us to as a community give you
11 goals, issues and concerns. We really didn't know we
12 were supposed to come in with engineering, exact legal
13 phrases, restrictions, rewrite the LCA. We really
14 thought our job here was to give you our concerns, our
15 goals and the issues that we see important to the 4,000
16 people that live in Buckingham.

17 So we don't have a lot of -- we didn't have a lot
18 of answers. We could go get those. We can study the
19 roads; we can redesign, as Bill said. There's numerous
20 safety issues we can come up with if that's what is
21 required. We thought we would leave that to county
22 staff.

23 I'm a little confused that staff seems puzzled
24 that we didn't come in with specific answers. We could
25 do that if needed.

1 what we have presented and you have before you
2 really isn't complicated. It sounds complicated today.
3 I was impressed how complicated it sounds. It's not
4 complicated at all. We really just got together, the
5 4,000 people, the best we could, over and over and over
6 again at the Buckingham Community Center and ferreted
7 down, distilled everyone's goals, which as like any
8 community, there were some variances; but I think we
9 did a very good job of really coming up with what
10 people wanted there, which is consistent with what we
11 have tried to be since the late eighties.

12 It is a unique area. You heard the word "unique".
13 Yes, we're asking for some uniqueness. I don't think
14 there's another rural preserve in Lee County. I think
15 you could dare to step out and be a little unique.

16 Unfortunately, we're kind of the vacant lot next
17 door to Lehigh. I heard someone mention for the Lehigh
18 utility wastewater potential future plant, well, where
19 else would we put it? Well, our answer would be how
20 about Lehigh for the Lehigh wastewater treatment plant?
21 Crazy thought, but maybe put it in Lehigh if it's for
22 Lehigh. Our thought is don't just run through the
23 vacant lot next door.

24 We worked with the county on the incinerator.
25 Where did they want to put the incinerator? How about

1 Buckingham? There's a lot of land out there. We went
2 to Tampa, put together a group and worked with the
3 county to get the incinerator there. We're the proud
4 owner of the trash incinerator for the county; and
5 other than -- you can see and hear a goal to remind Lee
6 County they need to pick the trash up along the
7 streets. Sometimes it gets pretty thick to and from
8 the incinerator. But all in all we have tried to be
9 good hosts and good stewards of the trash incinerator.

10 But I don't think being a rural preserve should be
11 a license for let's put every regional facility that
12 needs to be relocated in Buckingham just because we've
13 got some land. That wouldn't be fair to the people in
14 Buckingham.

15 On the transportation policies, we with foresight
16 acknowledged Lockett extension had to go through
17 Buckingham; and it's very clear. Policy 17.2.2.
18 Staff's response was they didn't see any safety issues.
19 As Ms. Burr noted, she did a little research. In the
20 last three years, Cemetery and Buckingham had 34
21 accidents. That's one a month. All we did in our
22 community is say, you know, you have got a problem
23 here. Can't that be part of the plan? What was the
24 problem with telling staff they have a problem out
25 there and we would like to have some -- have them

1 address it? If they need us to give detailed
2 engineering specifications, I guess we could get
3 together and add that to the plan.

4 Orange River Road, that's an intersection the
5 county constructed. I live on it. Twenty-seven
6 accidents. That's two out of every three months.
7 We're constantly picking up car parts on that curve
8 there.

9 what we did was just simply add our goals, our
10 concerns; and we just wanted to -- we think that this
11 plan should have those in them.

12 I think Bill already mentioned in 17.3.1 we really
13 didn't have any problem with the future emergency
14 operation center on utilities. It probably was an
15 oversight on our part not to include it. We have
16 assisted the county as best we could in getting it
17 located there. We think it's an appropriate use there.
18 We object to again forcing the adjacent neighbors to
19 subsidize this thing. I think if the county wants to
20 come in and put their emergency operations center
21 there, leave our language as proposed and just exclude
22 the emergency operation facility; but don't add that
23 you can force all the adjacent owners to subsidize it.

24 Someone mentioned the Gulf Coast Center looked
25 like a hole in the doughnut. It is. It is right in

1 the center of the rural preserve, this whole doughnut;
2 and again we object to again county staff saying that's
3 a great place for FEMA trailers. We don't think that's
4 appropriate in the middle of a rural preserve. We ask
5 that you keep that prohibition there.

6 Same with the sewage treatment. We think the
7 staff should be able to find a place in Lehigh for the
8 Lehigh regional wastewater treatment plant.

9 On public infrastructure, staff struck
10 distribution transmission lines. They had no idea how
11 you can beautify those. Well, again, we can add
12 specifics; but this is what the people of Buckingham
13 would like to have. Why did we put it in there?
14 Because probably the most ugly eyesores in the county
15 are Lee County lift stations, owned and operated by the
16 Lee County Utilities department. Probably the ugliest
17 things that we have in our county. That is why it's in
18 there for transmission facilities. We didn't want
19 commercial access to the Orange River because we don't
20 want the Orange River to be turned into an amusement
21 park ride, which unfortunately is what happens when you
22 allow the public. The county usually says we'll put up
23 a sign and say don't do this and don't do that. We
24 have discovered people really don't read the signs.
25 And we would ask that the Orange River be kept in its

1 pristine condition and prohibit commercial access.
2 That means people won't be coming down there, they
3 won't be launching into the five-mile-long Orange
4 River. No public facilities with kids and coolers and
5 then somewhere along the route have to get out, go to
6 the bathroom, have lunch. Our problem is, of course,
7 the county doesn't put any infrastructure to
8 accommodate that because certainly it isn't Disney
9 World and they can't afford it; but we think that that
10 language should stay as written.

11 On the agriculture, Ken Wilkinson is being
12 challenged every day on inappropriate and illegal use
13 of agricultural exemptions. I'm sure you have driven
14 down many six-lane roads, seen the future development
15 site, new shopping center signs there, with a cow
16 looking at you; and that property owner is, of course,
17 enjoying an agricultural exemption because he's
18 temporarily a cattle rancher. And we understand Ken
19 has to set some limits and goals. The reason this is
20 in here is just what we said. We thought our job was
21 to get with the community and see what is important to
22 our community. We're a community who values little
23 farms and little ranches. We're a community that wants
24 to keep those. So what we wanted to do -- those people
25 are being forced out of existence by the Property

1 Appraiser. He is now having to struggle and come up
2 with rules and regulations and so many cows, so many
3 pigs is; and what we wanted to do was go clearly on the
4 record, identify the community's desires to stay rural
5 and agricultural. Just so that -- I don't think Ken
6 would disagree, we wouldn't get special treatment; but
7 what he would do and he has agreed to do and in fact
8 he's really agreed with the first five policies you see
9 here. He really hasn't been involved in the last one,
10 6.6; but what he has done now is he realizes that is a
11 community where the rural lifestyle is appreciated and
12 he will -- the state statute doesn't give him
13 particular standards. He has to exempt ten cows, one
14 water hole, two horses, two mares; but at least he will
15 look with more attention to agricultural exemptions in
16 a rural preserve, knowing that gosh, this might be more
17 appropriate than Daniels Parkway. So that's why that's
18 there and that's what we're trying to do.

19 I don't think we have any concerns on the
20 boarding. I don't think the community -- there's Mike
21 Roeder.

22 I don't think we have any concern on the horse
23 borders, eliminating the on-site. We were trying to be
24 prudent and be restrictive. The 7:00 p.m. -- we had a
25 special committee meet five times, at least, to come up

1 with these boarding rules. The 7:00 p.m. was simply to
2 be kind to our neighbor. We realize staff and the LDC
3 is trying to reduce commercial uses in residential
4 areas, so we were trying to give some guidelines. That
5 is why we gave some specifics there. Those were
6 specifics literally that the horse community said they
7 could live with and yet borders could -- they could
8 board horses in a quasi-commercial use, if you will.

9 Lockett extension I mentioned. If you look and
10 read, it's in there.

11 We keep talking about the problems of expanding
12 this boundary to where the two boundaries meet. Again,
13 it's not complicated. The blue line was created when
14 we first created the rural preserve. We picked -- we
15 just tried to go through the woods and pick a line.
16 The red came in later. The staff created it. I'm sure
17 there's good planning reasons. We think they probably
18 should be merged.

19 It's not a huge issue; but we're really only
20 talking one property owner, and that's the Lehigh
21 Villages property owner; and that is the land that's
22 located at the intersection of Gunnery and Buckingham.

23 What's happened on that, he came in with extremely
24 high density; it was approved by staff, recommended for
25 approval. It had three-story apartments adjacent to

1 single family homes in a rural preserve.

2 That's why we have transition language in here.
3 we didn't think that was appropriate to allow
4 three-story apartments adjacent to a single family home
5 on a large lot.

6 Since then the County Commission overturned the
7 staff and that zoning was denied.

8 We have met with that, trying to be proactive.
9 We're not trying to create a moratorium in Buckingham.
10 We're not trying to stop growth. We want what is
11 appropriate.

12 We've met with the gentleman several times and he
13 is continuing to revise his plan to what we think is
14 going to be appropriate. As part of that, the land
15 lying south of Gunnery Road, this is right adjacent to
16 the preserve, the community's agreed that he could go
17 ahead and put in 250,000 feet of commercial space.
18 This helps him -- is it 250, Bill, or 150?

19 MR. BURDETTE: That's a commercial node that the
20 county has established on Gunnery.

21 MR. BUNDSCHU: Anyway, the residents have agreed,
22 go ahead, put in your commercial south of Buckingham
23 Road at that intersection, that also he's adjacent
24 there to a Lehigh commercial node, very appropriate
25 place; and he's -- what he's doing is we've -- the

1 community, not just me, but the whole community has met
2 with him and we have said put the bulk of your
3 commercial there and then reduce the density north of
4 Buckingham Road; and he seems agreeable to that.

5 Speaking of commercial, the reason why we don't
6 think any more commercial allocation is necessary is
7 pretty much what Bill and other speakers have stated.
8 Buckingham is surrounded, really, by commercial. Some
9 nodes that weren't even mentioned is just to the
10 southwest is Omni, which as you all know has Home Depot
11 being expanded with a Target. There's quite a lot of
12 commercial surrounding Buckingham, so we don't think a
13 four-mile drive is inappropriate for neighborhood and
14 regional shopping.

15 On schools, we have the schools at Tice which we
16 have already talked about; and something that wasn't
17 mentioned, the school board has acquired several
18 parcels along Gunnery just south of the preserve area.
19 We've met with Superintendent Browder and his staff
20 several times. He has come into the preserve area and
21 picked some, we thought, poor sites, so we met with Dr.
22 Browder, pointed out the traffic issues; and he has now
23 picked up those sites along Gunnery, has those sites
24 along Tice. I know it is hard to find a site for him
25 that doesn't create any congestion, but we were trying

1 to tie them with the best regional infrastructure that
2 we could find.

3 He is also desirous of putting three schools in
4 the Gulf Coast Center if the county is successful in
5 acquiring that. We were the group that met with the
6 County Commissioner, Don Stilwell, and pointed out Gulf
7 Coast Center could be coming up for expiration of its
8 state uses. We were the group that proactively met and
9 said we would like to acquire this for the county on
10 our behalf, we would like it to stay rural. It's the
11 hole in the doughnut. We would like to see compatible
12 uses. And, of course, we're a little dismayed to see
13 the staff come back with a great wastewater treatment
14 plant, FEMA trailers would go here and maybe anything
15 else we can think of.

16 Allocation wise, there's about 4,000 people in
17 Buckingham today. It's developed rural. There's not a
18 lot of density desired. The 2030 table right now has
19 6,000. I'm not sure we'll make that. So allocation
20 really hasn't been a big concern to us. We thought
21 planning would be more appropriately first and then
22 allocating once we had that plan in place.

23 Thank you.

24 THE CHAIRMAN: Thank you.

25 I have Mike Roeder. Did you want to speak since

1 you're back?

2 MR. ROEDER: Well, Mike Roeder for the record. I
3 apologize. I missed most of this discussion, so I'm
4 not sure exactly what's transpired; but I would just
5 say in general the County Commission is encouraging
6 these community plans, and, of course, Buckingham is
7 one of the first. But there seems to be a general
8 tendency when the staff reviews them, they try to
9 eliminate anything that will make these areas
10 distinctive and different; and that's the whole point
11 of these plans. Some there's a little bit of attention
12 hear between the staff wanting to have everything on an
13 even keel and the communities wanting their own unique
14 identity, and that's part of what you have to sort out.

15 I think the issue over the road corridor is a good
16 example. Buckingham has always recognized that Lockett
17 Road needs to go through there somewhere, but I think
18 they feel that's enough, so --

19 THE CHAIRMAN: Thank you.

20 The next speaker I have is Margaret Bannion.

21 DR. BANNION: Good morning. Dr. Margaret Bannion.

22 I worked with the community on developing the plan
23 as a consultant for Johnson Engineering.

24 What I just wanted to briefly share with you this
25 morning was the process of developing the plan. And

1 there was a question asked about outreach, so in the
2 actual narrative of the plan we provide a list of all
3 of the stakeholders that we went to; and I want to
4 share that with you. We talked with the Lehigh Acres
5 Planning Panel president, Lee County Mosquito Control,
6 Tice Fire Department. Lee County Sheriff's Office
7 training division, as you know, is out there in the
8 community. We talked to the Lee County Port Authority.
9 We talked to the State of Florida Department of
10 Transportation, Lee County Department of
11 Transportation, Florida Power & Light. Also talked to
12 University of Florida through Florida's IFIS program,
13 the 2020 Conservation program, the Regional Planning
14 Council, Lehigh ecologist and developer Max Loomis and
15 other large property owners. Water Development -- the
16 Waterman Development Group also has a very large piece
17 of property out in Buckingham and we also spoke with
18 them about the plans for Buckingham. Heidt and
19 Associates also was involved and several communities
20 members and residents.

21 The last thing I want to share with you are that
22 we developed two on line community surveys. The first
23 survey had 365 respondents, which was a pretty large
24 showing, we thought; and out of that there was two
25 questions I think that are important for this morning.

1 Question 9 asked if there are sufficient stores
2 and businesses to service the Buckingham community.
3 Seventy-three percent of respondents said yes, there
4 are sufficient stores to service the community, which
5 they said strongly agreed or agreed, which was a pretty
6 strong showing that the residents themselves don't
7 believe that additional commercial activity or
8 commercial businesses inside the community are
9 necessary.

10 Then Question 10 asked, "I'm most concerned about
11 the following public safety problems"; and we asked
12 them to list their most -- their highest ranking public
13 safety problem. Potential responses were personal
14 security; property security; traffic; ATV, off road
15 vehicles. Code enforcement and traffic was by far the
16 highest concern for the community. Out of 350
17 respondents, 202 said that was their number one
18 concern, 37 said it was their number two concern.

19 So I just wanted to share with you those
20 responses, and I would be happy to answer any questions
21 if you have them at this time or later.

22 THE CHAIRMAN: Any questions from the LPA?

23 That is the last speaker that I have that is as I
24 understand in. Anybody else wish to speak from the
25 public at this time?

1 Seeing none, I think we'll take a five-minute
2 break.

3 (Whereupon, a brief recess was taken.)

4 THE CHAIRMAN: As I stated previously, I don't
5 have any more speakers listed. If there's anybody else
6 that wishes to speak on this, please do so now and
7 state your name for the record.

8 Seeing none, I bring this back to the LPA for
9 discussion.

10 I do know that there are a lot of traffic problems
11 on some of the roads, especially Buckingham Road and
12 Buckingham rural preserve area. I think that's pretty
13 obvious by the Lee DOT traffic crashes, which covers
14 the entire county, where Buckingham and Cemetery
15 intersections rated number fifth out of the entire
16 county.

17 I know that Lee DOT staff has come out to Cemetery
18 where the parking area is for the old church and
19 actually had to put boulders up to keep people from
20 cutting through there when the traffic was backed up on
21 Cemetery trying to turn onto Buckingham.

22 I personally called DOT around a year ago asking
23 there be more green time on Buckingham at the
24 intersection of Buckingham and Orange River for
25 northbound traffic because it was being backed up past

1 The Hut Restaurant.

2 So I know there are a lot of issues with traffic.
3 I really would like Lee DOT to be a little bit more
4 proactive in trying to address some of these issues.

5 Any members of LPA have any more comments?

6 MR. INGE: Just a comment for the benefit of some
7 of the folks that spoke, Mr. Bundschu specifically and
8 some others.

9 I think one of the things that members of the
10 community need to recognize is that at least I
11 personally don't have any overall objection to the plan
12 or the nature of the plan; but some of the language is
13 where we have a concern because whenever -- and Paul
14 and Matt will correct me if I'm wrong; but whenever we
15 have provisions that require action, the county will
16 improve safety, or the county will do X or Y, when that
17 goes up to the Department of Community Affairs, they
18 want to know okay, what are you going to do, what are
19 your specific policies and plans to implement that
20 broad language. And so that's why I think some of the
21 objections that you will see from staff on this isn't
22 specific enough, we don't have enough data and
23 analysis. I don't know that anyone would disagree that
24 those are valuable objectives to achieve. It's just
25 when it floats its way up to Tallahassee, there's going

1 to be a little bit more scrutiny on all right, how are
2 you going to implement that and what are you going to
3 do? Are you going to reduce the accident rate from
4 once a month to once every three months? That's a
5 measurable standard. How are you going to do -- ten
6 steps to do that. I think that's the nature of some of
7 the concerns about the language.

8 Jim, you guys can correct me if I'm wrong on that.

9 It's not that there's an objection -- at least I
10 don't see -- from the staff on the theory of what you
11 want to do; it's how do we get that incorporated into a
12 document that DCA will approve that has measurable
13 standards on implementing policies that we can go
14 forward with. I think that's the tenor of that
15 disagreement, if you will.

16 MR. LOVELAND: If I could, Madam Chair, that's
17 exactly right from the standpoint of the traffic safety
18 question. The policy language says you are going to
19 generally improve safety on five road segments. The
20 examples that you just gave and were given through this
21 process related to particular points.

22 If the intersection of Buckingham Road and Orange
23 River Boulevard is the safety problem, then say that in
24 the policy; and, just for the record, we do have a plan
25 to address that. We're going to be four-laning

1 Buckingham Road down south through that intersection
2 all the way to Orange River, which would address that
3 particular intersection.

4 The concern is if the data analysis says you have
5 got problems with these intersections and the policy
6 says you're going to generally improve safety on these
7 road segments, it doesn't really explain how, that is
8 exactly what Ron is mentioning. There is a concern
9 about how you do that, how do you measure it.

10 One other issue, traffic-related issue, is the
11 language about making every effort to reduce traffic
12 and its effect through the Buckingham community.
13 Planning staff, I don't know if you were going to bring
14 it up; but there is a policy that's been added to the
15 plan that seems contradictory to that particular
16 language. I mean as an objective for the community,
17 certainly we understand they want to do that; but every
18 community is going to want the same thing, which
19 creates a problem from the standpoint of regional
20 travel and how exactly are we going to achieve that if
21 every community has language that says we're going to
22 limit traffic through or community.

23 Matt, can you cite the particular policy or Paul?

24 MR. O'CONNOR: Yes. For the LPA's information,
25 this is a new goal that was added in the last round of

1 amendments to the future land use element. It's Goal
2 24, community planning, "To encourage and support both
3 citizen and county-initiated community planning efforts
4 that address the unique community character of specific
5 geographic areas in Lee County"; and there is a policy
6 under that goal, which is Policy 24.1.2, which states,
7 "Assure that existing ongoing community plans are
8 coordinated with countywide and regional plans
9 addressing population accommodation and infrastructure
10 needs."

11 THE CHAIRMAN: I don't have any issues with what
12 you said, Mr. Loveland. It's just that there are
13 safety issues and I think that that is probably the
14 biggest concern is that there is a lot of traffic being
15 routed through Buckingham. It's not of anyone's
16 particular doing; it's just the nature of the fact, as
17 you stated before, that Lehigh is on one side and the
18 City of Fort Myers is on the other. But I think that
19 safety is a really big issue and it needs to be
20 addressed and I hope that Buckingham community and Lee
21 DOT can try and work together to come up with some
22 solutions for that.

23 MS. WESSEL: Also have a concern with the way the
24 traffic issue has been discussed in this because
25 clearly you have got this growing monster of Lehigh

1 Acres on one side that is only going to get more
2 intense. You have got an area that you have got
3 identified as rural community preserve and yet you're
4 saying that we don't have a plan for making adjustments
5 or plans for traffic to not basically run through this
6 area. I didn't hear much discussion about those
7 alternatives.

8 I think that there was a solution actually
9 recommended by the Buckingham planning panel where
10 maybe it was a matter of listing intersection concerns,
11 and they seem to have some specifics.

12 I'm also of the impression that these community
13 planning efforts were to give the big structural ideas
14 a skeleton and then the community works with the county
15 staff to work out the meat on the bones, if you will;
16 and I'm kind of concerned that I'm hearing a little bit
17 of a disconnect, like maybe there hasn't been enough
18 communication or maybe it hasn't been -- we aren't
19 clear what your concerns are, let's work that out
20 before it comes here; and the answer is just to cut a
21 whole goal or a policy.

22 So I think that where the traffic issues come up,
23 one concern is what is our overall planning for this
24 area, knowing that we're going to only continue to have
25 concerns and need some roadway planning alternatives.

1 what is the opportunity for the community's
2 intersection safety issues that they listed today to be
3 incorporated and addressed instead of just wholesale
4 cut out?

5 Also, I have got a question about whether -- this
6 is for planning staff -- whether having a rural
7 community preserve gets a different level of review or
8 a different way of working a community plan versus
9 development standards.

10 I'm not saying this very well; but does the fact
11 that there's a rural community preserve designation,
12 and because it's our only one that I'm aware of, change
13 the way that you would, there might be more specifics,
14 there might be more details in a community plan that is
15 really echoing the rural community preserve rather than
16 just having the development standards as a place to
17 address that?

18 MR. O'CONNOR: What the process is is normally
19 they are correct. In the comprehensive plan, you don't
20 get very specific. What we're in the process of doing
21 is we've got several communities who are now looking at
22 land development codes that are specific to their
23 community and we just did amendments to the Land
24 Development Code for the Pine Island in order to
25 implement their community plan. We have done some for

1 the Estero area. And what we have done is we have put
2 a new chapter in the Land Development Code, Chapter 33;
3 and that's where you look to find out the specific
4 regulations regarding a community.

5 MS. WESSEL: But does the rural community preserve
6 have some place that it defines some of these
7 limitations in addition to that, the Land Development
8 Code?

9 MR. O'CONNOR: Well, the Land Development Code
10 really hasn't been amended to implement this. The
11 rural community plan as a land use category implemented
12 itself, and you probably need to look to Land
13 Development Code changes in order to further implement
14 a community planning section in the comprehensive plan.

15 MR. NOBLE: Currently projects proposed in
16 Buckingham don't have any specific regulations. It is
17 the Land Development Code.

18 MS. WESSEL: Okay, so one option might be to
19 additionally look to the Land Development Code and add
20 community plan, Buckingham community plan options,
21 within each code; or it might make sense to identify a
22 rural community preserve section and address all of
23 them in that, since it's the only -- or call it the
24 Buckingham Rural Community Preserve. Is that how they
25 could assure that certain levels of detail that are

1 unique to this area and reflective of the fact that you
2 have gone to the trouble of establishing --

3 MR. NOBLE: Currently that is the system that has
4 been set up, that -- for things that would be unique to
5 Buckingham would have to go into Chapter 33 of the Land
6 Development Code.

7 MS. WESSEL: That's how it is now?

8 MR. NOBLE: That's how it is now.

9 MR. ANDRESS: The specifics.

10 MS. COLLINS: That's the process. If they want to
11 have unique land development regulations for
12 Buckingham, they would have to amend the Land
13 Development Code to include provisions in Chapter 33 of
14 the code. Estero has done that and one or two others
15 have done that, Pine Island.

16 Outside of that, the only thing that would control
17 would be the Lee Plan policy and the regular Land
18 Development Code. So there would be another step for
19 this community planning panel to pursue if they wanted
20 to in addition to this add a layer of regulations that
21 are more detailed, that get right down to the
22 development order and zoning.

23 MS. WESSEL: Okay, thank you.

24 MR. O'CONNOR: I just wanted to --

25 MS. COLLINS: We've got Rae Ann and Derek on.

1 MR. O'CONNOR: What I was going to say is that our
2 administrative code that regulates the county's program
3 for community planning recognizes that there's an
4 implementation stage to a community plan and what we do
5 is we'll allow grant money for the actual writing and
6 creation or modification of the plan. We'll also allow
7 grant money for the implementation of the plan, putting
8 it into the Land Development Code; and then after a
9 certain period of time has passed, we'll allow planning
10 money again to update the plan.

11 MR. NOBLE: Currently the panel would be eligible
12 for an additional fifty thousand dollar grant to create
13 those Land Development Code provisions that would go in
14 Chapter 33 that we're talking about.

15 MR. O'CONNOR: I'll also add that the amendments
16 to Chapter 33 really wouldn't address some of the
17 concerns that we're talking about, like we wouldn't put
18 in a transportation analysis of Buckingham in the Land
19 Development Code. The Land Development Code is when
20 you're looking at rezonings and looking at development
21 order type permitting.

22 MS. WESSEL: I wasn't inferring we'd have that
23 analysis in the development code; but just in terms of
24 recognizing we're going to have a continuing and
25 expanding problem for traffic, considering Lehigh

1 Acres, and it's always been slow to come through.
2 We've got what, three accesses into town. But just
3 to -- I guess it was the response of -- it was the
4 response to the transportation sections that bothered
5 me, that it was just well, we don't know how to do
6 that, we don't know what they want, so therefore we
7 just want to cut that section out. That's what I felt
8 wasn't reflective of what we really need to be doing.

9 I had one other question on the sewage. On Map 7,
10 can somebody tell me where the sewer extension, the
11 service extension would be? I'm not entirely clear if
12 it's the corner of -- if it extends into Section 3 and
13 10. Just trying to guess.

14 I'm looking at Map 7 in the back of the plan and
15 I'm looking at this boundary map. Does the -- I'm
16 concerned specifically with the Orange River. Where
17 does the sewage utility service extend to? Because on
18 Map 7 I don't see Orange River demarked.

19 MR. BUNDSCHU: Gulf Coast Center.

20 MR. NOBLE: The property at Staley and Orange?

21 MS. WESSEL: When I look at Map 7, I'm trying to
22 figure out the crosshatched area. I'm not sure if this
23 is the Orange River.

24 MR. NOBLE: Yes, it is.

25 MS. WESSEL: So it's showing no extension of

1 service within the rural community preserve for sewer.
2 They would not have service, right?

3 MR. NOBLE: Correct, except for those areas
4 depicted already on the map.

5 MS. WESSEL: But what I'm saying already on the
6 map is just north of the river, the Orange River?

7 MR. NOBLE: There are --

8 MS. WESSEL: Outside of the rural community
9 preserve.

10 MR. NOBLE: Well, the old John States parcel is on
11 the map.

12 MS. WESSEL: I don't know where that is.

13 MR. NOBLE: It's in the community, essentially
14 this stuff right there.

15 MS. WESSEL: So all of this?

16 MR. NOBLE: I'm talking about what is on the map
17 that could have sewer to it.

18 MS. WESSEL: The cross section areas?

19 MR. NOBLE: That's correct. We're talking about
20 this stuff could come in for sewer.

21 MS. WESSEL: I'm talking about these lots.

22 MR. NOBLE: No. That's outside.

23 MS. WESSEL: All right. Thank you.

24 MR. INGE: Rae Ann, plus the Gulf Coast Center
25 gets service extended down Buckingham Road, I believe.

1 MS. WESSEL: Yes; but I was specifically concerned
2 with the areas, the residential areas, specifically
3 right along the river corridor, because we know we've
4 got huge nitrogen loading problems with the Orange
5 River, so --

6 THE CHAIRMAN: That might be coming actually from
7 the Lehigh area, too. Orange River and Hickey Creek is
8 used as outfalls for Lehigh.

9 MS. WESSEL: When we looked at that, the discharge
10 coming above the weirs was not as high as what was
11 coming from below the weirs, so I don't pretend to know
12 what is happening there, but it is going to be a target
13 that's being looked at for nitrogen.

14 MR. RYFFEL: Paul, I have a question on Page 7 of
15 21, your Policy 17.6.2. Can you tell me what that
16 means? I don't understand it. Especially the next to
17 last word in there, viable commercial activity. I
18 don't know if that's misworded or maybe I'm just thick,
19 but I just don't understand what it means.

20 It says the Buckingham community recognizes the
21 land use of small family farm of no more than ten
22 acres. What does that mean? I know what that means,
23 but how does the rest of it tie in?

24 MR. O'CONNOR: Well, this is this language --
25 those first five policies were language that was worked

1 out with the Property Appraiser. I personally don't
2 know what it means. I think you will see in the staff
3 report on this whole agricultural thing staff
4 questioned if the Lee Plan was an appropriate place to
5 be putting any of these policies.

6 THE CHAIRMAN: I thought that was something to do
7 with you have to produce receipts or tax receipts
8 showing that you're actually producing income.

9 MR. BUNDSCHU: You have to be commercial to get an
10 agricultural exemption.

11 MR. O'CONNOR: It's a Property Appraiser thing.

12 THE CHAIRMAN: You have to satisfy the Property
13 Appraiser that you are actually making money and not
14 just keeping four cows for the purpose of trying to get
15 an AG exemption.

16 MR. O'CONNOR: I think you understand it better
17 than I do.

18 MR. RYFFEL: I have heard some comments about
19 whether this is appropriate in the plan, and why -- I
20 know the community is unique and has its own qualities,
21 but there's a lot of unique areas in the county. I
22 don't see why this kind of stuff would be put in a comp
23 plan.

24 MR. O'CONNOR: I think Chris articulated it better
25 than I could; but I thought his statement that, you

1 know, a small agricultural operation is probably better
2 suited in a rural community preserve area than it is
3 along Metro Parkway or Daniels Road. And I think
4 that's the point; but the language -- apparently it's
5 something that the Property Appraiser believes may make
6 his job easier in giving agricultural exemptions to
7 these property owners.

8 THE CHAIRMAN: Les, did you have some questions?

9 MR. COCHRAN: Yes. I have some growing concerns
10 as the discussion continues.

11 As I recall, last month we dealt with the Alva
12 community; and at the conclusion of that discussion, we
13 heard from legal counsel that we didn't have to worry
14 about developers coming in in the short-term basis
15 until this plan was fully implemented because they work
16 together and we're moving together in that fashion.

17 Now I seem to hear the opposite. That philosophy
18 seems to be fine unless the county wants to do
19 something.

20 So in this case we have a community that has been
21 developing and working on goals and objectives by
22 whatever definition for I don't know how many years, 25
23 or more; and now we hear that a new goal has been
24 established for the good of the county. And I
25 appreciate that. But somehow this new goal that was

1 just read to us overrides all the things that this
2 community has been doing for the last 25 years.

3 well, somewhere there's a disconnect. In one hand
4 we say a community can do this but a developer can't
5 come in and do this; and then the next month we come in
6 and say a community can do this, but the county can
7 come in and do something else.

8 So I'm not concerned about the fact that there may
9 be a point or two or three or ten that this community
10 thinks it makes sense and that they are unique. So
11 what is wrong with putting those in there? We can do
12 it on a case-by-case basis.

13 Now I have heard well, if they really want to do
14 these things, there's grants available to them. Well,
15 my God, they have been working for 25 years on this.
16 Why do they have to go through and submit grants and
17 proposals and generate more paperwork when all they
18 want to do is to accomplish a handful of simple goals?

19 Now, if we're not smart enough to simply work with
20 the community and write some goal language, even though
21 it may not be specific as you want to do, it ought to
22 be a clear statement that transportation, for example,
23 ought to plan alternatives in the next ten or 20 years,
24 or 2030, and not put roads through this area. It's as
25 simple as that.

1 Now, if we can't figure out and we don't have
2 people smart enough in this county to figure that out,
3 then maybe we ought to get more people that are
4 smarter.

5 But it's a totally disconnect from last month's
6 conversation to this month's conversation because now
7 it is in the benefit of the county, not a particular
8 developer; and I think most of the things that were
9 struck by planning staff ought to be reinstated.

10 THE CHAIRMAN: Noel?

11 MR. ANDRESS: If there's no further discussion at
12 this time, I would like to propose a motion.

13 THE CHAIRMAN: Go ahead.

14 MR. ANDRESS: I recommend that we transmit
15 CPA2007-00049 to the Board of County Commissioners with
16 the following changes:

17 One, that we adopt the planning community boundary
18 as the new community planning area boundary for the
19 Buckingham community.

20 Two, that Policy 17.2.1 be revised to read as
21 follows. "Lee County will work with the Buckingham
22 community to reduce traffic and its effects through the
23 Buckingham community. This includes but is not limited
24 to restricting the number of collector roads, analyzing
25 alternative routes and safety issues," needs to be

1 added, "limiting light pollution and installing
2 landscaping compatible with the rural character of the
3 Buckingham community."

4 Three --

5 MR. O'CONNOR: I take it you have that written
6 down?

7 MR. ANDRESS: Yes I do.

8 Three, Policy 17.3.6, the statement, "No temporary
9 or emergency operation disaster aftermath facilities
10 will be allowed, including FEMA trailers," be
11 reinstated. Remove the stricken line.

12 In Policy 17.5.1, the stricken portion be removed
13 and be rewritten to read as follows. "Lee County will
14 work with the Buckingham community to develop a plan
15 for an interconnected system of parks, hiking and horse
16 riding trails within the Buckingham community."

17 Next, Policy 17.5.2, the stricken portion be
18 removed, be rewritten to read as follows. "Any access
19 to the Orange River within the Buckingham community
20 will be limited to noncommercial residential use."

21 And Policy 17.6.6 be rewritten to read as follows.
22 "Boarding stables will be allowed to give lessons and
23 clinics and the operation does not create a use, road
24 access or drainage nuisance to its neighbors."

25 MR. COCHRAN: Second.

1 MS. COLLINS: Okay. Excuse me. If I could just
2 interrupt for a minute.

3 Noel, on that 17.6.6, I think the idea is that --

4 MR. ANDRESS: We would strike the statement that
5 says nonboarders by right of the owner/operator resides
6 on site if no clinics are held after 7:00 p.m.

7 MS. COLLINS: I just wanted to note that you had
8 left out the word "if"; and I think that "if" goes to
9 if the operation does not create a use, road access or
10 drainage nuisance to its neighbors. I wanted to
11 clarify that you meant -- intended to include that
12 condition --

13 MR. ANDRESS: Yes.

14 MS. COLLINS: -- that it would be permitted by
15 right if it wasn't going to create a use, et cetera.

16 MR. ANDRESS: That's correct. Thank you.

17 THE CHAIRMAN: I had a second.

18 All in favor?

19 Aye.

20 MR. RYFFEL: Aye.

21 MS. WESSEL: Aye.

22 MR. TAYLOR: Aye.

23 MR. COCHRAN: Aye.

24 MR. ANDRESS: Aye.

25 THE CHAIRMAN: Opposed?

1 MR. INGE: Aye.

2 THE CHAIRMAN: Motion carries.

3 MR. INGE: If I may note --

4 THE CHAIRMAN: Go ahead.

5 MR. INGE: My objection, I'm still concerned about
6 having the Property Appraiser language in because I
7 think that that for the reasons I stated earlier needs
8 to be considered whether it should be in the plan or
9 not. Policy 17.2.1, I know that normally an effort to
10 revise that -- I didn't get an input from DOT staff on
11 how that would work from a plan perspective. I'm not
12 so sure about the language of deleting or the plan
13 amendment connectedness on the parks and riding trails.
14 I think that what I would have preferred is that the
15 community just continue to work with the county
16 Greenways multipurpose map and try to amend that as
17 opposed to trying to create another policy.

18 So those are my concerns.

19 THE CHAIRMAN: Anybody care to amend their motion
20 to recognize anything that Mr. Inge --

21 MR. ANDRESS: No. I really feel that -- I really
22 am a strong advocate of community plans. I think that
23 the Buckingham community should be applauded for their
24 efforts and support what they are trying to do and I
25 think my motion shows that.

1 THE CHAIRMAN: And how did the LPA want to discuss
2 or --

3 MR. COCHRAN: Excuse me. I have another before we
4 get to that one.

5 I would like to make another motion dealing with
6 policy statement 13.3.8 -- I mean 17.3.8.

7 I would like to propose that we re -- we modify
8 that policy statement that was stricken to read as
9 follows. "The construction of potential," strike the
10 word "additional," and then go on with the rest of his
11 statement, water treatment, sewage treatment and so on
12 down to facilities, and then strike the rest of that
13 sentence and insert, "are not consistent with the goals
14 of the community plan."

15 THE CHAIRMAN: There's a motion on the floor.

16 MR. ANDRESS: I'll second.

17 THE CHAIRMAN: All in favor?

18 MR. COCHRAN: Aye.

19 MR. ANDRESS: Aye.

20 THE CHAIRMAN: Opposed?

21 MR. INGE: Aye.

22 THE CHAIRMAN: Motion carries.

23 MR. INGE: Clarification on Noel's motion.

24 THE CHAIRMAN: Yes, sir.

25 MR. INGE: Noel, when you made the motion to

1 change the community boundaries to be the red line for
2 simplicity, did that include with it the corresponding
3 change in the allocation tables? You didn't mention
4 that.

5 MR. ANDRESS: That should have been, yes.

6 THE CHAIRMAN: Okay.

7 MR. COCHRAN: One last statement or question. I
8 would like to hear from a representative of the
9 community if there are other substantial issues that we
10 have not addressed.

11 I can't ask that?

12 MR. INGE: Public comment is closed. We're going
13 to get into a debate for the last hour.

14 MR. COCHRAN: I can't ask the question?

15 MR. ANDRESS: Not now.

16 MR. COCHRAN: Can I ask the question to the board?

17 THE CHAIRMAN: Yes.

18 MR. COCHRAN: Are there any other issues that
19 board members feel that were raised by members of the
20 community that have not been addressed in the actions
21 that we have taken?

22 Thank you very much.

23 THE CHAIRMAN: We were provided a handout
24 regarding the lot split provision. I think this might
25 actually be more suited for the land development

1 policy.

2 MR. ANDRESS: It needs to start down there, yes.

3 MR. COCHRAN: Do we need a motion?

4 THE CHAIRMAN: I don't think so.

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1 THE CHAIRMAN: The next item on the agenda is the
2 CPA2007-01, the Caloosahatchee community plan.

3 MR. MUDD: Hello. Jim Mudd.

4 THE CHAIRMAN: If I can, I believe -- I need to
5 leave by twelve o'clock and I believe some other
6 members of the LPA need to leave fairly soon.

7 MR. MUDD: This is a request to add a single
8 policy to the Caloosahatchee Shores community plan. It
9 begins at the bottom of Page 2 of eight. That should
10 be underlined, by the way. It's not because it's new
11 language.

12 This is virtually -- well, it's very, very similar
13 to language that already exists in the Buckingham
14 community plan. I didn't write it in the report. It's
15 also in the Bayshore community plan.

16 I received a memo from the County Attorney's
17 Office stating -- which I just got today and I
18 apologize for that. There was a mixup. That's why
19 there's no mention of it in the report. But that there
20 are Bert J. Harris implications. There's no mention of
21 it in the staff report. I didn't know that this
22 existed, although Matt tells me he did see a draft of
23 Mr. Stickerman's memo at some point.

24 I think we're of the opinion that you have what
25 you have and anything beyond that is very speculative.

1 Now -- so that's our stance on that.

2 Possibly Donna Marie would like to talk about her
3 concerns.

4 MR. ANDRESS: I'm not sure what you just meant by
5 your statement. Are you saying that you don't think
6 that you need to prepare a list of the properties that
7 are going to be impacted?

8 MR. MUDD: I think what I'm saying is that you
9 have what you have today and nobody is taking anything
10 away from you. There's just no guarantee you're going
11 to be giving it unless the board finds an overriding
12 necessity, which they'll need to determine what that
13 is.

14 MR. ANDRESS: So we should only consider the
15 recommendations made by planning staff outside of this
16 memo?

17 MR. MUDD: I would consider the County Attorney's
18 memo.

19 MR. ANDRESS: Okay, thank you.

20 MS. COLLINS: I can summarize it briefly.

21 It's just that any time -- what this proposed
22 policy is doing is it's saying that we're going to
23 freeze the future land use map as it exists today for
24 all lands that are designated as rural. That means
25 anyone who owns lands that are designated as rural on

1 the future land use map may never seek an amendment to
2 the Lee Plan that would upgrade that classification to
3 an urban or suburban classification unless they can
4 demonstrate that there was an overriding public
5 necessity to do so.

6 And that's a very strict standard. It doesn't
7 apply to very many other properties in the Lee Plan;
8 and that has the effect of -- it's a chilling effect,
9 okay, on somebody's right to seek an intensification of
10 the right to develop the lands that they own.

11 Any time you do that, the Bert J. Harris Act says
12 there's a potential for liability for someone that may
13 own that property that has a reasonable
14 investment-backed expectation that they would some day
15 intensify that property in some manner by following the
16 procedures that are laid out in the plan for amending
17 the future land use designation.

18 So stated simply is what I'm saying is that it
19 would be helpful and prudent for the planning
20 department to inventory the amount of acres and parcels
21 that would be affected by this enhanced restriction on
22 their ability to amend the plan so that the Board could
23 be aware of the scope of their potential exposure under
24 the Bert J. Harris Act, which basically says that even
25 though you're adopting a land use restriction that

1 doesn't amount to a taking, you are impairing
2 somebody's right to develop their land; and with that
3 comes some exposure, some potential liability.

4 THE CHAIRMAN: But they could develop it with the
5 existing land use.

6 MS. COLLINS: Right. It's not a take; but what
7 this is saying, if somebody owns land that's designated
8 as rural now and they had the idea that they wanted to
9 intensify it to sub, outlying suburban or outlying
10 suburban or suburban, they are now precluded from doing
11 that unless they meet this heightened standard of
12 demonstrating that there's an overriding public
13 necessity that these lands be intensified.

14 THE CHAIRMAN: Shouldn't that be part of the
15 analysis for most land use changes or reason?

16 MS. COLLINS: But that's not required under the
17 plan. All they have to show is that this is what we
18 would like to intensify the land to and it's consistent
19 with what is around it or what have you. This adds a
20 heightened layer of saying that there's some overriding
21 public need that this land has to be changed to
22 something other than rural, like, for instance, a
23 hospital is desperately needed or a school is
24 desperately needed or something; and the board would
25 have to agree that that's the case.

1 It's hard to give you an example except to say
2 that there is potential for liability under this.
3 Whether you agree with that or not, there is under the
4 act. This falls squarely with what would create the
5 potential for liability for the Board; and all I'm
6 suggesting in this memo is that that exists and that
7 there should be an inventory of the acreage and number
8 of parcels that would potentially have a claim against
9 the county under this act if this plan amendment as
10 proposed is adopted. That's all. Making no subjective
11 recommendation as to whether it should be included in
12 the plan or not. All I'm saying is that with it
13 carries the potential for exposure under the act and
14 that should be quantified either by identifying how
15 many acres are now designated as rural within this
16 community plan or how many parcels are affected so that
17 the Board is aware when they make the decision whether
18 to adopt or not adopt what is their exposure, potential
19 for exposure.

20 MR. RYFFEL: Donna Marie, doesn't that just mean,
21 what you just said, it's however big this study area
22 is, that's your exposure?

23 MS. COLLINS: No, because not all land in the
24 Caloosahatchee Shores community planning area is
25 designated as rural on the future land use map. There

1 are other land use designations within that community
2 planning area.

3 MR. ANDRESS: Outlying suburban.

4 we don't have a breakdown of what all those
5 different uses are? Staff, do we have a breakdown like
6 we did on the Buckingham plan that shows the breakdown
7 of the acreages and different uses? we really need
8 that. There's not an allocation table?

9 MR. MUDD: I can tell you that the Caloosahatchee
10 Shores planning area does not match up exactly with the
11 planning community, so there's going to be some slight
12 differences; but we could certainly get that
13 information.

14 MR. ANDRESS: Don't most planning areas have an
15 allocation table?

16 MS. COLLINS: Well, there's a map in your backup
17 that shows the future land use designations of the --

18 MR. ANDRESS: But we don't know how many acres --

19 MS. COLLINS: No.

20 MR. ANDRESS: I would think we would need that.

21 MR. RYFFEL: Are we going to have the public input
22 or are we going to consider continuing this?

23 MR. ANDRESS: I think we ought to take the public
24 input and then continue it.

25 THE CHAIRMAN: Are there any other questions for

1 staff at this time?

2 Seeing none, I do have some speakers for this
3 particular agenda item.

4 This is a public meeting. Anyone that's not on
5 this list needs to state your name for the record.

6 The first speaker I have is Emily Underhill.

7 Excuse me. That's Agenda Item Number 8.

8 Gordon?

9 UNIDENTIFIED SPEAKER: I'm going to waive at this
10 time.

11 THE CHAIRMAN: The next is Chris Cella (Phonetic
12 Spelling).

13 MS. CELLA: For the record, Chris Cella, member of
14 the board of directors of the East Lee County Council.

15 And we had in January of this year proposed this
16 amendment and passed it unanimously at an East Lee
17 County Council meeting; and I don't want to go over all
18 the details of it. You have it in your package.

19 I was kind of caught off guard about the County
20 Attorney's memo and was unaware of it.

21 I will tell you that I do have an exact count of
22 acreages. I did not bring that with me, but I called
23 my office. It's about 2,200 acres; and if you look at
24 the plan that we submitted, it shows the actual area in
25 purple on the plan that we're proposing that is rural,

1 remaining rural in the Caloosahatchee Shores plan.

2 About 1.5 sections in that area are built out as
3 single family residential, basically AG-2 property that
4 is horse property. You will see that on the eastern
5 half of that area that's shown in purple. And then a
6 northern portion up there north of State Road 80 in Old
7 Olga Road is about -- and also at the Hickey Creek
8 Swamp area, which is a wetland area which is about
9 three-quarters of a section in the middle of the area
10 that's outlined in purple. So basically over half of
11 the area that we're talking about has either been built
12 on or is undevelopable because of wetland restrictions.
13 So about half of that, about maybe 1,100 acres. And we
14 certainly do have a strap number and parcel count on
15 all of those.

16 I guess I kind of had a question for the County
17 Attorney's Office because our language for this
18 amendment was developed from the Bayshore community
19 plan that was passed in '03 or '02 after the Bert
20 Harris Act. The only difference in our language is
21 that we say map amendments to the remaining land use,
22 remaining rural land use category. In the Bayshore
23 plan they use the terminology, "No more intensive land
24 use category". So they are virtually the same.
25 whatever they have in their plan will remain the same;

1 in our plan we're saying our rural land specifically.
2 And we got with staff on this and felt that this was
3 more specific to our plan is the rural land use
4 category.

5 This language is also in the Buckingham plan,
6 which we also looked at. However, I believe that that
7 language was placed into the comp plan before the Bert
8 Harris act.

9 The rural lands that we're talking about are on
10 the very eastern portion of our plan. In our community
11 planning process we did establish and change and
12 increased densities in our plan to accommodate more
13 intense uses and we also identified our commercial
14 areas for growth. So this area that's specific to the
15 rural lands is something that goes to keeping and
16 maintaining the rural character of our community plan
17 and it is something that we believe that the County
18 Commission has gone on record that they support this,
19 most recently in denying the 800 units to River Hall
20 and Commissioner Frank Mann stating that he is drawing
21 his line in the sand, so to speak, that we're going to
22 try and preserve the rural lands in east Lee County.

23 So we really would consider your support today.
24 Thank you.

25 THE CHAIRMAN: Does staff have any comments

1 regarding the language similarities?

2 MS. COLLINS: I just want to clarify because she
3 did raise a question. Ms. Cella mentioned that there's
4 language similar to this in the Bayshore community plan
5 that was adopted in 2003; and that is correct and our
6 office did raise the Bert J. Harris implications at
7 that time as to that language and requested that the
8 land that was affected be inventoried by the planning
9 department so that the Board was aware; and the Board
10 made a conscious decision, knowing what their exposure
11 was, to adopt that policy as presented. I'm requesting
12 a similar request in this instance so that the Board is
13 aware when they -- if and when they choose to adopt
14 this policy, what the scope of their exposure is and
15 they can make a conscious and knowing decision with
16 regard to that when they make that vote.

17 THE CHAIRMAN: Have there been any disputes or
18 anything regarding the other plan that's already
19 adopted in land use changes since that time?

20 MS. COLLINS: I'm not aware of that. I don't work
21 in the litigation department, though, so I could not
22 answer that.

23 MR. ANDRESS: Point of clarification from staff.
24 We have this map in our packet; and I wonder if
25 you would clarify, number one, what the purple line is

1 for and, number two, what the area that has the red
2 lines, vertical lines in it, what is that? what are
3 those two areas?

4 MR. O'CONNOR: I believe that it's caught somewhat
5 in a time warp. You will see the note on the map says
6 River Hall approved by the BOCC for outlying suburban.
7 It was transmitted by the Board, but it was not adopted
8 by the Board. So the red-hatched area would be
9 affected by this amendment. It is designated rural and
10 it would be affected by this amendment.

11 The area to the north --

12 (Discussion off the record.)

13 MR. O'CONNOR: I stand corrected.

14 (Discussion off the record.)

15 MS. COLLINS: I believe it's probably everything
16 inside that bold red line that's classified that pale
17 blue as rural.

18 MR. O'CONNOR: Yes. Donna Marie is correct.

19 MS. COLLINS: To the west of the bold red line,
20 right?

21 MR. NOBLE: It was transmitted, never adopted.

22 MS. COLLINS: It's irrelevant as to the
23 conservation area.

24 MR. RYFFEL: Make sure he gets this for the record
25 here. We're having side discussions here. It's too

1 hard on John.

2 (Discussion off the record.)

3 MR. ANDRESS: It would appear to me, number one,
4 that the boundary needs to be clearly defined so we
5 know what we're talking about and we need to know how
6 many acres are in that boundary and we need to know
7 what the other uses are and the acreages and the amount
8 of population that would be permitted in the other
9 uses, so without that information it's difficult for us
10 to make a decision as to whether it's a good planning
11 decision or not.

12 MR. INGE: I think that was the County Attorney's
13 recommendation was we find all that data out before we
14 go forward. I would certainly support that.

15 MR. RYFFEL: Well, it's my intent to make a motion
16 to that effect, to continue this so we can be provided
17 with that information, then send it on to the Board and
18 they can decide how they want to deal with the Bert
19 Harris issue. They have done it before and they'll do
20 it again, so --

21 MR. ANDRESS: Continue it until the next meeting?

22 MR. RYFFEL: That would be fine with me.

23 MR. ANDRESS: Okay. I'll second that.

24 THE CHAIRMAN: All in favor?

25 ALL BOARD MEMBERS: Aye.

THE CHAIRMAN: Motion carries.

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1 THE CHAIRMAN: Next item on the agenda is the
2 CPA2006-26, conservation lands.

3 MR. IRVING: For the record, Robert Irving,
4 environmental sciences. I'll be brief; and most of
5 what you have in the packet will explain the amendment.
6 Just wanted to give a quick introduction in case you
7 haven't seen this amendment before.

8 This amendment has been before the committee for
9 the last -- well, it's been before the committee four
10 times as an amendment, including the adoption of this
11 policy in 1998.

12 The purpose of this amendment is to identify and
13 protect lands or preserve lands purchased for
14 conservation purposes by government agencies and other
15 private acquisition groups.

16 The policies on the bottom of Page 11 and the top
17 of Page 12 -- I'm not going to read the policy, but
18 just the background on the -- the rest of the
19 background on it. Currently there's 73,216 acres,
20 approximately, or 14 percent of Lee County is in this
21 land use designation.

22 Preserves, Number 2 on Page Number 5, that lists
23 all the current reserves in that land use category, in
24 this land use category.

25 Just a specific description of this land use

1 category. There is two parts of the conservation land
2 use category. There's the conservation lands upland
3 and the conservation lands wetland.

4 There's a table or a list, excuse me, of allowable
5 uses that's on Number 9 on Page 10.

6 Just want to reference that there was some changes
7 to the language to the policy in 2002 and that was the
8 recommendation of the Conservation 20/20 for a class
9 act in which they basically added specific language
10 that the 20/20 ordinance would override any -- or
11 whichever is more restrictive would override this
12 policy.

13 Lands included in this amendment are five
14 nominations that were purchased by Conservation 20/20.
15 They're listed in a table on Exhibit A. Specifically
16 it's a Galt Preserve addition, which is on Pine Island,
17 southern end of Pine Island. There's another
18 nomination at the north part of Six Mile Cypress
19 Slough, which was the Orchid Isles development, which
20 is in the City of Fort Myers. There's also the eastern
21 arm of the Six Mile Cypress Slough, which is an
22 addition to that. It's filling in pieces of that
23 eastern arm. There's an out parcel of the Greenbriar
24 subdivision, a lot of Greenbriar subdivision that's
25 been purchased for conservation purposes; and this is

1 just another piece of that. And there's an out parcel
2 adjacent to Hickey's Creek Preserve.

3 All those maps -- these parcels can be seen on
4 Maps 1-A, 1-B, 2-A, 2-B, 3-A, 3-B and 4-A, 4-B.

5 There was a handout that Janet handed to you
6 earlier today, which specifically is the most
7 up-to-date plan maps. The proposed land use map was
8 not included in the mail out, and that's what was to
9 address that.

10 Did everybody receive that?

11 THE CHAIRMAN: Yes, thank you.

12 MR. IRVING: Just wanted to address Babcock Ranch
13 for a moment.

14 Last year we did bring this before the committee
15 and stated that the County Attorney felt that we did
16 not want to include the Babcock Ranch at this time
17 because of the management plan that is in agreement
18 between three parties and with that agreement the
19 County Attorneys felt that there would be -- there
20 would be some uses that would be prohibited by
21 including it in this land use category, there would be
22 a conflict, and not to include it at this time. And
23 that was last year and that's the same for this year as
24 well and that's why it's not included in this year's
25 amendment.

1 Some other county properties that were included
2 were the Flint Pen Strand. There's several parcels
3 that were not included in the original amendment in
4 1996, 1998; and these are just additions to that.

5 Some other lands that were also included were
6 Caloosa Land Trust lands. You will see in Exhibit B
7 there's a table that lists all the parcels,
8 approximately 28 parcels and 234 acres, and which are
9 shown on Maps 1-A, 1-B, 7-A, 7-B and 8-A and 8-B.

10 The Caloosa Land Trust approved including these
11 parcels within the conservation land use category and
12 the notarized approval's on Exhibit H.

13 The City of Fort Myers, they included -- they
14 created their own conservation land use direct
15 district. It was created in 2004 and primarily it's
16 made up of conservation easements and preserves and
17 developments within the City of Fort Myers and the map
18 that you see on 2-A, 2-B and 4-A and 4-B include those
19 lands. It was -- the parcel list that's on Exhibit C
20 and D is an approximation, but the map is the actual
21 map that was taken from the comprehensive plan map of
22 City of Fort Myers. There's an ordinance attached
23 which is Exhibit I which includes -- that's the City of
24 Fort Myers ordinance that should create that land use
25 category.

1 The last lands that are included in this amendment
2 are the airport mitigation lands, six sections of land
3 which are in the Imperial Marsh, totaling about 4,000
4 acres. There's a table on Exhibit A that includes the
5 six sections of land and their land use categories and
6 it's shown on Maps 5-A and 5-B. It was purchased in
7 1994 for specific purposes, for mitigation purposes for
8 expansion of the airport; and in 1996 the conservation
9 easement was granted to the water management district
10 and that's why these six sections are included in this
11 comprehensive plan amendment.

12 The mitigation park, there's specifically a
13 development order that was issued for this, for the
14 mitigation activities that were conducted as part of
15 the midfield terminal construction; and a certificate
16 of compliance was issued in 2006, March of 2006. And
17 that's -- in the staff report it specifically talks
18 about the mitigation activities being concluded or
19 completed, and that's in -- as part of that development
20 order completion.

21 There is future mitigation proposed and this would
22 not be prohibited as part of this amendment by
23 including those lands. There's several fallow farm
24 fields that are targeted for future possible mitigation
25 areas and which they -- this would not prohibit that

1 use. It does not include some of the stair -- this
2 amendment does not include the stairstep and it does
3 not include Site H. It just includes the six sections
4 of land, which are pretty much most of the Imperial
5 Marsh.

6 Port Authority staff is here. They do want to
7 speak later on and address specific issues as far as
8 the uses that they want to do on the property. For the
9 most part, some of the issues that they have brought up
10 is the fact that they want to do ASR wells, which are
11 deep injection wells, and also some improvements as far
12 as mitigation and doing monitoring and doing exotic
13 removal, all of which are allowable uses as part of
14 this land use category.

15 THE CHAIRMAN: Any members of the LPA have
16 questions for staff at this time?

17 MS. WESSEL: Good morning, Rob.

18 The map -- when we see these maps, there's no
19 distinction between what we own through fee simple and
20 what are easements through some of these development
21 parcels; is that correct?

22 MR. IRVING: This is the first amendment where we
23 have included lands that are part of a conservation
24 easement or preserves that are owned by other -- owned
25 by developers or homeowners associations. Basically,

1 all we are is reflecting what's in the City of Fort
2 Myers comprehensive plan in which they have this land
3 use category. For the most part, all lands are fee
4 simple and they are owned by government agencies.

5 The only private entity that I'm aware of that's
6 included in the conservation lands is the Caloosa Land
7 Trust. They did an amendment in 2001 which included
8 some of their lands.

9 MS. WESSEL: We can't look at this map and know if
10 there's a conservation easement? If it's shown as
11 conservation lands, we can't tell if it's a
12 conservation easement versus fee simple ownership?

13 MR. IRVING: No.

14 MS. WESSEL: Are we going to go through the county
15 land developments that have conservation easements and
16 add those at some point?

17 MR. IRVING: There's some discussion about that;
18 but, no, we have not proposed any future amendments to
19 include conservation easements into these land use
20 categories. There's some problems with that. For
21 instance, I can think of several instances where
22 there's planned developments that have included
23 probably units from these conservation easement areas.
24 To change those land use designations may affect
25 density on their developments.

1 MS. WESSEL: I'm just curious why we chose to add
2 the ones from the City of Fort Myers.

3 MR. IRVING: Just because it's already reflected
4 in their comprehensive plan. Basically, it's just
5 updating our plan to reflect what the City of Fort
6 Myers has.

7 MS. WESSEL: So going forward, would we do that
8 with county projects as well?

9 MR. IRWIN: Most likely, no.

10 MR. NOBLE: If I could, Matt Noble, Division of
11 Planning.

12 We have had previous direction from the Department
13 of Community Affairs that we're to match the respective
14 cities' comprehensive plans as best we can, utilizing
15 our categories. We have actually had a challenge. One
16 that comes to my mind is the one along Palm Beach
17 Boulevard where we then went back and redesignated
18 properties, not only in Lee County but in the city; and
19 really it's only those city properties. The county
20 doesn't have jurisdiction over this. We're just trying
21 to align our plan with their plan, using our
22 categories. It's not a perfect thing. It's only if
23 this was designated on the city's future land use map
24 is what we're picking up now.

25 MS. WESSEL: So would that apply to Bonita Springs

1 and Sanibel and --

2 MR. IRVING: I'll address that. We did look at
3 the City of Bonita Springs; we looked at the City of
4 Sanibel, Fort Myers Beach. We did include all of --
5 look at those comprehensive plans, but the City of Fort
6 Myers had a specific conservation lands category. They
7 were the most accurate.

8 Looking at the City of Cape Coral, they included
9 lands in a conservation area; but they were held by
10 private ownership and weren't necessarily included in
11 as part of a conservation easement or a preserve, so I
12 didn't feel that it was accurate enough to include in
13 this amendment to reflect that.

14 And there were several areas -- for the most part
15 City of Bonita included everything that we had in our
16 amendment and the City of Sanibel doesn't have a
17 specific conservation lands category. We already
18 included a lot of their lands that they designate as
19 conservation lands; but for the most part they have a
20 land use plan that shows all the conservation lands,
21 but it's not a regulatory map, so therefore we did not
22 include it in this amendment.

23 They did -- I'm sorry. They did have something
24 where they added something into their land development
25 code or in the comp plan that if you want to remove

1 something from the conservation land category, it has
2 to go to referendum, so a lot of agencies and
3 conservation groups did not want to include in -- their
4 land in that category; and so therefore that's been
5 some of the disconnect that the cities have.

6 MR. RYFFEL: Okay. So what I'm hearing is we're
7 mapping conservation areas that the county owns, some
8 other government owner or land that is otherwise
9 encumbered in the private sector and all you're doing
10 is updating a map?

11 MR. IRVING: That's correct.

12 MR. RYFFEL: So this is a nonissue as far as I'm
13 concerned. I can't see any issues.

14 MR. ANDRESS: There's not any issues.

15 MR. RYFFEL: We can hear from the public, but I
16 think you know where I stand.

17 THE CHAIRMAN: Any other questions for staff at
18 this time?

19 Seeing none, I'll open it up to the public. I
20 have two speakers. One is Emily Underhill.

21 MS. UNDERHILL: Good morning, everyone. My name
22 is Emily Underhill. I'm the assistant division
23 director of development for the Lee County Port
24 Authority; and I would like to first thank county
25 staff, Paul, Matt and Rob, for helping us change this

1 land designation category for the airport mitigation
2 lands.

3 As Rob has suggested, this has been a Commissioner
4 request in the past, particularly last year by
5 Commissioner Judah and also echoed by Commissioner
6 Janes and Commissioner Mann.

7 One item we would like to just put on the record
8 is if you look at the staff report, Page 8, under
9 Section 5 under the current future land use
10 classification description, the last couple sentences
11 that read, "Port Authority staff are concerned that
12 including these lands into the conservation land
13 categories will hamper future mitigation for the
14 parallel runway construction impacts. However, it is
15 planning staff's opinion that the mitigation has been
16 completed and there already exists a conservation
17 easement over six sections of land within the Imperial
18 Marsh."

19 I would just like to go over some of our concerns
20 or just to further clarify our opinions related to
21 those two statements.

22 As Rob had suggested, back in 1992 RSW completed a
23 master plan update and then in 1994 did an
24 environmental assessment and received a finding of no
25 significant impact from the FAA. As a result of those

1 efforts, we purchased a little over 7,000 acres, of
2 which included six sections of these Imperial Marsh
3 properties that we are talking about today as well as
4 two sections representing Site H and then all or
5 portions of four sections which relate to the Flint Pen
6 Strand properties.

7 These properties were acquired with the intent to
8 provide mitigation activities to offset impacts related
9 to the midfield terminal complex project, which as most
10 of you know was completed in September of 2005; and
11 then it was also purchased with the intent of providing
12 mitigation to offset impacts due to the future
13 construction of a parallel runway as well as taxiways,
14 an air traffic control tower and an additional aircraft
15 rescue fire fighting station as well as relocation of
16 some power lines.

17 Just to provide you a current status of where
18 we're at with those projects, as part of the midfield
19 terminal complex project we did spend about \$7 million
20 in initial improvements in the mitigation park, which
21 we began those mitigation activities back in '03. We
22 are currently spending about a half million dollars a
23 year in maintenance and monitoring efforts within the
24 park. This year will represent our fifth and final
25 year of maintenance and monitoring activities related

1 to our South Florida Water Management District for
2 these efforts and we are hoping to receive district
3 permanent signoff by the end of the calendar year 2008.

4 At this time we do not have a long-term management
5 plan for the park and some of the hesitation on behalf
6 of our consultants who are now underway with the
7 conceptual design of the parallel runway project is
8 some of the unknowns at this point related to the
9 future uses of the park.

10 So I would like to mention that prior to the
11 preparation of the staff report we had sent some -- a
12 listing of allowable uses that we did want to preserve
13 within the park to county staff and I believe in their
14 review they basically thought that the initial policy
15 or the current policy language covered the right for us
16 to incorporate those uses; but I will just restate
17 those now for the record.

18 And to just summarize, we would like to protect
19 the use of -- installation of ASR wells. We have had
20 numerous conversations with Lee County Utilities. They
21 have expressed interest in installing some of these
22 wells within the park to help in their water supply
23 recharge efforts and have also made a possible offering
24 to in exchange for that help us with the cost of our
25 annual maintenance obligations within the park.

1 We also would like to continue the creation,
2 enhancement and restoration of wetlands that are
3 currently underway and that would be involved in future
4 projects.

5 We would also like to continue with the ongoing
6 wildlife activities and also the continuing exotic
7 vegetation control and removal of invasive species that
8 we are currently doing and again will continue to do
9 under future permit obligations and also the related
10 monitoring and maintenance of those activities.

11 As I said before, we still do not have a long-term
12 management land in place for the park. Current
13 analysis shows that we still have available credits
14 related to the district as well as the Corps and so we
15 hope to continue to use these lands for those purposes.

16 I think the only other thing I wanted to mention
17 was that I have brought with me today Mr. Joel Golackey
18 (Phonetic spelling), who's over here in the corner; and
19 he's the program manager from Dingin Aviation and they
20 are the program manager for our parallel runway project
21 at RSW. He will be happy to answer any questions
22 related to the future program for that.

23 Thank you for your time today.

24 THE CHAIRMAN: The next speaker that I have was
25 Joe. Did you actually want to speak?

1 MR. GOLACKEY: I Just wanted to introduce myself.
2 Emily did that really well and I'm available for any
3 questions you may have.

4 Thank you.

5 MS. WESSEL: I had a question for Emily.

6 where was the ASR water going to come from? Is
7 that a question for you or -- the ASR wells, what would
8 be the source of the water that would be --

9 MS. UNDERHILL: Again, Emily Underhill for the
10 record.

11 I'm not sure what level that is. I want to say
12 it's the Hawthorn, but I'm not a hundred percent
13 certain.

14 MS. WESSEL: You're talking about taking surface
15 water?

16 MS. UNDERHILL: Taking it from an upper storage
17 level area to a deeper storage level and using that as
18 the water supply demand warrant.

19 MS. WESSEL: Not taking surface waters, then?

20 MS. UNDERHILL: It's an aquifer storage recovery
21 well.

22 MS. WESSEL: Usually what that's doing is taking
23 surface waters and injecting them underground.

24 MS. UNDERHILL: I'm not certain if it's surface
25 water as well as higher water levels. I could get you

1 that information.

2 We have done a feasibility study. We have had our
3 consultant, Johnson Engineering, who does our planning
4 and environmental compliance work at the airport --
5 they have done a study and working with Lee County
6 Utilities to seem if it is feasible.

7 MS. WESSEL: There's just some concerns about what
8 that does to surface water wetlands and how you have
9 backstop limits on that and then when you take it back
10 out, arsenic levels if Lee County Utilities is thinking
11 about using that for drinking water purposes.

12 Okay, thank you.

13 MR. ANDRESS: I have a question.

14 Just to clarify, do you or do you not concur with
15 staff that the language that we have adequately
16 protects the lands for the purposes that you intend to
17 use them for?

18 MS. UNDERHILL: I think in talking with staff they
19 have assured us that that language does, but I just
20 wanted to get a little more specific because the policy
21 language is a little more generic. But we support this
22 land use designation change.

23 MR. ANDRESS: Okay, thank you.

24 THE CHAIRMAN: Want to make a motion?

25 MR. NOBLE: Want to put one thing on the record.

1 The uses that Emily did put into the record today,
2 we do concur that the land use category would allow
3 them. You can read -- much of those are verbatim right
4 out of the example list of uses in Policy 1.4.6.

5 THE CHAIRMAN: Thank you, Matt.

6 MR. ANDRESS: I move that we transmit CPA2006-26,
7 conservation lands, and find it consistent it with the
8 Lee Plan.

9 MR. RYFFEL: Second.

10 THE CHAIRMAN: Any discussion?

11 All in favor?

12 ALL BOARD MEMBERS: Aye.

13 THE CHAIRMAN: Motion carries.

14 (Proceedings concluded.)
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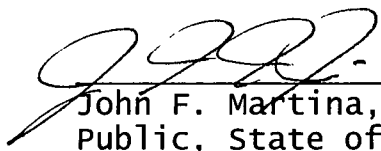
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STATE OF FLORIDA)

COUNTY OF LEE)

I, John F. Martina, Jr., Notary Public and Contract Court Reporter for the Circuit Court of the 20th Judicial Circuit of the State of Florida, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the typewritten transcript, consisting of pages numbered 1 through 117, inclusive, is a true record.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of November, 2007.



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

