

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
April 22, 2002**

**MEMBERS PRESENT:**

Noel Address  
Matt Bixler  
Susan Brookman

Ron Inge  
Gordon Reigelman  
Robert Sheldon  
Greg Stuart

**STAFF PRESENT:**

Rick Burris, Planning  
Ben Chumley, Planning  
Brandy Gonzalez, Planning  
Donna Marie Collins, Asst. County Atty.  
Timothy Jones, Asst. County Atty.

David Loveland, DOT  
Janet Miller, Recording Secretary  
Jim Mudd, Planning  
Matt Noble, Planning  
Paul O'Connor, Planning Director  
John Wilson, Public Safety

**Agenda Item 1 - Call to Order, Certification of Affidavit of Publication**

Mr. Inge, Chair, called the meeting to order. Donna Marie Collins, Assistant County Attorney, certified the affidavit of publication and submitted same to the record.

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

**Agenda Item 3 - Approval of Minutes – March 25, 2002**

Mr. Address referred to the top of Page 8 of 13 and stated it should read "...and reconvened at 10:30 a.m. instead of 12:30 p.m.

Mr. Address referred to the last two paragraphs on Page 9 of 13 and stated the word "Autumn" should be "Alden" in both paragraphs.

Ms. Brookman referred to Page 1 of 13 and noted that Gloria Sajgo's name was omitted under the "Staff Present" section. Ms. Brookman also stated she had some nonsubstantive scrivener errors noted on her draft copy, which she would supply to the recording secretary.

Mr. Inge referred to Agenda Item 2 - Public Forum on Page 1 of 13 and stated the word "none" should be omitted since there had been one speaker.

**Mr. Address moved to approve the March 25, 2002 meeting minutes with the above changes, seconded by Ms. Brookman. There being no further discussion, the motion passed 7-0.**

#### Agenda Item 4 – Review and Consideration of Proposed Lee Plan Amendments

- d. CPA2001-31 - Amend Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy.

Ms. Gonzalez explained the policy currently had an outdated implementation date due to the fact that the intent of the policy has been incorporated into the Land Development Code. The Lee Plan policy should reflect this. The amendment reflects a new percentage, being 25 percent replacement value, which is consistent with the Federal Emergency Management Agency. The amendment will update the policy by using the term “repetitive loss” rather than the current language which states, “one or more flood losses of a thousand dollars or more since 1978.” The term “repetitive loss” is currently defined by the Federal Emergency Management Agency and the Land Development Code. Staff is recommending that Policy 80.1.7 be amended as discussed and noted in the staff report.

Mr. Inge asked if anyone in the audience wished to comment on CPA2001-31. There was no response.

**Mr. Reigelman moved to recommend transmittal of CPA2001-31, seconded by Mr. Sheldon. There being no further discussion, the motion passed 7-0.**

- e. CPA2001-33 - Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term “cost” with the term “value.” This amendment will clear up differences between the Lee Plan and those obtained in the Lee County Post Disaster Ordinance Number 95-13 by making the Lee Plan terminology consistent with that of the ordinance. This will allow the term to clearly reflect the intent of the policy by correcting an amendment used to determine the structure damage, accounting for variables in the market and avoiding misinterpretations of the Lee Plan Policy. Staff recommends transmittal of the proposed amendment.

Mr. Stuart questioned the difference between value and cost.

Ms. Gonzalez explained that value refers to the replacement value (i.e. the market value at the time). She noted that after a disaster, materials are more expensive than they were before. The cost entails the flat cost.

Mr. Address asked what was used to define the value.

Ms. Gonzalez stated that the Land Development Code defined replacement value, which is what the Lee County Property Appraiser’s office has on file multiplied by 120% in major disaster or 150% in a catastrophic disaster.

Mr. Inge asked if anyone from the public wished to comment on this item. There was no response.

**Ms. Brookman moved to recommend transmittal of CPA2001-33, seconded by Mr. Stuart. There being no further discussion, the motion passed 7-0.**

- CPA2001-09 - Amend the text of the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee establishing a vision statement, goal and subsequent objectives and policies specific to the Bayshore community also known as the Bayshore Community Plan.

Mr. Ben Chumley stated staff had reviewed the proposed vision statement, goals, objectives, and policies and, for the most part, were in agreement with what has been proposed. He noted, however, that staff was recommending a number of minor changes just for clarification purposes. He discussed the following significant changes:

- 1) Objective 20.2 (Transportation): Staff is recommending the deletion of Objective 20.2, Policy 20.2.1 and Policy 20.2.2 because those policies would effectively prohibit the construction of new arterial or collector roads in the Bayshore community. Staff felt this would hinder local and regional transportation planning efforts.
- 2) Policy 20.1.1 and 20.1.2: The community has proposed to limit retail commercial activity to the interstate interchange areas as well as the intersections of Nalle Road and Bayshore, State Road 31 and Bayshore and State Road 31 and Old Bayshore. The community proposed exempting one retail property from the above restriction (#2). That property is located at 10440 Bayshore Road.

Mr. Chumley stated that staff found another retail property that was also pre-existing and felt it should be exempt from the policy as well.

Mr. Stuart discussed the prohibition of mining and asked if it should wait for a more comprehensive evaluation.

Mr. Noble reviewed Attachment 4 with the Board and stated staff felt a proposed mine failed the compatibility test due to where all of the residential uses are occurring and the widespread nature of those activities in the community.

Mr. Stuart asked if the community plan attempted to integrate itself with the countywide issues and regional wide issues whether it be environmental or transportation, such as surface water management.

Mr. Chumley stated that surface water management had not been addressed as part of this plan.

Mr. Noble noted staff had struggled with this policy and objective as they do not like to discourage those types of services. He noted, however, that this objective would not preclude some of the more intense developments that are envisioned in the community from actually hooking up to these services.

Mr. Stuart referred to Objective 20.1, specifically where it mentions using interstate/interchange areas for commercial needs. He thought interstate/interchanges areas were to serve the traveling public, not to serve neighborhood commercial and community commercial objectives.

Mr. Chumley noted there would be other intersections that would accommodate the neighborhood commercial needs. He noted that the general interchange land use category does allow general retail uses although they might not be neighborhood type commercial.

Mr. Stuart asked if an attempt had been made to do a commercial land study that matches the population rate to the downscale of commercial opportunities in this area.

Mr. O'Connor stated this analysis had not taken place. He noted that what is being seen is a feeling of community character. They are striving for a rural community and will let the commercial concentrate near the interstate/interchange area. The community does not want to see a proliferation of commercial along the arterial roads.

Mr. Stuart asked if there was any information on record pertaining to a public participation program.

Mr. Chumley stated that the information submitted indicated there was one large meeting with about 400 people in attendance. He noted there was a record of this meeting as well as a list of everyone that attended. Other than that, Mr. Chumley did not believe additional meetings had been held.

Mr. Bixler referred to Objective 20.2 and asked for more specifics on why staff wanted to eliminate that objective as well as Policies 20.2.1 and 20.2.2.

Mr. Loveland noted this objective is standard practice as reflected in the Land Development Code in the particular sections that deal with arterial roads. He did not feel a separate objective was necessary just for this plan.

Mr. Sheldon asked how many resources the community had when they were attempting to prepare this, such as a grant.

Mr. Noble stated this was a privately initiated amendment, therefore, there were no public monies involved in the creation of the documents so far.

Mr. Sheldon felt we were seeking a lot of detailed input from the community, which could cost them a lot of money.

Mr. O'Connor stated that unless there was strong objection from the state, he was not sure it was necessary to go through the process of obtaining a large volume of data and analysis. However, he noted that the State's comprehensive planning process is definitely driven that way.

Mr. Inge referred to Policy 20.1.2 and asked if this was the first time that staff cited specific street addresses in the comprehensive plan. He felt this was an unusual corner in the comprehensive plan to have specific street addresses.

Mr. Chumley stated he did not know of any other instance where this had taken place. He noted staff was not particularly comfortable with this, but did not see any other option. He also noted that staff referenced the acreage of the property.

Mr. Noble stated staff did not want to create a problem for those individual property owners and did not believe anyone in the community wanted to see a long-term problem with those properties either.

Mr. Inge referred to a proposed zoning case somewhere in the Pritchett Parkway area. He asked if these policies would conflict with that.

Mr. Chumley did not feel this would be targeted at all. He noted the proposed project did not meet the existing Lee Plan density requirements. He did not believe these amendments would alter the project's ability to go through the process.

Mr. Noble noted this would affect the Shadow Estates mining request potentially.

Mr. O'Connor made note that the Shadow Estates property and additional properties in that immediate vicinity were currently nominated for the Conservation 2020 project. He noted it was his understanding that the Shadow Estates zoning case has now become inactive and has been deemed withdrawn.

The Board stated for the record all contact they had from the public regarding the proposed project.

Mr. Stuart noted he had been contacted by a number of people both for and against this proposal, which he wanted to read into the record: Mrs. Charles and Lynn Carpenter - in favor, Mr. Ric Pritchett - opposed, and Mr. Thomas Gray - opposed

Mr. Reigelman stated he was contacted by Thomas Gregg, Peter Hickiss, Stephen Brodtkin, and someone named Tom.

Ms. Brookman stated she received a letter and an e-mail from Ric Pritchett who is opposed to the project, as well as a phone call from an unidentified caller.

Mr. Inge stated he was contacted in writing by Thomas Gregg in opposition, Wayne Russell in opposition, Ric Pritchett in opposition, Linda Carpenter in support, Annie Bonnell in support, Peter Hickiss in opposition, and Stephen Brodtkin in support. In addition, he received a message on his answering machine from Sandy Stewart on behalf of the Girl Scouts stating she wanted to speak regarding the matter, but no further discussion took place in that regard.

Mr. Sheldon stated he had not received any phone calls, but did receive one e-mail and three letters. Mr. Sheldon noted that he did not bring these items to the meeting, but would provide them for the record at a later time.

Mr. Andress stated he received a letter from Ric Pritchett in opposition. He also received one e-mail and a phone call from an unidentified caller.

Mr. Bixler received a fax from Stephen Brodtkin in support, a letter from Dick Pritchett in opposition, an e-mail from Charles and Linda Carpenter in support, an e-mail from Tony Bonelli in support, an e-mail from Peter Hickiss in opposition, a phone call from Jackie Webster who expressed concern about the public participation in the process, and a fax from Thomas Gregg in opposition.

Mr. Inge asked if anyone from the public wished to comment on this item.

Mr. Michael Roeder, consultant for the Bayshore Steering Committee, stated that as a result of the last LPA meeting, there were a couple of suggestions by the LPA on some minor changes that the Steering Committee approved. He distributed a slightly revised version of the plan based on the LPA's comments. He noted this was the official submittal for the Steering Committee. Mr. Roeder reviewed the highlights with the Board such as data and analysis, transportation, sewer, water quality, the public notification process, the unsuitability of a mining operation in this area, commercial opportunities in the area, industrial land/activities, and a possible equestrian park.

Ms. Judy Hitzing noted that most of the people in this community live on 5-20 acre lots so their children can ride a horse, bike, etc. She acknowledged that when an area begins to develop, there will be a need to widen the roads to accommodate pathways, bike roads, horse rides, etc. She felt the community was merely doing everything they could to keep it a rural, country area.

Ms. Helen Johns, who lives on Nalle road, stated the main reason she moved to this community was because it was out in the country. She felt their roads could not handle heavy traffic or that they were wide enough for large trucks. She noted that if they wanted to live in town that is where they would be, but as it is they pay to live on large acreage. She felt the Steering Committee was doing a great job.

Ms. Linda Glaze stated the community wanted to keep the area country so they could ride their horses. She noted that if they wanted to live on McGregor Boulevard, they would have moved there. She felt the community wanted to keep the area country and to themselves.

Ms. Barbara Plambeck, who lives on Old Bayshore Road, asked questions about whether this new plan would make the area a special taxing district. She also wondered if they would have a central water service. She noted that many of the people in this area had wells to feed their animals continuously throughout the day. She did not want to incur any financial burden for living on Old Bayshore Road. She also did not feel the public participation process was handled properly. She noted the meeting had been held at night under an open barn with a large amount of people. She did not believe most people in the community truly understood what they were getting into as they are not accustomed to reading these types of objectives and verbiage. She was opposed to the proposal until she could receive more specifics.

Ms. Elizabeth Valla stated she had not found out until a couple of days ago that anything was taking place in their community with regards to this plan. She was against any restriction on her property that has not been made by the County or the State. She also did not believe there should be a restriction on mining. She did not feel any of these changes should be taking place.

Ms. Carolyn Gibson stated she was in agreement with the Vision Statement of the Bayshore Community. She felt there should be a vision for the area. She gave examples of problems that have arisen due to communities not having a vision in place and did not want to see this happen in her community.

Mr. Chuck Basinait, from the law firm of Henderson Franklin et al, representing the interest of the Babcock Florida Company, stated his client was not opposed to the Bayshore plan with the exception of Objective 20.2 regarding transportation. They feel this type of provision can create very serious negative concerns in regards to establishing a regional transportation network. He noted that transportation is a regional issue, not just a local issue. He felt it was important to consider the county's road network as a whole, not as a group of nonintegrated pieces, especially when it involves hurricane evacuation and traffic circulation. He referred to the Department of Transportation's memorandum of April 17, 2002 and was in agreement with their findings. He also strongly supported staff's recommendation with regard to the Bayshore plan that calls for the deletion of Objective 20.2.

Mr. Pritchett discussed several areas of the plan that caused concern for him, such as "no land use map amendments to the more intensive category will be permitted after the adoption of this amendment" and language that states "no industrial activities." He discussed how the meeting process took place. He noted this plan affected 13,500 acres, which is not a small change. He felt there were still a lot of property owners that were only now receiving a letter to make them aware of these changes. He believed their property rights were being taken away without due process.

Mr. Stephen Brodtkin who lives on Durrance Road in the Bayshore community, was strongly in support of the Bayshore Steering Committee and the Bayshore Community Plan. He expressed concern about putting a new arterial road across the Bayshore area, which would defeat the entire plan. He felt the roads that are currently in place are adequate for future growth. He was in strong support of the overall vision and plan as it stands by the Bayshore Steering Committee.

Mr. Nick Mellis, who lives on Harbormaster Road, stated he was in favor of the plan. He believed this community had a spirit of urban community and felt this proposed plan helped protect the citizens. He did not believe the plan violated anyone's personal rights. He discussed data and analysis, but did not feel exhaustive studies supported the will of the people. He asked that the LPA Board consider the will of the people and recognize that they are trying to maintain one beautiful part of the country, which will bring more completion into the overall picture of Lee County.

Mr. Ron Talone, David Plummer and Associates, on behalf of the Southwest Florida Transportation Initiative, better known as SWFTI, explained the purpose of SWFTI and expressed concerns regarding their ability to provide the future transportation network with these proposed changes. He provided the Board with a map that showed the various constraints his firm was working with in terms of providing that future regional road network, which he reviewed with the Board. He noted this proposal before us today would further restrict the road network north of the river in the Bayshore Community area. He stated that SWFTI was opposed to Objective 20.2., which basically prohibits any new arterials or collectors in this area. He also discussed the current MPO (Management Planning Organization) needs assessment. The MPO concluded there was a need for

a Del Prado extension from the interstate over to State Road 31. In addition, the MPO identified a corridor study for the Del Prado extension over to State Road 31 on their list of priorities as well as the preparation of a project development and environmental study that provides further details on that corridor. SWFTI is in support of staff's recommendation to delete Objective 20.2, but otherwise have no position on the other elements of the plan.

Mr. A. Ernest Hansen stood in opposition to the control that this plan would put on him as a major landowner in North Fort Myers. He noted he lived in the area for twenty years and that if it were not for the cooperation of the County and Mr. Pritchett putting in Pritchett Parkway, there would be a large traffic problem for the people who are enjoying the community now.

The meeting recessed at 10:27 a.m. and reconvened at 10:45 a.m.

Mr. Larry Frappier, part of the group that spearheaded the Bayshore Steering Committee, reviewed the process used to poll the area and explained how they obtained signatures on the petition, which involved 640 addresses and approximately 1,100 people. He reviewed the steps taken to coordinate the June 6, 2002 meeting and the process used to notify individuals. He believed that as the process continues, more people will get involved resulting in more County and community input. He noted that if the LPA did not feel they had enough data and analysis or community input, he had a 2,800 mailing list which he would proceed with.

Ms. Dianna James, 9200 Nalle Grade Road, across the street from this proposed mine, stated she owned five acres of property and her brother owned 10 acres beside her. She noted her parents had originally bought property in this area years ago so they could retire in a country environment and have peace and quiet. This is the main reason for their opposition to a mining operation being located across the street from them. She noted there were numerous children in the area, four-wheelers, kids on bicycles, people walking, jogging, and riding horses. Due to this, she did not believe a mining operation would be appropriate. She discussed the transportation issue involving widening the roads. Although she understood why Babcock and Mr. Pritchett were in favor of this, she felt it would ruin the whole situation of the neighborhood and would affect keeping people safe in that area. Regarding the public notice process, she noted they had a close-knit community. When something occurs, people contact each other and talk to each other about it. She discussed having an equestrian park. She felt the local feed stores and little neighborhood stores took care of everyone's needs in the community.

Mr. James Minick, 30 year resident, stated he was in favor of the plan. He discussed the transportation issue and felt that if you put roads throughout this area it would create a racetrack across Nalle Grade. Regarding hurricane evacuation, he believed that evacuation would more or less make a parking lot out of the interstates. He did not believe that evacuation route would work. He felt the County should take care of the roads they currently have, such as Bayshore, which he felt could hardly be traveled on.

Mr. Chris Olsen stated he lived on Keola Lane since approximately 1980 and was in favor of adopting the Bayshore Plan. He stated he was alarmed about the possibility of widening Nalle Grade Road.



Mr. Troy Dunn, 12 year property owner in North Fort Myers off of Bayshore, stated he was a CEO of an international company raised by Christian parents in a conservative, old-fashioned home. He stated his family moved to North Fort Myers to escape the rat race. He felt most people were under the impression that mainly farmers lived in this area, but he emphasized that although there are plenty of agricultural people in the area, that was not what the entire community was comprised of. He felt that most people are moving to this area because it is a beautiful area that is very secluded and private. He felt there needed to be an area left in every city where people can retreat to and raise a family. He believed they had to devise some type of plan to give some long-term protection to the community to help against developers wanting to develop strip malls, etc. He was strongly in support of the plan as it stands.

Mr. Mark Penfield, landowner in the Bayshore Community area, submitted a petition that was handed to him earlier with approximately 30 names of people that were not able to make the meeting, but were in favor of the Bayshore Community Plan as written. Mr. Penfield noted he was one of the members of the Steering Committee for the Bayshore Community area. He was opposed to striking any language regarding their transportation policies. He discussed the transportation issues. Mr. Penfield noted that he believed Mr. Stuart might have a conflict of interest in these proceedings and asked the County Attorney's office for some direction. He believed that Mr. Ric Pritchett was Mr. Stuart's client.

Mr. Stuart stated he had submitted a request for rezoning Bonita Beach Road for Carter Pritchett advertising. He noted that Mr. Robert Nay was the actual property owner, but Mr. Ric Pritchett was the applicant.

Ms. Collins felt there was a voting conflict under the rules of ethics because Mr. Stuart would be considered a representative of Mr. Pritchett and Mr. Carter to the extent that this plan could either benefit them financially or be to their detriment. She stated Mr. Stuart would need to disclose the conflict of interest and abstain from voting. However, she noted he was free to participate in the discussions.

Mr. Penfield continued by discussing the public participation process and noted that another meeting would be held. He noted they would be mailing notices to the entire community within the bounds of the community by using a service. They would be using the strap numbers from the City or the Lee County Property Appraiser's office.

Ms. Jeanne Cornele, a resident of the area for 26 years, noted she was a member of the Bayshore Steering Committee. She reviewed the Comprehensive Plan map at length with the Board. She noted the map was done with the assistance of the Lee County Emergency Management Office in order to do the Animals and Disaster Plan. She noted the map showed half of the entire Bayshore community area as a density reduction/groundwater resource. Two-thirds of the remaining area is designated as rural. The balance is a mixture of outlying suburban and mixed use near the interstate. It does not allow for comprehensive commercial development and no industrial areas within the boundaries. She felt that if these roads were allowed to be put through and be extended, it would change the basic characteristic of the neighborhood. She also discussed water and sewer issues. She asked that the Board provide what is best for the residents of the Bayshore community.

Mr. Victor Hein, 8250 Nalle Grade Road, stated he was in favor of the plan. He noted he purchased his property approximately one year ago to be in a rural area and have peace and quiet. He noted there were already two crosses on Nalle Grade Road where children have been killed.

Ms. Leanne Dunsworth, resident on Nalle Grade road, noted that she and her husband moved out in the country to raise their kids away from the city life. She was in favor of the Bayshore Community Plan.

Mr. Butch Ritter, property owner, stated he wanted to echo comments made by Mrs. Cornele, Mr. Penfield, and Mr. Dunn. He expressed his support for this proposed community plan.

Mr. Leland Ritter, resident on Huffmaster Road, stated he was in favor of the plan. He was not in favor of adding roads or expanding them stating that it would cause everything on State Road 31 to come down Nalle Grade Road.

Mr. Brian Kyle, property owner off of Nalle Grade Road, noted he had nieces and nephews that are continuously in the area. He wanted them to be able to enjoy an agricultural area and not have to worry about the city ways of life for a little while. He was in support of the Bayshore Plan.

Mr. Steve Hartsell, Pavese law firm, representing U.S. Home Corporation and the Lennar Family of Builders, noted that U.S. Home Corporation had a pending application and he expressed concerns they had with some of the policies and objectives in the vision statement and the potential impact that it might have on the pending application. One concern dealt with the vision statement which states, "the vision of the future would include slow but steady growth with the building of larger single family homes on two-and-a half to five-acre tracts and continued support for the infrastructure necessary for the owners and breeders of horses." He also expressed concern with regard to Policy 20.1.1 dealing with the limitations on retail commercial activity. Another area of concern dealt with the transportation policies of Objective 20.2. He also discussed his disagreement with discouraging central sewage. Mr. Hartsell noted it had been mentioned that there was no intention, with regard to these policies and objectives, to have an impact on the pending U.S. Home rezoning application. He asked if it was necessary for that 750 acres to be included in the area that is impacted by these policies and objectives.

Ms. Katherine McCaw, representing her Aunt Margaret Kaczmarek who owns property in the area, stated they were opposed to this initiative as she felt it had a negative effect and would penalize landowners by restricting their rights. It also disallows current residents to enjoy the increasing values that may be enjoyed by the surrounding areas. She also felt the restriction of improving roads off of Bayshore Road is possibly a dangerous thought process. She especially objected to the verbiage "nor existing widened or extended," which refers to widening and extending the current roads or upgrading them because it becomes very dangerous for the traffic flow. She felt that when you disallow improvements, you ignore growth, which does not make the problem go away. She also objected to the verbiage "overriding public necessity." To her, this meant that no individual needs would even be considered in the future unless that particular thing can be brought into play.

Mr. Inge read the following statement into the record for Coni Dean and Peter Hausak who had to leave the meeting early. "We, Constance Dean and Peter Hausak, oppose this change/restriction.

Mr. Randy Banks stated he was opposed to the transmittal as put forth. He did not believe that adequate studies had been prepared. Until further studies on traffic and land use needs for that area have been studied, he recommended against the proposal.

Ms. Amy Fainer was in favor of the proposal. She did not feel they needed studies, but should value the earth, sensitive people, and silence. She was in favor of keeping the area a "manatee zone."

Mr. Steve Lota, resident of Lee County and a licensed real estate broker, stated he was representing three property owners who represent a little over a hundred acres in the area. He stated their names were listed on the back of his card (Louis Schott, Coleen and Daniel Pattrizo, and Howard Sewtell, Jr.). He noted his clients were not notified about any of the meetings. He believed more input and planning needed to take place. He noted that any changes here dramatically affect a person's inheritance, estate, and wealth.

Mr. Scott Carter, owner of property that fronts Bayshore Road as well as property on Slater Road, State Road 31, and Nalle Grade, felt he should have property rights too. He felt they needed better roads. With better roads, comes safety due to sidewalks and bike paths. He asked that the County not take away what few property rights are left without further study. He was in favor of working with the community and commended them for their efforts, but felt they needed to finish the right way and was not in favor of approving the plan as it stands now.

Mr. Sam Marshall wanted to echo Mr. Hartsell's comments. He reiterated that the County should exempt the U.S. Home project from this proposal.

Mr. Archie Hunsucker, resident on Nalle Grade Road, stated he was opposed to this proposal. He provided some background on the public participation process and how the first meeting came to pass. He stated he thought some elements of the plan were positive, but some of the items he was against. He felt the proposal should not be approved without further input.

Mr. Clyde Bowles, 22 year resident of the Bayshore Community, was opposed to this proposal. He noted he had served as an elected official for the fire district for seven years. He gave some background information about the various roads in the area and explained why he was opposed to not allowing any road expansions. He felt the roads were substandard at this point and needed improvement. He also explained why he was opposed to limiting a sewer system. He did not agree with Mr. Roeder when he stated this proposal was a small matter. He did not agree that every effort had been made to contact everyone in the area, noting that only 1,100 people had signed the petition out of 18,000 people who live in the community.

Mr. Bill Pross, landowner on Nalle Grade Road, stated he was in support of the Bayshore Plan.

Lengthy discussion ensued between the Board and Mr. Roeder regarding transportation, the public participation process, working with DOT to resolve some of the transportation issues, and water quality. Overall, the Board did not feel the plan was complete at this time. They also felt a more efficient method should be used to notify more people and get more input such as with the Property Appraisers's office.

**Mr. Reigelman moved that CPA2001-09 was not ready for transmittal at this time and should be deferred to a time and date to be announced in the future, seconded by Mr. Sheldon.**

**Mr. Andress felt we should add that the transportation and planning staff should work with the community group to work on the transportation issues.**

**Mr. Inge felt there were other issues that caused concerns besides transportation and asked that "as well as additional issues as determined by the community meeting and testimony brought forth today" be added to the motion.**

**Mr. Reigelman agreed to add these changes to his motion, seconded by Mr. Sheldon.**

**There being no further discussion, the motion passed 6-0. Mr. Stuart abstained.**

The Board recessed for lunch at 12:45 p.m. and reconvened at 1:45 p.m.

Mr. Reigelman had a meeting to attend and was absent from the remaining portion of the Local Planning Agency meeting.

- b. CPA2001-10 - Amend the text of the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Captiva Island Community Planning effort establishing a Goal and subsequent Objectives and Policies specific to the Captiva Island community.

Mr. Mudd noted that even though this plan was a cooperative effort between the Captiva Property Owners Association, the Captiva Civic Association, and the Captiva Community's planning panel along with other members of the Captiva community, there were still some points of disagreement, which he knew would be discussed during today's proceedings. Mr. Mudd stated that staff recommends the LPA transmit the proposed amendment with staff's recommended language as shown in Part 1, Section B of the staff report.

Mr. Inge opened the meeting to the public.

Mr. Hal Miller, Chairman of the Community Panel and resident of 11529 Andy Rosse Lane on Captiva, stated he was also one of the charter members of the Captiva Property Owners Association and a long-term member of the Captiva Civic Association. He noted there was a group of individuals who wanted to incorporate Captiva. This was a concern for several other Captiva property owners who were very much in favor of continuing to work with the County. They formed an organization referred to as CPOA. He was hoping today's discussions would focus on what things could be done as well as finding a common ground instead of focussing on hard line issues.

Mr. Dave Depew, 216 Altamont Avenue, planner for the Captiva Community Panel, gave the Board extensive background on how these organizations and plan amendments were started and the process taken to receive public input. He urged the Board to vote to transmit this set of amendments as well as the goals, objectives and policies as submitted rather than as amended by staff. He also commented on some modifications suggested by staff involving Objective 21, and Policies 21.6, 21.7, 21.8, 21.9, 21.11, 21.13, 21.14, and 21.16.

Mr. Bixler noted that when staff struck Policy 21.8, they suggested a couple of policies from the Estero Planning Community and asked for Mr. Depew's thoughts on that option.

Mr. Depew stated he did not yet have an opportunity to discuss this with the panel. He felt they would prefer to keep Policy 21.8 in place and come back in the next round and add a document clearinghouse and any of the other provisions that you find in 19.5 as well.

Mr. Stuart commended Mr. Depew on their public outreach and data and analysis. He asked a variety of questions, which were answered by Dave Depew and staff. The questions were as follows: 1) Policy 21.8: What is meant by "Compatibility Ordinance", 2) Policy 21.1: Is there data that pertains to the deintensification aspect (i.e. how many units are being taken off the island in relation to the Hurricane Evacuation ordinance), 3) Policy 21.4: Under Building Height "...35 feet or 42 above mean sea level" - What is the current standard?, 4) Policy 21.7: Sanitary Sewers - Mr. Stuart expressed concern with this issue because of leaching directly into an aquatic preserve, 5) Policy 21.10: "no variances, no deviations," - Mr. Stuart felt this was too strict as it would take away someone's right to petition the government for any type of administrative relief.

Mr. Dave Loveland stated that an additional memo with a revised comment from DOT had been omitted from the packets. He distributed the new memorandum and reviewed DOT's position on the transportation issues. He noted that DOT's original comments outlined in the November 21, 2001 memorandum had been addressed, however, one issue remains dealing with the resurfacing issue. DOT staff felt this section was too open-ended and is not defined enough. DOT does not want to limit their ability to just resurface the road if that is necessary based on the roadway condition. DOT is concerned about being limited on their basic police power responsibilities to maintain public health, safety and welfare. They are also concerned about the vulnerability if they did not remove a dead tree from the right-of-way or do not add a shoulder where it might be necessary. He felt the County could be facing some kind of liability in cases such as these. DOT feels these are operational issues that they should have the right to address in order to maintain public safety.

Mr. Scott Barker, an attorney representing the CPOA, wanted to be on record as supporting the proposal that his client has submitted and reserve further comments until a later time in the proceeding if necessary.

Mr. Steve Hartsell, Pavese Law Firm, representing the Mariner Advisory Group who is the agent for Maristar (the owner of South Seas Resort and Plantation Development, Limited), stated that his client could not support any measures that would remove approvals or rights that have been granted over the years that would reduce their property values or rights. He felt there was a question as to how many of these policies and objectives were really necessary. Mr. Hartsell commented as follows on the various policies: 1) Policy 21.1 "new requests for residential rezonings at a density exceeding one unit per acre are not permitted" - How will one unit per acre be determined?, 2) Does Policy 21.1 effectively change the land use map so that instead of outlying suburban being the land use designation for Captiva, it is now more appropriately outer island or rural or suburban, which is one of the land use categories that permits only one unit per acre, 3) If this is done, what implications does it have with regard to Bert Harris?, 4) Policy 21.3: The residential development in South Seas is limited to a maximum of 912 dwelling units, which Mr. Hartsell felt was a very specific limitation. He noted this was the kind of limitation that is more often made as a condition of a zoning approval as opposed to a comprehensive plan amendment, 5) Policy 21.4 regarding height limitations. Mr. Hartsell noted this regulation was already in the Land Development Code and should not be in the Comprehensive Plan, 6) Policy 21.5 dealing with strengthening the existing vegetation ordinances. He noted these types of regulations are already in the Land Development Code and should not be part of the Comprehensive Plan, 7) Policies 21.8 and 21.9 - He and his client agree with staff's recommendations and outlined why he did not feel these amendments were appropriate, 8) Policy 21.10 regarding the compatibility ordinance. Mr. Hartsell felt the County Comprehensive Plan already recognizes there are compatibility issues with regard to differing types of land uses. He felt it was premature to presuppose there needs to be some special type of compatibility ordinance on Captiva, 9) Policy 21.12 - "no variances, deviations or administrative relief." Mr. Hartsell felt this was too stringent and removed any possibility of addressing unexpected hardships that might otherwise occur out on Captiva, 10) Policy 21.13 - He agreed with staff's recommendations. He was concerned with the requirement that previously approved projects with impacts to mangroves that have not been constructed are required to reduce impacts through redesign. He felt there would be Bert Harris implications, 11) Policy 21.15 - He agreed with staff that this policy is not necessary nor is it appropriate in the Comprehensive Plan.

Mr. Bill Riley, resident of Captiva, and Chairman of the Captiva Civic Association Land Use Committee, stated that the civic association was the only large open organization on the island. He gave background information on the civic association. He stated their position was that land use rules on Captiva should be those which the community wishes to have unless those rules or laws are contrary to public policy or unlawful. The people of Captiva should decide what land use rules should govern Captiva. He noted they had surveyed people in Captiva to determine what the residents want in terms of land use. He noted they received 600 responses to their last survey. He noted that what was before them was what the people of Captiva have said they would like to have unless they are asking for something that is violative of public policy or of law. He reviewed the individual items with the Board.

Ms. Sharon Brace, resident of Captiva Island, stated she fully supported the Land Use Committee's response to the plan amendment. She also noted that many people had worked a long time on this document by consulting with attorneys and planners. She requested that the Board approve the documents as presented by the CPOA.

Mr. Robert Brace, 11530 Gore Lane in Captiva, stated he was a member of the community panel on Captiva and was in support of the language that has been crafted as a result of the work between the community panel, the citizenry, and the Captiva Civic Association. He stated this was an effort that had taken place over the last two years to try and find out what the people of the island want. He hoped the Board would approve the proposal as submitted as long as it is consistent with the law.

Mr. Scott Barker, attorney for the Captiva Property Owner's Association, noted that the Captiva Property Owner's Association is a separate entity from the Captiva Civic Association. He noted the Board of County Commissioners had supported the work of the Captiva Property Owners Association in preparing land use amendments. He felt this proposal was an attempt to follow the directive of the Board of County Commissioners. He outlined concerns he had with the submittal made by the Captiva Civic Association and why he did not feel some of their changes should be in the comprehensive plan. He felt his client, the Captiva Property Owner's Association, worked very hard to try to find out some way to bridge the gap between the interests of the people in Captiva with having a say in their government and with County government.

Mr. Ron Gibson, member of the community panel, felt his panel had worked hard to get this community plan in action as well as bring Captiva closer together as they were years before. He discussed the septic situation on Captiva and stated that although he was not convinced that we need to mandate that everyone hook up to a sewer, he encouraged residents to at least look at new technology for septic. He stated the septic proposal was being submitted by the community panel, not the CCA or the CPOA.

Mr. Rene Melville, full time resident of Captiva since December 21, 1986, stated he used to serve on the Captiva Erosion Prevention District. During that time, they created the nation's first emergency response plan by doing the proper research and working with the County. He felt the Captiva Property Owner's Association, which created the idea of community planning, has done their homework and presented their proposal before the County. He felt what Captiva really wanted was to protect, preserve, and use the land use plan as a way of protecting what they have now in the highest form of legal law available today.

Mr. Stuart reviewed the aspects of the plan that he was in favor of. He noted that he was not in favor of the deviations, variances, and administrative relief restrictions because it precludes someone the ability to petition government. He stated he would vote for transmittal with the exclusion of that.

Mr. Andress stated he was opposed to having Policies 21.3 and 21.4 in the Comprehensive Plan versus the Land Development Code. He was opposed to Policy 21.5 and 21.10 which restricts someone from being able to petition government for a variance, etc. He was not certain Policy 21.13 dealing with mangroves should be in the Comprehensive Plan since it is mandated by the Department of Environmental Protection and is outside of this Board's jurisdiction. He agreed with staff that Policies 21.16 and 21.14 should be deleted.

Mr. Sheldon was in support of the community panel's language. He hoped there would be a way to amend their language so that it addresses all of the policies in some form as opposed to passing this on without accepting them. He felt it deserved deliberation by the Local Planning Agency to try and come up with some way to preserve these thoughts because they are heartfelt. He noted it was a very difficult situation out there.

**Mr. Stuart moved to recommend to the Board transmittal of the following goals and policies in the staff report, starting with Goal 21, Policy 21.1, Policy 21.2, Policy 21.6, Policy 21.7, Policy 21.8, Policy 21.9, Policy 21.12, Mr. Depew's submitted language for Policy 21.9, and original language submitted by the applicant for Policy 21.1 where it states specifically "County discretionary acts involving development on Captiva Island shall not permit the destruction or alteration of mangroves," seconded by Mr. Andress.**

**Mr. Inge clarified that Mr. Stuart was recommending transmittal of goal 21, Policy 21.1, Policy 21.2, Policy 21.6, Policy 21.7, new Number 21.8, new number 21.9 with the struck through language added back in, New numbered 21.11 with the struck through language replacing the double underlined language, and new number 21.12. Mr. Stuart confirmed this was his motion.**

Mr. Inge questioned Policy 21.1 due to the implications under the Bert Harris Act.

Mr. Jones discussed the Bert Harris Act and stated it was feasible that this Policy might cause damages and implications under the Bert Harris Act.

**Mr. Inge moved to amend Mr. Stuart's motion to delete Policy 21.1 from the recommended transmittal policy, seconded by Ms. Brookman. The motion failed 4-2. Mr. Inge and Ms. Brookman were in favor. Mr. Bixler, Mr. Stuart, Mr. Andress, and Mr. Sheldon were opposed.**

Ms. Brookman asked for more specifics on why staff was opposed to Policy 21.9.

Mr. Noble and Mr. O'Connor stated they were not certain what they were supposed to do with that solicited information as outlined in this policy. They stated it was also a matter of the work load. This policy would involve additional public meetings, focus group opinions, surveys, electronic mail, etc. Staff did not feel it was necessary given the state of comprehensive planning in Lee County and the fact that everyone is encouraged to participate.



Mr. Address did not see the harm in having this policy in the comprehensive plan stating that we should make every effort to include public participation.

Ms. Brookman felt the harm would be to employed staff members not being clear on what this section means, which would open up a lot of opportunity for contention and ambiguity.

**Ms. Brookman moved to amend Mr. Stuart's amendment to delete the portion of Policy 21.9 that was added in and going back to staff's original language, seconded by Mr. Inge. Mr. Inge, Mr. Address, Ms. Brookman, and Mr. Sheldon were in favor. Mr. Bixler and Mr. Stuart were opposed. The motion passed 4-2.**

**Mr. Inge referred to Mr. Stuart's original motion, as amended, which was seconded by Mr. Address. Mr. Address, Ms. Brookman, Mr. Sheldon, Mr. Bixler, and Mr. Stuart were in favor. Mr. Inge was opposed. There being no further discussion, the motion passed 5-1. Mr. Inge was opposed due to concerns with Policy 21.1 and the Bert Harris implications.**

The Board took a 10 minute break and then reconvened.

**Mr. Sheldon moved to recommend transmittal of Policy 21.3, seconded by Ms. Brookman. Mr. Sheldon and Ms. Brookman were in favor. Mr. Inge, Mr. Stuart, Mr. Address, and Mr. Bixler were opposed. The motion failed 2-4.**

**Mr. Stuart moved to transmit staff language on Policies 21.4 and 21.5, seconded by Mr. Address. There being no further discussion, the motion passed 5-1. Mr. Inge was opposed because he felt those items were more properly placed in the Land Development Code.**

**Mr. Stuart made a motion to substitute Policy 21.8 with Policy 19.5.1, Estero Community policy pertaining to document clearinghouse and to substitute Policy 21.9 with the Estero Policy 19.5.3, changing Estero to Captiva, seconded by Ms. Brookman.**

**Mr. Inge clarified we had a motion to substitute in lieu of originally numbered Policy 21.8 and 21.9 language similar to Policies 19.5.2 and 19.5.3, with the change from Estero Planning Community to Captiva Island Planning Community and the insertion of any zoning request as opposed to any planned development request in the first sentence of Policy 19.5.3.**

Mr. Stuart stated he defined zoning matters as variances and special exceptions also, so it would not just be just "zoning request".

**The motion passed 6-0.**

**Mr. Stuart made a motion not to transmit Policy 21.12, seconded by Mr. Address, seconded by Mr. Address. Mr. Inge, Mr. Stuart, Mr. Address, and Mr. Bixler were in favor. Mr. Sheldon and Ms. Brookman were opposed. The motion passed 4-2.**

**Mr. Address moved not to transmit Policy 21.14, seconded by Ms. Brookman. The motion passed 6-0.**

**Mr. Address moved not to transmit Policy 21.16, seconded by Ms. Brookman. The motion passed 6-0.**

**Mr. Address moved to transmit Objective 21.1 under Goal 21 on Page 9 of 21 that was drafted by the Captiva Property Owner's Association, seconded by Ms. Brookman. The motion passed 6-0.**

- c. CPA2001-18 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Greater Pine Island Community Planning effort, establish a new Vision Statement, establish a revised Goal 14, amend subsequent Policies specific to Greater Pine Island and amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category.

Mr. Address stated he submitted a Form 8-B signifying he had a voting conflict on the Pine Island Plan. Mr. Address noted he was a member of the Steering Committee and was also a property owner on Pine Island, therefore, he would participate in the discussion, but abstain from voting.

Mr. Stuart stated he also had a voting conflict, but would participate in the discussion. He stated he had two clients who owned property on Paine Island with whom he was currently engaged, but not engaged on any Pine Island projects. He would abstain from voting.

Mr. Inge stated he would also abstain from voting, but participate in the discussion because he has a client who has a minor partnership interest in two properties on Pine Island that will be affected by some of the proposals.

Mr. Noble reviewed staff's recommendation and language changes.

Ms. Brookman referred to Policy 14.1.7 where in bold/underline it states, "if grant funding can be obtained." She asked who would be responsible for searching out and obtaining grant funding (i.e. Lee County or the community).

Mr. Noble felt it would probably be a combination of the community ensuring that this kind of funding is being sought by these agencies as well as the agencies following through.

Mr. Inge asked if there was a map that would outline the properties that will now be Coastal Rural.

Mr. Noble stated that a map would be provided. The map will be of all the rural designated lands on Pine Island, not the enclave areas over towards Cape Coral. It involves approximately 7600 acres as well as 157 acres that is being proposed to be amended from Outlying Suburban to this Coastal Rural.

At Mr. Stuart's request, Mr. Loveland reviewed the level of service standards.

Mr. Stuart referred to Policy 14.1.5 dealing with the 50 foot water body policy. He noted that in this vicinity there were some vacant properties that have a dredged cut that basically goes to the east and ties into the Cape Coral boat lift. He did not feel these properties had a natural waterway because they have a dredged cut that is indirectly attached. He asked if these properties would be deemed to be on the aquatic preserve and therefore have the 50-foot native vegetative buffer.

Mr. O'Connor stated that his recollection was that while it is a dredged cut, there is a point along that line where it is actually a natural waterway.

Mr. Stuart asked that when this item comes back for the adoption cycle that there be a map that clearly shows where that starts.

Mr. Andress asked Mr. Loveland to clarify the level of service numbers.

Mr. Loveland stated they were using 90 percent of E instead of D. He explained it is a different number in that it is peak season, peak hour, peak direction instead of annual average peak hour two-way. By doing this, they came up with a number of 768 and 864.

Mr. Sheldon asked if it was because the peak hour, peak season, peak direction level of service number is a more precise number and has a less error of estimate than the previously used annual average.

Mr. Loveland stated this was correct. That this was the general understanding of the engineering field because the other numbers are sort of calculated from that.

Mr. Bill Spikowski, planning consultant on the Greater Pine Island Community Plan, stated he did not have many issues to discuss because he was happy with what was being proposed by staff. He discussed the level of service portion of the plan and explained why he would prefer to stay with the current methodology with a few changes on how it is applied versus DOT's proposal. He referred to Policy 14.2.2 and discussed the wetland buffers and how they would apply along Pine Island Road. He referred to Mr. Stuart's question and explained that the new language would explicitly say those properties do not apply to existing subdivided lots, so regardless of whether it is natural or not, it would not apply. It is designed for new development not to existing lots or on canals at all because in those cases we do not have the lot depth. He noted that Mr. Inge had asked if they had contacted the owners of the 157 acres during the last meeting. Mr. Spikowski stated he had since sent a letter to each of them, including four or five pages of the plan on how this would affect them.

Mr. Stuart referred to Policy 1.4.7 Coastal Rural and stated he liked the idea and felt it was a clever approach, however, he felt the restoration standards could not be "cookie cutter" but needed to be site specific. He felt there needed to be a lot of input from the agricultural and landscape architectural interests and forestry interests because this could backfire. He urged Mr. Spikowski to go slow with this portion. He referred to the rural segment where it says 70% one unit. He felt the percentage should be 60% because that is more or less the level/bench mark for residential in Lee County.

Mr. Andress noted there had been a lot of discussion about the one unit per ten acres and he felt the issue had lost its focus. He gave his perspective on this issue. He felt there was much ado about nothing because the fact of the matter is there is more residential lots on Pine Island that you can absorb for the foreseeable future and likewise with commercial. There is over 600 acres of commercial property on Pine Island. He felt this was more commercial than they were going to need through the end of the current century. He did not feel the proposal was unreasonable at all. He felt this policy provided a mechanism to keep Pine Island looking like Pine Island on into the future.

Mr. Sheldon referred to the level of service portion and Mr. Spikowski's concern about adopting a different method. He and Mr. Spikowski discussed how dramatic this new procedure would be and the difference between using Level of Service E with the peak hour, peak season, peak direction versus using today's method (Level of Service D - annual average peak hour).

Mr. Sheldon asked if the County could recalibrate the target level so that it is not E but it is some number that gives the same lifetime using the new method which is more reliable.

Mr. Spikowski stated that if the bottom line was roughly the same, he would go with the new method.

Ms. Barbara Dubin, resident in Bokeelia on Pine Island, noted she had a list of the attendees who were present today. At the last meeting, they had 93 attendees and 54 attendees present today. She read into the record support received from the Bocilla Island Club, Captain Mack's and Buttonwood Mobile Home Parks, Cherry Estates, The Emergency Response Team of Greater Pine Island, Matlacha Hookers Association (a nonprofit women's group in Matlacha - 400 members), Pine Island Cove, September Estates Subdivision, St. James Civic Association, and several letters that were e-mailed.

Ms. Sally Tapager, resident of Bokeelia, and President of the Greater Pine Island Chamber of Commerce, representing the Chamber, stated she was disappointed that the three supporters for Pine Island could not vote on the plan. She read into the record a letter from the Board of Directors for the Greater Pine Island Chamber of Commerce. Ms. Tapager stated they needed larger facilities on Pine Island. Regarding roads, she did like the proposal by DOT stating the County should want to bring more tourism and business to the Island. She noted, however, that the people in her community did not want Wal-Mart.

Mr. Gene Boyd referred to Policy 14.2.2 and stated that when they did the original sector plan for Pine Island, they picked 80 and 90 percent of LOS D rather arbitrarily, but explained they needed a number where they could start to shift the balance between new development and protection of the property rights of thousands of owners of vacant lots on Pine Island. He did not feel it mattered what numbers there were. He did not agree with the proposal to make it 80 and 90 percent of LOS E because it says the County will wait until they are almost at gridlock on Pine Island Road before anything is done to protect the property rights of approximately 6,000 lot owners.

Ms. Ellie Boyd from Buckingham, formally of Pine Island, speaking on behalf of the Responsible Growth Management Coalition, distributed a copy of the letter written by her husband, Gene Boyd, President of the Growth Management Coalition, and read it into the record.

Mr. Phil Buchanan, Pine Island resident, stated it took the Pine Island residents 12 years to meet the current 810 threshold. By changing this threshold to 910, he felt it was a betrayal to the people of Pine Island and to the land planning process. He did not agree with setting thresholds and then resetting them stating it only avoided solving problems. He urged the Board not to approve this portion.

Mr. Rich Larkin, 22 year resident of Pine Island, stated he liked 95 percent of the plan and would support it, but he had a few problems with the taking of property rights and some new limitations that are going to be placed on property values. He read passages from the Bert Harris, Jr. Act which states, "when a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the government action." It seemed clear to him that if you take away an existing use, you owe the property owner a compensation. He noted they define "inordinately burdened" to mean an action of one or more governmental entities who have directly restricted or limited the use of real property such that the property owner is permanently unable to attain a reasonable investment back for the existing use of that real property." He also gave his views on the traffic count numbers and hurricane evacuation capability. In summary, he was in favor of 95 percent of the plan, except for Section 14.2..2. He did not want to see his property rights removed based on tourist traffic.

The Board recessed for 10 minutes and then reconvened.

Ms. Judy Ott, 11 year Pine Island resident, stated she was in support of the proposed Pine Island community plan the way it is presented from the Pine Island residents. She felt it was well-researched, documented and it contained thorough analysis and alternatives. She believed it was built on community consensus. She offered three more ideas for consideration: 1) the proposed community plan with the exception of the recommended changes to the traffic count methods is consistent with the Charlotte Harbor Aquatic Preserve Management Plan as well as the Charlotte Harbor National Estuary Program Comprehensive Conservation Management Plan., 2) she gave a reminder that Pine Island is unique in Lee County and in Southwest Florida because of its high quality natural resources as well as its sense of community. It is the only residential island in Southwest Florida that is surrounded by three aquatic preserves, 3) she wanted to reiterate the concerns raised today over the changes. She was not just referring to the methods used for calculating the traffic counts, but the concept of changing the level of service. By changing the level of service, the Board is opening the door to a much higher level of development and that brings with it the need for storm water management.

Mr. William Mantis, a Bokeelia resident, noted that DOT's recent input was particularly objectionable because it is contradictory and was presented at the last minute. He and his fellow Pine Islanders in good faith entered into a two-year process involving hundreds, perhaps thousands of personal hours and tens of thousands of dollars in public and private funds. He encouraged the LPA to honor the two-year grass roots process which resulted in a produce that was received unanimously by the people most directly affected.

Reverend Richard Cobbs, Vicar of St. John's Church, stated he supported this comprehensive plan amendment. He felt there was an opportunity on Pine Island to retain what was best in Florida with no high-rises, huge parking lots, fast food restaurants, and strip malls. People can visit the island and see eagles, ospreys, gopher tortoises, art galleries, fisheries, mangroves, cattle and palm trees. They want to share with others what makes Florida and Lee County great.

Ms. Kathy Malone, Matlacha, read a letter into the record from the Friends of the Matlacha Committee who were in support of the Pine Island Community Plan.

Mr. Michael Roeder, Director of Planning for Knott-Consoer, first spoke on behalf of his client Cherry Estates. He expressed concern with language at the end of Policy 14.2.2 because his client's project has been ongoing since the early seventies and they have one section that is going to be rezoned because it is going from mobile homes to conventional homes. They also have three more sections they are going to need development orders on. He wanted the LPA to be aware of this concern because he did not believe there was any other property on Pine Island that would be affected by this. Secondly, he spoke on behalf of Matt Uhle. He stated that Mr. Uhle was concerned with the new Coastal Rural land use category and the revisions to Policy 14.2.2. Mr. Uhle would like to know what the standards for the restoration revegetation are. He noted that without this information you will be unable to determine what your cost will be. Without knowing the cost, you cannot know whether or not it will be an inordinate burden. He noted there was a significant reduction in density, especially when the 910 threshold is crossed. Mr. Uhle did not believe there was sufficient data and analysis to justify the one-third number and wondered how staff derived at that number.

Mr. Dennis Ward, resident of York Road in St. James City and President of the St. James City Civic Association, stated that the 810/910 rule was not a change in methodology of calculation, but it was more a change of the traffic level. If they stay with D, it will be more severe than staying with the 810/910 rule. He read a statement of support into the record from the St. James City Civic Association.

Mr. Joseph Ainsworth, resident in Alden Pines, stated he not only was a resident, but he owned several vacant lots. He noted he was an attorney who works nationwide and it seemed to him that the problem dealt with Policy 14.2.2. He felt there were three questions to ask: 1) what can they legally do, 2) What is right, and 3) What is prudent. He was in favor of leaving the 810/910 rules as they are. He felt the County could get into trouble if they start changing things. He was not certain it would be defensible. He also disagreed with the addition of reduction in density to one-third the maximum density otherwise allowable.

Mr. Brian Griffin, resident of Matlacha and elected Fire Commissioner, discussed fire service. He discussed how a tornado hit Pine Island in September 1990. He noted the residents were stuck on the Island for 2 ½ hours. He noted that if this had been a more serious occurrence, there would have been serious deaths because that road could not accommodate the emergency. He noted that in the year 2000 trucks had to obtain permits to go across the bridge in Matlacha because of the stress the traffic was putting there. He also noted that a week ago, just east of the bridge, an ambulance was held up because of the traffic gridlock there. He strongly urged the Board to put through Policy 14.2.2 exactly as it is.

Mr. David Churchill, resident of Bokeelia for three years, stated there were twice as many people living in the area then was there before. He noted that he had spent two hours in traffic one day due to a car and motorcycle collision. He felt there would be people in an evacuation situation that are going to want to leave the island and some people will be coming back because they have children in school. He felt it would be a nightmare in an emergency situation.

Mr. Russell Setti, stated he owned some land personally and with a corporation at the beginning of Pine Island. His main concern was that his land was zoned and he is discussing the possibility of getting a development order to preserve his property rights. He did not feel he should have to do this, but he felt he needed to protect his vesting. He noted that in six years the development order would expire because there is not currently a market and one-third reduction would affect him. He felt the County should take into consideration a person's property rights and their investments when they come to this island and this County to invest in lands.

The floor was closed.

Mr. Stuart stated that he would not be voting but that if he could he would vote in favor of this proposal and for Policy 14.2.2 as proposed by the applicant (Page 5 of 25).

Mr. Andress stated that if he could vote he would also vote for transmittal to the County commissioners including Policy 14.2.2 as submitted by the applicant.

Mr. Sheldon stated he would support the plan as presented and modified by staff with the exception of Policy 14.2.2. However, he felt it was possible to reconcile the new method with the need to retain the original limits to growth that were presented in the old method. In the interest of time and economy, he felt the LPA should go forward with and take out the staff's recommended language for Policy 14.2.2. He felt we should move forward with the language that currently exists.

Ms. Brookman stated she supported the applicant's language for Policy 14.2.2. She agreed with Mr. Spikowski's comments that changing the levels now would be a betrayal of trust. However, she was not opposed to reworking the methodology and make the ultimate outcomes be comparable.

Mr. Inge asked where the one-third figure came from as a reduction in density under the 910 peak hour trip rule.

Mr. Spikowski stated this was his idea and he suggested it as a way to make the application of the 910 rule more lenient and easier on landowners.

**Ms. Brookman moved to recommend transmittal of CPA2001-18 with the correction to Policy 14.2.3, Page 6 of 25, on the strike through portion of the language and to approve the applicant's proposed language for Policy 14.2.2 as found on Pages 4 and 5, as well as the revisions to Policy 1.4.7 that were handed out, seconded by Mr. Bixler. There being no further discussion, the motion passed 3-0. Mr. Andress, Mr. Inge, and Mr. Stuart abstained.**

Mr. Inge suggested staff continue working on the restoration standards so that the Board can gauge what the cost will be.

#### **Agenda Item 6 and 7 - Other Business and Adjournment**

There were no other items for discussion, therefore, the meeting adjourned.