

**MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, January 10, 2020
8:30 a.m.**

Committee Members Present:

Paula McMichael, Chair	Richard Ibach
Amy Thibaut	Randy Krise
Al Quattrone	Tom Lehnert
Linda Stewart	Jay Johnson
Bill Prysi, Vice Chair	Veronica Martin
Jim Ink	Bill Morris
Patrick Vanasse	Jennifer Sapan

Excused / Absent:

Daryl (Max) Forgey

Lee County Government Staff Present:

Amanda Swindle, Assistant County Attorney	Dirk Danley, Jr., DCD Zoning
Debbie Carpenter, DCD Admin., Recorder	Jessica Sulzer, Dev. Services, Manager
David Loveland, Director, DCD	Brandon Dunn, Principal Planner, Planning
Anthony Rodriguez, Principal Planner, Zoning	

Outside Consultants/Members of the Public Present:

None

CALL TO ORDER AND AFFIDAVIT:

Ms. Paula McMichael called the meeting to order at 8:30 a.m. in the first floor conference room of the Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida.

Ms. Amanda Swindle, Assistant County Attorney, reviewed the Affidavit of Publication and found it legally sufficient as to form and content.

APPROVAL OF MINUTES – December 13, 2019

Mr. Randy Krise made a motion to approve the December 13, 2019 minutes. Mr. Richard Ibach seconded. The motion was called and carried.

ELECTION OF OFFICERS

Ms. McMichael opened the floor for nominations of officers.

Mr. Bill Prysi nominated Ms. McMichael to continue as Chairman. Mr. Patrick Vanesse seconded. The committee voted unanimously for Ms. McMichael to continue as Chair.

Mr. Krise nominated Ms. Amy Thibaut as Vice-Chair. She accepted the nomination and Mr. Prysi seconded. The vote was unanimous. Ms. Thibaut was elected as Vice-Chair.

LDC AMENDMENTS - IMPLEMENT ENHANCED WETLANDS TDR PROGRAM

Mr. Anthony Rodriguez introduced the LDC amendments stating they were in response to the recent adoption of the Impacted Wetlands Comprehensive Plan amendment (CPA2019-00001) and the Board's direction to staff to explore some potential incentives to encourage the preservation of wetlands on-site. A stakeholder meeting was held, the outcome of which

was to enhance the TDU program as the most effective way to incentivize the preservation of wetlands. These amendments provide enhanced incentives, include new and amended definitions and provide computations of Wetlands Transferable Development Units (TDUs) and density equivalents of TDUs. This also provided the opportunity to do some clean up in order to clarify and update terminology for internal consistency with the LDC, as well as consistency with the Lee Plan.

Ms. Jennifer Sapen asked about the process to take TDUs off the land and whether that would happen during zoning or the development order process. Mr. Brandon Dunn, Principal Planner responded that first a letter of determination, similar to a zoning verification letter, confirming the number of available TDUs would be needed. Once verified, the applicant could request a certain number of units, then provide a conservation easement or some other mechanism to limit development on that portion of the property, generally during the Development Order process. The Wetlands TDU program would require a conservation easement; Greater Pine Island or Southeast Lee County provide the opportunity of doing continued agricultural or other less intensive uses on the property.

Mr. Krise asked if these TDUs could be used in different municipalities. Staff explained that regulations allow for the transfer to other municipalities and those areas are recognized as receiving areas on Lee County's map, but it would require an interlocal agreement. At present transfers are done only within unincorporated Lee County.

Ms. McMichael suggested a page by page review of the amendments with committee comments as needed.

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Mr. Tom Lehnert asked why the language was different between the Southeast Lee County TDU and Wetlands TDU programs. In Southeast Lee County TDU means a *transfer* of development unit, but Wetlands TDU means a *transferable* development unit. Also, Southeast specifies sending lands "which may include wetlands, unimproved uplands..." whereas Wetlands specifies "sending lands designated as wetlands which are preserved or restored...". Discussion followed. Mr. Lehnert was not comfortable with the word "may" and made the suggestion to make the wording consistent, such as: "which ~~may~~ could include wetlands which are preserved or restored".

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Mr. Lehnert referred to Sec. 2-149(c) and again, the word "may". Staff confirmed that in this case it is permissive, but specific criteria must still be met. Mr. Jim Ink had questions related specifically to North Fort Myers about the number of transferable units which were addressed by staff. Ms. Linda Stewart asked whether existing planned development meant approved through zoning or constructed. Mr. Dunn cited a specific instance where square footage was added after approval but before construction; he also said that everything still had to fit on the site and must still meet code requirements.

Mr. Lehnert asked why Sec 2-150 (b)(1) specified commercial retail and office space, when there may be similar commercial uses that could be utilized. After discussion, staff agreed to review that language.

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Mr. Vanasse referred to Sec. 2-150(b)(2) and the reference to *future urban areas*. Mr. Dunn confirmed that the definitions are in the Lee Plan and those definitions are broken down as future *urban* areas, future *suburban* areas, etc.

Following these comments, Mr. Vanasse asked staff if the enhanced TDU program was consistent with what has been approved in the past several years for some of the larger communities, in particular those along the Corkscrew corridor and was the intent to move away from site specific comp plan amendments and now follow this program. Mr. Lehnert was familiar with those communities and said the approvals were not based on site specific comp plan amendments but rather as a result of an environmental overlay. Staff said the specific objective of the environmental overlay was to restore and preserve the flowways and wildlife corridors. If the applicant could demonstrate those objectives within the boundaries of the overlay, additional units would be allowed.

A copy of the comp plan amendment (CPA2019-00001) had been included with the agenda to give history and context. The CPA requested to amend the Lee Plan to clarify uses allowed in the Wetlands future land use category on property where impacts are authorized by a State agency. The amendment also serves to legitimize past permitting practices with respect to non-residential uses on impacted wetlands when those uses are permitted on adjacent uplands. The proposed amendments are necessary to implement the amendments to the Lee Plan and to assure that the LDC remains consistent with the Lee Plan as well. The enhanced TDU program is optional.

Ms. McMichael asked about the status of the comp plan amendment. Staff confirmed that there had been no challenges, therefore anticipated it being effective on January 30 (2020).

Mr. Tom Lehnert made a motion to approve the proposed amendments with incorporation of the changes to the language as discussed to make it consistent, such as “Wetlands which are preserved and restored”, for both Southeast Lee County and the Wetlands TDU programs. Mr. Jay Johnson seconded. The motion was called and carried.

There was no further discussion and the meeting was adjourned at 8:55 a.m.

The next meeting was tentatively scheduled for February 14, 2020.