GRANT PROPOSAL OF THE FLORIDA WILDLIFE FEDERATION,
IN CONJUNCTION WITH, THE GREATER PINE ISLAND
CIVIC ASSOCIATION, INC., FOR LEE COUNTY
COMPREHENSIVE LAND USE PLAN AMENDMENTS
SPECIFICALLY RELATED TO GREATER PINE ISLAND AREA

Submitted By:

Manley K. Fuller, III
President
Florida Wildlife Federation
2545 Blairstone Pines Drive
Tallahassee, FL 32314
(850) 656-7113
(850) 942-4431 (Fax)
Wildfed@aol.com

TABLE OF CONTENTS

()

I.	The Need
II.	The Grant Project Proposal
	A. Data Review, Analysis And Recommendations 2
	B. Preparation of Grant Project Report 4
	C. Meetings
III.	The Anticipated Benefits of Proposed Project 4
IV.	Description of the Greater Pine Island Area 5
	A. The Location
	B. The Character
V.	Information About The Florida Wildlife Federation 7
VI.	Information About Greater Pine Island Civic Association . 8
VII.	The Proposed Project Budget 9
VIII	.Exhibits
	A. FWF Articles of Incorporation
	B. IRS Approval of FWF 501(c)(3) Status
	C. FWF Most Recent Financial Statement
	D. GPICA Articles of Incorporation
	E. GPICA Monthly Newsletter
	F. GPICA Treasurer's Statement
	G. Page From Pine Island Telephone Book

I. THE NEED

The Greater Pine Island Area is a rural coastal barrier island with unparrelled natural beauty. Late last year citizen volunteers began a project to update comprehensive land use planning for the Greater Pine Island Area. The citizen volunteers documented that the Greater Pine Island Area is currently facing the need for more detailed land use planning to address:

- a) protection of the rural lands between the seven existing villages (Pine Island Center, Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical Homesites/Manatee Bay, and St. James City);
 - b) growth rate restrictions;
 - c) hurricane evacuation and shelter planning; and
 - d) transportation planning.

II. THE ELIZABETH ORDWAY DUNN FOUNDATION GRANT PROJECT PROPOSAL

The Florida Wildlife Federation (FWF), in conjunction with Greater Pine Island Civic Association, Inc. (GPICA), are proposing a two phase project for land use and transportation planning for the Greater Pine Island Area. Phase I, the planning phase, has a proposed budget of \$33,500.00. Phase II, the implementation phase, has a proposed budget of \$16,500.00.

The FWF seeks a \$30.000.00 grant from the Elizabeth Ordway
Dunn Foundation for project Phase I, to be performed by the GPICA
under the supervision of the FWF. Additionally, as a Lee County
citizens organization wholly within Lee County, the GPICA will
apply to the Lee County Board of County Commissioners for a

\$20,000.00 grant, will \$3,500.00 going to Phase I and \$16,500.00 going to Phase II. In the event Lee County does not award a grant to the GPICA, the GPICA will provide \$3,500.00 to Phase I.

The elements of Phase I will be retaining professional assistance to review and analyze existing data, and make recommendations, concerning the appropriateness and feasibility of amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) for the Greater Pine Island Area.

The amendments which are found to be appropriate and feasible will be prepared and presented to the public, elected public officials, state and local land use planning staffs, and the media, for adoption into the Lee County Comprehensive Land Use Plan (Lee Plan).

The FWF Grant Project will involve contracting with a land use planner, and associated professionals such as transportation planners, to study and make recommendations concerning the following tasks.

A. Data Review, Analysis And Recommendations

- a) The future land uses under current zoning, current Lee
 Plan Future Land Use Map (FLUM), and issued development orders in
 the Greater Pine Island Area.
- b) The existing Greater Pine Island Area transportation and hurricane evacuation data.
- c) The Calusa Land Trust's environmental inventory, including the rationale and effects of distinguishing on the Lee Plan FLUM between native uplands and disturbed uplands;

- d) A possible new "Coastal-Rural" land use designation in the Lee Plan for some lands in the Greater Pine Island Area, with a new maximum residential density, and new maximum allowable recreational, commercial and agricultural uses;
- e) A possible new Lee Plan "Rate of Growth" provision for the Greater Pine Island Area;
- f) Whether to strengthen the existing Lee Plan policies concerning traffic on Pine Island Road, especially through the Matlacha community;
- g) Down planning of some existing "Outlying Suburban" future land use map designations in the Greater Pine Island Area;
- h) Additional limitations on commercial development orders in the Greater Pine Island Area;
 - i) Bike lanes/breakdown lanes on Stringfellow Road, the north-south roadway of Pine Island;
 - j) Stringfellow Road turn lane criteria;
 - k) Stronger tree protection provisions for the Greater Pine Island Area;
 - The possibility of development clustering on Greater
 Pine Island Area lands;
- m) Transferable development rights within the Greater Pine Island Area;
 - n) Minor Lee Plan FLUM boundary adjustments; and
 - o) County initiated rezonings in the Greater Pine Island Area.

B. Preparation of FWF Grant Project Report

This FWF Grant Project, implemented by the GPICA under the supervision of the FWF, will prepare a report which summarizes the current conditions, identifies factors which limit growth on large coastal islands, discusses problems with unchecked growth, summarizes transportation data, evaluates various measures that respond to the Greater Pine Island Area situation, and makes recommendations concerning the Lee Plan.

C. Meetings

The FWF Grant Project, implemented by the GPICA under the supervision of the FWF, will conduct meetings with the public, elected public officials, state and local land use planning staffs, and the media explaining the Grant Project Report.

III. ANTICIPATED BENEFITS OF PROPOSED GRANT PROJECT

The anticipated benefits from this Grant Project will be:

- a) Increased protection of the significant rural lands between the seven existing Greater Pine Island Area villages, thus reducing urban sprawl and protecting the flora and fauna of these rural uplands;
- b) Increased control on the growth rate on the Greater Pine Island Area environmentally sensitive and historic coastal area;
- c) Increased protection and preparation for hurricane evacuation of the low lying Greater Pine Island Area; and
- d) Increased transportation planning and safety of the current narrow and relatively unsafe roadway system of the Greater

Pine Island Area.

IV. DESCRIPTION OF THE GREATER PINE ISLAND AREA

A. The Location

The Greater Pine Island Area is located in Lee County west of the City of Cape Coral, south of open waters of Charlotte Harbor, east of the Captiva Island, North Captiva Island and Cayo Costa Island, and north of Sanibel Island.

The Greater Pine Island Area consists of Pine Island, Little Pine Island, and the historic community of Matlacha located on the Pine Island Road Causeway. The waters which surround the Greater Pine Island Area are the waters of the Matlacha Pass Aquatic Preserve (to the east), San Carlos Bay (to the south), the Pine Island Sound Aquatic Preserve (to the west), and Charlotte Harbor (to the north).

The Greater Pine Island Area contains approximately 20 square miles (12,700 acres) of uplands. The shape of Pine Island is a rectangle with the long shape running north and south. Pine Island is approximately 16 miles long and two miles wide. Little Pine Island is located east of Pine Island, between Pine Island and Matlacha. The community of Matlacha is located on the Pine Island Road causeway across the Matlacha Pass Aquatic Preserve between Little Pine Island and the Lee County mainland.

B. The Character

The Greater Pine Island Area is a unique area. It is predominately a rural coastal area with low density residential uses, agricultural land uses, and minimal non-residential land uses

that are needed for the rural community. (A map of the Greater Pine Island Area is attached hereto as Appendix A).

Existing communities and residential development on Pine Island are essentially confined to seven portions of the island. At the far north end of Pine Island is the small fishing community of Bokeelia. A golf course is located just south of Bokeelia. On the northwest coast of Pine Island, between Bokeelia and Pine Island Road, is the residential development known as Pineland. At the center of Pine Island, at the junction of Pine Island Road and Stringfellow Road, is the Pine Island urban area known as Pine Island Center. South of the Pine Island Center, between the Pine Island Center and the south end of Pine Island, are the residential developments known as Flamingo Bay and Tropical Homesites/Manatee Bay. At the far south end of Pine Island is the small fishing community of St. James City. A small mainland residential area known as Matlacha Isles is deemed to be a portion of the Greater Pine Island Area. Matlacha is a small historic village which grew up around the Pine Island Road causeway that was built in the 1920 or 1930's to connect Pine Island to the mainland. Matlacha has numerous historic buildings and has been designated by Lee County as a historic district.

The current permanent population of the Greater Pine Island Area is 10,511 persons, and a seasonal population of 15,900 persons.

Roadway access from the mainland to the Greater Pine Island
Area is provided solely by means of Pine Island Road, a two lane

road which proceeds over Matlacha Pass, through the Matlacha community, and over Little Pine Island, by a series of bridges and causeways. North/south road access on Pine Island is by means of Stringfellow Road, a two lane road which runs from the community of Bokeelia at the north end of Pine Island, the community of St. James City at the south end of Pine Island.

Pine Island Road through the Matlacha community is a narrow two lane road. The most of the road right-of-way at this location is only 66 feet wide. Buildings are often right up to the edge of the road right-of-way. Expansion of the road right-of-way to 90 feet at this location to accommodate two extra lanes would result in the removal of 75 buildings, and quite a few additional businesses would lose their entire parking lots, pretty much putting them out of business.

The Lee Plan has designated this portion of Pine Island Road as a constrained roadway due to the limited right-of-way and the scenic, aesthetic, and environmental factors.

V. Information About The Florida Wildlife Federation

The FWF has been duly incorporated under Chapter 617, Florida Statutes as a not-for-profit corporation since April, 1971. The corporate purposes of the FWF include conservation of the flora and fauna within the State of Florida through responsible growth management.

The FWF Articles of Incorporation are attached hereto as Exhibit A. A copy of the United States Internal Revenue Service (IRS) approval of the FWF's 501(c)(3) status is attached hereto as

Exhibit B. A copy of the FWF's most recent financial statement is attached hereto as Exhibit C.

VI. INFORMATION ABOUT THE GREATER PINE ISLAND CIVIC ASSOCIATION, INC.

The GPICA has been incorporated under the laws of the State of Florida as a not-for-profit corporation since April, 1987. A copy of the GPICA Articles of Incorporation are attached hereto as Exhibit D.

The purpose of the GPICA is the preservation and protection of the environment and the quality of life of the Greater Pine Island Area. The GPICA has over 300 members, all of whom reside in the Greater Pine Island Area.

The GPICA is in the process of beginning to apply to IRS for 501(c)(3) federal tax status. The GPICA will notify the Elizabeth Qrdway Dunn Foundation of the status of its 501(c)(3) application.

The GPICA conducts educational activities, monthly meetings, publishes a monthly newsletter containing educational information concerning Greater Pine Island Area land use and quality of life issues, and participates in government meetings concerning Greater Pine Island. A copy of the GPICA monthly newsletter is attached hereto as Exhibit E. The GPICA corporate I.D. number is 59-0995723. The GPICA average annual income is well under \$10,000.00. In 1999 the GPICA's income was \$6,500.00. A copy of the GPICA's Treasurer's August 8, 2000, summary of the GPICA's income is attached hereto as Exhibit F. Information is about the GPICA is contained in the Pine Island Telephone Book. A copy of is attached hereto as Exhibit G.

In 1988, the GPICA issued a Greater Pine Island Area land use

planning study describing the population of the Greater Pine Island Area, the generalized land use and zoning patterns, historic and archeological resources, the condition of the area's transportation network (including Stringfellow Road and Pine Island Road), hurricane evacuation, the availability of public services, and discussing the development suitability of the area. In 1988, the Greater Pine Island Civic Association, Inc. used this study to initiate Lee Plan amendment PAM/T 88-07 to include changes to the Lee Plan FLUM and what is now Lee Plan Goal 14 and the criteria.

VII. PROPOSED GRANT BUDGET

	Phase I (Plan)	Phase II (Implementation)	Total Cost
Professional		F1 7 77 =	- T 7 T
Assistance	\$18,800.	\$ 8,000.	\$26,000.
Prepare Report and Maps	\$ 6,000.		\$ 6,000.
Prepare Graphics for Design Guidelines	\$ 1,500.	\$ 4,000.	\$ 4,000.
Publish & Distribute	\$ 1,500.	\$ 500.	\$ 2,000.
Meetings	\$ 5,000.	\$ 3,000.	\$ 8,000.
Miscellaneous Total	\$ 3,000. \$33,500.	\$ 1,000. \$16,500.	\$ 4,000. \$50,000.

Respectfully submitted by,

Manley K. Fuller, III

Janley

President

Florida Wildlife Federation 2545 Blairstone Pines Drive Tallahassee, FL 32314

(850) 636-7113

(850) 942-4431 (Fax)

Wildfed@aol.com



DEPARTMENT OF TRANSPULKTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

November 26, 2001

Subject:

LCDOT COMMENTS ON DRAFT

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

The Lee County Department of Transportation has reviewed the draft community plan update for Greater Pine Island dated September 30, 2001. On a general note, the plan documentation is very well written and presented in an easy-to-follow format, and the supporting data and analysis seems thorough. However, we have concerns about a couple of issues.

POLICY 14.2.3

The discussion on page 8 and in Appendix A suggests that adding a third lane on Pine Island Road would not be desirable, even though it is an option to be evaluated in existing Policy 14.2.3. The Matlacha Civic Association has apparently recently taken a position opposing the addition of a third lane through Matlacha. While some changes to Policy 14.2.3 are proposed on page 6 to address hurricane evacuation concerns, the language regarding evaluating a continuous third lane is retained in the policy. Perhaps the retention of this language should be reconsidered.

DEVELOPMENT LIMITATION STANDARD

Appendix A includes a fairly thorough discussion of the capacity calculations that led to the 810 and 910 traffic limitation standards and the changes in capacity calculations over time, but instead of actually calculating new capacities the report attempts to justify sticking with the old capacity calculations based on a comparison to Estero Boulevard. Staff feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different.

Also, there is no attempt to reconcile the old standard, defined in terms of peak hour, annual average two-way trips, with the more modern standard used throughout the rest of the Lee Plan, which is peak season, peak hour, peak direction trips. Finally, the analysis

in Appendix A suggests that the level of service "D" capacity was purposely used to develop the 810/910 standards instead of the normal level of service "B" used for most other County roads. Assuming that policy position is retained, the policy would be much clearer if language was added that indicated the 810 and 910 standards were calculated as 80% and 90% of the level of service "D" capacity as calculated using the 1965 Highway Capacity Manual.

BIKE PATHS

We appreciate the recognition of Lee County efforts toward building a bike path along major portions of Stringfellow Road, and understand the completion of the path would be a high priority to Pine Islanders. Proposed new policy 14.2.4 reads as follows:

POLICY 14.2.4: The county shall make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity, not as an afterthought. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bicycle path.

It is not clear to staff what is meant by the second sentence — is there an example of a bike path being designed as an afterthought? If the intention is to indicate that bike paths should be part of the up-front design for a major road improvement, then the policy should say that — although no major road improvements are contemplated on Stringfellow Road.

As far as the third sentence, what defines a "high-quality" bicycle path? Who determines the need to relocate power poles and swales to provide such a high-quality path? The supporting analysis acknowledged that the reason for the jogs in the existing portions of the path was the costs of relocating the power poles. Is the intent of the third sentence to require the relocation of power poles and swales to create a straight path irregardless of cost? If so, staff objects to the inclusion of this sentence — limited dollars for sidewalk and bike path installation countywide requires us to seek the most cost-effective solutions.

Thank you for this opportunity to comment on the draft Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association
Donna Loibl, President, Matlacha Civic Association
Administrative File

GREATER PINE ISLAND

Comprehensive Land Use Plan Committee

P.O. Box 478 St. James City, Florida 33956

September 28, 2001

Mr. Paul O'Connor, Planning Director Planning Division, Department of Community Development P.O. Box 398 Fort Myers, Florida 33902-0398



RE: COMMUNITY PLAN UPDATE FOR GREATER PINE ISLAND

Dear Mr. O'Connor:

Please accept this letter and the attached plan update as proposed amendments to the Lee Plan for the Greater Pine Island community.

This entire plan update has been sponsored as a community service by the Greater Pine Island Civic Association. Numerous committees made up of a diverse group of Pine Island residents have participated in this plan, under the general direction of a steering committee known as Comprehensive Land Use Plan Committee. We have held three major public meetings to present and discuss this plan, in addition to conducting a broad public survey and holding innumerable subcommittee meetings. A summary of our entire schedule is attached.

We look forward to continue working with you and your staff to complete this important planning project.

Yours very truly,

Carban

Barbara Dubin, Chairman, on behalf of the Greater Pine Island Civic Association

SCHEDULE

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

Outreach by GPICA to other Pine Island organizations	beginning late 1999
Seven subcommittees formed and begin to meet [legal, land use, traffic, environment, Matlacha/historic, grants, and ambassadors]	January 2000
Monthly committee meetings begin	(monthly)
Initial "Coastal Rural" draft circulated by land-use subcommittee	April 2000
Public presentation on agricultural issues (by Lee Co. extension agent)	May 2000
First draft of environment report (from environment subcommittee)	June 2000
First draft of land-use text circulated to land-use subcommittee	July 2000
Preliminary land-use presentation to land-use subcommittee	August 2000
First draft of land-use maps presented to land-use subcommittee	September 2000
Initial transportation presentation to steering committee	September 2000
Followup land-use presentation to steering committee	September 2000
First draft of transportation text circulated to steering committee	December 2000
Preliminary land-use text and transportation draft circulated to public	January 10, 2001
First public meeting to respond to land use & transportation draft	February 6, 2001
Steering committee hears presentation from SFWMD	March 13, 2001
Steering committee selects land use and transportation preferences	April 10, 2001
Expanded draft of plan circulated to the public	April 12, 2001
Second public meeting to respond to land use & transportation revisions	April 24, 2001
Public survey begins	April 24, 2001
Steering committee hears presentation from attorney Ralf Brookes	May 8, 2001
Steering committee reviews drafts on building height, vision statement, municipal incorporation, and boating issues	July 10, 2001
Steering committee reviews drafts on septic tanks, aquatic preserves, boundaries, signs, and county-initiated rezonings.	August 14, 2001
Advance draft of complete plan circulated to public	September 4, 2001
Third public meeting to respond to complete draft of plan	September 19, 2001
Final meeting of steering committee to respond to public input	September 25, 2001
Completed plan and proposed amendments submitted to Lee County	September 28, 2001

kwiktag®

022 562 369



CPA2001-18 BoCC SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEL PLAN

BoCC Adoption Document

Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (941) 479-8585

January 9, 2003

LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2001-00018

	Text Amendment Map Amendment
1	This Document Contains the Following Reviews:
1	Staff Review
1	Local Planning Agency Review and Recommendation
1	Board of County Commissioners Hearing for Transmittal
1	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
1	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 18, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

a. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

b. APPLICANT

THE GREATER PINE ISLAND CIVIC ASSOCIATION REPRESENTED BY BILL SPIKOWSKI SPIKOWSKI AND ASSOCIATES

2. REQUEST:

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, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

B. BOARD OF COUNTY COMMISSIONER'S TRANSMITTAL LANGUAGE:

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents.

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

<u>POLICY 14.1.5:</u> New <u>development</u>, <u>including</u> "planned development" rezoning approvals and, new subdivisions, and agriculture, that adjoining state-designated aquatic preserves and associated <u>wetlands and</u> natural tributaries must provide <u>preserve</u> or <u>create</u> a 50-foot-wide native vegetated buffer area between the development and the waterbody <u>or associated wetlands</u>. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

 will be implemented through the notice-of-clearing process in chapter 14 of the land development code;

- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

POLICY 14.1.7: The county will continue to investigate the need for central sewer service for Bokeelia, St. James City, and Pine Island Center. This will include, for any area having a strong need for such service, an analysis of available facility sites, alternative types of service, and financial feasibility. Lee County will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures.

POLICY 14.1.8: The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations will provide restrictions on will restrict further rezonings which would increase traffic on Pine sland Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land

<u>Develoment Code the Development Standards Ordinance</u>), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. <u>The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.</u>

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

<u>POLICY 14.2.3:</u> In addition to the enforcing the restrictions in the Policy 14.2.2, the county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001.

POLICY 14.3.3: The county's zoning regulations will Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

POLICY 14.3.5: The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

POLICY 14.4.3: The county will expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would

promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

POLICY 14.4.5: The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places.

Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

re preserved or restored native habitats	Maximum density	
0%	1 DU/ 10 acres	
<u>5%</u>	1 DU/ 9 acres	
<u>10%</u>	1 DU/ 8 acres	
<u>15%</u>	1 DU/ 7 acres	
<u>20%</u>	1 DU/ 6 acres	
<u>30%</u>	1 DU/ 5 acres	
40%	1 DU/ 4 acres	
<u>50%</u>	1 DU/ 3 acres	
<u>60%</u>	1 DU/ 2 acres	
70%	1/DU/ 1 acre	

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff also recommends that the Board of County Commissioners amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category. In addition, staff recommends that the Board of County Commissioners amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurst Acres and September Estates on the south.

The applicants replacement language for the Pine Island Vision Statement and proposed revisions to Goal 14 and to Objective 1.4 of the Lee Plan is below in strike through, underline format. Please note that the applicants replacement language includes changes made by the consultant to his original submittal subsequent to reviewing initial comments from County Staff. Staff's recommended language is provided below, with recommended changes from the applicant's language highlighted in bold strike-thru, bold underline format.

The staff recommendation is identical to the LPA's recommendation, with the exception of Policy 14.2.2. For convenience to the reader, both versions of Policy 14.2.2 have been included below in this section.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents: however. Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying g the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

POLICY 14.1.5: All New development, including "planned development" rezoning approvals—and, new subdivisions—adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provide shall preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody. (Amended by Ordinance No. 00-22) or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

 shall will be implemented through the notice-of-clearing process in chapter 14 of the land development code;

- shall will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shall will be established within three years of issuance of the notice of clearing.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Proposed Civic Association Language:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Rroad between Burnt Store Road and Stringfellow boulevard reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code the Development Standards Ordinance), or other

measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The preceding language is the current recommended language by the applicant. Lee County Department of Transportation (DOT) staff has provided Planning Staff with a memorandum dated April 16, 2002 highlighting some of their concerns. DOT staff updated the 801/910 development limitation standard utilizing the most recent Florida Department of Transportation software. The new standards that were developed refer to peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips. In addition, DOT feels there is an inconsistency with the regulatory level of service standard applied on county roads, which is "E", and the reliance in the current development limitation standard on a percentage of the level of service "D" capacity. The referenced memo is attached to this report.

The following modifications are proposed by DOT staff:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard
 reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the
 regulations will provide restrictions on shall will restrict the further issuance of residential
 development orders (pursuant to the Development Standards Ordinance), or other measures to

maintain the adopted level of service, until improvements can be made in accordance with this plan: to one-third the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

DOT staff is meeting with the applicant's planning consultant to try and resolve this issue later this week. Staff will provide an update concerning this issue at the public hearing, as appropriate.

POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, 7the county will take whatever additional actions are feasible to _increase the capacity of Pine Island Road. The following measure will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

POLICY 14.3.5: The county will shall amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

POLICY 14.4.3: The county will shall expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

POLICY 14.4.5: The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Percentage of the on site uplands that re preserved or restored native habitats	Maximum density	
0%	1 DU/ 10 acres	
<u>5%</u>	1 DU/ 9 acres	
<u>10%</u>	1 DU/ 8 acres	
<u>15%</u>	1 DU/ 7 acres	
<u>20%</u>	1 DU/ 6 acres	
<u>30%</u>	1 DU/ 5 acres	
40%	1 DU/ 4 acres	
<u>50%</u>	1 DU/ 3 acres	
<u>60%</u>	1 DU/ 2 acres	
<u>70%</u>	1/DU/ 1 acre	

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Greater Pine Island Community Plan Update has been sponsored as a community service by the Greater Pine Island Civic Association.
- Financial assistance has been provided by the Board of County Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation.
- Pine Island, Little Pine Island and Matlacha are collectively referred to in this plan update as Greater Pine Island, or Pine Island.
- The existing Goal 14 of the Lee Plan was based on a community plan prepared by the Greater Pine Island Civic Association in 1989.
- The Greater Pine Island Community Plan makes recommendations for updating Goal 14 and supporting Policies of the Lee Plan.

The Pine Island Community, through recommendations contained in the Greater Pine Island Community Plan has expressed a desire for the following actions:

Lee County should establish Policies that will improve hurricane evacuation times.

- Recognizing that Pine Island Road through Matlacha is the sole evacuation route in the event of a hurricane, the Community wishes to slow development on Pine Island as the carrying capacity of Pine Island Road through Matlacha is reached.
- Both enhance the seven village communities on Pine Island and encourage the preservation and restoration of native habitats within the remaining upland areas designated as "Rural" on the County's Future Land use Map.
- Modify the future land use map to reflect the 1989 community plan boundaries including Pine Island, Little Pine Island, Matlacha and the Matlacha Isles.
- Augment Lee County's architectural standards with additional design standards specific to Greater Pine Island. Those standards will attempt to encourage rehabilitation over demolition, smaller buildings rather than larger ones, custom designs as opposed to standardized buildings, preservation of mature trees, parking restricted to the side and rear of buildings, large windows, and other architectural features of traditional "Old Florida" style.
- Lee County should make every effort to complete a bicycle path across the entire length of Pine Island along Stringfellow road.
- New residential neighborhoods should be required to encourage several connections and limit isolated designs.
- Encourage Lee County to continue to update its historic site inventory to include historic sites and buildings in St. James City, Pineland and Bokeelia and to identify potential buildings or districts for inclusion on the National Register of Historic Places.
- Modify comprehensive plan policy 14.3.3 and include a new section in the Land Development Code to strengthen the limitations on building heights on Greater Pine Island.
- Supplement the sign regulations to provide specific standards for the Pine Island Community that would encourage smaller signs on businesses and would reduce or prohibit unwanted sign types.
- Eliminate zoning designations on Greater Pine Island that do not accurately reflect development potential under the Lee Plan.
- Amend the Vision 2020 section of the Lee Plan to include an updated summary of the community vision based on the Greater Pine Island Community Plan Update.
- Modify Policy 14.1.5 regarding maintaining a 50-foot native vegetative buffer strip to include all new development and all agricultural uses.
- Have Lee County design a program to assess the condition of septic tank drainfields within one
 year and if serious degradation is found to exist to assess the feasibility of various corrective
 measures.

D. BACKGROUND INFORMATION

The following background information was provided by Spikowski and Associates:

Pine Island has a long history of community planning efforts. The first formal regulations for Pine Island were adopted in 1977, when a 35' building height limit and a 10 DU/acre density cap were imposed for the entire Greater Pine Island area at the urging of local residents (Ordinances 77-15 and 78-19).

In 1983 when the original Lee Plan future land use map was being contemplated, a committee of the Greater Pine Island Civic Association (GPICA) formulated and debated several map alternatives, one of which was adopted into the 1984 Lee Plan.

Several years later, Lee County updated its comprehensive plan in accordance with the state's 1985-86 growth management act. During that same period, the GPICA hired a planning consultant and formulated a complete community plan, now addressing natural resources, transportation, and historic resources in addition to residential and commercial land uses. This plan was incorporated by Lee County as Goal 16 of the 1989 Lee Plan. (Some changes were made in 1990 as a result of litigation between the Department of Community Affairs, most importantly the setting of the 810- and 910-trip thresholds on Pine Island Road to trigger additional growth controls.)

A number of amendments to Goal 16 were proposed several years later by the GPICA, and Lee County itself evaluated all of Goal 16 as part of its first "evaluation and appraisal report" on the 1989 Lee Plan. As a result of these efforts, some modifications were made in 1994 to the policies under Goal 16, including the reassignment of all Greater Pine Island objectives and policies to Goal 14.

The current community plan update for Greater Pine Island began in 1999. The board of county commissioners made an initial "seed money" grant of \$5,000 shortly thereafter. Due to general countywide controversies over community planning, no further county funds were available, thus the remainder of the current effort was funded through other sources, including private fund raising by Pine Island residents, a technical assistance grant from the Florida Department of Community Affairs (administered by Lee County), and a grant from the Elizabeth Ordway Dunn Foundation. The current community plan was completed in September, 2001. The GPICA has indicated it may seek further financial support from Lee County to assist county staff in implementing this community plan update.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 25, 2001. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- · Public Safety
- · EMS Division
- · Lee County Sheriff

- Natural Resources Division
- · Lee Tran
- · Parks and Recreation
- · School District of Lee County
- · Lee County Department of Transportation
- · Development Services Division
- Environmental Sciences Division
- · Lee County Port Authority
- · Economic Development
- · Public Works Department
- Utilities Division
- Zoning Division
- · Lee County Health Department

Comments were received from the Lee County Health Department, the Department of Transportation, the Division of Natural Resources, the Division of Public Safety and Lee County Utilities. Those comments are attached to this report.

Goal 14 of the Lee Plan began as a grass roots effort by the Greater Pine Island Civic association in 1989 with their creation of a community plan for the Greater Pine Island area which included Pine Island, Little Pine Island and Matlacha. Over ten years have passed since Goal 14 and its supporting Objectives and Policies and map were adopted. Since the adoption of Goal 14, many changes have occurred in the area covered by the original community plan that were not anticipated at that time. Agricultural uses on the northern half of Pine Island have steadily increased, residential growth has slowed and traffic volumes have increased to a level of serious concern.

The Greater Pine Island Community Plan Update is organized into the four general areas listed below. The plan then identifies several more specific areas of concern which are summarized below by staff.

- Transportation Issues Increasing hurricane evacuation times and road constraints, especially at
 the Matlacha bridge are a serious concern to the Greater Pine Island Community. Traffic on Pine
 Island Road is quickly approaching target levels that were set in the 1989 plan. Revised policies
 aimed at limiting the number of vehicle trips on that section of Pine Island Road to address those
 concerns are proposed.
- 2. Population and Land Use This plan update distinguishes between two general categories of residential land use in Greater Pine Island. Those uses are the Town (village) boundaries and the remaining uplands outside of the village boundaries that have been designated "Rural" on the future land use map. Much of the "Rural" land use has been converted to agricultural uses in the past decade, resulting in a significant loss of native habitat on those lands. In an effort to preserve and restore native habitat, a new land use category has been proposed that would significantly reduce allowable building density if specific native land preservation or restoration requirements are not satisfied.

- 3. Community Character The Community Plan Update highlights several characteristics of Pine Island in need of protection or improvement and proposes policies aimed at either maintaining or enhancing the general appearance and functionality of the Pine Island Community. The general areas of concern include the design of commercial buildings, the continuation of a high-quality bicycle path along Stringfellow Road, neighborhood connectivity, including stricter limitations on fences and walls, identification of additional historic buildings and districts, building height limitations and enhanced design guidelines for business signs. The plan update also includes a policy for the county to establish a prioritized schedule to rezone land to designations that more accurately reflect its development potential. Lastly, this section proposes a new Vision Statement for the community and includes a brief discussion of incorporation.
- 4. The Environment The community has expressed serious concerns about protecting aquatic preserves from surface water runoff and is proposing a policy aimed at diminishing this problem. Also of concern is the potential contamination of tidal waters in canals from poorly functioning septic systems and the community is proposing a policy that will require Lee County to design a program to assess the condition of septic tank drainfields along salt water canals in St. James City, Bokeelia and Flamingo Bay. This section ends with a brief discussion of concerns about jet-skis and air boats.

The planning consultant drafted a new Vision Statement, a revised Goal and revised Policies to address the concerns in the four general areas listed above. The intent was that those proposed modifications to the Vision Statement, Goal 14 and Objective 1.4 would eventually be incorporated into the Lee Plan.

Staff's initial comments were forwarded to the consultant who then responded to each of the comments in a letter dated February 27, 2002. Staff's initial comments came from Lee County Utilities, Division of Natural Resources, Division of Public Safety, Department of Transportation, and the Florida/Lee County Health Department. The consultant's response included some revisions to the original submittal addressing many of the comments. Those revisions have been incorporated into this report and where applicable, replace the original submittal language. The February 27, 2002 letter mentioned above highlights those changes and is included as an appendix to this report.

The following section of this report includes a proposed new Vision Statement, a revised Goal 14, new and revised Policies under Goal 14, and a new Policy under Objective 1.4. Only those sections of Goal 14 that are proposed to be revised or sections of Goal 14 and Objective 1.4 that are new are included below. The applicants suggested revisions are presented in strike-through, underline format. Staff's suggested changes are in bold strike through, bold underline format. Following each modification are comments and suggestions from Staff. Please note that the word "shall" has been replaced with "will" or "must" throughout the proposal in order to correspond with current language in the rest of the Lee Plan.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub

community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modes growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl intensive development approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

Staff feels that while there may be some merit to applying the term "urban sprawl" to the development that is occurring in northwest Cape Coral at this time, with the projected population growth estimated to occur over the next 20 years, those "sprawling" developments may be compact, contiguous and sustainable in the future and will no longer fit the definition of sprawl. Staff feels by using the term "more intense development" that the phrase will be accurate both today and in years to come.

POLICY 14.1.5: All-New development, including "planned development" rezoning approvals and, new subdivisions-adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provideshall must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody:or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

- shallwill be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- shallwill include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shallwill be established within three years of issuance of the notice of clearing.

The proposed amendment to Policy 14.1.5 expands the policy to cover new subdivisions and agriculture that adjoin state-designated aquatic preserves and associated wetlands. Staff feels that the inclusion of wetlands is important and that it improves the Policy. This amended language also replaces the word "provide" with "preserve or create" which is more clear. For agriculture, three methods of implementation of the Policy are described, and staff feels this is another improvement to the current Policy.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

The Florida, Lee County Health Department has indicated to the consultant that grant funding is available to pay for this type of service and that they have previously been awarded such a grant but were unable to utilize the funding because of lack of cooperation from property owners. Implementation of this policy will require both a source of funding and the cooperation of property owners in the study area, therefore, staff feels those conditions should be made a part of this policy language.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Implementation of this policy will allow for current allowable densities of 1 dwelling unit per acre only if 70% of the total site area is preserved or restored with native habitat. To accomplish that goal the policy allows for clustering developments on the remaining 30% of the property, thereby reducing lot sizes to less that 0.3 acre given the need for streets and other infrastructure. The policy would reduce allowable density on a sliding scale to allow for only 1 dwelling unit per ten acres if no native habitat is preserved or restored. That situation would represent a ten-fold reduction in allowable density from the current Rural land use category of 1 dwelling unit per acre. Staff modified the tense of the policy as this action is being accomplished as part of this amendment. In order to implement Policy 14.1.8 a new land use category under Objective 1.4 will need to be created.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plant to one-third the maximum density otherwise allowed on that property.

The 810_768 and 910_864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

Lee County Department of Transportation has recalculated the \$10/910 development limitation standards using the most recent software for calculating service volumes (capacities) released by the Florida department of Transportation in March. DOT staff recalculated the capacity for the entire section of Pine Island Road from Stringfellow Road to Burnt Store road using the new software. DOT calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips.

In addition, DOT staff feels there is an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but DOT staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, DOT staff proposes to modify the standard in Policy

14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627.

Complete comments by DOT staff are attached to this report in a Memo dated April 16, 2002.

POLICY 14.2.3: <u>In addition to the enforcing the restrictions in the Policy 14.2.2</u>, <u>The county will take whatever additional actions are feasible to increase the capacity of Pine Island Road</u>. The following measure will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

Staff has objections to the last sentence of this proposed Policy. First, what defines a "high-quality" bicycle path? Second, if the intent of this Policy is to require relocation of power poles and swales to create a straight path regardless of cost, then staff is opposed. Staff believes that the previous sentence stating that "Whenever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland...." adequately states the communities desire for a high quality bicycle path along Stringfellow Road and does not believe that relocating power poles for the sole purpose of creating a path without curves is economically prudent or necessary. Staff recommends that the last sentence of this Policy be removed.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

This Policy does not change the spirit of Policy 14.3.3, it merely removes the possibility that deviations to the height restrictions may be sought and approved, as currently exists and reinforces the language of how height will and will not be measured. The applicant is asking that the Land Development Code be amended to include the language of Policy 14.3.3. If the language of Policy 14.3.3 is approved, the next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.3.5: The county will shall amend its Land Development Code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.3: The county will shall expand the commercial design standards in its Land Development Code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

Staff's comment about proposed Policy 14.4.3 also applies to this proposed policy.

POLICY 14.4.5: The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

The Department of Community Development prepared a July, 1989, Commercial Study report for Pine Island and based on the recommendations contained in that report subsequently began the process of rezoning land on Pine Island to properly reflect its development potential under the Lee Plan. That rezoning process was halted after the County received numerous complaints from property owners on Pine Island about the process. Staff does not believe that County initiated rezonings would proceed any better today, or in the next five years, than they did during the last attempt at rezoning property on Pine Island.

Staff does not object to the Policy, in general, but feels that a five year time frame for completing County initiated rezonings on Pine Island is unrealistic and would very difficult to achieve, given the current workload of staff. Staff recommends that the Policy stand essentially as written, with the exception that the five year time frame be stricken from the Policy.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Staff does not have a problem with the Policy as it is written; however, does not have adequate personnel to undertake the activity in the foreseeable future. It is possible that summer interns could be used to begin preliminary field work and to conduct some necessary research. Another possibility is to use some of the funds in the Division of Planning budget set aside for consulting services to hire a consultant to complete the requested historic site survey if that is determined to be needed.

Proposed new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14.1.8. These lands are to remain rural except for portions of individual properties whose owners choose to permanently preserve or restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities increase as various higher percentages of the uplands portion of the site have their native habitat uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Both staff and the applicants consultant feel that the revised language is more clear. The title of the first column of the following chart has also been revised.

overed by preserved or restored native habitats	Maximum density
0%	1 DU/ 10 acres
<u>5%</u>	1 DU/ 9 acres
10%	1 DU/ 8 acres
<u>15%</u>	1 DU/ 7 acres
20%	1 DU/ 6 acres
<u>30%</u>	1 DU/ 5 acres
<u>40%</u>	1 DU/ 4 acres
<u>50%</u>	1 DU/ 3 acres
<u>60%</u>	1 DU/ 2 acres
<u>70%</u>	1 DU/ 1 acre

Proposed Policies 1.4.7 and 14.1.8 will create a new Coastal Rural Land Use designation and establish a sliding scale of allowable densities for properties that are currently in the Rural Land Use category based on the amount of native vegetation that is preserved or restored on the upland portion of a site. The effect of those Policies would be as follows:

- 1. Reduce the development potential of large tracts of land, thereby restricting density on the Island; or
- 2. increase the amount of native vegetation on the Island; or
- 3. both 1 and 2.

Staff believes that restricting density on the island is justifiable given the likely road constraints during a possible evacuation of the island. Staff also feels that increasing the amount of native vegetation on the island will be beneficial.

FUTURE LAND USE MAP AMENDMENTS

The Community Plan is proposing 2 separate Future Land Use Map amendments. These are as follows:

 Amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category; and, • amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurt Acres and September Estates on the south.

Amending the Rural designated lands on Pine Island to the proposed Coastal Rural category affects approximately 7,600 acres of land on Pine Island. Staff notes that the Greater Pine Island Community plan Update report provides that placing the Rural designated land of Pine Island into the Coastal Rural category responds to three identified problems:

the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;

the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and

the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

The proposed amendment does not necessarily reduce allowable density on a subject site. Proposed Policy 1.4.7 creates a criteria that must be utilized to obtain approvals for the maximum permittable density of 1 dwelling unit per acre. This criteria is a sliding scale of dwelling units per acre based upon the percentage of a total sites preservation or restoration of native habitats. An applicant with a site that contains 100% indigenous vegetation can achieve the same density as is permitted under the Rural designation by limiting impacts to the vegetation to 30% of the site. An applicant with a totally cleared site with no native habitat would have to restore 70% of the site to achieve the same density as is permitted under the Rural designation. As the Update report notes, the sliding scale allows the property owners to choose any point on the scale. While this does increase development costs, it affords the property owner the ability to achieve the maximum density allowed under the Rural designation.

Figure 2, of the Update report shows the 157 acres located in northern Pine Island south of Bokeelia. Current allowable density on that land is three dwelling units per acre. The proposed land use change would lower allowable densities to a maximum of one dwelling unit per acre, if native vegetation on 70% of the site is preserved or restored. That action may lower personal property values and could have Bert Harris Act implications. The Plan Update document provides the following discussion concerning this property:

"The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west."

One member of the LPA questioned, at the March hearing, whether the affected property owners had been notified of the proposed land use amendment. The applicant's representative responded that the on-going community planning effort had been widely advertised but that individual notice would be provided. Spikowski Planning Associates has provided, to staff (Attached), a copy of a letter and information that was sent to these affected property owners.

Staff recognizes the likely constraints on the roadways in the event of a possible evacuation. A reduction of density would be beneficial in limiting congestion of the evacuation route. Staff weighed this factor with the Bert Harris Act implications in recommending that the Future Land Use Map be amended.

FUTURE LAND DEVELOPMENT CODE AMENDMENTS

The Community Plan proposes several future amendments to Lee County's Land Development Code. Topics for potential LDC amendments range from compatibility of commercial uses with adjacent residences, sign regulations, building heights, and architectural standards for new development. Staff has amended the proposed plan language in several instances, as noted above, to require the Greater Pine Island Community to be responsible for submitting the requested Land Development Code amendments during one of the two regularly scheduled amendment cycles occurring in the Spring and Fall.

B. CONCLUSIONS

The proposed revised Vision Statement, Goal and Policies are the result of over a two-year long planning process. They directly reflect the vision that the Pine Island Community has for its future growth and development. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in Pine Island. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section C.1of this report.

PART III - LOCAL PLANNING AGENCY REVIEW

DATE OF PUBLIC HEARING: March 25, 2002

A. LOCAL PLANNING AGENCY REVIEW

The Local Planning Agency held an informational hearing on this date, no staff report was presented and no formal action took place by the LPA. The stated purpose of the hearing was to brief the LPA members on the status of the request, allow the applicant to discuss the proposal, and to allow the public to have the opportunity to provide comments concerning the proposed language. Planning staff introduced the proposed request to amend the Future Land Use element of the Lee Plan. Staff passed out comments from the applicant's planning consultant and introduced the planning consultant.

The planning consultant relayed the historical Pine Island planning efforts starting in the 1970s. The consultant stated that these early efforts culminated in complete community plan for Pine Island by 1989. The consultant then reviewed several new issues that had recently come up in the community such as: (1) an influx of agriculture since 1990; and, community character issues that had not been dealt with in the earlier plans. The consultant also explained that the applicant wanted to reexamine the traffic part of the plan because the traffic count had reached the 810 threshold that is referenced in Policy 14.2.2. The consultant provided the LPA with a discussion of how the planning effort was funded and the broad community involvement in preparing the plan. The consultant stated that three major public presentations had occurred on Pine Island. The consultant then outlined the public involvement, such as a survey, that had taken place as part of this effort. The consultant then covered "the major issues that the plan addresses." The major issues covered by the consultant were: (1) transportation concurrency; (2) Future Land Use category designation for a 157 acre area south of Bokeelia; (3) environmental issues on the island, such as applying the required 50 foot set back to the aquatic preserve to agricultural uses; (4) septic tanks and the proposed testing program; and, (5) community character issues. The consultant also stated that there were additional structures in the community that would benefit from historical designation.

The consultant also discussed the building height restriction on Pine Island. He stated the applicant was fine with the current rule, but the amendment is proposing to close potential loopholes in the regulations. The consultant ended his presentation by briefly discussing bike paths and the applicant's analysis of transportation alternatives.

One member of the LPA asked if the consultant could "give me a summary of your public participatory process and...how many meetings you've held." The consultant responded that the Steering Committee met every month all the way up until a few days before the final plan was submitted. The consultant also stated that the Chamber of Commerce had notified all of their members and distributed copies of the plan.

One LPA member asked if the property owners had been involved in the discussion about the proposal to amend the 157 acre area from Outlying Suburban to Rural. The consultant explained that the area had been farmed since 1990, but that he had not had a specific discussion with these property owners. The LPA member suggested contacting these owners.

The LPA chairman opened up the meeting to public comments. One local land use attorney, "representing a number of agricultural land owners on Pine Island," stated that he was not at the meeting to complain

about the process. He believed That "there has been a very good job of reaching out to the public." He noted that the plan amendment materials had also been on the consultant website which made the material "readily accessible." He discussed two sections of the plan that his clients have "substantive problems with," the coastal rural land use category and "the special concurrency section under Policy 14.2.2."

A Bokeelia resident, representing the Alden Pines Homeowners Association, read the following statement into the record: "The membership of the Alden Pines Homeowners Association unconditionally supports the revised version of Goal 14 of the Lee County Comprehensive Land Use Plan as submitted by the Greater Pine Island Land Use Committee. We applaud the hard work of the volunteer Land Use Committee for its dedication, expertise, and perseverance in revising this plan to reflect the interests of Greater Pine Island residents. We have been fully informed of its efforts and sincerely hope you will support the plan as written. Signed by the Chairman of the Autumn Pines Homeowners Association."

A resident of Bokeelia, representing the Captains Harbor Condominium group (a 76 unit condominium), read the following letter into the record:

"It is my pleasure to report that the Board of Directors of the Captains Harbor Condominium Association voted unanimously to endorse the proposed land use plan for Pine Island. We ask that the Local Planning Agency recommend approval of the plan as currently proposed to the County Commission."

The Chairperson of the Land Use Committee, stated that she believed the Greater Pine Island Plan was done primarily due to hurricane problems and to protect the health, safety, and welfare of the residents on the Island. She reviewed the advertising processes that took place explaining that they invited and encouraged all resident and property owners to participate. She noted that each time the land use revisions were updated, they were printed out and placed in the Pine Island Library, Realty World in Matlacha, and the consultant's website. These updates were also distributed to everyone during the public meetings. She reviewed where they had received funds for the creation of this plan. She stated they had minutes from all of the meetings in writing and on tape and even had a County representative attend their committee meetings. She requested the LPA approve the amendment.

A local consultant representing Cherry Estates stated he worked on the 1989 plan and felt this proposal was a good, clear document. He referred to Page 3, Policy 14.2.2, and felt this section was not as clear as it should be. He discussed a situation that arose for Cherry Estates who had two undeveloped islands (8 & 9) and did not have development orders. He asked for some clarifying language that would recognize recorded plats and an 86-36 site plan approval as being protected. He was not satisfied with the language "may provide exceptions" and felt there should be stronger language.

One resident of Bokeelia, discussed the signage issue. Since Pine Island is a rural community, this resident felt they needed rural solutions and not be treated with a "one size fits all" mentality. She did not feel their signage should be addressed the same as U.S. 41. She stated there were signage solutions other than large billboards and signs that have worked in other areas, such as Maine, that still help direct people to small businesses that are off the main roads. She also discussed helping small businesses stay in business by getting residents to frequent their services and spending money on the Island. She also felt encouraging overnight tourism during summer months would be helpful to businesses in the area. She stated that

protecting jobs, the local economy, and provided services, would keep residents from having to leave the island for their needs. She encouraged the LPA to support this plan.

The President of the Greater Pine Island Chamber of Commerce, stated her family ran a tourism business (boats) on Pine Island. She stated that in Pine Island the residents enjoyed a country living surrounded by nature. She stated the residents wanted to preserve their land and peaceful way of life for as long as possible. She noted the Chamber of Commerce had 190 members, of which over 50% were involved in tourism. Although there is no great emphasis in the plan on tourism, she stated that tourism is an important issue as it affects Pine Island's roads and businesses. She noted the Chamber of Commerce was not opposed to businesses, but is focusing on small family owned businesses as opposed to big businesses. She had concerns about signage, jet skis, air boats and parasailing, which she believed were incompatible to an environment like Pine Island. She encouraged the LPA to approve the plan.

A member of the Lee County Council of Civic Association, read the following statement into the record: "The Lee County Council of Civic Association (CCA) is an organization of 180 plus various entities including civic, environmental, elected officials, building and development interest and community leaders. The CCA Board of Directors at the Board's February 28th meeting, voted unanimously to endorse the proposed Pine Island Community Plan and recommend to the Local Planning Agency that the plan be transmitted to the County Commission for approval."

A resident of Matlacha, noted there were almost 100 residents of Pine Island here earlier this morning. He encouraged the LPA to approve this plan in order to protect the Pine Island area. He noted that areas such as Estero and Bonita have been saturated with development, therefore, the development is now coming to Pine Island. The resident emphasized that this whole process has been inclusive and continues to be well publicized.

A resident of Pine Island, stated that the individuals involved in the Greater Pine Island plan were well informed, dedicated, conscientious and hardworking people. She stated that their efforts had saved the County a lot of money as well as staff time. She stated that this proposed plan included well documented consideration of the main issues facing Pine Island residents as well as alternatives and specific actions. Lee County can choose to take to assure that recommended actions are implemented. She reiterated statements made earlier that Pine Island is a unique community due to its 1) natural resources (mangroves, aquatic preserves), 2) historical resources, and 3) sense of community mindedness. She reviewed the items she believed were most important to the plan, such as: 1) initiating changes to the future land use maps and plan to create the new coastal rural category and reclassifying the rural lands on Pine Island, 2) initiating a schedule for eliminating conflicts between the outdated county/zoning classifications that conflict with current Lee Plan goals and policies, 3) initiating buffer strip requirements for new developments between cleared land and natural water bodies, and 4) to initiate a Lee County program to assess the condition of septic system drain fields along the salt water canals in St. James City, Bokeelia, and Flamingo Bay. She encouraged the LPA to approve the plan as presented.

A local land use attorney and employee of the Florida Wildlife Federation stated that he volunteered his time to assist with this proposed plan because he loved Pine Island, worked for the Florida Wildlife Federation, and because he was a sportsman. He noted that Pine Island Sound was the center of sportsmen activities for Lee County. He felt this feature drew people to the area. He discussed some legal issues with

the Board involving clearing and restoring land, traffic capacity, hurricane evacuation, limiting rezonings, open space, and vested right provisions. He urged the LPA to approve the plan.

PART IV - LOCAL PLANNING AGENCY CONTINUED REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 22, 2002

A. LOCAL PLANNING AGENCY REVIEW

Three LPA members stated that they had conflicts of interest, would participate in the discussion, but abstain from voting. Planning staff gave a brief presentation concerning the proposed amendment. Staff explained the staff recommendation and the recent language changes. Staff passed out revised language for Policy 1.4.7. One LPA member referred to Policy 14.1.7 where in bold/underline it states, "if grant funding can be obtained." The member asked who would be responsible for searching out and obtaining grant funding (i.e. Lee County or the community). Staff responded that 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.

One LPA member asked if there was a map that would outline the properties that will now be Coastal Rural. Staff 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 this point in the hearing DOT staff reviewed their recommendation concerning revisions to Policy 14.2.2. DOT staff stated that their recommended language reflects revised capacity calculations. Staff noted that the existing measure contained in Policy 14.2.2 is unique, not the usual measure of peak season, peak hour, peak direction. DOT staff relayed that the proposed revisions to this amendment raise two policy issues: (1)should we recalculate the measure; and, (2) do you use 80% or 90% of level of service D or E.

The Chairman of the LPA opened up the meeting to public comments. The applicant's planning consultant was the first public speaker. The planning consultant 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 noted that one LPA member had asked if they had contacted the owners of the 157 acres during the last meeting. The consultant 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.

One LPA member 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. Another LPA member 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's 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.

One LPA member referred to the Policy 14.2.2 discussion and the applicant's planning consultant's concern about adopting a different method. He and the consultant 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). The consultant stated that the DOT recommended language would allow "way more growth," and change all of the expectations about development on Pine Island.

A resident of 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 (59 units and a hundred plus residents), Captain Mack's and Buttonwood Mobile Home Parks (36 units, 70 residents), Cherry Estates (450 homeowners), The Emergency Response Team of Greater Pine Island, Matlacha Hookers Association (a nonprofit women's group in Matlacha - 400 members), Pine Island Cove (318 residents), September Estates Subdivision (114 residents), St. James Civic Association, and several letters that were e-mailed. This resident also stated that "the Greater Pine Island land use plan is smart growth in action."

The President of the Greater Pine Island Chamber of Commerce read a letter of support from the Board of Directors for the Greater Pine Island Chamber of Commerce.

A member of the public 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.

One member of the public, speaking on behalf of the Responsible Growth Management Coalition, distributed a copy of the letter written by the, President of the Growth Management Coalition, and read it into the record. The letter requested that the LPA approve the applicant proposed revisions to Policy 14.2.2.

One Pine Island resident discussed the amount of existing development approvals on the island and Policy 14.2.2. This speaker concluded that "to set thresholds and then reset them when they are met in a continuous fashion is not land planning at all." The speaker urged the LPA member to not support the DOT recommended language concerning Policy 14.2.2.

One 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.

A 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.

One Matlacha resident read a letter into the record from the Friends of the Matlacha Committee who were in support of the Pine Island Community Plan.

A local planning consultant 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 a local attorney from his firm. He stated that this attorney was concerned with the new Coastal Rural land use category and the revisions to Policy 14.2.2. He stated that this attorney would like to know what the standards for the restoration re-vegetation 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. He noted that this attorney did not believe there was sufficient data and analysis to justify the one-third number and wondered how staff derived at that number.

The 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. He read a statement of support for the proposed plan amendment into the record from the St. James City Civic Association.

A 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 e defensible. He also disagreed with the addition of reduction in density to one-third the maximum density otherwise allowable.

A 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 LPA to approve Policy 14.2.2 exactly as it currently exists to avoid potential lawsuits.

A resident of Bokeelia 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 gong 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.

A member of the public 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. Seeing no more interest, the chairman closed the hearing to public input and solicited LPA member comments.

One LPA member 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. Another LPA member stated she supported the applicant's language for Policy 14.2.2. She agreed with the applicant's planning consultant'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.

One LPA member asked where the one-third figure came from as a reduction in density under the 910 peak hour trip rule. The applicant's planning consultant 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.

A member of the LPA made a motion to recommend transmittal of the amendment as recommended by staff with the exception of Policy 14.2.2. The motion included recommending the applicant's requested language concerning Policy 14.2.2, as well as the revisions to Policies 14.2.3 and 1.4.7. The motion was seconded and the vote called for by the chairman.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- RECOMMENDATION: The LPA recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT: As advanced in the staff report; the LPA found the applicant's language concerning Policy 14.2.2 more appropriate.

C. VOTE:

NOEL ANDRESS	ABSTAIN
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	ABSTAIN
GORDON REIGELMAN	ABSENT
ROBERT SHELDON	AYE
GREG STUART	ABSTAIN

PART V - BOARD OF COUNTY COMMISSIONERS HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: September 5th, 2002

A. BOARD REVIEW: Following a staff presentation of the proposed amendment the Board opened the hearing to public comment. There was considerable public comment on the proposal. Most of the public asked the Board to transmit the amendment as it was originally submitted. Several people spoke against the plan, primarily stating that it would remove property rights and actually encourage the destruction of vegetation on the island. One member of the public stated that the opposition was unfair because they had been working on the plan for two years, had numerous public meetings, had asked for public comment and were just now hearing the complaints. Following a call for additional public comment, and seeing none, the Chairman closed the hearing for public comments.

There were three main policies that the Board had concerns about. The first was Policy 14.2.2 regarding how trip calculations were to be done and what level of service would be used. The Board quickly decided to use the applicants language, and DOT staff did not object.

The second policy that was discussed at length was the placement of small directional signs in county Right-of-Way. Two Commissioners stated that due to not wanting to set a precedent for this policy county wide and because of concerns about liability and the added cost of maintenance to the county that they could not support this policy. Three members of the Board were in favor of transmittal and asked that some standards be arrived at prior to the adoption hearing.

Also of concern was potential Bert J. Harris Act implications involving Policy 1.4.7. That policy would potentially reduce allowable density in the proposed Coastal Rural Land Use category tenfold. A County Attorney explained that if adequate native vegetation was preserved or restored allowable densities would be the same as they are now. He then went on to say that he was unsure if Bert J. Harris litigation would be successful because there was no available case law for him to review.

One member of the Board recommended that the proposed amendment be transmitted without the language in Policy 14.4.4 that would allow for directional signs in the Right-of-Way of Stringfellow Road. That motion was seconded. Another member of the Board moved to amend the motion to transmit the proposed amendment as written. That motion was seconded. The vote on the amended motion carried 3-2. The Board then voted on the main motion to transmit the proposed amendment, including the sign proposal.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION: The Board voted to transmit the amendment to DCA as written.
- BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff and the LPA.

C. VOTE ON REVISED MOTION TO TRANSMIT THE PROPOSED AMENDMENT:

JOHN ALBION	AYE
ANDREW COY	AYE
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

PART VI - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the amendment as shown in Part I.B. of this report.

PART VII - BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: January 9, 2003

A. BOARD REVIEW: Staff introduced the proposed amendment. Transportation staff wanted to make it clear that staff still had concerns with the directional signage proposal. The Chairman then called for public input. Several members of the public spoke in favor and in opposition to the proposal. The Pine Island Civic Association's planning consultant also made a brief presentation. The consultant provided that the directional signage proposal provides that the county will change the regulations if an acceptable proposal comes forward. The consultant also highlighted the proposed coastal rural land use category. The consultant stated that "We think that's the best we can come up with as a balancing act that balances Bert Harris with the needed regulations, also recognizing the problems that would be created for the public in generations to come by allowing for more development than we have road access for."

A local land use attorney addressed the Board for two clients. This attorney stated that his clients objected to the proposal, specifically to the new Coastal Rural land use category. This attorney provided that the proposal has clear Bert Harris implications for his client's property. The attorney also questioned the data and analysis that has been provided to support the amendment. The attorney also questioned when the new Coastal Rural designation creates a bias in favor of clearing property as opposed to developing property that's already cleared. The Assistant County Attorney agreed that there are Bert Harris implications with the proposal. The Board further discussed Bert Harris implications and the existing threshold on traffic that is unique to Pine Island.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- BOARD ACTION: The Board of County Commissioners voted unanimously to adopt the amendment as transmitted to the DCA. The amendment was approved as part of the Board's Community Plan agenda.
- BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff.

C. VOTE:

DOUG ST. CERNY	AYE
RAY JUDAH	AYE
BOB JANES	AYE
ANDREW COY	AYE
JOHN ALBION	AYE

From: To: Ivan Velez Mudd, James

Date:

11/8/01 4:14PM

Subject:

Greater Pine Island Community Plan Update

The following are comments from the Utilities Division with respect The G.P.I. Community Plan:

Septic Tanks Along Canals (page 36)

- 1. Appears that some of the statements made at the last paragraph of page 36 are based on perception and not in facts.
- 2. Getting There: The Utilities Division is not staffed and cannot execute the duties that must be added by implementing the modifications suggested to the Policy 14.1.7.

The Lee County Health Department is charged with some of the duties related to septic tanks and permit requirements.

S. Ivan Velez, P.E. Prof. Engineer III Lee County Utilities 941/479-8166 velezsi@leegov.com

CC:

Diaz, Rick; Wegis, Howard

LEE COUNTY

F COUNTY COMMISSIONERS

Writer's Direct Dial Number.	

Manning One November 13, 2001

s R. St. Cerny Two

Mr. Paul O'Connor, Director Lee County Division of Planning

P.O. Box 398

dah Three Fort Myers, FL 33902-0398

W. Coy

Re: Greater Pine Island Community Plan Update

. Albion Five Dear Paul:

D. Stilwell
Manager
G. Yaeger

We have reviewed the proposed update to this portion of the Lee Plan.

Attorney

M. Parker

M. Parker Hearing er We have no objections to any of the proposed amendments; however, we would like to point out an issue in how the term "evacuation time" is defined as it relates to the discussion on page 5 of the document. On this page, the second footnote defines evacuation time which includes both a clearance time component (12 hours) and an pre-landfall hazards time component (8 hours). These two components are used together to come up with a 20 hour time frame for a category 2 (presumably a landfalling) hurricane. The third paragraph on this page then states this evacuation time exceeds both regional and county standards for evacuation times.

The recently completed 2001 Southwest Regional Hurricane Evacuation Study indicates a clearance time estimate between 8.0 - 10.8 hours for a category 2 landfalling storm occurring late in the hurricane season for Pine Island (p. II-B-48, Table 11). The evacuation time estimate for the same storm ranges from 13.6 hours to 17.2 hours taking into account the worst case assumptions (p. II-B-52, Table 13A).

The point we would like to make is that the way the Pine Island Community Plan Update defines evacuation time exceeds both the regional and county thresholds. However, the current clearance time and evacuation time estimates are below the language presented in both the Strategic Regional Policy Plan and the Lee County Comprehensive Plan, as defined by these planning documents. This is not to say that a hurricane evacuation problem does not exist on Pine Island, nor is the way the update defines evacuation time is incorrect for the purposes of defining policy.

Sincerely,

DIVISION OF PUBLIC SAFETY

John Wilson Director

JDW:cmm

CC:

Michael Bridges, Deputy Director David Saniter, Emergency Programs Manager Terry Kelly, Emergency Management Coordinator From: To: Roland Ottolini Mudd, James 11/28/01 2:28PM

Date: Subject:

Greater Pine Island Community Plan

modification to Policy 14.1.7 requires Lee County to develop a program to assess the impacts of septic systems on water quality for Pine Island and identify corrective measures (if needed), within one year. Such an effort will require additional funding. This work may be better suited to the Health Dept. as they are the ones who are permitting the septic systems.

Roland Ottolini
Division Director, Natural Resources
ottolire@leegov.com
phone: (941) 479-8127
fax: (941) 479-8108

CC:

Pellicer, Tony



February 4, 2002

Mr. Jim Mudd, Principal Planner Department of Community Development P.O. Box 398 Ft. Myers, Florida 33902-0398

Dear Mr. Mudd,

Thank you for your letter of January 22, 2002 requesting the Lee County Health Departments review of the draft community plan for Greater Pine Island. A review and comments have been made by members of our Environmental Health Section of those parts of the plan you have flagged.

Protecting Aquatic Preserves from Runoff, page 34

The Lee County Health Department recognizes the importance of environmental issues associated with the sensitive wetland zones on Pine Island serving as habitat for aquatic and wetland-dependent wildlife and vegetative species. The proposed 50 foot vegetated buffer separating new development and agricultural land from sensitive areas would serve to capture contaminates and sediment. In addition, a storm water collection and reuse plant might be considered to help area irrigation and replenish groundwater.

Septic Tanks Along Canals page 36

The Pine Island Community Plan accurately describes the benefits and conversely the hazards associated with the use of onsite wastewater systems. A septic system is both simple in design and complex in its collection, treatment and disposal of wastewater. A 91 page Florida Administrative Code, Chapter 64E-6, regulates septic system installation. These legislated standards are the product of input from the engineering community, building industry, registered contractors, state environmental agency representatives, health officials and research data collected as a part of a state mandate funded from permit fees. The concerns expressed for bacterial and viral pollution on Pine Island resulting from porous soils, small lots, shallow wells, proximity to water bodies, seasonally inundated lands, high water tables and tidal influence are all concerns shared by health departments statewide. Fortunately, each of these is addressed in the administrative rule governing septic systems. Systems, both new and repaired are permitted only after a complete application and field evaluation along with a myriad of other compliance considerations are reviewed. It should be noted that Florida's requirements are among the most stringent in the nation due largely in part to such a diverse and sensitive environment. Lee County ranks number one in the issuance of new system permits statewide and yet boast only a 2.8% failure rate of new systems installed within a two-year period. These system failures are however seldom the result of poor installation construction but rather to occupant abuse of poor maintenance, excessive water use and the introduction of grease, oils and chemicals creating conditions deleterious to the systems operation.

'er existing septic systems, such as might be found on Pine Island that experience failure must be pamitted and repaired in accordance with present code standards. The code has changed many times over the years to accommodate new technology and concepts current with today's onsite wastewater research. For example, since 1994 all repaired drain beds are required to meet a minimum separation from the seasonal high water table. This often necessitates elevating the drain bed above the previous height. The repaired system location may also be altered to meet more stringent set backs when site conditions permit. This however may not always be possible due to pre-existing landscaping, driveways and building additions. Conditions that may contribute to environmental concerns on Pine Island may stem from illegal repair of failing systems without benefit of permit whereby corrections were made bypassing environmental safeguards provided under the rule. Periodic maintenance of septic systems is recommended and should be encouraged in any plan where there exists nearby sensitive lands or aquatic preserves. The leaching of untreated effluent containing elevated levels of nitrates, phosphates, bacteria, viruses and chemicals through the soils provides the potential for contamination of nearby water bodies. Testing for enteric bacterial contaminates of marine waters through the identification of fecal coliform and enterococci can be performed. Contamination can originate from birds, dogs, cats, livestock, other animals and humans. DNA testing, though expensive, can differentiate between animals and humans. There are laboratories locally and around the state that can provide the necessary testing services. These include the Lee County Lab, D.E. P. lab services and the University of Florida. Difficulty often arises in determining the source of human contamination once it is implicated, as possible sources include septic systems, public and private wastewater treatment facilities and live-a-boards docked at marinas and residences. If it is determined by various survey methods that septic systems are an obvious contributor a corrective action plan as suggested in the draft may be implemented, given available funding. Such a plan

y be limited to single identified structures or as broad as entire communities and may include an inspection program, upgrading or maintenance upon home sale or extension of central sewer service collection lines for communities now served by septic systems or investor owned and poorly maintained treatment plants.

The Lee County Health Department is most willing to assist in any way possible where we have statutory responsibility and resources to ensure the environmental health of Lee County is protected in accordance with the highest standards provided by law.

If my staff or I can be of any further assistance in this matter please do not hesitate to call.

Sincerely,

Judith Hartner, MD, MPH, Director

Lee County Health Department

941-332-9510

cc:

Joseph Barker, RS, Environmental Administrator H. Michael Clevenger, RS, Environmental Supervisor



DEPAR MENT OF TRANSPORTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

April 16, 2002

Subject:

LCDOT FINAL COMMENTS ON GREATER PINE ISLAND

COMMUNITY PLAN UPDATE

The consultant for the Greater Pine Island Community Plan Update in his letter of February 27, 2002 has done an excellent job addressing our comments of November 26, 2001, and we agree with most of his proposed language changes. However, in response to our request that the 810/910 development limitation standards be updated, since they are based on roadway capacity calculations done twelve or more years ago, the consultant declined. He indicated that he agreed with the need for the update, but cited a lack of essential input data for the Matlacha area as a basis for not doing the calculation. That same argument, along with a comparison to the most recent capacity calculations on Estero Boulevard which suggested that the new calculations wouldn't be much different, was included in Appendix A of the update. The consultant said in his February 27th letter, "We would be pleased if Lee County were to undertake this analysis at its most sophisticated level; it was simply beyond the budget of the community planning process and not essential for supporting a policy that has already been in force for a dozen years."

Staff disagrees with the premise that the recalculation is not essential, and feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different. These calculations serve as a regulatory standard to limit development, and development denials based on such standards have the possibility of being challenged in court. Lee County would be hard-pressed to defend the reliance on twelve-year-old calculations when there have been significant changes in the calculation methodologies and the input data. We do not feel the calculation is as difficult as suggested by the consultant, and have undertaken it ourselves in the interest of protecting the County.

The most recent software for calculating service volumes (capacities) was released by the Florida Department of Transportation in March, and is called HIGHPLAN 1.0. Staff calculated the capacity for the entire section of Pine Island Road from Stringfellow Road

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 2

to Burnt Store Road using the new software. The software has a number of input variables, some of which we have site-specific information for and some of which rely on FDOT defaults. Because of the length of the segment we are dealing with (5.4) miles, there is some variation in the variables that required some averaging. For example, there are four different posted speeds within the segment, ranging from 30 mph to 55 mph. In examining the lengths of the different speed zones, staff developed a weighted average of 45 mph as an input to the software. There are also two different Area Types within the 5.4 mile segment; part would be considered Rural Undeveloped (about 61%) and part Rural Developed (about 39%). Staff calculated capacities under both scenarios and averaged them together using a weighted average system. The assumed input variables under each scenario are as follows:

INPUT VARIABLES

Area type:	Rural Undeveloped	Rural Developed	Field Data
Class:	4	3	Default
Posted Speed:	45	45	Field Data (Avg.)
Free Flow Speed:	50	50	Default
Pass Lane Spacing:	N/A	N/A	
# Thru Lanes:	2	2	Field Data
Terrain:	Level	Level	Field Data
Median:	No	No	Field Data
Left Turn Lanes:	No	No	Field Data
% No Passing Zone:	60	60	Field Data
AADT:	10900	10900	2001 Report
K-Factor:	.103	.103	2001 Report
D-Factor:	.58	.58	2001 Report
Peak Hour Factor:	.88	.895	Default
% Heavy Vehicle:	5	4	Default
Base Capacity:	1700	1700	Default
Local Adj. Factor:	.9	.92	Default
Adjusted Capacity:	1139	1180	Default

The calculation of the averaged service volumes relates to the staff determination that 61% of the segment fell into the Rural Undeveloped category and 39% was Rural Developed. Staff took the service volumes calculated under each scenario, applied the percentage of the overall segment, and added them together to get an estimated service volume. The results are below.



DEPAR MENT OF TRANSPORTATION

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 3

SERVICE VOLUME CALCULATIONS PEAK SEASON, PEAK HOUR, PEAK DIRECTION

Di de la			~
LOS	Rural Undeveloped	Rural Developed	Wtd. Average
A	0	90	35
В	90	240	150
C	280	490	360
D	490	690	560
E	940	990	960

These calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips. Staff had asked the consultant to reconcile the old annual average, twoway standard with the more modern peak season, peak direction standard used throughout the rest of the Lee Plan and consistent with current professional practice, but the consultant did not address that issue. There is also an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, staff proposes to modify the standard in Policy 14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627. We recommend the following changes to the policy language as proffered in the community plan:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county shall keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations shall reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

MEMO To: Jim Mudd

Date: April 16, 2002

Page 4

- When traffic on Pine Island Road reaches 840 768 peak season, peak hour, annual average two-way-peak direction trips, the regulations shall restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

When traffic on Pine Island Road reaches 910 864 peak season, peak
hour, annual average two-way-peak direction trips, the regulations shall
restrict the further issuance of residential development orders to onethird the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or siteplan approval under Ordinance 86-36.

Thank you for this opportunity to comment on the Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association

Donna Loibl, President, Matlacha Civic Association

Administrative File

Loveland forwarded us his April 16 memo a Jim Mudd this morning.

We plan to take exception to some of his points, especially the "iggestion to increase the traffic thresholds for Pine Island Road from IS "D" to LOS "E". That change would have incredibly serious policy implications for the future of Pine Island, yet is couched here as a technical issue of improving "consistency." Pine Island's access situation is hardly consistent with the rest of Lee County, nor is the actual development situation in Matlacha; that was the whole point for having this special rule for Greater Pine Island.

It appears that using the new methodology while retaining LOS "D" would actually make the current development restrictions more onerous on private property owners. We are not recommending such a change to this policy because it would open up the county to claims under the Bert Harris Act. That act cannot be used to challenge the effect of rules that were adopted prior to 1995, thus the existing 810/910 rule is grandfathered under the Bert Harris Act. Although we are proposing minor changes to this rule, the Bert Harris Act test is whether the *changes themselves* would impose an inordinate burden on private property. The changes we are proposing are actually *less* restrictive than the current rules, whereas using the new methodology with LOS "D" would make them more restrictive. Ralf Brookes' legal opinion on this subject is attached.

We are now reviewing several technical matters in David's memo and will be getting together with him later in the week in an attempt to resolve them — we'll keep you advised of our progress.

.ll Spikowski

MEMORANDUM OF LAW

In re: Pine Island Community Plan and Bert Harris Act

Date: April 2, 2002

By: Ralf Brookes, Attorney, 1217 E. Cape Coral Parkway #107, Cape Coral, FL 33904

In 1995, the State of Florida enacted the Bert J. Harris, Jr., Private Property Rights Protection Act, as Chapter 70.001 of the Florida Statutes. The Act creates a new cause of action for aggrieved property owners who demonstrate that governmental action occurring <u>after</u> May 11, 1995, "inordinately burdens" property because it unreasonably, and disproportionately limits or restricts on investment-backed expectations for the existing use or a vested right to a specific use of the real property "

Several important and "notable limitations" iii to Bert Harris Act claims exist, including these that are relevant to a Harris Act legal analysis of the proposed Pine Island Community Plan:

- the cause of action created by the Act does not apply to any laws, rules, regulations or ordinances adopted, or formally noticed for adoption, prior to May 11, 1995, the adjournment date of the 1995 Regular Session of the Legislature. Incremental additions to pre-May 11, 1995 laws are actionable only if the post-May 11, 1995 increment independently constitutes an inordinate burden in its own right; to
- the Act only provides recovery for permanent, not temporary, losses or impacts to real property;
- the Act "expressly excludes relief for cases involving (1) 'operation, maintenance or expansion of transportation facilities,' or (2) traditional eminent domain laws relating to transportation. The former exclusion leaves several unanswered questions, such as whether such exclusions affect transportation concurrency moratorium" in cases where none of the other exceptions were to apply;
- Even if a landowner brings an action and is successful the "affected governmental entities may take an interlocutory appeal of the court's determination that the challenged action resulted in an inordinate burden. That is, even if the government loses, it can call the process to a halt before damages are awarded by a jury, and subject the landowner to a lengthy and perhaps expensive appeal process [and offering yet another opportunity for settlement or remedial action]. Landowners, however, may not take an interlocutory appeal from the circuit court's adverse determination."

Proposed Pine Island Community Plan: Amendment to Policies 14.2.2 and 14.2.3

Once a local government has adopted its comprehensive plan, the Growth Management Act^{vii} requires that all actions taken by the local government in regard to development orders be consistent with each and every goal, objective and policy contained in the adopted local comprehensive plan^{viii}.

The current Lee County Comprehensive Plan (adopted prior to 1995) is more restrictive than the proposed Pine Island Community Plan and states:

[CURRENT] POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800 additional dwelling units, the county shall consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of these regulations would be to appropriately reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard being reached, as follows:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan.

The proposed Pine Island Community Plan is equal to, or less restrictive than, the current Comprehensive Plan policies. The proposed language contained in the Pine Island Community Plan would amend the policy referenced above as follows:

[PROPOSED] POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 6,800 additional dwelling units, the county shall keep in force effective consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of These regulations shall would be to appropriately reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road adopted level of cervice standard being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

-When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road, through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

-When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders to one-third the maximum density otherwise allowed on that property. (pursuant to the Development Standards Ordinance), or other measures to maintain the

edopted level of ser. J. until Improvements can be made in acco. Jance with this plan.—These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The new language providing exceptions for minor rezonings and infill properties (at 810 trips) and allowing some development, (albeit at 1/3 previous densities), instead of the current outright prohibition (at 910 trips), is less restrictive than the current Comprehensive Plan policy.

The Proposed Pine Island Community Plan also offers additional policy assurances in an effort to further improve hurricane evacuation times and protect both of human life and property rights:

[PROPOSED] POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, the county shall take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures shall be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

This new language will provide further relief from traffic based hurricane evacuation constraints. If not, under the current comprehensive plan policy 14.2.2 (set forth above) a rate of growth ordinance or other development restrictions may be required to "implement measures to gradually limit future development approvals." Such a gradual approach would allow Lee County to allocate any available, remaining trips west of the Matlacha bridge while maintaining and achieving LOS and evacuation improvements.

The proposed policy amendments to 14.2.2 and 14.2.3 would likely be construed as favorable, less-restrictive incremental addition to the current requirements. The current requirements were adopted prior to 1995. The proposed amendment(s) does not "independently constitute an inordinate burden" in its own right.

Part II of the Bert Harris Act.

An additional relief or safety valve that can operate to further minimize the risk of damages is created in Part II of the Act, which allows local governments and property owners to enter into a formal mediation process for resolution of property rights disputes. This is helpful to local government which can use the formal mediation process avoid claims for a taking under the Florida Constitution or violations of Part I of the Act - should unique, individual circumstances arise that are not foreseen.

FLORIDA'S BERT HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT — AN OWNER'S BRIDGE TOO FAR? Ronald L. Weaver & Elizabeth Yfiigo, Steams Weaver Miller Weissler Alhadeff & Sitterson, P.A., Tampa, Florida

i Fla. Stat. § 70.001 (1995) E Fla. Stat. § 70.001 (1995).

^{*} Fla. Stat. § 70.001(12) (2000).

Weaver & Yñigo, supra

[&]quot; Weaver & Yñigo, supra

vii Florida Statutes, Section 163.3194(1)(a)

wiii Machado v. Musgrove 519 So.2d 629 (Fla. 3rd DCA 1987) affirmed en banc at 1988 Fla. App. Lexis 705; 13 Fla. Law W. 522 (1998) review denied Machado v. Musgrove, 529 So. 2d 694 (Fla. 1988).

PINE ISLAND PROPERTY OWNERS POTENTIAL AFFECTED BY 157-ACRE RECLASSIFICATION TO "COASTAL RURAL"

SECTHREE CORPORATION 4545 NORTHWESTERN DR #A ATT RONALD SMITH ZIONSVILLE, IN 46077

PALM TREE INCOME FUND I LTD C/O RICHARD GALVIN 87 ANDOVER LN WILLIAMSVILLE, NY 14221

HANCOCK JULIA M 15720 QUAIL TRL BOKEELIA, FL 33922

VITELLO LEONARD P JR + JANE 285 SUNRISE DR #24 KEY BISCAYNE, FL 33149

BURFORD FREDERICK J + CATHY P 15790 QUAIL TRL BOKEELIA, FL 33922

TOBIN JAMES A + MARY JOAN PO BOX 494 BOKEELIA, FL 33922

KIBURZ KIM + STRAIT ROBERT 3331 SW 18TH ST FORT LAUDERDALE, FL 33312

STRAIT BOB +
KIBURZ KIM
3331 SW 18TH ST
FORT LAUDERDALE, FL 33312

BECHDEL FAMILY FL LTD PTRSHP 11350 LONGWATER CHASE CT FT MYERS, FL 33908 SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SISSON GLENN F + ILEANA 4702-A SETERRA BEND DURHAM, NC 27712

SIMPSON RICHARD L + JILL A 4421 SW 62ND CT MIAMI, FL 33155

SECFOUR INC., ATT RONALD SMITH 4545 NORTHWESTERN DR #A ZIONSVILLE, IN 46077

SMITH DONALD K + DEBORAH F P O BOX 523 CARMEL, IN 46032

SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SMITH DONALD K + DEBORAH PO BOX 417 BOKEELIA, FL 33922

Letters were mailed from Spikowski Planning Associates to these property owners on April 2, 2002, with copies of the preliminary April 25 meeting notice and pages 1 and 11-17 of the plan.

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

> telephone: (941) 334-8866 fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

April 2, 2002

SECTHREE CORPORATION
4545 NORTHWESTERN DR #A
ATT RONALD SMITH
ZIONSVILLE, IN 46077

RE: PUBLIC HEARING ON APRIL 22, 2002

Dear Pine Island Property Owner:

On the back of this letter you will find an announcement for a public hearing to be held in Fort Myers on April 22 regarding the Greater Pine Island Community Plan Update.

You are receiving this letter because you own property in a 157-acre area just south of Barrancas Street in Bokeelia whose land-use classification may be changed as a result of these public hearings. The change would be from an urban designation ("Outlying Suburban," which allows from one to three dwelling units per acre) to a new "Coastal Rural" designation, which is described on the attached pages from the Greater Pine Island Community Plan Update.

Full copies of this plan update can be obtained from the Pine Island Library or can be downloaded from the Internet at http://www.spikowski.com/pineisland.htm

You are invited to comment on these proposals in person on April 22, or you may address any correspondence to Mr. James Mudd, Principal Planner, Lee County Department of Community Development, P.O. Box 398, Fort Myers, Florida 33902-0398. You may also contact me with any questions.

Sincerely,

William M. Spikowski, AICP



Community Plan Update for Greater Pine Island

Monday morning, April 22, 2002, at ?:?? A.M. at the County Commissioner's Meeting Room Old Courthouse, 2120 Main Street, Fort Myers, Florida

BACKGROUND: During the past two years the Greater Pine Island Civic Association has coordinated a comprehensive review of Lee County's plans and development rules for Pine Island and Matlacha. This effort has resulted in recommended revisions on the following subjects:

Hurricane Evacuation Road Constraints (Pine Island Rd.) Cap on Building Heights Urban and Rural Land Uses Commercial Building Design Bike Paths Fences and Walls

Historic Buildings Business Signs Pine Island - a Vision for 2020 Protecting Aquatic Preserves from Runoff Septic Tanks Along Canals

STATUS: The completed plan update was submitted to Lee County last September. Like all other changes to Lee County's comprehensive plan, these proposals will be the subject of at least three public hearings.

The first public hearing was held on March 25. The second public hearing will be held before Lee County's Local Planning Agency at the date, time, and place listed above. The Local Planning Agency is expected to make its final recommendations to the Board of County Commissioners at this hearing.

A complete copy of this plan update and its recommendations can be reviewed at the Pine Island Library, or a free copy can be downloaded from the Internet at http://www.spikowski.com/pineisland.htm

Community planning effort and this notice sponsored by

Greater Pine Island Civic Association P.O. Box 478 St. James City, Florida 33956

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

This document presents a community plan update for Greater Pine Island. Background material on current conditions is followed by specific proposals to amend Lee County plans and regulations that affect Greater Pine Island.

A quick summary of this plan is available by reviewing the shaded boxes throughout this document. One of Greater Pine Island's major planning issues is summarized in each box, followed by one or more recommended responses.

This entire plan update has been sponsored as a community service by the Greater Pine Island Civic Association, with professional assistance by Spikowski Planning Associates, aided by Mohsen Salehi Consulting Services, both of Fort Myers. Generous financial assistance was provided by the Lee County Board of Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation. Updates on the progress of this plan are published in the Pine Island Eagle and are also available at http://www.pineisland.htm and http://www.PineislandNews.com

Written comments can be forwarded to the Greater Pine Island Civic Association at P.O. Box 478, St. James City, FL 33956.

This plan update was formally submitted to Lee County on September 28, 2001. Formal public hearings will be held in Fort Myers. Notices are published in advance in the News-Press.

TABLE OF CONTENTS

Pine Island – the Place and the People Page 2 Existing Private Property Rights Page 4
Existing Private Property Rights Page 4
TRANSPORTATION ISSUES Page 5
Hurricane Evacuation Page 5
Road Constraints Page 7
POPULATION AND LAND USE Page 11
Town and Country on Pine Island Page 11
Population Summary Page 18
Greater Pine Island's Boundary Page 19
COMMUNITY CHARACTER Page 20
Design of Commercial Buildings Page 20
Bike Paths Page 22
Fences and Walls Page 24
Historic Buildings Page 26
Cap on Building Heights Page 28
Business Signs Page 30
County-initiated Rezonings Page 31
Pine Island - a Vision for 2020 Page 32
Municipal Incorporation Page 33
THE ENVIRONMENT Page 34
Protecting the Aquatic Preserves from Runoff Page 34
Septic Tanks Along Canals Page 36
Jet-skis and Air Boats Page 38
APPENDIX A: TRANSPORTATION DATA AND ANALYSIS
APPENDIX B: RURAL LAND-USE ALTERNATIVES
APPENDIX C: EXISTING AND APPROVED LOTS

POPULATION AND LAND USE

Town and Country on Pine Island

The essential character of Pine Island has always been the contrasts among its physical environments. Surrounded by harbors and bays of unparalled beauty, Pine Islanders live in a series of low-key settlements or "villages" that are separated by rural land. With dense mangrove forests creating barriers between most land and the water, the seven residential villages have formed in the locations with best access to the water (Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical . Homesites/Manatee Bay, and St. James City). Only Pine Island Center is away from the water, in favor of the only crossroads location on Pine Island. Between these villages there has always been the sharp contrast of rural lands, dominated by slash pine/palmetto habitats and some farming operations.

Pine Island has almost no beaches, few city services, and limited employment and shopping — yet it remains a highly desirable



Pine Island Center, looking north

Photo courtesy of Mohsen Salehi and Bill Dubin

and moderate-cost alternative to the formless "new communities" that have obliterated the natural landscape throughout coastal Florida.

The current Pine Island community plan maintains the distinct villages by limiting their expansion through boundaries on a future land use map. Only a single ten-acre amendment has been approved to that map since 1989. Because the boundaries themselves have not been reexamined during that period, that effort was undertaken as part of this plan update, as described below.

Town (village) boundaries

The freestanding villages on Pine Island have been given one of three "future urban area" designations, with densities and total acreages summarized in Table 2.

TABLE 2

"Future Urban" designations on future land use map	Residential density range (DU = dwelling unit)	Actual acres in Greater Pine Island
Urban Community	1 to 6 DU/acre	1350 acres
Suburban	1 to 6 DU/acre	1427 acres
Outlying Suburban	1 to 3 DU/acre	1557 acres

"Urban Community" areas can have considerable concentrations of commercial uses, and thus were assigned to Pine Island Center and Matlacha, the commercial centers for all of Greater Pine Island.

"Suburban" areas are allowed similar densities for residential development, but with fewer commercial uses. This designation has been assigned to most of Bokeelia and St. James City, and smaller areas around the Pink Citrus, Flamingo Bay, and Pinewood Cover mobile home parks.

"Outlying Suburban" areas are allowed half the density of "Suburban" areas, but with comparably limited commercial uses. This designation was generally assigned to all other settlements on Pine Island.

All the future urban designations were drawn tightly around existing settlements. The exceptions are about 52 acres just north of Galt Island Avenue (northwest of St. James City); 95 acres centered around the Pine Island Village subdivision south of Flamingo Bay; and 157 acres south of Bokeelia and north of September Estates. The first two exceptions apparently had been made due to imminent development activity on those parcels, and both were reasonably logical extensions of existing settlements. However, little activity has taken place on either parcel, with extensive natural vegetation remaining.

The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west.

Other apparent anomalies are several large clusters of rural land that have been assigned the "Outlying Suburban" designation east and northeast of Pineland. Close examination shows that these areas have been subdivided into lots averaging one-half acre, and have been almost entirely sold off to individual purchasers. The largest area, just east of Stringfellow Road, is known as the Kreamer's Avocado subdivision. The relatively few homes that have been built there enjoy a pleasant rural setting. However, any substantial increase in homebuilding will overtax the incomplete network of unpaved roads and reduce the rural atmosphere. At such time, residents could band together and

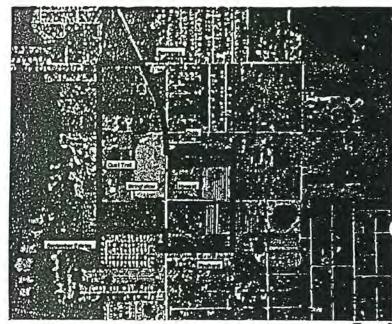
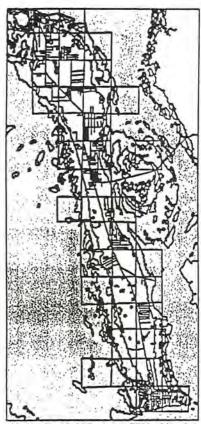


Figure 2

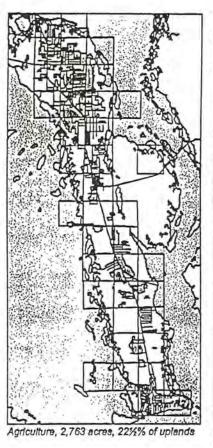
pave the roads and install a modest drainage system through a special taxing district. The seeming anomaly of the "Outlying Suburban" designation, however, is appropriate for the existing pattern of small subdivided lots.

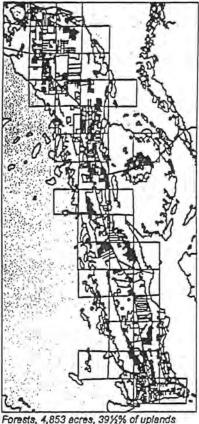
The future of rural Pine Island

Outside the village boundaries, all high ground has been designated in the "Rural" category, where residential development is now limited to one dwelling unit per acre (1 DU/acre). Over the past 15 years, much "Rural" land between the villages has been converted to farmland, especially on the north half of the island, a trend that is continuing even today. This conversion has destroyed a quarter of the remaining pine-and-palmetto habitat over a 15-year period (see Table 3), a period in which farming has become the most popular and economic use of rural land on Pine Island.

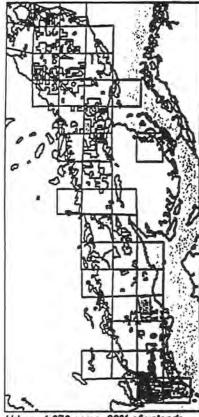


Wetlands, 13,088 acres, 52% of land





Forests, 4,853 acres, 39½% of uplands (pine flatwoods, lighter color, 22½%; exotic infested, darker color, 17%)



Urban, 4,676 acres, 38% of uplands

SOURCE: Based on GIS data for 1996 provided by the South Florida Water Management District.

TABLE 3

Removal of Pine Flatwoods on Pine Island
1981 - 1996

Pine Island Comm- unity, By Sector	Upland Acres		of Pine woods	15-Year Decrease of Pine	Agricul- tural Acres,
		1981	1996	Flatwoods	1996
Bokeella	1,612	144	40	(104)	464
Pineland	2,672	373	230	(143)	1,336
Pine Island Center	2,690	859	743	(116)	365
Matlacha	224	0	0	0	0
Flamingo Bay	2,451	1,360	1,044	(316)	444
Tropical Homesites	792	581	400	(181)	12
St. James City	1,630	420	300	(120)	142
TOTALS:	12,071	3,737	2,757	(980)	2,763

SOURCES: Data based on interpretation of aerial photographs.
For sector boundaries, see map in Appendix C.
1981: Lee County Coastal Study, Appendix IV-III, Godschalk & Assoc., 1988.
1996 and upland totals: Based on GIS data provided by the South Florida Water Management District.

This increase in farmland is sometimes seen as preferable to more residential subdivisions, which cannot be supported by Pine Island's limited road connections to the mainland. However, farmland can be converted to residential land very easily; the current comprehensive plan actually seems to encourage this by allowing residential development on one-acre lots without rezoning, even on active farmland. Planning professionals generally agree that one-acre lots are too small to maintain the countryside and too large to create villages; yet that is the predominant residential density allowed on Pine Island today.

During this plan update process, Pine Islanders carefully considered alternative growth-management techniques to replace the 1 DU/acre "Rural" category on Pine Island. While considering

Remaining pine flatwoods, 1996

these alternatives, the public was made aware of the current regulatory climate: regulations that are so strict as to essentially "take away" all rights to private property rights are illegal, and such "takings" must be fully compensated to the landowner, an enormously expensive undertaking.

In addition, in 1995 the Florida legislature passed the Bert J. Harris, Jr. Private Property Rights Protection Act. This act established a new standard for preventing overly strict regulations on land — any regulation that is determined to

place an "inordinate burden" on a landowner may now require compensation, even though it isn't a "taking" of all property rights. This act does not mean that land-use regulations cannot be made stricter, even if they lower the market value of land; but as a practical matter it will mean closer scrutiny of strict regulations, especially their potential to "inordinately burden" landowners even if the court decides that a particular regulation is valid and in the overall public interest.

Whether a new regulation places an "inordinate burden" on a landowner will be determined by the courts on a case-by-case

basis. It is clear that the amount the market value of land may be lowered after a regulation is imposed will be a very important factor in this decision.

On Pine Island today, there is little market demand for residential development at densities of 1 DU/acre. A single new subdivision has been created at this density (Island Acres just south of the water treatment plant), and it has experienced relatively slow sales even though its lots surround an attractive lake. The actual real estate market for large tracts of Pine Island land has three major types of buyers:

- Intensive agriculture users, who are planting tropical fruits, ornamental palms, and some vegetables;
- Land speculators, who often anticipate selling at a profit to a developer who would build dwelling units around a golf course; and
- Public agencies, the new players in this market, at present primarily Lee County's "Conservation 2020" program which buys and preserves natural habitats.

These three types of buyers will establish the market value for large tracts on Pine Island in the absence of substantial demand for one-acre homesites.

Appendix B of this report evaluates five different growth-management techniques for rural land on Pine Island:

- · Conservation land purchases
- · Larger lots in rural areas
- Cluster development
- Transferable development rights
- Rate-of-growth control

Any of these techniques, or either of the two hybrid techniques also discussed in Appendix B, could become part of the Greater Pine Island community plan update and the Lee Plan's future land use map, and would be implemented through subsequent changes to other county regulations. (Existing lots would pre-

sumably be "grandfathered in" even if they are now vacant.)

The option recommended as the best for Greater Pine Island at this stage of its evolution is a hybrid described in Appendix B as "conservation clustering with incentives" (#7). It combines the best features of conservation land purchases (#1), larger lots in rural areas (#2), and cluster development (#3).

Land that is now designated "Rural" would be placed in a new "Coastal Rural" category. This conversion would respond well to the three main problems identified for Pine Island's rural areas:

- the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;
- the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and
- the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

This option combines regulations with incentives and uses a sliding scale of density to encourage (though not require) conservation of undisturbed habitats.

Property owners who save 70% of native habitats would be allowed to keep all of the dwelling units allowed to them today, but instead of placing each house on a 1-acre lot, these homes could be placed on the remaining 30% of the land. This would allocate 0.3 acres per lot (although actual lot sizes would be somewhat smaller to account for land needed for streets and stormwater detention lakes).

Property owners who choose not to save any native habitats would be limited to 1 DU per 10 acres. This would allow agricultural or country-estate homes on 10-acre lots.

A sliding scale would allow property owners to choose any point within the extremes just described, as shown in Table 4.

TABLE 4

Assume %		RESULTS ON 100 ACRES WOULD BE:				
of native land saved or restored	Would then be assigned this gross density:	# of DUs	acres used per lot	total acres	total acres	
0%	1 DU per10 acres	10	10.0 acres	0	100	
5%	1 DU per 9 acres	11	8.6 acres	5	95	
10%	1 DU per 8 acres	13	7.2 acres	10	90	
15%	1 DU per 7 acres	14	6.0 acres	15	85	
20%	1 DU per 6 acres	17	4.8 acres	20	80	
30%	1 DU per 5 acres	20	3.5 acres	30	70	
40%	1 DU per 4 acres	25	2.4 acres	40	60	
50%	1 DU per 3 acres	33	1.5 acres	50	50	
60%	1 DU per 2 acres	50	0.8 acres	60	40	
70%	1 DU per 1 acre	100	0.3 acres	70	30	

It may seem counterintuitive to allow higher densities on natural habitats than on disturbed lands, but this provides landowners with a strong incentive not to clear native habitats. (The same incentive would be granted to restored land as to preserved land, using the same sliding scale.)

This approach diminishes the potential for residential development on agricultural land while rewarding landowners who protect (or restore) their land's natural habitats. Actual development on native parcels would disturb far less land than would occur today by either allowing today's number of dwelling units to be placed on smaller lots, or by reducing the number of lots that are allowable. Public purchases of entire tracts for preservation would be encouraged, but if purchase offers aren't attractive enough to interest property owners, this new plan would encourage more preservation than current regulations.

SETTING THE COURSE

The culture of community-making demonstrated by Pine Island's ploneers should be continued by enhancing its seven freestanding communities and keeping them from sprawling into rural areas. Pine Island's rural areas should be placed into a new Coastal Rural category on the future land use map. This category would have a sliding density scale that would reward landowners with preserve native upland habitats. However, it would not prevent them from pursuing agriculture or creating standard ten acceptomesities if they choose. Without major habitat preservations smaller homesites would not be allowed in Coastal Rural areas Existing legal lots in rural areas would not be affected.)

GETTING THERE

Adopt a new comprehensive plan policy as follows:
POLICY,14.1.8: The county shall reclassify all uplants on Pine Island previously designated as Rural is a four Coastal Rural designation on the Future Earlow as viantified purposes of this redesignation are to provide clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destructor of native upland habitats, and to avoid placing more dwelling units on Pine Island than can be salved. The Coastal Countification is designed to provide landowners with maximum flexibility while accomplishing these public purposes.

GETTING THERE (continued)

2. Adopt a new comprehensive plan policy establishing a new non-urban designation on the county's Future Land. Use Map as follows:

POLICY 14.7. The Coastal Rural areas are uplands of Pine Island that were redesignated in accordance with Policy:14:1:87 These lands are to remain rural except fo bofilons of individual properties whose owners choose portions of individual properties whose owners choose to permanently preserve of restore native upland. The habitats and in return are permitted to use a portion of ineit properties for smaller residential lots of the standard maximum density in the Coastal Rural area is one owelling unit per ten acres (100/10 acres) Maximum densities in crease as various percentages of native uplands are permanently preserved or restored.
Permitted and uses include agriculture, fill-diff
extraction, conservation uses, and, residential uses, up to
the following densities.
Percentage of native habitats

经济内产品条约 内	red or res	tored and	A THINK THOUGHT THE	and the second second
ATTA AT A MANUFACTOR	MISTER OF THE MINE	march and DAST	en visit de la company	30年30年3月1日1日1日1日1日1日1日1日1日1日1日1日1日1日1日1日1日1日1日
BEEN AND AND ASSOCIATION OF THE PERSON OF TH	ENCO 9/4 STANK	电初级初级	Y.UO!! WWW	10 acres
码漆树脂粉	A STATE OF THE STA	V48/4/45/23/6		
北京	流放570%的行	的对对对对对对	が終わりしま	9 acres
经验	地名中国共和国	如如"解"的解析		8 acres
和特別的政治	第10%的	经验证的证		WO SCIER WAS
经验的	375%	其公司出版 (多語)	THE PARTY OF THE	27 acres
111	場につくのがは	第722年第3276		
建设的现在分	域20%湖底	流出地域的流	8868000	6 acres
では、	AU TO THE TOTAL THE	是於自由的自由		
30000000000000000000000000000000000000	M30%	CASH CASA	122/11/11	35 acres
的對於的學科學也	The second	光光等的形物		
对外的	成40%物态	地对四次企业的形	MAN DUY	4 acres
第一种的		and the state of t		
是这些价格的	50%	低四种级沿岸	TREAT DU	3 acres 4
國的政策的	建设有关的	对自己的对对自己的	MUSIC PRINT	经现代的工工程则以
物的海绵的	度60%。俄德	的有外的的目的	は密かしている	2 acres 3
经验证	1847年	With the Second	建筑机工工	1 acre
10年20年20年	137.10.70	建筑 加度的情况。		
BESTER STRUCTURE OF THE SECOND	PROSESSED WAS AN	MARKET BEATT HOLES	THE WAY WATER	POSMUM BUMBHES MODERNING

GETTING THERE: (continued)

- Amend the future land use map to reclassify all land of Pine Island now designated as "Rural" into the new Coastal Rural category.
- Amend the future land use map to reclassify from Outlying Suburban" to "Coastal Rural", 157, acres of adricultural land between Bokeella and September Estates in 31-43-22, bounded by Quali Trail onjures Banancas Street on the north Stringfellow on the ea Unit A of Rapid #1 subdivision (Cobb Road) on the north the quarter section line of Section 31 on the least and Pinehurst Acres and September Estates on the
- Amend the land development code to provide detailed regulations to implement new Policies 147 and 1478 including modifications to the AG-2 zoning distriction accordance with these policies

CPA2001-18 BoCC SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document For January 9, 2003 Adoption Hearing

> Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (941) 479-8585

> > November 22, 2002

LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2001-00018

1	Text Amendment	1	Map Amendment
	This Document C	ontains th	e Following Reviews

1	This Document Contains the Following Reviews:
1	Staff Review
1	Local Planning Agency Review and Recommendation
1	Board of County Commissioners Hearing for Transmittal
1	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 18, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

a. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

b. APPLICANT

THE GREATER PINE ISLAND CIVIC ASSOCIATION REPRESENTED BY BILL SPIKOWSKI SPIKOWSKI AND ASSOCIATES

2. REQUEST:

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, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

STAFF REPORT FOR CPA2001-18 November 22, 2002 PAGE 2 OF 38

B. BOARD OF COUNTY COMMISSIONER'S TRANSMITTAL LANGUAGE:

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are; Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents.

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

<u>POLICY 14.1.5:</u> New <u>development</u>, including "planned development" rezoning approvals and, new subdivisions, and agriculture, that adjoining state-designated aquatic preserves and associated <u>wetlands and</u> natural tributaries must provide <u>preserve</u> or <u>create</u> a 50-foot-wide native vegetated buffer area between the development and the waterbody <u>or associated wetlands</u>. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

• will be implemented through the notice-of-clearing process in chapter 14 of the land development code;

- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- <u>if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.</u>

POLICY 14.1.7: The county will continue to investigate the need for central sewer service for Bokeelia, St. James City, and Pine Island Center. This will include, for any area having a strong need for such service, an analysis of available facility sites, alternative types of service, and financial feasibility. Lee County will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures.

POLICY 14.1.8: The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will-consider for adoption keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations will provide restrictions on will restrict further rezonings which would increase traffic on Pine sland Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land

<u>Develoment Code</u> the <u>Development Standards Ordinance</u>), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. <u>The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.</u>

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, the county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001.

POLICY 14.3.3: The county's zoning regulations will Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

POLICY 14.3.5: The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

POLICY 14.4.3: The county will expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These

standards would promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

POLICY 14.4.5: The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places.

Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

e preserved or restored native habitats	Maximum density	
<u>0%</u>	1 DU/ 10 acres	
<u>5%</u>	1 DU/ 9 acres	
10%	1 DU/ 8 acres	
<u>15%</u>	1 DU/ 7 acres	
<u>20%</u>	1 DU/ 6 acres	
<u>30%</u>	1 DU/ 5 acres	
<u>40%</u>	1 DU/ 4 acres	
<u>50%</u>	1 DU/ 3 acres	
<u>60%</u>	1 DU/ 2 acres	
<u>70%</u>	1/DU/ 1 acre	

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff also recommends that the Board of County Commissioners amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category. In addition, staff recommends that the Board of County Commissioners amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurst Acres and September Estates on the south.

The applicants replacement language for the Pine Island Vision Statement and proposed revisions to Goal 14 and to Objective 1.4 of the Lee Plan is below in strike through, underline format. Please note that the applicants replacement language includes changes made by the consultant to his original submittal subsequent to reviewing initial comments from County Staff. Staff's recommended language is provided below, with recommended changes from the applicant's language highlighted in bold strike-thru, bold underline format.

The staff recommendation is identical to the LPA's recommendation, with the exception of Policy 14.2.2. For convenience to the reader, both versions of Policy 14.2.2 have been included below in this section.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying g the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

POLICY 14.1.5: All New development, including "planned development" rezoning approvals and new subdivisions adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provide shall preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody. (Amended by Ordinance No. 00-22) or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

 shall will be implemented through the notice-of-clearing process in chapter 14 of the land development code;

- shall will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shall will be established within three years of issuance of the notice of clearing.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Proposed Civic Association Language:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Rroad between Burnt Store Road and Stringfellow boulevard
 reaches 910 peak hour, annual average two-way trips, the regulations will provide
 restrictions on the further issuance of residential development orders (pursuant to chapter
 10 of the Land Development Code the Development Standards Ordinance), or other

measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The preceding language is the current recommended language by the applicant. Lee County Department of Transportation (DOT) staff has provided Planning Staff with a memorandum dated April 16, 2002 highlighting some of their concerns. DOT staff updated the 801/910 development limitation standard utilizing the most recent Florida Department of Transportation software. The new standards that were developed refer to peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips. In addition, DOT feels there is an inconsistency with the regulatory level of service standard applied on county roads, which is "E", and the reliance in the current development limitation standard on a percentage of the level of service "D" capacity. The referenced memo is attached to this report.

The following modifications are proposed by DOT staff:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard
 reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the
 regulations will provide restrictions on shall will restrict the further issuance of residential
 development orders (pursuant to the Development Standards Ordinance), or other measures to

maintain the adopted level of service, until improvements can be made in accordance with this plan. to one-third the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

DOT staff is meeting with the applicant's planning consultant to try and resolve this issue later this week. Staff will provide an update concerning this issue at the public hearing, as appropriate.

POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, The county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measure will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

POLICY 14.3.5: The county will shall amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

POLICY 14.4.3: The county will shall expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

POLICY 14.4.5: The county-shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

e preserved or restored native habitats	Maximum density
0%	1 DU/ 10 acres
<u>5%</u>	1 DU/ 9 acres
<u>10%</u>	1 DU/ 8 acres
<u>15%</u>	1 DU/ 7 acres
<u>20%</u>	1 DU/ 6 acres
<u>30%</u>	1 DU/ 5 acres
40%	1 DU/ 4 acres
<u>50%</u>	1 DU/ 3 acres
<u>60%</u>	1 DU/ 2 acres
70%	1/DU/ 1 acre

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Greater Pine Island Community Plan Update has been sponsored as a community service by the Greater Pine Island Civic Association.
- Financial assistance has been provided by the Board of County Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation.
- Pine Island, Little Pine Island and Matlacha are collectively referred to in this plan update as Greater Pine Island, or Pine Island.
- The existing Goal 14 of the Lee Plan was based on a community plan prepared by the Greater Pine Island Civic Association in 1989.
- The Greater Pine Island Community Plan makes recommendations for updating Goal 14 and supporting Policies of the Lee Plan.

The Pine Island Community, through recommendations contained in the Greater Pine Island Community Plan has expressed a desire for the following actions:

Lee County should establish Policies that will improve hurricane evacuation times.

- Recognizing that Pine Island Road through Matlacha is the sole evacuation route in the event of a hurricane, the Community wishes to slow development on Pine Island as the carrying capacity of Pine Island Road through Matlacha is reached.
- Both enhance the seven village communities on Pine Island and encourage the preservation and restoration of native habitats within the remaining upland areas designated as "Rural" on the County's Future Land use Map.
- Modify the future land use map to reflect the 1989 community plan boundaries including Pine Island, Little Pine Island, Matlacha and the Matlacha Isles.
- Augment Lee County's architectural standards with additional design standards specific to Greater Pine Island. Those standards will attempt to encourage rehabilitation over demolition, smaller buildings rather than larger ones, custom designs as opposed to standardized buildings, preservation of mature trees, parking restricted to the side and rear of buildings, large windows, and other architectural features of traditional "Old Florida" style.
- Lee County should make every effort to complete a bicycle path across the entire length of Pine Island along Stringfellow road.
- New residential neighborhoods should be required to encourage several connections and limit isolated designs.
- Encourage Lee County to continue to update its historic site inventory to include historic sites and buildings in St. James City, Pineland and Bokeelia and to identify potential buildings or districts for inclusion on the National Register of Historic Places.
- Modify comprehensive plan policy 14.3.3 and include a new section in the Land Development Code to strengthen the limitations on building heights on Greater Pine Island.
- Supplement the sign regulations to provide specific standards for the Pine Island Community that would encourage smaller signs on businesses and would reduce or prohibit unwanted sign types.
 - Eliminate zoning designations on Greater Pine Island that do not accurately reflect development potential under the Lee Plan.
 - Amend the Vision 2020 section of the Lee Plan to include an updated summary of the community vision based on the Greater Pine Island Community Plan Update.
 - Modify Policy 14.1.5 regarding maintaining a 50-foot native vegetative buffer strip to include all new development and all agricultural uses.
 - Have Lee County design a program to assess the condition of septic tank drainfields within one
 year and if serious degradation is found to exist to assess the feasibility of various corrective
 measures.

D. BACKGROUND INFORMATION

The following background information was provided by Spikowski and Associates:

Pine Island has a long history of community planning efforts. The first formal regulations for Pine Island were adopted in 1977, when a 35' building height limit and a 10 DU/acre density cap were imposed for the entire Greater Pine Island area at the urging of local residents (Ordinances 77-15 and 78-19).

In 1983 when the original Lee Plan future land use map was being contemplated, a committee of the Greater Pine Island Civic Association (GPICA) formulated and debated several map alternatives, one of which was adopted into the 1984 Lee Plan.

Several years later, Lee County updated its comprehensive plan in accordance with the state's 1985-86 growth management act. During that same period, the GPICA hired a planning consultant and formulated a complete community plan, now addressing natural resources, transportation, and historic resources in addition to residential and commercial land uses. This plan was incorporated by Lee County as Goal 16 of the 1989 Lee Plan. (Some changes were made in 1990 as a result of litigation between the Department of Community Affairs, most importantly the setting of the 810- and 910-trip thresholds on Pine Island Road to trigger additional growth controls.)

A number of amendments to Goal 16 were proposed several years later by the GPICA, and Lee County itself evaluated all of Goal 16 as part of its first "evaluation and appraisal report" on the 1989 Lee Plan. As a result of these efforts, some modifications were made in 1994 to the policies under Goal 16, including the reassignment of all Greater Pine Island objectives and policies to Goal 14.

The current community plan update for Greater Pine Island began in 1999. The board of county commissioners made an initial "seed money" grant of \$5,000 shortly thereafter. Due to general countywide controversies over community planning, no further county funds were available, thus the remainder of the current effort was funded through other sources, including private fund raising by Pine Island residents, a technical assistance grant from the Florida Department of Community Affairs (administered by Lee County), and a grant from the Elizabeth Ordway Dunn Foundation. The current community plan was completed in September, 2001. The GPICA has indicated it may seek further financial support from Lee County to assist county staff in implementing this community plan update.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 25, 2001. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- · Public Safety
- EMS Division
- · Lee County Sheriff

- Natural Resources Division
- · Lee Tran
- · Parks and Recreation
- · School District of Lee County
- Lee County Department of Transportation
- · Development Services Division
- · Environmental Sciences Division
- · Lee County Port Authority
- · Economic Development
- · Public Works Department
- · Utilities Division
- · Zoning Division
- · Lee County Health Department

Comments were received from the Lee County Health Department, the Department of Transportation, the Division of Natural Resources, the Division of Public Safety and Lee County Utilities. Those comments are attached to this report.

Goal 14 of the Lee Plan began as a grass roots effort by the Greater Pine Island Civic association in 1989 with their creation of a community plan for the Greater Pine Island area which included Pine Island, Little Pine Island and Matlacha. Over ten years have passed since Goal 14 and its supporting Objectives and Policies and map were adopted. Since the adoption of Goal 14, many changes have occurred in the area covered by the original community plan that were not anticipated at that time. Agricultural uses on the northern half of Pine Island have steadily increased, residential growth has slowed and traffic volumes have increased to a level of serious concern.

The Greater Pine Island Community Plan Update is organized into the four general areas listed below. The plan then identifies several more specific areas of concern which are summarized below by staff.

- Transportation Issues Increasing hurricane evacuation times and road constraints, especially at
 the Matlacha bridge are a serious concern to the Greater Pine Island Community. Traffic on Pine
 Island Road is quickly approaching target levels that were set in the 1989 plan. Revised policies
 aimed at limiting the number of vehicle trips on that section of Pine Island Road to address those
 concerns are proposed.
- 2. Population and Land Use This plan update distinguishes between two general categories of residential land use in Greater Pine Island. Those uses are the Town (village) boundaries and the remaining uplands outside of the village boundaries that have been designated "Rural" on the future land use map. Much of the "Rural" land use has been converted to agricultural uses in the past decade, resulting in a significant loss of native habitat on those lands. In an effort to preserve and restore native habitat, a new land use category has been proposed that would significantly reduce allowable building density if specific native land preservation or restoration requirements are not satisfied.

- 3. Community Character The Community Plan Update highlights several characteristics of Pine Island in need of protection or improvement and proposes policies aimed at either maintaining or enhancing the general appearance and functionality of the Pine Island Community. The general areas of concern include the design of commercial buildings, the continuation of a high-quality bicycle path along Stringfellow Road, neighborhood connectivity, including stricter limitations on fences and walls, identification of additional historic buildings and districts, building height limitations and enhanced design guidelines for business signs. The plan update also includes a policy for the county to establish a prioritized schedule to rezone land to designations that more accurately reflect its development potential. Lastly, this section proposes a new Vision Statement for the community and includes a brief discussion of incorporation.
- 4. The Environment The community has expressed serious concerns about protecting aquatic preserves from surface water runoff and is proposing a policy aimed at diminishing this problem. Also of concern is the potential contamination of tidal waters in canals from poorly functioning septic systems and the community is proposing a policy that will require Lee County to design a program to assess the condition of septic tank drainfields along salt water canals in St. James City, Bokeelia and Flamingo Bay. This section ends with a brief discussion of concerns about jet-skis and air boats.

The planning consultant drafted a new Vision Statement, a revised Goal and revised Policies to address the concerns in the four general areas listed above. The intent was that those proposed modifications to the Vision Statement, Goal 14 and Objective 1.4 would eventually be incorporated into the Lee Plan.

Staff's initial comments were forwarded to the consultant who then responded to each of the comments in a letter dated February 27, 2002. Staff's initial comments came from Lee County Utilities, Division of Natural Resources, Division of Public Safety, Department of Transportation, and the Florida/Lee County Health Department. The consultant's response included some revisions to the original submittal addressing many of the comments. Those revisions have been incorporated into this report and where applicable, replace the original submittal language. The February 27, 2002 letter mentioned above highlights those changes and is included as an appendix to this report.

The following section of this report includes a proposed new Vision Statement, a revised Goal 14, new and revised Policies under Goal 14, and a new Policy under Objective 1.4. Only those sections of Goal 14 that are proposed to be revised or sections of Goal 14 and Objective 1.4 that are new are included below. The applicants suggested revisions are presented in strike-through, underline format. Staff's suggested changes are in bold strike through, bold underline format. Following each modification are comments and suggestions from Staff. Please note that the word "shall" has been replaced with "will" or "must" throughout the proposal in order to correspond with current language in the rest of the Lee Plan.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub

community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modes growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl intensive development approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

Staff feels that while there may be some merit to applying the term "urban sprawl" to the development that is occurring in northwest Cape Coral at this time, with the projected population growth estimated to occur over the next 20 years, those "sprawling" developments may be compact, contiguous and sustainable in the future and will no longer fit the definition of sprawl. Staff feels by using the term "more intense development" that the phrase will be accurate both today and in years to come.

POLICY 14.1.5: All-New development, including "planned development" rezoning approvals and, new subdivisions adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provideshall must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody:or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

- shallwill be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- shallwill include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shallwill be established within three years of issuance of the notice of clearing.

The proposed amendment to Policy 14.1.5 expands the policy to cover new subdivisions and agriculture that adjoin state-designated aquatic preserves and associated wetlands. Staff feels that the inclusion of wetlands is important and that it improves the Policy. This amended language also replaces the word "provide" with "preserve or create" which is more clear. For agriculture, three methods of implementation of the Policy are described, and staff feels this is another improvement to the current Policy.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

The Florida, Lee County Health Department has indicated to the consultant that grant funding is available to pay for this type of service and that they have previously been awarded such a grant but were unable to utilize the funding because of lack of cooperation from property owners. Implementation of this policy will require both a source of funding and the cooperation of property owners in the study area, therefore, staff feels those conditions should be made a part of this policy language.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Implementation of this policy will allow for current allowable densities of 1 dwelling unit per acre only if 70% of the total site area is preserved or restored with native habitat. To accomplish that goal the policy allows for clustering developments on the remaining 30% of the property, thereby reducing lot sizes to less that 0.3 acre given the need for streets and other infrastructure. The policy would reduce allowable density on a sliding scale to allow for only 1 dwelling unit per ten acres if no native habitat is preserved or restored. That situation would represent a ten-fold reduction in allowable density from the current Rural land use category of 1 dwelling unit per acre. Staff modified the tense of the policy as this action is being accomplished as part of this amendment. In order to implement Policy 14.1.8 a new land use category under Objective 1.4 will need to be created.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan: to one-third the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

Lee County Department of Transportation has recalculated the 810/910 development limitation standards using the most recent software for calculating service volumes (capacities) released by the Florida department of Transportation in March. DOT staff recalculated the capacity for the entire section of Pine Island Road from Stringfellow Road to Burnt Store road using the new software. DOT calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips.

In addition, DOT staff feels there is an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but DOT staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, DOT staff proposes to modify the standard in Policy

14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627.

Complete comments by DOT staff are attached to this report in a Memo dated April 16, 2002.

POLICY 14.2.3: <u>In addition to the enforcing the restrictions in the Policy 14.2.2</u>, <u>Tthe county will take whatever additional actions are feasible to increase the capacity of Pine Island Road</u>. The following measure will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- <u>Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.</u>

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

Staff has objections to the last sentence of this proposed Policy. First, what defines a "high-quality" bicycle path? Second, if the intent of this Policy is to require relocation of power poles and swales to create a straight path regardless of cost, then staff is opposed. Staff believes that the previous sentence stating that "Whenever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland...." adequately states the communities desire for a high quality bicycle path along Stringfellow Road and does not believe that relocating power poles for the sole purpose of creating a path without curves is economically prudent or necessary. Staff recommends that the last sentence of this Policy be removed.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

This Policy does not change the spirit of Policy 14.3.3, it merely removes the possibility that deviations to the height restrictions may be sought and approved, as currently exists and reinforces the language of how height will and will not be measured. The applicant is asking that the Land Development Code be amended to include the language of Policy 14.3.3. If the language of Policy 14.3.3 is approved, the next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.3.5: The county will shall amend its Land Development Code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.3: The county will shall expand the commercial design standards in its Land Development Code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

Staff's comment about proposed Policy 14.4.3 also applies to this proposed policy.

POLICY 14.4.5: The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

The Department of Community Development prepared a July, 1989, Commercial Study report for Pine Island and based on the recommendations contained in that report subsequently began the process of rezoning land on Pine Island to properly reflect its development potential under the Lee Plan. That rezoning process was halted after the County received numerous complaints from property owners on Pine Island about the process. Staff does not believe that County initiated rezonings would proceed any better today, or in the next five years, than they did during the last attempt at rezoning property on Pine Island.

Staff does not object to the Policy, in general, but feels that a five year time frame for completing County initiated rezonings on Pine Island is unrealistic and would very difficult to achieve, given the current workload of staff. Staff recommends that the Policy stand essentially as written, with the exception that the five year time frame be stricken from the Policy.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Staff does not have a problem with the Policy as it is written; however, does not have adequate personnel to undertake the activity in the foreseeable future. It is possible that summer interns could be used to begin preliminary field work and to conduct some necessary research. Another possibility is to use some of the funds in the Division of Planning budget set aside for consulting services to hire a consultant to complete the requested historic site survey if that is determined to be needed.

Proposed new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14.1.8. These lands are to remain rural except for portions of individual properties whose owners choose to permanently preserve or restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities increase as various higher percentages of the uplands portion of the site have their native habitat uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Both staff and the applicants consultant feel that the revised language is more clear. The title of the first column of the following chart has also been revised.

vered by preserved or restored native habitats	Maximum density
<u>0%</u>	1 DU/ 10 acres
<u>5%</u>	1 DU/ 9 acres
<u>10%</u>	1 DU/ 8 acres
<u>15%</u>	1 DU/ 7 acres
20%	1 DU/ 6 acres
<u>30%</u>	1 DU/ 5 acres
40%	1 DU/ 4 acres
50%	1 DU/ 3 acres
60%	1 DU/ 2 acres
<u>70%</u>	1 DU/ 1 acre

Proposed Policies 1.4.7 and 14.1.8 will create a new Coastal Rural Land Use designation and establish a sliding scale of allowable densities for properties that are currently in the Rural Land Use category based on the amount of native vegetation that is preserved or restored on the upland portion of a site. The effect of those Policies would be as follows:

- 1. Reduce the development potential of large tracts of land, thereby restricting density on the Island; or
- 2. increase the amount of native vegetation on the Island; or
- 3. both 1 and 2.

Staff believes that restricting density on the island is justifiable given the likely road constraints during a possible evacuation of the island. Staff also feels that increasing the amount of native vegetation on the island will be beneficial.

FUTURE LAND USE MAP AMENDMENTS

The Community Plan is proposing 2 separate Future Land Use Map amendments. These are as follows:

 Amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category; and, • amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurt Acres and September Estates on the south.

Amending the Rural designated lands on Pine Island to the proposed Coastal Rural category affects approximately 7,600 acres of land on Pine Island. Staff notes that the Greater Pine Island Community plan Update report provides that placing the Rural designated land of Pine Island into the Coastal Rural category responds to three identified problems:

the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;

the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and

the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

The proposed amendment does not necessarily reduce allowable density on a subject site. Proposed Policy 1.4.7 creates a criteria that must be utilized to obtain approvals for the maximum permittable density of 1 dwelling unit per acre. This criteria is a sliding scale of dwelling units per acre based upon the percentage of a total sites preservation or restoration of native habitats. An applicant with a site that contains 100% indigenous vegetation can achieve the same density as is permitted under the Rural designation by limiting impacts to the vegetation to 30% of the site. An applicant with a totally cleared site with no native habitat would have to restore 70% of the site to achieve the same density as is permitted under the Rural designation. As the Update report notes, the sliding scale allows the property owners to choose any point on the scale. While this does increase development costs, it affords the property owner the ability to achieve the maximum density allowed under the Rural designation.

Figure 2, of the Update report shows the 157 acres located in northern Pine Island south of Bokeelia. Current allowable density on that land is three dwelling units per acre. The proposed land use change would lower allowable densities to a maximum of one dwelling unit per acre, if native vegetation on 70% of the site is preserved or restored. That action may lower personal property values and could have Bert Harris Act implications. The Plan Update document provides the following discussion concerning this property:

"The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west."

One member of the LPA questioned, at the March hearing, whether the affected property owners had been notified of the proposed land use amendment. The applicant's representative responded that the on-going community planning effort had been widely advertised but that individual notice would be provided. Spikowski Planning Associates has provided, to staff (Attached), a copy of a letter and information that was sent to these affected property owners.

Staff recognizes the likely constraints on the roadways in the event of a possible evacuation. A reduction of density would be beneficial in limiting congestion of the evacuation route. Staff weighed this factor with the Bert Harris Act implications in recommending that the Future Land Use Map be amended.

FUTURE LAND DEVELOPMENT CODE AMENDMENTS

The Community Plan proposes several future amendments to Lee County's Land Development Code. Topics for potential LDC amendments range from compatibility of commercial uses with adjacent residences, sign regulations, building heights, and architectural standards for new development. Staff has amended the proposed plan language in several instances, as noted above, to require the Greater Pine Island Community to be responsible for submitting the requested Land Development Code amendments during one of the two regularly scheduled amendment cycles occurring in the Spring and Fall.

B. CONCLUSIONS

The proposed revised Vision Statement, Goal and Policies are the result of over a two-year long planning process. They directly reflect the vision that the Pine Island Community has for its future growth and development. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in Pine Island. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section C.1of this report.

PART III - LOCAL PLANNING AGENCY REVIEW

DATE OF PUBLIC HEARING: March 25, 2002

A. LOCAL PLANNING AGENCY REVIEW

The Local Planning Agency held an informational hearing on this date, no staff report was presented and no formal action took place by the LPA. The stated purpose of the hearing was to brief the LPA members on the status of the request, allow the applicant to discuss the proposal, and to allow the public to have the opportunity to provide comments concerning the proposed language. Planning staff introduced the proposed request to amend the Future Land Use element of the Lee Plan. Staff passed out comments from the applicant's planning consultant and introduced the planning consultant.

The planning consultant relayed the historical Pine Island planning efforts starting in the 1970s. The consultant stated that these early efforts culminated in complete community plan for Pine Island by 1989. The consultant then reviewed several new issues that had recently come up in the community such as: (1) an influx of agriculture since 1990; and, community character issues that had not been dealt with in the earlier plans. The consultant also explained that the applicant wanted to reexamine the traffic part of the plan because the traffic count had reached the 810 threshold that is referenced in Policy 14.2.2. The consultant provided the LPA with a discussion of how the planning effort was funded and the broad community involvement in preparing the plan. The consultant stated that three major public presentations had occurred on Pine Island. The consultant then outlined the public involvement, such as a survey, that had taken place as part of this effort. The consultant then covered "the major issues that the plan addresses." The major issues covered by the consultant were: (1) transportation concurrency; (2) Future Land Use category designation for a 157 acre area south of Bokeelia; (3) environmental issues on the island, such as applying the required 50 foot set back to the aquatic preserve to agricultural uses; (4) septic tanks and the proposed testing program; and, (5) community character issues. The consultant also stated that there were additional structures in the community that would benefit from historical designation.

The consultant also discussed the building height restriction on Pine Island. He stated the applicant was fine with the current rule, but the amendment is proposing to close potential loopholes in the regulations. The consultant ended his presentation by briefly discussing bike paths and the applicant's analysis of transportation alternatives.

One member of the LPA asked if the consultant could "give me a summary of your public participatory process and...how many meetings you've held." The consultant responded that the Steering Committee met every month all the way up until a few days before the final plan was submitted. The consultant also stated that the Chamber of Commerce had notified all of their members and distributed copies of the plan.

One LPA member asked if the property owners had been involved in the discussion about the proposal to amend the 157 acre area from Outlying Suburban to Rural. The consultant explained that the area had been farmed since 1990, but that he had not had a specific discussion with these property owners. The LPA member suggested contacting these owners.

The LPA chairman opened up the meeting to public comments. One local land use attorney, "representing a number of agricultural land owners on Pine Island," stated that he was not at the meeting to complain

about the process. He believed That "there has been a very good job of reaching out to the public." He noted that the plan amendment materials had also been on the consultant website which made the material "readily accessible." He discussed two sections of the plan that his clients have "substantive problems with," the coastal rural land use category and "the special concurrency section under Policy 14.2.2."

A Bokeelia resident, representing the Alden Pines Homeowners Association, read the following statement into the record: "The membership of the Alden Pines Homeowners Association unconditionally supports the revised version of Goal 14 of the Lee County Comprehensive Land Use Plan as submitted by the Greater Pine Island Land Use Committee. We applaud the hard work of the volunteer Land Use Committee for its dedication, expertise, and perseverance in revising this plan to reflect the interests of Greater Pine Island residents. We have been fully informed of its efforts and sincerely hope you will support the plan as written. Signed by the Chairman of the Autumn Pines Homeowners Association."

A resident of Bokeelia, representing the Captains Harbor Condominium group (a 76 unit condominium), read the following letter into the record:

"It is my pleasure to report that the Board of Directors of the Captains Harbor Condominium Association voted unanimously to endorse the proposed land use plan for Pine Island. We ask that the Local Planning Agency recommend approval of the plan as currently proposed to the County Commission."

The Chairperson of the Land Use Committee, stated that she believed the Greater Pine Island Plan was done primarily due to hurricane problems and to protect the health, safety, and welfare of the residents on the Island. She reviewed the advertising processes that took place explaining that they invited and encouraged all resident and property owners to participate. She noted that each time the land use revisions were updated, they were printed out and placed in the Pine Island Library, Realty World in Matlacha, and the consultant's website. These updates were also distributed to everyone during the public meetings. She reviewed where they had received funds for the creation of this plan. She stated they had minutes from all of the meetings in writing and on tape and even had a County representative attend their committee meetings. She requested the LPA approve the amendment.

A local consultant representing Cherry Estates stated he worked on the 1989 plan and felt this proposal was a good, clear document. He referred to Page 3, Policy 14.2.2, and felt this section was not as clear as it should be. He discussed a situation that arose for Cherry Estates who had two undeveloped islands (8 & 9) and did not have development orders. He asked for some clarifying language that would recognize recorded plats and an 86-36 site plan approval as being protected. He was not satisfied with the language "may provide exceptions" and felt there should be stronger language.

One resident of Bokeelia, discussed the signage issue. Since Pine Island is a rural community, this resident felt they needed rural solutions and not be treated with a "one size fits all" mentality. She did not feel their signage should be addressed the same as U.S. 41. She stated there were signage solutions other than large billboards and signs that have worked in other areas, such as Maine, that still help direct people to small businesses that are off the main roads. She also discussed helping small businesses stay in business by getting residents to frequent their services and spending money on the Island. She also felt encouraging overnight tourism during summer months would be helpful to businesses in the area. She stated that

protecting jobs, the local economy, and provided services, would keep residents from having to leave the island for their needs. She encouraged the LPA to support this plan.

The President of the Greater Pine Island Chamber of Commerce, stated her family ran a tourism business (boats) on Pine Island. She stated that in Pine Island the residents enjoyed a country living surrounded by nature. She stated the residents wanted to preserve their land and peaceful way of life for as long as possible. She noted the Chamber of Commerce had 190 members, of which over 50% were involved in tourism. Although there is no great emphasis in the plan on tourism, she stated that tourism is an important issue as it affects Pine Island's roads and businesses. She noted the Chamber of Commerce was not opposed to businesses, but is focusing on small family owned businesses as opposed to big businesses. She had concerns about signage, jet skis, air boats and parasailing, which she believed were incompatible to an environment like Pine Island. She encouraged the LPA to approve the plan.

A member of the Lee County Council of Civic Association, read the following statement into the record: "The Lee County Council of Civic Association (CCA) is an organization of 180 plus various entities including civic, environmental, elected officials, building and development interest and community leaders. The CCA Board of Directors at the Board's February 28th meeting, voted unanimously to endorse the proposed Pine Island Community Plan and recommend to the Local Planning Agency that the plan be transmitted to the County Commission for approval."

A resident of Matlacha, noted there were almost 100 residents of Pine Island here earlier this morning. He encouraged the LPA to approve this plan in order to protect the Pine Island area. He noted that areas such as Estero and Bonita have been saturated with development, therefore, the development is now coming to Pine Island. The resident emphasized that this whole process has been inclusive and continues to be well publicized.

A resident of Pine Island, stated that the individuals involved in the Greater Pine Island plan were well informed, dedicated, conscientious and hardworking people. She stated that their efforts had saved the County a lot of money as well as staff time. She stated that this proposed plan included well documented consideration of the main issues facing Pine Island residents as well as alternatives and specific actions Lee County can choose to take to assure that recommended actions are implemented. She reiterated statements made earlier that Pine Island is a unique community due to its 1) natural resources (mangroves, aquatic preserves), 2) historical resources, and 3) sense of community mindedness. She reviewed the items she believed were most important to the plan, such as: 1) initiating changes to the future land use maps and plan to create the new coastal rural category and reclassifying the rural lands on Pine Island, 2) initiating a schedule for eliminating conflicts between the outdated county/zoning classifications that conflict with current Lee Plan goals and policies, 3) initiating buffer strip requirements for new developments between cleared land and natural water bodies, and 4) to initiate a Lee County program to assess the condition of septic system drain fields along the salt water canals in St. James City, Bokeelia, and Flamingo Bay. She encouraged the LPA to approve the plan as presented.

A local land use attorney and employee of the Florida Wildlife Federation stated that he volunteered his time to assist with this proposed plan because he loved Pine Island, worked for the Florida Wildlife Federation, and because he was a sportsman. He noted that Pine Island Sound was the center of sportsmen activities for Lee County. He felt this feature drew people to the area. He discussed some legal issues with

the Board involving clearing and restoring land, traffic capacity, hurricane evacuation, limiting rezonings, open space, and vested right provisions. He urged the LPA to approve the plan.

PART IV - LOCAL PLANNING AGENCY CONTINUED REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 22, 2002

A. LOCAL PLANNING AGENCY REVIEW

Three LPA members stated that they had conflicts of interest, would participate in the discussion, but abstain from voting. Planning staff gave a brief presentation concerning the proposed amendment. Staff explained the staff recommendation and the recent language changes. Staff passed out revised language for Policy 1.4.7. One LPA member referred to Policy 14.1.7 where in bold/underline it states, "if grant funding can be obtained." The member asked who would be responsible for searching out and obtaining grant funding (i.e. Lee County or the community). Staff responded that 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.

One LPA member asked if there was a map that would outline the properties that will now be Coastal Rural. Staff 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 this point in the hearing DOT staff reviewed their recommendation concerning revisions to Policy 14.2.2. DOT staff stated that their recommended language reflects revised capacity calculations. Staff noted that the existing measure contained in Policy 14.2.2 is unique, not the usual measure of peak season, peak hour, peak direction. DOT staff relayed that the proposed revisions to this amendment raise two policy issues: (1)should we recalculate the measure; and, (2) do you use 80% or 90% of level of service D or E.

The Chairman of the LPA opened up the meeting to public comments. The applicant's planning consultant was the first public speaker. The planning consultant 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 noted that one LPA member had asked if they had contacted the owners of the 157 acres during the last meeting. The consultant 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.

One LPA member 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. Another LPA member 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's 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.

One LPA member referred to the Policy 14.2.2 discussion and the applicant's planning consultant's concern about adopting a different method. He and the consultant 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). The consultant stated that the DOT recommended language would allow "way more growth," and change all of the expectations about development on Pine Island.

A resident of 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 (59 units and a hundred plus residents), Captain Mack's and Buttonwood Mobile Home Parks (36 units, 70 residents), Cherry Estates (450 homeowners), The Emergency Response Team of Greater Pine Island, Matlacha Hookers Association (a nonprofit women's group in Matlacha - 400 members), Pine Island Cove (318 residents), September Estates Subdivision (114 residents), St. James Civic Association, and several letters that were e-mailed. This resident also stated that "the Greater Pine Island land use plan is smart growth in action."

The President of the Greater Pine Island Chamber of Commerce read a letter of support from the Board of Directors for the Greater Pine Island Chamber of Commerce.

A member of the public 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.

One member of the public, speaking on behalf of the Responsible Growth Management Coalition, distributed a copy of the letter written by the, President of the Growth Management Coalition, and read it into the record. The letter requested that the LPA approve the applicant proposed revisions to Policy 14.2.2.

One Pine Island resident discussed the amount of existing development approvals on the island and Policy 14.2.2. This speaker concluded that "to set thresholds and then reset them when they are met in a continuous fashion is not land planning at all." The speaker urged the LPA member to not support the DOT recommended language concerning Policy 14.2.2.

One 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.

A 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.

One Matlacha resident read a letter into the record from the Friends of the Matlacha Committee who were in support of the Pine Island Community Plan.

A local planning consultant 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 a local attorney from his firm. He stated that this attorney was concerned with the new Coastal Rural land use category and the revisions to Policy 14.2.2. He stated that this attorney would like to know what the standards for the restoration re-vegetation 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. He noted that this attorney did not believe there was sufficient data and analysis to justify the one-third number and wondered how staff derived at that number.

STAFF REPORT FOR CPA2001-18

November 22, 2002 PAGE 32 OF 38 The 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. He read a statement of support for the proposed plan amendment into the record from the St. James City Civic Association.

A 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 e defensible. He also disagreed with the addition of reduction in density to one-third the maximum density otherwise allowable.

A 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 LPA to approve Policy 14.2.2 exactly as it currently exists to avoid potential lawsuits.

A resident of Bokeelia 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 gong 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.

A member of the public 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. Seeing no more interest, the chairman closed the hearing to public input and solicited LPA member comments.

One LPA member 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. Another LPA member stated she supported the applicant's language for Policy 14.2.2. She agreed with the applicant's planning consultant'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.

One LPA member asked where the one-third figure came from as a reduction in density under the 910 peak hour trip rule. The applicant's planning consultant 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.

A member of the LPA made a motion to recommend transmittal of the amendment as recommended by staff with the exception of Policy 14.2.2. The motion included recommending the applicant's requested language concerning Policy 14.2.2, as well as the revisions to Policies 14.2.3 and 1.4.7. The motion was seconded and the vote called for by the chairman.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION: The LPA recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT: As advanced in the staff report; the LPA found the applicant's language concerning Policy 14.2.2 more appropriate.

C. VOTE:

OEL ANDRESS	ABSTAIN
AATT BIXLER	AYE
USAN BROOKMAN	AYE
CONALD INGE	ABSTAIN
GORDON REIGELMAN	ABSENT
OBERT SHELDON	AYE
GREG STUART	ABSTAIN

PART V - BOARD OF COUNTY COMMISSIONERS HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: September 5th, 2002

A. BOARD REVIEW: Following a staff presentation of the proposed amendment the Board opened the hearing to public comment. There was considerable public comment on the proposal. Most of the public asked the Board to transmit the amendment as it was originally submitted. Several people spoke against the plan, primarily stating that it would remove property rights and actually encourage the destruction of vegetation on the island. One member of the public stated that the opposition was unfair because they had been working on the plan for two years, had numerous public meetings, had asked for public comment and were just now hearing the complaints. Following a call for additional public comment, and seeing none, the Chairman closed the hearing for public comments.

There were three main policies that the Board had concerns about. The first was Policy 14.2.2 regarding how trip calculations were to be done and what level of service would be used. The Board quickly decided to use the applicants language, and DOT staff did not object.

The second policy that was discussed at length was the placement of small directional signs in county Right-of-Way. Two Commissioners stated that due to not wanting to set a precedent for this policy county wide and because of concerns about liability and the added cost of maintenance to the county that they could not support this policy. Three members of the Board were in favor of transmittal and asked that some standards be arrived at prior to the adoption hearing.

Also of concern was potential Bert J. Harris Act implications involving Policy 1.4.7. That policy would potentially reduce allowable density in the proposed Coastal Rural Land Use category tenfold. A County Attorney explained that if adequate native vegetation was preserved or restored allowable densities would be the same as they are now. He then went on to say that he was unsure if Bert J. Harris litigation would be successful because there was no available case law for him to review.

One member of the Board recommended that the proposed amendment be transmitted without the language in Policy 14.4.4 that would allow for directional signs in the Right-of-Way of Stringfellow Road. That motion was seconded. Another member of the Board moved to amend the motion to transmit the proposed amendment as written. That motion was seconded. The vote on the amended motion carried 3-2. The Board then voted on the main motion to transmit the proposed amendment, including the sign proposal.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION: The Board voted to transmit the amendment to DCA as written.
- BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff and the LPA.

C. VOTE ON REVISED MOTION TO TRANSMIT THE PROPOSED AMENDMENT:

AYE
AYE
AYE
AYE
AYE

PART VI - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the amendment as shown in Part I.B. of this report.

PART VII - BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING:
BOARD REVIEW:
BOARD ACTION AND FINDINGS OF FACT SUMMARY:
1. BOARD ACTION:
2. BASIS AND RECOMMENDED FINDINGS OF FACT:
VOTE:
JOHN ALBION
ANDREW COY
BOB JANES
RAY JUDAH
DOUG ST. CERNY



DEPARTY "ENT OF TRANSPORTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

November 26, 2001

Subject:

LCDOT COMMENTS ON DRAFT

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

The Lee County Department of Transportation has reviewed the draft community plan update for Greater Pine Island dated September 30, 2001. On a general note, the plan documentation is very well written and presented in an easy-to-follow format, and the supporting data and analysis seems thorough. However, we have concerns about a couple of issues.

POLICY 14.2.3

The discussion on page 8 and in Appendix A suggests that adding a third lane on Pine Island Road would not be desirable, even though it is an option to be evaluated in existing Policy 14.2.3. The Matlacha Civic Association has apparently recently taken a position opposing the addition of a third lane through Matlacha. While some changes to Policy 14.2.3 are proposed on page 6 to address hurricane evacuation concerns, the language regarding evaluating a continuous third lane is retained in the policy. Perhaps the retention of this language should be reconsidered.

DEVELOPMENT LIMITATION STANDARD

Appendix A includes a fairly thorough discussion of the capacity calculations that led to the 810 and 910 traffic limitation standards and the changes in capacity calculations over time, but instead of actually calculating new capacities the report attempts to justify sticking with the old capacity calculations based on a comparison to Estero Boulevard. Staff feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different.

Also, there is no attempt to reconcile the old standard, defined in terms of peak hour, annual average two-way trips, with the more modern standard used throughout the rest of the Lee Plan, which is peak season, peak hour, peak direction trips. Finally, the analysis

in Appendix A suggests that the level of service "D" capacity was purposely used to develop the 810/910 standards instead of the normal level of service "B" used for most other County roads. Assuming that policy position is retained, the policy would be much clearer if language was added that indicated the 810 and 910 standards were calculated as 80% and 90% of the level of service "D" capacity as calculated using the 1965 Highway Capacity Manual.

BIKE PATHS

We appreciate the recognition of Lee County efforts toward building a bike path along major portions of Stringfellow Road, and understand the completion of the path would be a high priority to Pine Islanders. Proposed new policy 14.2.4 reads as follows:

POLICY 14.2.4: The county shall make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity, not as an afterthought. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bicycle path.

It is not clear to staff what is meant by the second sentence — is there an example of a bike path being designed as an afterthought? If the intention is to indicate that bike paths should be part of the up-front design for a major road improvement, then the policy should say that — although no major road improvements are contemplated on Stringfellow Road.

As far as the third sentence, what defines a "high-quality" bicycle path? Who determines the need to relocate power poles and swales to provide such a high-quality path? The supporting analysis acknowledged that the reason for the jogs in the existing portions of the path was the costs of relocating the power poles. Is the intent of the third sentence to require the relocation of power poles and swales to create a straight path irregardless of cost? If so, staff objects to the inclusion of this sentence — limited dollars for sidewalk and bike path installation countywide requires us to seek the most cost-effective solutions.

Thank you for this opportunity to comment on the draft Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association Donna Loibl, President, Matlacha Civic Association

Administrative File

From: To:

Ivan Velez Mudd, James

Date:

11/8/01 4:14PM

Subject:

Greater Pine Island Community Plan Update

The following are comments from the Utilities Division with respect The G.P.I. Community Plan:

Septic Tanks Along Canals (page 36)

- 1. Appears that some of the statements made at the last paragraph of page 36 are based on perception and not in facts.
- 2. Getting There: The Utilities Division is not staffed and cannot execute the duties that must be added by implementing the modifications suggested to the Policy 14.1.7.

The Lee County Health Department is charged with some of the duties related to septic tanks and permit requirements.

S. Ivan Velez, P.E. Prof. Engineer III Lee County Utilities 941/479-8166 velezsi@leegov.com

CC:

Diaz, Rick; Wegis, Howard

HWEST FLORI

F COUNTY COMMISSIONERS

Writer's Direct Dial Number:

E. Manning 1 One

November 13, 2001

as R. St. Cemy 1 Two

Mr. Paul O'Connor, Director Lee County Division of Planning

P.O. Box 398 udah

Fort Myers, FL 33902-0398

w W. Coy # Four

Three

Re: Greater Pine Island Community Plan Update

E. Albion # Five

Dear Paul:

d D. Stilwell ty Manager

We have reviewed the proposed update to this portion of the Lee Plan.

s G. Yaeger ty Attomey

M. Parker ty Hearing iner

We have no objections to any of the proposed amendments; however, we would like to point out an issue in how the term "evacuation time" is defined as it relates to the discussion on page 5 of the document. On this page, the second footnote defines evacuation time which includes both a clearance time component (12 hours) and an pre-landfall hazards time component (8 hours). These two components are used together to come up with a 20 hour time frame for a category 2 (presumably a landfalling) hurricane. The third paragraph on this page then states this evacuation time exceeds both regional and county standards for evacuation times.

The recently completed 2001 Southwest Regional Hurricane Evacuation Study indicates a clearance time estimate between 8.0 - 10.8 hours for a category 2 landfalling storm occurring late in the hurricane season for Pine Island (p. II-B-48, Table 11). The evacuation time estimate for the same storm ranges from 13.6 hours to 17.2 hours taking into account the worst case assumptions (p. II-B-52, Table 13A).

The point we would like to make is that the way the Pine Island Community Plan Update defines evacuation time exceeds both the regional and county thresholds. However, the current clearance time and evacuation time estimates are below the language presented in both the Strategic Regional Policy Plan and the Lee County Comprehensive Plan, as defined by these planning documents. This is not to say that a hurricane evacuation problem does not exist on Pine Island, nor is the way the update defines evacuation time is incorrect for the purposes of defining policy.

Sincerely,

DIVISION OF PUBLIC SAFETY

John Wilson Director

JDW:cmm

CC:

Michael Bridges, Deputy Director

David Saniter, Emergency Programs Manager Terry Kelly, Emergency Management Coordinator From: To: Roland Ottolini Mudd, James 11/28/01 2:28PM

Date: Subject:

Greater Pine Island Community Plan

modification to Policy 14.1.7 requires Lee County to develop a program to assess the impacts of septic systems on water quality for Pine Island and identify corrective measures (if needed), within one year. Such an effort will require additional funding. This work may be better suited to the Health Dept. as they are the ones who are permitting the septic systems.

Roland Ottolini
Division Director, Natural Resources
ottolire@leegov.com
phone: (941) 479-8127
fax: (941) 479-8108

CC:

Pellicer, Tony

February 4, 2002

Mr. Jim Mudd, Principal Planner Department of Community Development P.O. Box 398 Ft. Myers, Florida 33902-0398

Dear Mr. Mudd,

Thank you for your letter of January 22, 2002 requesting the Lee County Health Departments review of the draft community plan for Greater Pine Island. A review and comments have been made by members of our Environmental Health Section of those parts of the plan you have flagged.

Protecting Aquatic Preserves from Runoff page 34

The Lee County Health Department recognizes the importance of environmental issues associated with the sensitive wetland zones on Pine Island serving as habitat for aquatic and wetland-dependent wildlife and vegetative species. The proposed 50 foot vegetated buffer separating new development and agricultural land from sensitive areas would serve to capture contaminates and sediment. In addition, a storm water collection and reuse plant might be considered to help area irrigation and replenish groundwater.

Septic Tanks Along Canals page 36

The Pine Island Community Plan accurately describes the benefits and conversely the hazards associated with the use of onsite wastewater systems. A septic system is both simple in design and complex in its collection, treatment and disposal of wastewater. A 91 page Florida Administrative Code, Chapter 64E-6, regulates septic system installation. These legislated standards are the product of input from the engineering community, building industry, registered contractors, state environmental agency representatives, health officials and research data collected as a part of a state mandate funded from permit fees. The concerns expressed for bacterial and viral pollution on Pine Island resulting from porous soils, small lots, shallow wells, proximity to water bodies, seasonally inundated lands, high water tables and tidal influence are all concerns shared by health departments statewide. Fortunately, each of these is addressed in the administrative rule governing septic systems. Systems, both new and repaired are permitted only after a complete application and field evaluation along with a myriad of other compliance considerations are reviewed. It should be noted that Florida's requirements are among the most stringent in the nation due largely in part to such a diverse and sensitive environment. Lee County ranks number one in the issuance of new system permits statewide and yet boast only a 2.8% failure rate of new systems installed within a two-year period. These system failures are however seldom the result of poor installation construction but rather to occupant abuse of poor maintenance, excessive water use and the introduction of grease, oils and chemicals creating conditions deleterious to the systems operation.

er existing septic systems, such as might be found on Pine Island that experience failure must be parmitted and repaired in accordance with present code standards. The code has changed many times over the years to accommodate new technology and concepts current with today's onsite wastewater research. For example, since 1994 all repaired drain beds are required to meet a minimum separation from the seasonal high water table. This often necessitates elevating the drain bed above the previous height. The repaired system location may also be altered to meet more stringent set backs when site conditions permit. This however may not always be possible due to pre-existing landscaping, driveways and building additions. Conditions that may contribute to environmental concerns on Pine Island may stem from illegal repair of failing systems without benefit of permit whereby corrections were made bypassing environmental safeguards provided under the rule. Periodic maintenance of septic systems is recommended and should be encouraged in any plan where there exists nearby sensitive lands or aquatic preserves. The leaching of untreated effluent containing elevated levels of nitrates, phosphates, bacteria, viruses and chemicals through the soils provides the potential for contamination of nearby water bodies. Testing for enteric bacterial contaminates of marine waters through the identification of fecal coliform and enterococci can be performed. Contamination can originate from birds, dogs, cats, livestock, other animals and humans. DNA testing, though expensive, can differentiate between animals and humans. There are laboratories locally and around the state that can provide the necessary testing services. These include the Lee County Lab, D.E. P. lab services and the University of Florida. Difficulty often arises in determining the source of human contamination once it is implicated, as possible sources include septic systems, public and private wastewater treatment facilities and live-a-boards docked at marinas and residences. If it is determined by various survey methods that septic systems are an obvious contributor a corrective action plan as suggested in the draft may be implemented, given available funding. Such a plan

y be limited to single identified structures or as broad as entire communities and may include an inspection program, upgrading or maintenance upon home sale or extension of central sewer service collection lines for communities now served by septic systems or investor owned and poorly maintained treatment plants.

The Lee County Health Department is most willing to assist in any way possible where we have statutory responsibility and resources to ensure the environmental health of Lee County is protected in accordance with the highest standards provided by law.

If my staff or I can be of any further assistance in this matter please do not hesitate to call.

Sincerely,

Judith Hartner, MD, MPH, Director

Lee County Health Department

941-332-9510

cc: Joseph Barker, RS, Environmental Administrator
H. Michael Clevenger, RS, Environmental Supervisor



DEPAR ... JENT OF TRANSPORTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

April 16, 2002

Subject:

LCDOT FINAL COMMENTS ON GREATER PINE ISLAND

COMMUNITY PLAN UPDATE

The consultant for the Greater Pine Island Community Plan Update in his letter of February 27, 2002 has done an excellent job addressing our comments of November 26, 2001, and we agree with most of his proposed language changes. However, in response to our request that the \$10/910 development limitation standards be updated, since they are based on roadway capacity calculations done twelve or more years ago, the consultant declined. He indicated that he agreed with the need for the update, but cited a lack of essential input data for the Matlacha area as a basis for not doing the calculation. That same argument, along with a comparison to the most recent capacity calculations on Estero Boulevard which suggested that the new calculations wouldn't be much different, was included in Appendix A of the update. The consultant said in his February 27th letter, "We would be pleased if Lee County were to undertake this analysis at its most sophisticated level; it was simply beyond the budget of the community planning process and not essential for supporting a policy that has already been in force for a dozen years."

Staff disagrees with the premise that the recalculation is not essential, and feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different. These calculations serve as a regulatory standard to limit development, and development denials based on such standards have the possibility of being challenged in court. Lee County would be hard-pressed to defend the reliance on twelve-year-old calculations when there have been significant changes in the calculation methodologies and the input data. We do not feel the calculation is as difficult as suggested by the consultant, and have undertaken it ourselves in the interest of protecting the County.

The most recent software for calculating service volumes (capacities) was released by the Florida Department of Transportation in March, and is called HIGHPLAN 1.0. Staff calculated the capacity for the entire section of Pine Island Road from Stringfellow Road

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 2

to Burnt Store Road using the new software. The software has a number of input variables, some of which we have site-specific information for and some of which rely on FDOT defaults. Because of the length of the segment we are dealing with (5.4) miles, there is some variation in the variables that required some averaging. For example, there are four different posted speeds within the segment, ranging from 30 mph to 55 mph. In examining the lengths of the different speed zones, staff developed a weighted average of 45 mph as an input to the software. There are also two different Area Types within the 5.4 mile segment; part would be considered Rural Undeveloped (about 61%) and part Rural Developed (about 39%). Staff calculated capacities under both scenarios and averaged them together using a weighted average system. The assumed input variables under each scenario are as follows:

INPUT VARIABLES

	II VI VI	MUMBLED	
Area type:	Rural Undeveloped	Rural Developed	Field Data
Class:	4	3	Default
Posted Speed:	45	45	Field Data (Avg.)
Free Flow Speed:	50	50	Default
Pass Lane Spacing:	N/A	N/A	
# Thru Lanes:	2	2	Field Data
Terrain:	Level	Level	Field Data
Median:	No	No	Field Data
Left Turn Lanes:	No	No	Field Data
% No Passing Zone:	60	60	Field Data
AADT:	10900	10900	2001 Report
K-Factor:	.103	.103	2001 Report
D-Factor:	.58	.58	2001 Report
Peak Hour Factor;	.88	.895	Default
% Heavy Vehicle:	5	4	Default
Base Capacity:	1700	1700	Default
Local Adj. Factor:	.9	.92	Default
Adjusted Capacity:	1139	1180	Default

The calculation of the averaged service volumes relates to the staff determination that 61% of the segment fell into the Rural Undeveloped category and 39% was Rural Developed. Staff took the service volumes calculated under each scenario, applied the percentage of the overall segment, and added them together to get an estimated service volume. The results are below.



DEPARY JENT OF TRANSPORTATION

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 3

SERVICE VOLUME CALCULATIONS PEAK SEASON, PEAK HOUR, PEAK DIRECTION

	- Elizabeth Colin I Elizabeth Colin I Elizabeth Colin					
LOS	Rural Undeveloped	Rural Developed	Wtd. Average			
A	0	90	35			
В	90	240	150			
C	280	490	360			
D	490	690	560			
E	940	990	960			

These calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips. Staff had asked the consultant to reconcile the old annual average, twoway standard with the more modern peak season, peak direction standard used throughout the rest of the Lee Plan and consistent with current professional practice, but the consultant did not address that issue. There is also an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, staff proposes to modify the standard in Policy 14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627. We recommend the following changes to the policy language as proffered in the community plan:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county shall keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations shall reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 4

- When traffic on Pine Island Road reaches 840 768 peak season, peak hour, annual average two-way-peak direction trips, the regulations shall restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

When traffic on Pine Island Road reaches 910 864 peak season, peak
hour, annual average two-way-peak direction trips, the regulations shall
restrict the further issuance of residential development orders to onethird the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or siteplan approval under Ordinance 86-36.

Thank you for this opportunity to comment on the Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association Donna Loibl, President, Matlacha Civic Association

Administrative File

Loveland forwarded us his April 16 mem. Jim Mudd this morning.

We plan to take exception to some of his points, especially the "iggestion to increase the traffic thresholds for Pine Island Road from IS "D" to LOS "E". That change would have incredibly serious policy implications for the future of Pine Island, yet is couched here as a technical issue of improving "consistency." Pine Island's access situation is hardly consistent with the rest of Lee County, nor is the actual development situation in Matlacha; that was the whole point for having this special rule for Greater Pine Island.

It appears that using the new methodology while retaining LOS "D" would actually make the current development restrictions more onerous on private property owners. We are not recommending such a change to this policy because it would open up the county to claims under the Bert Harris Act. That act cannot be used to challenge the effect of rules that were adopted prior to 1995, thus the existing 810/910 rule is grandfathered under the Bert Harris Act. Although we are proposing minor changes to this rule, the Bert Harris Act test is whether the *changes themselves* would impose an inordinate burden on private property. The changes we are proposing are actually *less* restrictive than the current rules, whereas using the new methodology with LOS "D" would make them more restrictive. Ralf Brookes' legal opinion on this subject is attached.

We are now reviewing several technical matters in David's memo and will be getting together with him later in the week in an attempt to resolve them — we'll keep you advised of our progress.

.ll Spikowski

MEMORANDUM OF LAW

In re: Pine Island Community Plan and Bert Harris Act

Date: April 2, 2002

By: Ralf Brookes, Attorney, 1217 E. Cape Coral Parkway #107, Cape Coral, FL 33904

In 1995, the State of Florida enacted the Bert J. Harris, Jr., Private Property Rights Protection Act, as Chapter 70.001 of the Florida Statutesⁱ. The Act creates a new cause of action for aggrieved property owners who demonstrate that governmental action occurring <u>after</u> May 11, 1995, "inordinately burdens" property because it unreasonably, and disproportionately limits or restricts on investment-backed expectations for the existing use or a vested right to a specific use of the real property ii

Several important and "notable limitations" to Bert Harris Act claims exist, including these that are relevant to a Harris Act legal analysis of the proposed Pine Island Community Plan:

- the cause of action created by the Act does not apply to any laws, rules, regulations or ordinances adopted, or formally noticed for adoption, prior to May 11, 1995, the adjournment date of the 1995 Regular Session of the Legislature. Incremental additions to pre-May 11, 1995 laws are actionable only if the post-May 11, 1995 increment independently constitutes an inordinate burden in its own right; to
- the Act only provides recovery for permanent, not temporary, losses or impacts to real property;
- the Act "expressly excludes relief for cases involving (1) 'operation, maintenance or expansion of transportation facilities,' or (2) traditional eminent domain laws relating to transportation. The former exclusion leaves several unanswered questions, such as whether such exclusions affect transportation concurrency moratorium" in cases where none of the other exceptions were to apply;
- Even if a landowner brings an action and is successful the "affected governmental entities may take an interlocutory appeal of the court's determination that the challenged action resulted in an inordinate burden. That is, even if the government loses, it can call the process to a halt before damages are awarded by a jury, and subject the landowner to a lengthy and perhaps expensive appeal process [and offering yet another opportunity for settlement or remedial action]. Landowners, however, may not take an interlocutory appeal from the circuit court's adverse determination."

Proposed Pine Island Community Plan: Amendment to Policies 14.2.2 and 14.2.3

Once a local government has adopted its comprehensive plan, the Growth Management Act^{vii} requires that all actions taken by the local government in regard to development orders be consistent with each and every goal, objective and policy contained in the adopted local comprehensive plan^{viii}.

The current Lee County Comprehensive Plan (adopted prior to 1995) is more restrictive than the proposed Pine Island Community Plan and states:

[CURRENT] POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800 additional dwelling units, the county shall consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of these regulations would be to appropriately reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard being reached, as follows:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan.

The proposed Pine Island Community Plan is equal to, or less restrictive than, the current Comprehensive Plan policies. The proposed language contained in the Pine Island Community Plan would amend the policy referenced above as follows:

[PROPOSED] POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 6,800 additional dwelling units, the county shall keep in force effective consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of These regulations shall would be to appropriately reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road adopted level of service etandard being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

-When traffic on Pine Island Road between Burnt-Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road, through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

-When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders to one-third the maximum density otherwise allowed on that property, (pursuant to the Development Standards Ordinance), or other measures to maintain the

edopted level of ser. a, until improvements can be made in acco. ance with this plan.—These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The new language providing exceptions for minor rezonings and infill properties (at 810 trips) and allowing some development, (albeit at1/3 previous densities), instead of the current outright prohibition (at 910 trips), is *less restrictive* than the current Comprehensive Plan policy.

The Proposed Pine Island Community Plan also offers additional policy assurances in an effort to further improve hurricane evacuation times and protect both of human life and property rights:

[PROPOSED] POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, the county shall take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures shall be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.

- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

This new language will provide further relief from traffic based hurricane evacuation constraints. If not, under the current comprehensive plan policy 14.2.2 (set forth above) a rate of growth ordinance or other development restrictions may be required to "implement measures to gradually limit future development approvals." Such a gradual approach would allow Lee County to allocate any available, remaining trips west of the Matlacha bridge while maintaining and achieving LOS and evacuation improvements.

The proposed policy amendments to 14.2.2 and 14.2.3 would likely be construed as favorable, less-restrictive incremental addition to the current requirements. The current requirements were adopted prior to 1995. The proposed amendment(s) does not "independently constitute an inordinate burden" in its own right.

Part II of the Bert Harris Act.

An additional relief or safety valve that can operate to further minimize the risk of damages is created in Part II of the Act, which allows local governments and property owners to enter into a formal mediation process for resolution of property rights disputes. This is helpful to local government which can use the formal mediation process avoid claims for a taking under the Florida Constitution or violations of Part I of the Act - should unique, individual circumstances arise that are not foreseen.

i Fla. Stat. § 70.001 (1995) ii Fla. Stat. § 70.001 (1995).

FLORIDA'S BERT HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT—AN OWNER'S BRIDGE TOO FAR? Ronald L. Weaver & Elizabeth Yfiigo, Steams Weaver Miller Weissler Alhadeff & Sitterson, P.A., Tampa, Florida

" Fla. Stat. § 70.001(12) (2000).

Weaver & Yfigo, supra

vi Weaver & Yñigo, supra

vii Florida Statutes, Section 163.3194(1)(a)

viii Machado v. Musgrove 519 So.2d 629 (Fla. 3rd DCA 1987) affirmed en banc at 1988 Fla. App. Lexis 705; 13 Fla. Law W. 522 (1998) review denied Machado v. Musgrove, 529 So. 2d 694 (Fla. 1988).

PINE ISLAND PROPERTY OWNERS POTENTIAL AFFECTED BY 157-ACRE RECLASSIFICATION TO "COASTAL RURAL"

SECTHREE CORPORATION
4545 NORTHWESTERN DR #A
ATT RONALD SMITH
ZIONSVILLE, IN 46077

PALM TREE INCOME FUND I LTD C/O RICHARD GALVIN 87 ANDOVER LN WILLIAMSVILLE, NY 14221

HANCOCK JULIA M 15720 QUAIL TRL BOKEELIA, FL 33922

VITELIO LEONARD P JR + JANE 285 SUNRISE DR #24 KEY BISCAYNE, FL 33149

BURFORD FREDERICK J + CATHY P 15790 QUAIL TRL BOKEELIA, FL 33922

TOBIN JAMES A + MARY JOAN PO BOX 494 BOKEELJA, FL 33922

KIBURZ KIM + STRAIT ROBERT 3331 SW 18TH ST FORT LAUDERDALE, FL 33312

STRAIT BOB +
KIBURZ KIM
3331 SW 18TH ST
FORT LAUDERDALE, FL 33312

BECHDEL FAMILY FL LTD PTRSHP 11350 LONGWATER CHASE CT FT MYERS, FL 33908 SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SISSON GLENN F + ILEANA 4702-A SETERRA BEND DURHAM, NC 27712

SIMPSON RICHARD L + JILL A 4421 SW 62ND CT MIAMI, FL 33155

SECFOUR INC., ATT RONALD SMITH 4545 NORTHWESTERN DR #A ZIONSVILLE, IN 46077

SMITH DONALD K + DEBORAH F P O BOX 523 CARMEL, IN 46032

SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SMITH DONALD K + DEBORAH PO BOX 417 BOKEELIA, FL 33922

Letters were mailed from Spikowski Planning Associates to these property owners on April 2, 2002, with copies of the preliminary April 25 meeting notice and pages 1 and 11-17 of the plan.



1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

telephone: (941) 334-8866

fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

April 2, 2002

SECTHREE CORPORATION
4545 NORTHWESTERN DR #A
ATT RONALD SMITH
ZIONSVILLE, IN 46077

RE: PUBLIC HEARING ON APRIL 22, 2002

Dear Pine Island Property Owner:

On the back of this letter you will find an announcement for a public hearing to be held in Fort Myers on April 22 regarding the Greater Pine Island Community Plan Update.

You are receiving this letter because you own property in a 157-acre area just south of Barrancas Street in Bokeelia whose land-use classification may be changed as a result of these public hearings. The change would be from an urban designation ("Outlying Suburban," which allows from one to three dwelling units per acre) to a new "Coastal Rural" designation, which is described on the attached pages from the Greater Pine Island Community Plan Update.

Full copies of this plan update can be obtained from the Pine Island Library or can be downloaded from the Internet at http://www.spikowski.com/pineisland.htm

You are invited to comment on these proposals in person on April 22, or you may address any correspondence to Mr. James Mudd, Principal Planner, Lee County Department of Community Development, P.O. Box 398, Fort Myers, Florida 33902-0398. You may also contact me with any questions.

Sincerely,

William M. Spikowski, AICP



Community Plan Update for Greater Pine Island

Monday morning, April 22, 2002, at ?:?? A.M. at the County Commissioner's Meeting Room Old Courthouse, 2120 Main Street, Fort Myers, Florida

BACKGROUND: During the past two years the Greater Pine Island Civic Association has coordinated a comprehensive review of Lee County's plans and development rules for Pine Island and Matlacha. This effort has resulted in recommended revisions on the following subjects:

Hurricane Evacuation Road Constraints (Pine Island Rd.) Cap on Building Heights Urban and Rural Land Uses Commercial Building Design Bike Paths Fences and Walls

Historic Buildings Business Signs Pine Island - a Vision for 2020 Protecting Aquatic Preserves from Runoff Septic Tanks Along Canals

STATUS: The completed plan update was submitted to Lee County last September. Like all other changes to Lee County's comprehensive plan, these proposals will be the subject of at least three public hearings.

The first public hearing was held on March 25. The second public hearing will be held before Lee County's Local Planning Agency at the date, time, and place listed above. The Local Planning Agency is expected to make its final recommendations to the Board of County Commissioners at this hearing.

A complete copy of this plan update and its recommendations can be reviewed at the Pine Island Library, or a free copy can be downloaded from the Internet at http://www.spikowski.com/pineisland.htm

Community planning effort and this notice sponsored by

Greater Pine Island Civic Association P.O. Box 478 St. James City, Florida 33956

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

This document presents a community plan update for Greater Pine Island. Background material on current conditions is followed by specific proposals to amend Lee County plans and regulations that affect Greater Pine Island.

A quick summary of this plan is available by reviewing the shaded boxes throughout this document. One of Greater Pine Island's major planning issues is summarized in each box, followed by one or more recommended responses.

This entire plan update has been sponsored as a community service by the Greater Pine Island Civic Association, with professional assistance by Spikowski Planning Associates, aided by Mohsen Salehi Consulting Services, both of Fort Myers. Generous financial assistance was provided by the Lee County Board of Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation. Updates on the progress of this plan are published in the Pine Island Eagle and are also available at http://www.pineisland.htm and http://www.pineislandNews.com

Written comments can be forwarded to the Greater Pine Island Civic Association at P.O. Box 478, St. James City, FL 33956.

This plan update was formally submitted to Lee County on September 28, 2001. Formal public hearings will be held in Fort Myers. Notices are published in advance in the News-Press.

TABLE OF CONTENTS

INTRODUCTION TO THIS PLAN UPDATE .	Page 1
Pine Island - the Place and the People	
Existing Private Property Rights	
TRANSPORTATION ISSUES	
Hurricane Evacuation	
Road Constraints	
POPULATION AND LAND USE	Page 11
Town and Country on Pine Island	Page 11
Population Summary	Page 18
Greater Pine Island's Boundary	Page 19
COMMUNITY CHARACTER	Page 20
Design of Commercial Buildings	Page 20
Bike Paths	Page 22
Fences and Walls	Page 24
Historic Buildings	Page 26
Cap on Building Heights	Page 28
Business Signs	Page 30
County-initiated Rezonings	Page 31
Pine Island - a Vision for 2020	Page 32
Municipal Incorporation	Page 33
THE ENVIRONMENT	
Protecting the Aquatic Preserves from Runoff	Page 34
Septic Tanks Along Canals	
Jet-skis and Air Boats	
APPENDIX A: TRANSPORTATION DATA AND A	NALYSIS
APPENDIX B: RURAL LAND-USE ALTERNATIVE	S
APPENDIX C: EXISTING AND APPROVED LOTS	

POPULATION AND LAND USE

Town and Country on Pine Island

The essential character of Pine Island has always been the contrasts among its physical environments. Surrounded by harbors and bays of unparalled beauty, Pine Islanders live in a series of low-key settlements or "villages" that are separated by rural land. With dense mangrove forests creating barriers between most land and the water, the seven residential villages have formed in the locations with best access to the water (Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical Homesites/Manatee Bay, and St. James City). Only Pine Island Center is away from the water, in favor of the only crossroads location on Pine Island. Between these villages there has always been the sharp contrast of rural lands, dominated by slash pine/palmetto habitats and some farming operations.

Pine Island has almost no beaches, few city services, and limited employment and shopping — yet it remains a highly desirable



Pine Island Center, looking north

Photo courtesy of Mohsen Salehi and Bill Dubin.

and moderate-cost alternative to the formless "new communities" that have obliterated the natural landscape throughout coastal Florida.

The current Pine Island community plan maintains the distinct villages by limiting their expansion through boundaries on a future land use map. Only a single ten-acre amendment has been approved to that map since 1989. Because the boundaries themselves have not been reexamined during that period, that effort was undertaken as part of this plan update, as described below.

Town (village) boundaries

The freestanding villages on Pine Island have been given one of three "future urban area" designations, with densities and total acreages summarized in Table 2.

TABLE 2

"Future Urban" designations on future land use map	Residential density range (DU = dwelling unit)	Actual acres in Greater Pine Island	
Urban Community	1 to 6 DU/acre	1350 acres	
Suburban	1 to 6 DU/acre	1427 acres	
Outlying Suburban	1 to 3 DU/acre	1557 acres	

"Urban Community" areas can have considerable concentrations of commercial uses, and thus were assigned to Pine Island Center and Matlacha, the commercial centers for all of Greater Pine Island.

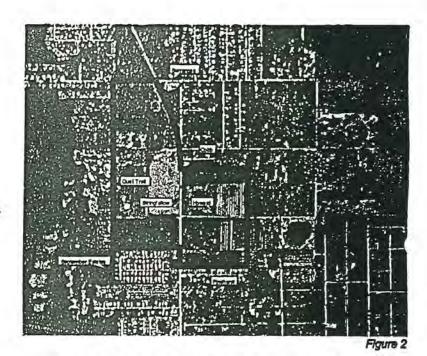
"Suburban" areas are allowed similar densities for residential development, but with fewer commercial uses. This designation has been assigned to most of Bokeelia and St. James City, and smaller areas around the Pink Citrus, Flamingo Bay, and Pinewood Cover mobile home parks.

"Outlying Suburban" areas are allowed half the density of "Suburban" areas, but with comparably limited commercial uses. This designation was generally assigned to all other settlements on Pine Island.

All the future urban designations were drawn tightly around existing settlements. The exceptions are about 52 acres just north of Galt Island Avenue (northwest of St. James City); 95 acres centered around the Pine Island Village subdivision south of Flamingo Bay; and 157 acres south of Bokeelia and north of September Estates. The first two exceptions apparently had been made due to imminent development activity on those parcels, and both were reasonably logical extensions of existing settlements. However, little activity has taken place on either parcel, with extensive natural vegetation remaining.

The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west.

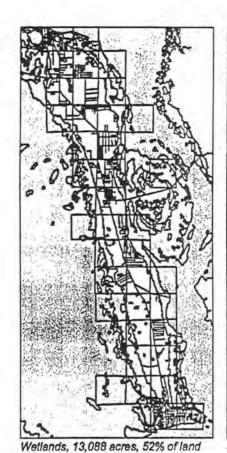
Other apparent anomalies are several large clusters of rural land that have been assigned the "Outlying Suburban" designation east and northeast of Pineland. Close examination shows that these areas have been subdivided into lots averaging one-half acre, and have been almost entirely sold off to individual purchasers. The largest area, just east of Stringfellow Road, is known as the Kreamer's Avocado subdivision. The relatively few homes that have been built there enjoy a pleasant rural setting. However, any substantial increase in homebuilding will overtax the incomplete network of unpaved roads and reduce the rural atmosphere. At such time, residents could band together and



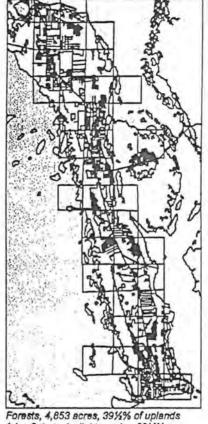
pave the roads and install a modest drainage system through a special taxing district. The seeming anomaly of the "Outlying Suburban" designation, however, is appropriate for the existing pattern of small subdivided lots.

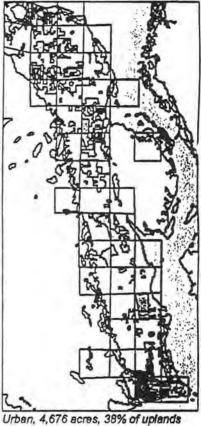
The future of rural Pine Island

Outside the village boundaries, all high ground has been designated in the "Rural" category, where residential development is now limited to one dwelling unit per acre (1 DU/acre). Over the past 15 years, much "Rural" land between the villages has been converted to farmland, especially on the north half of the island, a trend that is continuing even today. This conversion has destroyed a quarter of the remaining pine-and-palmetto habitat over a 15-year period (see Table 3), a period in which farming has become the most popular and economic use of rural land on Pine Island.



Agriculture, 2,763 acres, 221/2% of uplands





Forests, 4,853 acres, 39½% of uplands (pine flatwoods, lighter color, 22½%; exotic infested, darker color, 17%)

SOURCE: Based on GIS data for 1996 provided by the South Florida Water Management District.

TABLE 3

Removal of Pine Flatwoods on Pine Island
1981 - 1996

Pine Island Comm- unity, By Sector	Upland Acres	The state of the s		15-Year Decrease of Pine	Agricul- tural
		1981	1996	Flatwoods	Acres, 1996
Bokeella	1,612	144	40	(104)	464
Pineland	2,672	373	230	(143)	1,336
Pine Island Center	2,690	859	743	(116)	365
Matiacha	224	0	0	0	0
Flamingo Bay	2,451	1,360	1,044	(316)	444
Tropical Homesites	792	581	400	(181)	12
St. James City	1,630	420	300	(120)	142
TOTALS:	12,071	3,737	2,757	(980)	2,763

SOURCES: Data based on interpretation of aerial photographs.
For sector boundaries, see map in Appendix C.
1981: Lee County Coastal Study, Appendix IV-III, Godschalk & Assoc., 1988.
1996 and upland totals: Based on GIS data provided by the South Florida Water Management District.

This increase in farmland is sometimes seen as preferable to more residential subdivisions, which cannot be supported by Pine Island's limited road connections to the mainland. However, farmland can be converted to residential land very easily; the current comprehensive plan actually seems to encourage this by allowing residential development on one-acre lots without rezoning, even on active farmland. Planning professionals generally agree that one-acre lots are too small to maintain the countryside and too large to create villages; yet that is the predominant residential density allowed on Pine Island today.

During this plan update process, Pine Islanders carefully considered alternative growth-management techniques to replace the 1 DU/acre "Rural" category on Pine Island. While considering



Remaining pine flatwoods, 1996

these alternatives, the public was made aware of the current regulatory climate: regulations that are so strict as to essentially "take away" all rights to private property rights are illegal, and such "takings" must be fully compensated to the landowner, an enormously expensive undertaking.

In addition, in 1995 the Florida legislature passed the Bert J. Harris, Jr. Private Property Rights Protection Act. This act established a new standard for preventing overly strict regulations on land — any regulation that is determined to

place an "inordinate burden" on a landowner may now require compensation, even though it isn't a "taking" of all property rights. This act does not mean that land-use regulations cannot be made stricter, even if they lower the market value of land; but as a practical matter it will mean closer scrutiny of strict regulations, especially their potential to "inordinately burden" landowners even if the court decides that a particular regulation is valid and in the overall public interest.

Whether a new regulation places an "inordinate burden" on a landowner will be determined by the courts on a case-by-case

basis. It is clear that the amount the market value of land may be lowered after a regulation is imposed will be a very important factor in this decision.

On Pine Island today, there is little market demand for residential development at densities of 1 DU/acre. A single new subdivision has been created at this density (Island Acres just south of the water treatment plant), and it has experienced relatively slow sales even though its lots surround an attractive lake. The actual real estate market for large tracts of Pine Island land has three major types of buyers:

- Intensive agriculture users, who are planting tropical fruits, ornamental palms, and some vegetables;
- Land speculators, who often anticipate selling at a profit to a developer who would build dwelling units around a golf course; and
- Public agencies, the new players in this market, at present primarily Lee County's "Conservation 2020" program which buys and preserves natural habitats.

These three types of buyers will establish the market value for large tracts on Pine Island in the absence of substantial demand for one-acre homesites.

Appendix B of this report evaluates five different growth-management techniques for rural land on Pine Island:

- Conservation land purchases
- Larger lots in rural areas
- Cluster development
- Transferable development rights
- Rate-of-growth control

Any of these techniques, or either of the two hybrid techniques also discussed in Appendix B, could become part of the Greater Pine Island community plan update and the Lee Plan's future land use map, and would be implemented through subsequent changes to other county regulations. (Existing lots would pre-

sumably be "grandfathered in" even if they are now vacant.)

The option recommended as the best for Greater Pine Island at this stage of its evolution is a hybrid described in Appendix B as "conservation clustering with incentives" (#7). It combines the best features of conservation land purchases (#1), larger lots in rural areas (#2), and cluster development (#3).

Land that is now designated "Rural" would be placed in a new "Coastal Rural" category. This conversion would respond well to the three main problems identified for Pine Island's rural areas:

- the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;
- the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and
- the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

This option combines regulations with incentives and uses a sliding scale of density to encourage (though not require) conservation of undisturbed habitats.

Property owners who save 70% of native habitats would be allowed to keep all of the dwelling units allowed to them today, but instead of placing each house on a 1-acre lot, these homes could be placed on the remaining 30% of the land. This would allocate 0.3 acres per lot (although actual lot sizes would be somewhat smaller to account for land needed for streets and stormwater detention lakes).

Property owners who choose not to save any native habitats would be limited to 1 DU per 10 acres. This would allow agricultural or country-estate homes on 10-acre lots.

A sliding scale would allow property owners to choose any point within the extremes just described, as shown in Table 4.

TABLE 4

Assume %		RESULTS ON 100 ACRES WOULD BE:				
of native land saved or restored	Would then be assigned this gross density:	# of DUs	acres used per lot	total acres	total acres	
0%	1 DU per10 acres	10	10.0 acres	0	100	
5%	1 DU per 9 acres	11	8.6 acres	5	95	
10%	1 DU per 8 acres	13	7.2 acres	10	90	
15%	I DU per 7 acres	14	6.0 acres	15	85	
20%	1 DU per 6 acres	17	4.8 acres	20	80	
30%	1 DU per 5 acres	20	3.5 acres	30	70	
40%	I DU per 4 acres	25	2.4 acres	40	60	
50%	1 DU per 3 acres	33	1.5 acres	50	.50	
60%	1 DU per 2 acres	50	0.8 acres	60	40	
70%	1 DU per 1 acre	100	0.3 acres	70	30	

It may seem counterintuitive to allow higher densities on natural habitats than on disturbed lands, but this provides landowners with a strong incentive not to clear native habitats. (The same incentive would be granted to restored land as to preserved land, using the same sliding scale.)

This approach diminishes the potential for residential development on agricultural land while rewarding landowners who protect (or restore) their land's natural habitats. Actual development on native parcels would disturb far less land than would occur today by either allowing today's number of dwelling units to be placed on smaller lots, or by reducing the number of lots that are allowable. Public purchases of entire tracts for preservation would be encouraged, but if purchase offers aren't attractive enough to interest property owners, this new plan would encourage more preservation than current regulations.

SETTING THE COURSE

The culture of community-making demonstrated by Pine Island's ploneers should be continued by enhancing its seven freestanding communities and keeping them from sprawling into rural areas. Pine Island's rural areas should be placed into a new Coasial Rural category on the future land use map. This category would have a sliding density scale that would reward landowners with preserve native upland habitats. However, it would not prevent them from pursuing agriculture or creating standard ten acressions from sites if they choose. Without major habitat preservation smaller homesites would not be allowed in Coastal Rural areas (Existing legal lots in rural areas would not be affected.)

GETTING THERE

Adopt a new comprehensive plan policy as follows: POLICY 14.1.8: The county shall reclassify all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Earlow with The purposes of this redesignation are to provide clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destructor of native upland habitats, and to avoid placing in one dwelling units on Pine Island than can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide landowners unit maximum flexibility while accomplishing these public purposes.

(continue

GETTING THERE (continued) 25 Adobt a new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Maphas follows: POLICY 14.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance With Policy 14.1.87 These lands are to remain rural except for portions of individual properties whose owners choose to permanenti) preserve of restore native upland nabitats and in return are permitted to use a portion of their properties for smaller residential loss, the standard maximum density in the Coasta Rural area is one owelling unit per ten acres (IDU/10 acres) Maximum densities increase as various percentages of native uplands are permanently preserved of restored Permitted and uses include agriculture filled in the second conservation uses and residential uses up to the following densities. Percentage of hative habitats Maximum density preserved or restored 1 DU / 10 acres DU / 10 acres DU / 9 acres DU / 8 acres DU / 6 acres DU / 5 acres DU / 4 acres DU / 3 acres DU / 2 acres DU / 1 acres 1 DU / 1 acres (continued

GETTING THERE (continued)

- Amend the future land use map to reclassify all land of Pine Island now designated as "Rural" into the new land of Coastal Rural" category.
- Amend the future land use map to recessify from "Outlying Suburban" to "Coastal Rural", 157 acts of agricultural land between Bokeella and September Estates in 3143-22; bounded by Quall Trail on the Barrancas Street on the north; Stringfellow on the east Unit A or Rapid #1 subdivision (Cobb Road) or the north, the quarter section line or Section 31 on the east and Pinehurst Acres and September Estates on the south.
- 5 Amend the land development code to provide detailed regulations to implement new Policies (14.7 and 17.7 to including modifications to the AG-2 zoning district in accordance with these policies.

CPA2001-18 BoCC SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document for the September 4/5, 2002 Public Hearing

> Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (941) 479-8585

> > August 22, 2002

LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2001-00018

	Text Amendment Map Amendment
1	This Document Contains the Following Reviews:
1	Staff Review
/	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 18, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

THE GREATER PINE ISLAND CIVIC ASSOCIATION REPRESENTED BY BILL SPIKOWSKI SPIKOWSKI AND ASSOCIATES

2. REQUEST:

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, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff also recommends that the Board of County Commissioners amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category. In addition, staff recommends that the Board of County Commissioners amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurst Acres and September Estates on the south.

The applicants replacement language for the Pine Island Vision Statement and proposed revisions to Goal 14 and to Objective 1.4 of the Lee Plan is below in strike through, underline format. Please note that the applicants replacement language includes changes made by the consultant to his original submittal subsequent to reviewing initial comments from County Staff. Staff's recommended language is provided below, with recommended changes from the applicant's language highlighted in bold strike-thru, bold underline format.

The staff recommendation is identical to the LPA's recommendation, with the exception of Policy 14.2.2. For convenience to the reader, both versions of Policy 14.2.2 have been included below in this section.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however. Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl

approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying g the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

POLICY 14.1.5: All New development, including "planned development" rezoning approvals and, new subdivisions adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provide shall preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody. (Amended by Ordinance No. 00-22) or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

- shall will be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- shall will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shall will be established within three years of issuance of the notice of clearing.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Proposed Civic Association Language:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Rroad between Burnt Store Road and Stringfellow boulevard reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The preceding language is the current recommended language by the applicant. Lee County Department of Transportation (DOT) staff has provided Planning Staff with a memorandum dated April 16, 2002 highlighting some of their concerns. DOT staff updated the 801/910 development limitation standard utilizing the most recent Florida Department of Transportation software. The new standards that were developed refer to peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips. In addition, DOT feels there is an inconsistency with the regulatory level of service standard applied on county roads, which is "E", and the reliance in the current development limitation standard on a percentage of the level of service "D" capacity. The referenced memo is attached to this report.

The following modifications are proposed by DOT staff:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. (Amended by Ordinance No. 00-22)to one-third the maximum density otherwise allowed on that property.
- The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D"

 "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

DOT staff is meeting with the applicant's planning consultant to try and resolve this issue later this week. Staff will provide an update concerning this issue at the public hearing, as appropriate.

POLICY 14.2.3: <u>In addition to the enforcing the restrictions in the Policy 14.2.2, Fthe county will take whatever additional actions are feasible to _increase the capacity of Pine Island Road. The following measure will be evaluated:</u>

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of

<u>Pineland that was completed in 2001.</u> Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

POLICY 14.3.5: The county will shall amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

POLICY 14.4.3: The county will shall expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

POLICY 14.4.5: The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

are preserved or restored native habitats	Maximum density
0%	1 DU/ 10 acres
<u>5%</u>	1 DU/ 9 acres
<u>10%</u>	1 DU/ 8 acres
<u>15%</u>	1 DU/ 7 acres
<u>20%</u>	1 DU/ 6 acres
<u>30%</u>	1 DU/ 5 acres
<u>40%</u>	1 DU/ 4 acres
<u>50%</u>	1 DU/ 3 acres
<u>60%</u>	1 DU/ 2 acres
<u>70%</u>	1/DU/ 1 acre

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Greater Pine Island Community Plan Update has been sponsored as a community service by the Greater Pine Island Civic Association.
- Financial assistance has been provided by the Board of County Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation.
- Pine Island, Little Pine Island and Matlacha are collectively referred to in this plan update as Greater Pine Island, or Pine Island.

- The existing Goal 14 of the Lee Plan was based on a community plan prepared by the Greater Pine Island Civic Association in 1989.
- The Greater Pine Island Community Plan makes recommendations for updating Goal 14 and supporting Policies of the Lee Plan.

The Pine Island Community, through recommendations contained in the Greater Pine Island Community Plan has expressed a desire for the following actions:

- Lee County should establish Policies that will improve hurricane evacuation times.
- Recognizing that Pine Island Road through Matlacha is the sole evacuation route in the event of a hurricane, the Community wishes to slow development on Pine Island as the carrying capacity of Pine Island Road through Matlacha is reached.
- Both enhance the seven village communities on Pine Island and encourage the preservation and restoration of native habitats within the remaining upland areas designated as "Rural" on the County's Future Land use Map.
- Modify the future land use map to reflect the 1989 community plan boundaries including Pine Island, Little Pine Island, Matlacha and the Matlacha Isles.
- Augment Lee County's architectural standards with additional design standards specific to Greater
 Pine Island. Those standards will attempt to encourage rehabilitation over demolition, smaller
 buildings rather than larger ones, custom designs as opposed to standardized buildings,
 preservation of mature trees, parking restricted to the side and rear of buildings, large windows,
 and other architectural features of traditional "Old Florida" style.
- Lee County should make every effort to complete a bicycle path across the entire length of Pine Island along Stringfellow road.
- New residential neighborhoods should be required to encourage several connections and limit isolated designs.
- Encourage Lee County to continue to update its historic site inventory to include historic sites and buildings in St. James City, Pineland and Bokeelia and to identify potential buildings or districts for inclusion on the National Register of Historic Places.
- Modify comprehensive plan policy 14.3.3 and include a new section in the Land Development Code to strengthen the limitations on building heights on Greater Pine Island.
- Supplement the sign regulations to provide specific standards for the Pine Island Community that
 would encourage smaller signs on businesses and would reduce or prohibit unwanted sign types.

- Eliminate zoning designations on Greater Pine Island that do not accurately reflect development potential under the Lee Plan.
- Amend the Vision 2020 section of the Lee Plan to include an updated summary of the community vision based on the Greater Pine Island Community Plan Update.
- Modify Policy 14.1.5 regarding maintaining a 50-foot native vegetative buffer strip to include all new development and all agricultural uses.
- Have Lee County design a program to assess the condition of septic tank drainfields within one
 year and if serious degradation is found to exist to assess the feasibility of various corrective
 measures.

C. BACKGROUND INFORMATION

The following background information was provided by Spikowski and Associates:

Pine Island has a long history of community planning efforts. The first formal regulations for Pine Island were adopted in 1977, when a 35' building height limit and a 10 DU/acre density cap were imposed for the entire Greater Pine Island area at the urging of local residents (Ordinances 77-15 and 78-19).

In 1983 when the original Lee Plan future land use map was being contemplated, a committee of the Greater Pine Island Civic Association (GPICA) formulated and debated several map alternatives, one of which was adopted into the 1984 Lee Plan.

Several years later, Lee County updated its comprehensive plan in accordance with the state's 1985-86 growth management act. During that same period, the GPICA hired a planning consultant and formulated a complete community plan, now addressing natural resources, transportation, and historic resources in addition to residential and commercial land uses. This plan was incorporated by Lee County as Goal 16 of the 1989 Lee Plan. (Some changes were made in 1990 as a result of litigation between the Department of Community Affairs, most importantly the setting of the 810- and 910-trip thresholds on Pine Island Road to trigger additional growth controls.)

A number of amendments to Goal 16 were proposed several years later by the GPICA, and Lee County itself evaluated all of Goal 16 as part of its first "evaluation and appraisal report" on the 1989 Lee Plan. As a result of these efforts, some modifications were made in 1994 to the policies under Goal 16, including the reassignment of all Greater Pine Island objectives and policies to Goal 14.

The current community plan update for Greater Pine Island began in 1999. The board of county commissioners made an initial "seed money" grant of \$5,000 shortly thereafter. Due to general countywide controversies over community planning, no further county funds were available, thus the remainder of the current effort was funded through other sources, including private fund raising by Pine Island residents, a technical assistance grant from the Florida Department of Community Affairs (administered by Lee County), and a grant from the Elizabeth Ordway Dunn Foundation. The current community plan was completed in September, 2001. The GPICA has indicated it may seek further financial support from Lee County to assist county staff in implementing this community plan update.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 25, 2001. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- · Public Safety
- EMS Division
- · Lee County Sheriff
- · Natural Resources Division
- · Lee Tran
- · Parks and Recreation
- · School District of Lee County
- Lee County Department of Transportation
- · Development Services Division
- · Environmental Sciences Division
- · Lee County Port Authority
- · Economic Development
- · Public Works Department
- · Utilities Division
- · Zoning Division
- · Lee County Health Department

Comments were received from the Lee County Health Department, the Department of Transportation, the Division of Natural Resources, the Division of Public Safety and Lee County Utilities. Those comments are attached to this report.

Goal 14 of the Lee Plan began as a grass roots effort by the Greater Pine Island Civic association in 1989 with their creation of a community plan for the Greater Pine Island area which included Pine Island, Little Pine Island and Matlacha. Over ten years have passed since Goal 14 and its supporting Objectives and Policies and map were adopted. Since the adoption of Goal 14, many changes have occurred in the area covered by the original community plan that were not anticipated at that time. Agricultural uses on the northern half of Pine Island have steadily increased, residential growth has slowed and traffic volumes have increased to a level of serious concern.

The Greater Pine Island Community Plan Update is organized into the four general areas listed below. The plan then identifies several more specific areas of concern which are summarized below by staff.

Transportation Issues - Increasing hurricane evacuation times and road constraints, especially at
the Matlacha bridge are a serious concern to the Greater Pine Island Community. Traffic on Pine
Island Road is quickly approaching target levels that were set in the 1989 plan. Revised policies
aimed at limiting the number of vehicle trips on that section of Pine Island Road to address those
concerns are proposed.

- 2. Population and Land Use This plan update distinguishes between two general categories of residential land use in Greater Pine Island. Those uses are the Town (village) boundaries and the remaining uplands outside of the village boundaries that have been designated "Rural" on the future land use map. Much of the "Rural" land use has been converted to agricultural uses in the past decade, resulting in a significant loss of native habitat on those lands. In an effort to preserve and restore native habitat, a new land use category has been proposed that would significantly reduce allowable building density if specific native land preservation or restoration requirements are not satisfied.
- 3. Community Character The Community Plan Update highlights several characteristics of Pine Island in need of protection or improvement and proposes policies aimed at either maintaining or enhancing the general appearance and functionality of the Pine Island Community. The general areas of concern include the design of commercial buildings, the continuation of a high-quality bicycle path along Stringfellow Road, neighborhood connectivity, including stricter limitations on fences and walls, identification of additional historic buildings and districts, building height limitations and enhanced design guidelines for business signs. The plan update also includes a policy for the county to establish a prioritized schedule to rezone land to designations that more accurately reflect its development potential. Lastly, this section proposes a new Vision Statement for the community and includes a brief discussion of incorporation.
- 4. The Environment The community has expressed serious concerns about protecting aquatic preserves from surface water runoff and is proposing a policy aimed at diminishing this problem. Also of concern is the potential contamination of tidal waters in canals from poorly functioning septic systems and the community is proposing a policy that will require Lee County to design a program to assess the condition of septic tank drainfields along salt water canals in St. James City, Bokeelia and Flamingo Bay. This section ends with a brief discussion of concerns about jet-skis and air boats.

The planning consultant drafted a new Vision Statement, a revised Goal and revised Policies to address the concerns in the four general areas listed above. The intent was that those proposed modifications to the Vision Statement, Goal 14 and Objective 1.4 would eventually be incorporated into the Lee Plan.

Staff's initial comments were forwarded to the consultant who then responded to each of the comments in a letter dated February 27, 2002. Staff's initial comments came from Lee County Utilities, Division of Natural Resources, Division of Public Safety, Department of Transportation, and the Florida/Lee County Health Department. The consultant's response included some revisions to the original submittal addressing many of the comments. Those revisions have been incorporated into this report and where applicable, replace the original submittal language. The February 27, 2002 letter mentioned above highlights those changes and is included as an appendix to this report.

The following section of this report includes a proposed new Vision Statement, a revised Goal 14, new and revised Policies under Goal 14, and a new Policy under Objective 1.4. Only those sections of Goal 14 that are proposed to be revised or sections of Goal 14 and Objective 1.4 that are new are included below. The applicants suggested revisions are presented in strike-through, underline format. Staff's suggested changes are in bold strike through, bold underline format. Following each

modification are comments and suggestions from Staff. Please note that the word "shall" has been replaced with "will" or "must" throughout the proposal in order to correspond with current language in the rest of the Lee Plan.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modes growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl intensive development approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

Staff feels that while there may be some merit to applying the term "urban sprawl" to the development that is occurring in northwest Cape Coral at this time, with the projected population growth estimated to occur over the next 20 years, those "sprawling" developments may be compact, contiguous and sustainable in the future and will no longer fit the definition of sprawl. Staff feels by using the term "more intense development" that the phrase will be accurate both today and in years to come.

POLICY 14.1.5: All-New development, including "planned development" rezoning approvals and, new subdivisions adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provideshall must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody:or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

- shallwill be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- shallwill include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shallwill be established within three years of issuance of the notice of clearing.

The proposed amendment to Policy 14.1.5 expands the policy to cover new subdivisions and agriculture that adjoin state-designated aquatic preserves and associated wetlands. Staff feels that the inclusion of wetlands is important and that it improves the Policy. This amended language also replaces the word "provide" with "preserve or create" which is more clear. For agriculture, three methods of implementation of the Policy are described, and staff feels this is another improvement to the current Policy.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

The Florida, Lee County Health Department has indicated to the consultant that grant funding is available to pay for this type of service and that they have previously been awarded such a grant but were unable to utilize the funding because of lack of cooperation from property owners. Implementation of this policy will require both a source of funding and the cooperation of property owners in the study area, therefore, staff feels those conditions should be made a part of this policy language.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Implementation of this policy will allow for current allowable densities of 1 dwelling unit per acre only if 70% of the total site area is preserved or restored with native habitat. To accomplish that goal the policy

allows for clustering developments on the remaining 30% of the property, thereby reducing lot sizes to less that 0.3 acre given the need for streets and other infrastructure. The policy would reduce allowable density on a sliding scale to allow for only 1 dwelling unit per ten acres if no native habitat is preserved or restored. That situation would represent a ten-fold reduction in allowable density from the current Rural land use category of 1 dwelling unit per acre. Staff modified the tense of the policy as this action is being accomplished as part of this amendment. In order to implement Policy 14.1.8 a new land use category under Objective 1.4 will need to be created.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- when traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan: to one-third the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

Lee County Department of Transportation has recalculated the 810/910 development limitation standards using the most recent software for calculating service volumes (capacities) released by the Florida department of Transportation in March. DOT staff recalculated the capacity for the entire section of Pine Island Road from Stringfellow Road to Burnt Store road using the new software. DOT calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they

represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips.

In addition, DOT staff feels there is an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but DOT staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, DOT staff proposes to modify the standard in Policy 14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627.

Complete comments by DOT staff are attached to this report in a Memo dated April 16, 2002.

POLICY 14.2.3: <u>In addition to the enforcing the restrictions in the Policy 14.2.2</u>, <u>The county will take whatever additional actions are feasible to increase the capacity of Pine Island Road</u>. The following measure will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- <u>Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.</u>

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

Staff has objections to the last sentence of this proposed Policy. First, what defines a "high-quality" bicycle path? Second, if the intent of this Policy is to require relocation of power poles and swales to create a straight path regardless of cost, then staff is opposed. Staff believes that the previous sentence stating that "Whenever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland...." adequately states the communities desire for a high quality bicycle path along Stringfellow Road and does not believe that relocating power poles for the sole purpose of creating a path without curves is economically prudent or necessary. Staff recommends that the last sentence of this Policy be removed.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so

August 22, 2002 PAGE 16 OF 32 that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

This Policy does not change the spirit of Policy 14.3.3, it merely removes the possibility that deviations to the height restrictions may be sought and approved, as currently exists and reinforces the language of how height will and will not be measured. The applicant is asking that the Land Development Code be amended to include the language of Policy 14.3.3. If the language of Policy 14.3.3 is approved, the next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.3.5: The county will shall amend its Land Development Code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.3: The county will shall expand the commercial design standards in its Land Development Code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

STAFF REPORT FOR CPA2001-18 August 22, 2002 PAGE 17 OF 32 POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

Staff's comment about proposed Policy 14.4.3 also applies to this proposed policy.

POLICY 14.4.5: The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

The Department of Community Development prepared a July, 1989, Commercial Study report for Pine Island and based on the recommendations contained in that report subsequently began the process of rezoning land on Pine Island to properly reflect its development potential under the Lee Plan. That rezoning process was halted after the County received numerous complaints from property owners on Pine Island about the process. Staff does not believe that County initiated rezonings would proceed any better today, or in the next five years, than they did during the last attempt at rezoning property on Pine Island.

Staff does not object to the Policy, in general, but feels that a five year time frame for completing County initiated rezonings on Pine Island is unrealistic and would very difficult to achieve, given the current workload of staff. Staff recommends that the Policy stand essentially as written, with the exception that the five year time frame be stricken from the Policy.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Staff does not have a problem with the Policy as it is written; however, does not have adequate personnel to undertake the activity in the foreseeable future. It is possible that summer interns could be used to begin preliminary field work and to conduct some necessary research. Another possibility is to use some of the funds in the Division of Planning budget set aside for consulting services to hire a consultant to complete the requested historic site survey if that is determined to be needed.

Proposed new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14.1.8. These lands are to remain rural except for portions of individual properties whose owners choose to permanently preserve or restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities increase

as various higher percentages of the uplands portion of the site have their native habitat uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Both staff and the applicants consultant feel that the revised language is more clear. The title of the first column of the following chart has also been revised.

overed by preserved or restored native habitats	Maximum density
<u>0%</u>	1 DU/ 10 acres
<u>5%</u>	1 DU/ 9 acres
<u>10%</u>	1 DU/ 8 acres
<u>15%</u>	1 DU/ 7 acres
<u>20%</u>	1 DU/ 6 acres
<u>30%</u>	1 DU/ 5 acres
<u>40%</u>	1 DU/ 4 acres
<u>50%</u>	1 DU/ 3 acres
<u>60%</u>	1 DU/ 2 acres
70%	1 DU/ 1 acre

Proposed Policies 1.4.7 and 14.1.8 will create a new Coastal Rural Land Use designation and establish a sliding scale of allowable densities for properties that are currently in the Rural Land Use category based on the amount of native vegetation that is preserved or restored on the upland portion of a site. The effect of those Policies would be as follows:

- 1. Reduce the development potential of large tracts of land, thereby restricting density on the Island; or
- 2. increase the amount of native vegetation on the Island; or
- 3. both 1 and 2.

Staff believes that restricting density on the island is justifiable given the likely road constraints during a possible evacuation of the island. Staff also feels that increasing the amount of native vegetation on the island will be beneficial.

FUTURE LAND USE MAP AMENDMENTS

The Community Plan is proposing 2 separate Future Land Use Map amendments. These are as follows:

- Amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category; and,
- amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157
 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail
 Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1
 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and
 Pinehurt Acres and September Estates on the south.

Amending the Rural designated lands on Pine Island to the proposed Coastal Rural category affects approximately 7,600 acres of land on Pine Island. Staff notes that the Greater Pine Island Community plan Update report provides that placing the Rural designated land of Pine Island into the Coastal Rural category responds to three identified problems:

the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;

the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and

the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

The proposed amendment does not necessarily reduce allowable density on a subject site. Proposed Policy 1.4.7 creates a criteria that must be utilized to obtain approvals for the maximum permittable density of 1 dwelling unit per acre. This criteria is a sliding scale of dwelling units per acre based upon the percentage of a total sites preservation or restoration of native habitats. An applicant with a site that contains 100% indigenous vegetation can achieve the same density as is permitted under the Rural designation by limiting impacts to the vegetation to 30% of the site. An applicant with a totally cleared site with no native habitat would have to restore 70% of the site to achieve the same density as is permitted under the Rural designation. As the Update report notes, the sliding scale allows the property owners to choose any point on the scale. While this does increase development costs, it affords the property owner the ability to achieve the maximum density allowed under the Rural designation.

Figure 2, of the Update report shows the 157 acres located in northern Pine Island south of Bokeelia. Current allowable density on that land is three dwelling units per acre. The proposed land use change would lower allowable densities to a maximum of one dwelling unit per acre, if native vegetation on 70% of the site is preserved or restored. That action may lower personal property values and could have Bert Harris Act implications. The Plan Update document provides the following discussion concerning this property:

"The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west."

One member of the LPA questioned, at the March hearing, whether the affected property owners had been notified of the proposed land use amendment. The applicant's representative responded that the on-going community planning effort had been widely advertised but that individual notice would be provided. Spikowski Planning Associates has provided, to staff (Attached), a copy of a letter and information that was sent to these affected property owners.

Staff recognizes the likely constraints on the roadways in the event of a possible evacuation. A reduction of density would be beneficial in limiting congestion of the evacuation route. Staff weighed this factor with the Bert Harris Act implications in recommending that the Future Land Use Map be amended.

FUTURE LAND DEVELOPMENT CODE AMENDMENTS

The Community Plan proposes several future amendments to Lee County's Land Development Code. Topics for potential LDC amendments range from compatibility of commercial uses with adjacent residences, sign regulations, building heights, and architectural standards for new development. Staff has amended the proposed plan language in several instances, as noted above, to require the Greater Pine Island Community to be responsible for submitting the requested Land Development Code amendments during one of the two regularly scheduled amendment cycles occurring in the Spring and Fall.

B. CONCLUSIONS

The proposed revised Vision Statement, Goal and Policies are the result of over a two-year long planning process. They directly reflect the vision that the Pine Island Community has for its future growth and development. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in Pine Island. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section B.1 of this report.

PART III - LOCAL PLANNING AGENCY REVIEW

DATE OF PUBLIC HEARING: March 25, 2002

A. LOCAL PLANNING AGENCY REVIEW

The Local Planning Agency held an informational hearing on this date, no staff report was presented and no formal action took place by the LPA. The stated purpose of the hearing was to brief the LPA members on the status of the request, allow the applicant to discuss the proposal, and to allow the public to have the opportunity to provide comments concerning the proposed language. Planning staff introduced the proposed request to amend the Future Land Use element of the Lee Plan. Staff passed out comments from the applicant's planning consultant and introduced the planning consultant.

The planning consultant relayed the historical Pine Island planning efforts starting in the 1970s. The consultant stated that these early efforts culminated in complete community plan for Pine Island by 1989. The consultant then reviewed several new issues that had recently come up in the community such as: (1) an influx of agriculture since 1990; and, community character issues that had not been dealt with in the earlier plans. The consultant also explained that the applicant wanted to reexamine the traffic part of the plan because the traffic count had reached the 810 threshold that is referenced in Policy 14.2.2. The consultant provided the LPA with a discussion of how the planning effort was funded and the broad community involvement in preparing the plan. The consultant stated that three major public presentations had occurred on Pine Island. The consultant then outlined the public involvement, such as a survey, that had taken place as part of this effort. The consultant then covered "the major issues that the plan addresses." The major issues covered by the consultant were: (1) transportation concurrency; (2) Future Land Use category designation for a 157 acre area south of Bokeelia; (3) environmental issues on the island, such as applying the required 50 foot set back to the aquatic preserve to agricultural uses; (4) septic tanks and the proposed testing program; and, (5) community character issues. The consultant also stated that there were additional structures in the community that would benefit from historical designation.

The consultant also discussed the building height restriction on Pine Island. He stated the applicant was fine with the current rule, but the amendment is proposing to close potential loopholes in the regulations. The consultant ended his presentation by briefly discussing bike paths and the applicant's analysis of transportation alternatives.

One member of the LPA asked if the consultant could "give me a summary of your public participatory process and...how many meetings you've held." The consultant responded that the Steering Committee met every month all the way up until a few days before the final plan was submitted. The consultant also stated that the Chamber of Commerce had notified all of their members and distributed copies of the plan.

One LPA member asked if the property owners had been involved in the discussion about the proposal to amend the 157 acre area from Outlying Suburban to Rural. The consultant explained that the area had been farmed since 1990, but that he had not had a specific discussion with these property owners. The LPA member suggested contacting these owners.

The LPA chairman opened up the meeting to public comments. One local land use attorney, "representing a number of agricultural land owners on Pine Island," stated that he was not at the meeting to complain

about the process. He believed That "there has been a very good job of reaching out to the public." He noted that the plan amendment materials had also been on the consultant website which made the material "readily accessible." He discussed two sections of the plan that his clients have "substantive problems with," the coastal rural land use category and "the special concurrency section under Policy 14.2.2."

A Bokeelia resident, representing the Alden Pines Homeowners Association, read the following statement into the record: "The membership of the Alden Pines Homeowners Association unconditionally supports the revised version of Goal 14 of the Lee County Comprehensive Land Use Plan as submitted by the Greater Pine Island Land Use Committee. We applaud the hard work of the volunteer Land Use Committee for its dedication, expertise, and perseverance in revising this plan to reflect the interests of Greater Pine Island residents. We have been fully informed of its efforts and sincerely hope you will support the plan as written. Signed by the Chairman of the Autumn Pines Homeowners Association."

A resident of Bokeelia, representing the Captains Harbor Condominium group (a 76 unit condominium), read the following letter into the record:

"It is my pleasure to report that the Board of Directors of the Captains Harbor Condominium Association voted unanimously to endorse the proposed land use plan for Pine Island. We ask that the Local Planning Agency recommend approval of the plan as currently proposed to the County Commission."

The Chairperson of the Land Use Committee, stated that she believed the Greater Pine Island Plan was done primarily due to hurricane problems and to protect the health, safety, and welfare of the residents on the Island. She reviewed the advertising processes that took place explaining that they invited and encouraged all resident and property owners to participate. She noted that each time the land use revisions were updated, they were printed out and placed in the Pine Island Library, Realty World in Matlacha, and the consultant's website. These updates were also distributed to everyone during the public meetings. She reviewed where they had received funds for the creation of this plan. She stated they had minutes from all of the meetings in writing and on tape and even had a County representative attend their committee meetings. She requested the LPA approve the amedment.

A local consultant representing Cherry Estates stated he worked on the 1989 plan and felt this proposal was a good, clear document. He referred to Page 3, Policy 14.2.2, and felt this section was not as clear as it should be. He discussed a situation that arose for Cherry Estates who had two undeveloped islands (8 & 9) and did not have development orders. He asked for some clarifying language that would recognize recorded plats and an 86-36 site plan approval as being protected. He was not satisfied with the language "may provide exceptions" and felt there should be stronger language.

One resident of Bokeelia, discussed the signage issue. Since Pine Island is a rural community, this resident felt they needed rural solutions and not be treated with a "one size fits all" mentality. She did not feel their signage should be addressed the same as U.S. 41. She stated there were signage solutions other than large billboards and signs that have worked in other areas, such as Maine, that still help direct people to small businesses that are off the main roads. She also

STAFF REPORT FOR August 22, 2002 CPA2001-18 PAGE 23 OF 32 discussed helping small businesses stay in business by getting residents to frequent their services and spending money on the Island. She also felt encouraging overnight tourism during summer months would be helpful to businesses in the area. She stated that protecting jobs, the local economy, and provided services, would keep residents from having to leave the island for their needs. She encouraged the LPA to support this plan.

The President of the Greater Pine Island Chamber of Commerce, stated her family ran a tourism business (boats) on Pine Island. She stated that in Pine Island the residents enjoyed a country living surrounded by nature. She stated the residents wanted to preserve their land and peaceful way of life for as long as possible. She noted the Chamber of Commerce had 190 members, of which over 50% were involved in tourism. Although there is no great emphasis in the plan on tourism, she stated that tourism is an important issue as it affects Pine Island's roads and businesses. She noted the Chamber of Commerce was not opposed to businesses, but is focusing on small family owned businesses as opposed to big businesses. She had concerns about signage, jet skis, air boats and parasailing, which she believed were incompatible to an environment like Pine Island. She encouraged the LPA to approve the plan.

A member of the Lee County Council of Civic Association, read the following statement into the record: "The Lee County Council of Civic Association (CCA) is an organization of 180 plus various entities including civic, environmental, elected officials, building and development interest and community leaders. The CCA Board of Directors at the Board's February 28th meeting, voted unanimously to endorse the proposed Pine Island Community Plan and recommend to the Local Planning Agency that the plan be transmitted to the County Commission for approval."

A resident of Matlacha, noted there were almost 100 residents of Pine Island here earlier this morning. He encouraged the LPA to approve this plan in order to protect the Pine Island area. He noted that areas such as Estero and Bonita have been saturated with development, therefore, the development is now coming to Pine Island. The resident emphasized that this whole process has been inclusive and continues to be well publicized.

A resident of Pine Island, stated that the individuals involved in the Greater Pine Island plan were well informed, dedicated, conscientious and hardworking people. She stated that their efforts had saved the County a lot of money as well as staff time. She stated that this proposed plan included well documented consideration of the main issues facing Pine Island residents as well as alternatives and specific actions Lee County can choose to take to assure that recommended actions are implemented. She reiterated statements made earlier that Pine Island is a unique community due to its 1) natural resources (mangroves, aquatic preserves), 2) historical resources, and 3) sense of community mindedness. She reviewed the items she believed were most important to the plan, such as: 1) initiating changes to the future land use maps and plan to create the new coastal rural category and reclassifying the rural lands on Pine Island, 2) initiating a schedule for eliminating conflicts between the outdated county/zoning classifications that conflict with current Lee Plan goals and policies, 3) initiating buffer strip requirements for new developments between cleared land and natural water bodies, and 4) to initiate a Lee County program to assess the condition of septic system drain fields along the salt water

canals in St. James City, Bokeelia, and Flamingo Bay. She encouraged the LPA to approve the plan as presented.

A local land use attorney and employee of the Florida Wildlife Federation stated that he volunteered his time to assist with this proposed plan because he loved Pine Island, worked for the Florida Wildlife Federation, and because he was a sportsman. He noted that Pine Island Sound was the center of sportsmen activities for Lee County. He felt this feature drew people to the area. He discussed some legal issues with the Board involving clearing and restoring land, traffic capacity, hurricane evacuation, limiting rezonings, open space, and vested right provisions. He urged the LPA to approve the plan.

PART IV - LOCAL PLANNING AGENCY CONTINUED REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 22, 2002

A. LOCAL PLANNING AGENCY REVIEW

Three LPA members stated that they had conflicts of interest, would participate in the discussion, but abstain from voting. Planning staff gave a brief presentation concerning the proposed amendment. Staff explained the staff recommendation and the recent language changes. Staff passed out revised language for Policy 1.4.7. One LPA member referred to Policy 14.1.7 where in bold/underline it states, "if grant funding can be obtained." The member asked who would be responsible for searching out and obtaining grant funding (i.e. Lee County or the community). Staff responded that 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.

One LPA member asked if there was a map that would outline the properties that will now be Coastal Rural. Staff 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 this point in the hearing DOT staff reviewed their recommendation concerning revisions to Policy 14.2.2. DOT staff stated that their recommended language reflects revised capacity calculations. Staff noted that the existing measure contained in Policy 14.2.2 is unique, not the usual measure of peak season, peak hour, peak direction. DOT staff relayed that the proposed revisions to this amendment raise two policy issues: (1)should we recalculate the measure; and, (2) do you use 80% or 90% of level of service D or E.

The Chairman of the LPA opened up the meeting to public comments. The applicant's planning consultant was the first public speaker. The planning consultant 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 noted that one LPA member had asked if they had contacted the owners of the 157 acres during the last meeting. The consultant

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.

One LPA member 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. Another LPA member 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's 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.

One LPA member referred to the Policy 14.2.2 discussion and the applicant's planning consultant's concern about adopting a different method. He and the consultant 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). The consultant stated that the DOT recommended language would allow "way more growth," and change all of the expectations about development on Pine Island.

A resident of 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 (59 units and a hundred plus residents), Captain Mack's and Buttonwood Mobile Home Parks (36 units, 70 residents), Cherry Estates (450 homeowners), The Emergency Response Team of Greater Pine Island, Matlacha Hookers Association (a nonprofit women's group in Matlacha - 400 members), Pine Island Cove (318 residents), September Estates Subdivision (114 residents), St. James Civic Association, and several letters that were e-mailed. This resident also stated that "the Greater Pine Island land use plan is smart growth in action."

The President of the Greater Pine Island Chamber of Commerce read a letter of support from the Board of Directors for the Greater Pine Island Chamber of Commerce.

A member of the public 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.

One member of the public, speaking on behalf of the Responsible Growth Management Coalition, distributed a copy of the letter written by the, President of the Growth Management Coalition, and read

August 22, 2002 PAGE 26 OF 32 it into the record. The letter requested that the LPA approve the applicant proposed revisions to Policy 14.2.2.

One Pine Island resident discussed the amount of existing development approvals on the island and Policy 14.2.2. This speaker concluded that "to set thresholds and then reset them when they are met in a continuous fashion is not land planning at all." The speaker urged the LPA member to not support the DOT recommended language concerning Policy 14.2.2.

One 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.

A 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.

One Matlacha resident read a letter into the record from the Friends of the Matlacha Committee who were in support of the Pine Island Community Plan,

A local planning consultant 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 a local attorney

from his firm. He stated that this attorney was concerned with the new Coastal Rural land use category and the revisions to Policy 14.2.2. He stated that this attorney would like to know what the standards for the restoration re-vegetation 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. He noted that this attorney did not believe there was sufficient data and analysis to justify the one-third number and wondered how staff derived at that number.

The 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. He read a statement of support for the proposed plan amendment into the record from the St. James City Civic Association.

A 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 e defensible. He also disagreed with the addition of reduction in density to one-third the maximum density otherwise allowable.

A 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 LPA to approve Policy 14.2.2 exactly as it currently exists to avoid potential lawsuits.

A resident of Bokeelia 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 gong 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.

A member of the public 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. Seeing no more interest, the chairman closed the hearing to public input and solicited LPA member comments.

One LPA member 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. Another LPA member stated she supported the applicant's language for Policy 14.2.2. She agreed with the applicant's planning consultant'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.

One LPA member asked where the one-third figure came from as a reduction in density under the 910 peak hour trip rule. The applicant's planning consultant 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.

A member of the LPA made a motion to recommend transmittal of the amendment as recommended by staff with the exception of Policy 14.2.2. The motion included recommending the applicant's requested language concerning Policy 14.2.2, as well as the revisions to Policies 14.2.3 and 1.4.7. The motion was seconded and the vote called for by the chairman.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- RECOMMENDATION: The LPA recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT: As advanced in the staff report; the LPA found the applicant's language concerning Policy 14.2.2 more appropriate.

C. VOTE:

NOEL ANDRESS	ABSTAIN
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	ABSTAIN
GORDON REIGELMAN	ABSENT
ROBERT SHELDON	AYE
GREG STUART	ABSTAIN

PART V - BOARD OF COUNTY COMMISSIONERS HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: September 5th, 2002

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION
ANDREW COY
BOB JANES
RAY JUDAH

DOUG ST. CERNY

PART VI - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

	DATE OF ORC REPORT:	
A.	DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS	

B. STAFF RESPONSE

PART VII - BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT

	DATE OF ADOPTION HEARING:
A.	BOARD REVIEW:
В.	BOARD ACTION AND FINDINGS OF FACT SUMMARY:
	1. BOARD ACTION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
C.	VOTE:
	JOHN ALBION
	ANDREW COY
	BOB JANES
	RAY JUDAH
	DOUG ST. CERNY

CPA 2001-18 Pine Island Community Plan

Staff/Spikowski suggestioned alternative language for Policy 1.4.7

POLICY 1.4.7: The <u>Coastal Rural</u> areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation, and residential up to the following densities:

Percentage of the on site uplands that are preserved or restored native habitats	Maximum density
0%	1 DU/ 10 acres
5%	1 DU/ 9 acres
10%	1 DU/ 8 acres
15%	1 DU/ 7 acres
20%	1 DU/ 6 acres
30%	1 DU/ 5 acres
40%	1 DU/ 4 acres
50%	1 DU/ 3 acres
60%	1 DU/ 2 acres
70%	1/DU/ 1 acre

HANDED OUT TO LPA BOARD AT 4/22/02 LPA MEETING

CPA2001-18 BoCC SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document for the April 22, 2002 Public Hearing

> Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (941) 479-8585

> > April 18, 2002

LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2001-00018

	Text Amendment ✓ Map Amendment
1	This Document Contains the Following Reviews:
1	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 18, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

THE GREATER PINE ISLAND CIVIC ASSOCIATION REPRESENTED BY BILL SPIKOWSKI SPIKOWSKI AND ASSOCIATES

2. REQUEST:

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, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff also recommends that the Board of County Commissioners amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category. In addition, staff recommends that the Board of County Commissioners amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurst Acres and September Estates on the south.

The applicants replacement language for the Pine Island Vision Statement and proposed revisions to Goal 14 and to Objective 1.4 of the Lee Plan is below in strike through, underline format. Please note that the applicants replacement language includes changes made by the consultant to his original submittal subsequent to reviewing initial comments from County Staff. Staff's recommended language is provided below, with recommended changes from the applicant's language highlighted in bold strike-thru, bold underline format.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying g the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from

unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

POLICY 14.1.5: All New development, including "planned development" rezoning approvals and, new subdivisions adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provide shall preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody. (Amended by Ordinance No. 00-22) or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

- shall will be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- shall will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shall will be established within three years of issuance of the notice of clearing.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Proposed Civic Association Language:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of These

regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Rroad between Burnt Store Road and Stringfellow boulevard reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on shall restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan to one-third the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The preceding language is what was submitted as part of the Greater Pine Island Community Plan. Lee County Department of Transportation (DOT) staff has provided Planning Staff with a memorandum dated April 16, 2002 highlighting some of their concerns. DOT staff updated the 801/910 development limitation standard utilizing the most recent Florida Department of Transportation software. The new standards that were developed refer to peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips. In addition, DOT feels there is an inconsistency with the regulatory level of service standard applied on county roads, which is "E", and the reliance in the current development limitation standard on a percentage of the level of service "D" capacity. The referenced memo is attached to this report.

The following modifications are proposed by DOT staff:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being

reached, <u>measured</u> as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. (Amended by Ordinance No. 00-22)to one-third the maximum density otherwise allowed on that property.
- The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

DOT staff is meeting with the applicant's planning consultant to try and resolve this issue later this week. Staff will provide an update concerning this issue at the public hearing, as appropriate.

POLICY 14.2.3: <u>In addition to the enforcing the restrictions in the Policy 14.2.2, The county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measure will be evaluated:</u>

 The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.

(Amended by Ordinance No. 94-30, 00-22)

- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.
- POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.
- POLICY 14.3.3: The county's zoning regulations willLand Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height

restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

POLICY 14.3.5: The county will shall amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

POLICY 14.4.3: The county will shall expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

<u>POLICY 14.4.5:</u> The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14.1.8. These lands are to remain rural except for portions of individual properties whose owners choose to permanently preserve or restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities increase

as various higher percentages of the uplands portion of the site have their native habitat uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Percentage of the site area that is covered by preserved or restored native habitats	Maximum density	
0%	1 DU/ 10 acres	
<u>5%</u>	1 DU/ 9 acres	
10%	1 DU/ 8 acres	
<u>15%</u>	1 DU/ 7 acres	
20%	1 DU/ 6 acres	
30%	1 DU/ 5 acres	
<u>40%</u>	1 DU/ 4 acres	
<u>50%</u>	1 DU/ 3 acres	
<u>60%</u>	1 DU/ 2 acres	
<u>70%</u>	1/DU/ 1 acre	

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Greater Pine Island Community Plan Update has been sponsored as a community service by the Greater Pine Island Civic Association.
- Financial assistance has been provided by the Board of County Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation.
- Pine Island, Little Pine Island and Matlacha are collectively referred to in this plan update as Greater Pine Island, or Pine Island.
- The existing Goal 14 of the Lee Plan was based on a community plan prepared by the Greater Pine Island Civic Association in 1989.

 The Greater Pine Island Community Plan makes recommendations for updating Goal 14 and supporting Policies of the Lee Plan.

The Pine Island Community, through recommendations contained in the Greater Pine Island Community Plan has expressed a desire for the following actions:

- Lee County should establish Policies that will improve hurricane evacuation times.
- Recognizing that Pine Island Road through Matlacha is the sole evacuation route in the event of
 a hurricane, the Community wishes to slow development on Pine Island as the carrying capacity
 of Pine Island Road through Matlacha is reached.
- Both enhance the seven village communities on Pine Island and encourage the preservation and restoration of native habitats within the remaining upland areas designated as "Rural" on the County's Future Land use Map.
- Modify the future land use map to reflect the 1989 community plan boundaries including Pine Island, Little Pine Island, Matlacha and the Matlacha Isles.
- Augment Lee County's architectural standards with additional design standards specific to Greater
 Pine Island. Those standards will attempt to encourage rehabilitation over demolition, smaller
 buildings rather than larger ones, custom designs as opposed to standardized buildings,
 preservation of mature trees, parking restricted to the side and rear of buildings, large windows,
 and other architectural features of traditional "Old Florida" style.
- Lee County should make every effort to complete a bicycle path across the entire length of Pine Island along Stringfellow road.
- New residential neighborhoods should be required to encourage several connections and limit isolated designs.
- Encourage Lee County to continue to update its historic site inventory to include historic sites and buildings in St. James City, Pineland and Bokeelia and to identify potential buildings or districts for inclusion on the National Register of Historic Places.
- Modify comprehensive plan policy 14.3.3 and include a new section in the Land Development Code to strengthen the limitations on building heights on Greater Pine Island.
- Supplement the sign regulations to provide specific standards for the Pine Island Community that
 would encourage smaller signs on businesses and would reduce or prohibit unwanted sign types.
- Eliminate zoning designations on Greater Pine Island that do not accurately reflect development potential under the Lee Plan.

- Amend the Vision 2020 section of the Lee Plan to include an updated summary of the community vision based on the Greater Pine Island Community Plan Update.
- Modify Policy 14.1.5 regarding maintaining a 50-foot native vegetative buffer strip to include all new development and all agricultural uses.
- Have Lee County design a program to assess the condition of septic tank drainfields within one
 year and if serious degradation is found to exist to assess the feasibility of various corrective
 measures.

C. BACKGROUND INFORMATION

The following background information was provided by Spikowski and Associates:

Pine Island has a long history of community planning efforts. The first formal regulations for Pine Island were adopted in 1977, when a 35' building height limit and a 10 DU/acre density cap were imposed for the entire Greater Pine Island area at the urging of local residents (Ordinances 77-15 and 78-19).

In 1983 when the original Lee Plan future land use map was being contemplated, a committee of the Greater Pine Island Civic Association (GPICA) formulated and debated several map alternatives, one of which was adopted into the 1984 Lee Plan.

Several years later, Lee County updated its comprehensive plan in accordance with the state's 1985-86 growth management act. During that same period, the GPICA hired a planning consultant and formulated a complete community plan, now addressing natural resources, transportation, and historic resources in addition to residential and commercial land uses. This plan was incorporated by Lee County as Goal 16 of the 1989 Lee Plan. (Some changes were made in 1990 as a result of litigation between the Department of Community Affairs, most importantly the setting of the 810- and 910-trip thresholds on Pine Island Road to trigger additional growth controls.)

A number of amendments to Goal 16 were proposed several years later by the GPICA, and Lee County itself evaluated all of Goal 16 as part of its first "evaluation and appraisal report" on the 1989 Lee Plan. As a result of these efforts, some modifications were made in 1994 to the policies under Goal 16, including the reassignment of all Greater Pine Island objectives and policies to Goal 14.

The current community plan update for Greater Pine Island began in 1999. The board of county commissioners made an initial "seed money" grant of \$5,000 shortly thereafter. Due to general countywide controversies over community planning, no further county funds were available, thus the remainder of the current effort was funded through other sources, including private fund raising by Pine Island residents, a technical assistance grant from the Florida Department of Community Affairs (administered by Lee County), and a grant from the Elizabeth Ordway Dunn Foundation. The current community plan was completed in September, 2001. The GPICA has indicated it may seek further financial support from Lee County to assist county staff in implementing this community plan update.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 25, 2001. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- · Public Safety
- EMS Division
- · Lee County Sheriff
- · Natural Resources Division
- · Lee Tran
- · Parks and Recreation
- · School District of Lee County
- Lee County Department of Transportation
- · Development Services Division
- · Environmental Sciences Division
- · Lee County Port Authority
- · Economic Development
- Public Works Department
- · Utilities Division
- Zoning Division
- · Lee County Health Department

Comments were received from the Lee County Health Department, the Department of Transportation, the Division of Natural Resources, the Division of Public Safety and Lee County Utilities. Those comments are attached to this report.

Goal 14 of the Lee Plan began as a grass roots effort by the Greater Pine Island Civic association in 1989 with their creation of a community plan for the Greater Pine Island area which included Pine Island, Little Pine Island and Matlacha. Over ten years have passed since Goal 14 and its supporting Objectives and Policies and map were adopted. Since the adoption of Goal 14, many changes have occurred in the area covered by the original community plan that were not anticipated at that time. Agricultural uses on the northern half of Pine Island have steadily increased, residential growth has slowed and traffic volumes have increased to a level of serious concern.

The Greater Pine Island Community Plan Update is organized into the four general areas listed below. The plan then identifies several more specific areas of concern which are summarized below by staff.

Transportation Issues - Increasing hurricane evacuation times and road constraints, especially at
the Matlacha bridge are a serious concern to the Greater Pine Island Community. Traffic on Pine
Island Road is quickly approaching target levels that were set in the 1989 plan. Revised policies
aimed at limiting the number of vehicle trips on that section of Pine Island Road to address those
concerns are proposed.

- 2. Population and Land Use This plan update distinguishes between two general categories of residential land use in Greater Pine Island. Those uses are the Town (village) boundaries and the remaining uplands outside of the village boundaries that have been designated "Rural" on the future land use map. Much of the "Rural" land use has been converted to agricultural uses in the past decade, resulting in a significant loss of native habitat on those lands. In an effort to preserve and restore native habitat, a new land use category has been proposed that would significantly reduce allowable building density if specific native land preservation or restoration requirements are not satisfied.
- 3. Community Character The Community Plan Update highlights several characteristics of Pine Island in need of protection or improvement and proposes policies aimed at either maintaining or enhancing the general appearance and functionality of the Pine Island Community. The general areas of concern include the design of commercial buildings, the continuation of a high-quality bicycle path along Stringfellow Road, neighborhood connectivity, including stricter limitations on fences and walls, identification of additional historic buildings and districts, building height limitations and enhanced design guidelines for business signs. The plan update also includes a policy for the county to establish a prioritized schedule to rezone land to designations that more accurately reflect its development potential. Lastly, this section proposes a new Vision Statement for the community and includes a brief discussion of incorporation.
- 4. The Environment The community has expressed serious concerns about protecting aquatic preserves from surface water runoff and is proposing a policy aimed at diminishing this problem. Also of concern is the potential contamination of tidal waters in canals from poorly functioning septic systems and the community is proposing a policy that will require Lee County to design a program to assess the condition of septic tank drainfields along salt water canals in St. James City, Bokeelia and Flamingo Bay. This section ends with a brief discussion of concerns about jet-skis and air boats.

The planning consultant drafted a new Vision Statement, a revised Goal and revised Policies to address the concerns in the four general areas listed above. The intent was that those proposed modifications to the Vision Statement, Goal 14 and Objective 1.4 would eventually be incorporated into the Lee Plan.

Staff's initial comments were forwarded to the consultant who then responded to each of the comments in a letter dated February 27, 2002. Staff's initial comments came from Lee County Utilities, Division of Natural Resources, Division of Public Safety, Department of Transportation, and the Florida/Lee County Health Department. The consultant's response included some revisions to the original submittal addressing many of the comments. Those revisions have been incorporated into this report and where applicable, replace the original submittal language. The February 27, 2002 letter mentioned above highlights those changes and is included as an appendix to this report.

The following section of this report includes a proposed new Vision Statement, a revised Goal 14, new and revised Policies under Goal 14, and a new Policy under Objective 1.4. Only those sections of Goal 14 that are proposed to be revised or sections of Goal 14 and Objective 1.4 that are new are included below. The applicants suggested revisions are presented in strike-through, underline format. Staff's suggested changes are in bold strike through, bold underline format. Following each

modification are comments and suggestions from Staff. Please note that the word "shall" has been replaced with "will" or "must" throughout the proposal in order to correspond with current language in the rest of the Lee Plan.

VISION STATEMENT:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents. (Added by Ordinance No. 99-15)

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modes growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl intensive development approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

Staff feels that while there may be some merit to applying the term "urban sprawl" to the development that is occurring in northwest Cape Coral at this time, with the projected population growth estimated to occur over the next 20 years, those "sprawling" developments may be compact, contiguous and sustainable in the future and will no longer fit the definition of sprawl. Staff feels by using the term "more intense development" that the phrase will be accurate both today and in years to come.

POLICY 14.1.5: All-New development, including "planned development" rezoning approvals and, new subdivisions adjoining, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must provideshall must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody:or associated wetlands. This requirement shall will not apply to existing subdivided lots. For agriculture, this requirement:

- shallwill be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- shallwill include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover shall will be established within three years of issuance of the notice of clearing.

The proposed amendment to Policy 14.1.5 expands the policy to cover new subdivisions and agriculture that adjoin state-designated aquatic preserves and associated wetlands. Staff feels that the inclusion of wetlands is important and that it improves the Policy. This amended language also replaces the word "provide" with "preserve or create" which is more clear. For agriculture, three methods of implementation of the Policy are described, and staff feels this is another improvement to the current Policy.

POLICY 14.1.7: Lee County shall will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall will assess the feasibility of various corrective measures.

The Florida, Lee County Health Department has indicated to the consultant that grant funding is available to pay for this type of service and that they have previously been awarded such a grant but were unable to utilize the funding because of lack of cooperation from property owners. Implementation of this policy will require both a source of funding and the cooperation of property owners in the study area, therefore, staff feels those conditions should be made a part of this policy language.

POLICY 14.1.8: The county shall reclassifiedy all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

Implementation of this policy will allow for current allowable densities of 1 dwelling unit per acre only if 70% of the total site area is preserved or restored with native habitat. To accomplish that goal the policy

allows for clustering developments on the remaining 30% of the property, thereby reducing lot sizes to less that 0.3 acre given the need for streets and other infrastructure. The policy would reduce allowable density on a sliding scale to allow for only 1 dwelling unit per ten acres if no native habitat is preserved or restored. That situation would represent a ten-fold reduction in allowable density from the current Rural land use category of 1 dwelling unit per acre. Staff modified the tense of the policy as this action is being accomplished as part of this amendment. In order to implement Policy 14.1.8 a new land use category under Objective 1.4 will need to be created.

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800675 additional dwelling units, the county will consider for adoption shall will keep in force development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of Tthese regulations would be to appropriately shall will reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow boulevard reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on shall will restrict the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan: to one-third the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

Lee County Department of Transportation has recalculated the 810/910 development limitation standards using the most recent software for calculating service volumes (capacities) released by the Florida department of Transportation in March. DOT staff recalculated the capacity for the entire section of Pine Island Road from Stringfellow Road to Burnt Store road using the new software. DOT calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they

represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average, two-way trips.

In addition, DOT staff feels there is an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but DOT staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, DOT staff proposes to modify the standard in Policy 14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627.

Complete comments by DOT staff are attached to this report in a Memo dated April 16, 2002.

POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, Fithe county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measure will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

POLICY 14.2.4: The county shall will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

Staff has objections to the last sentence of this proposed Policy. First, what defines a "high-quality" bicycle path? Second, if the intent of this Policy is to require relocation of power poles and swales to create a straight path regardless of cost, then staff is opposed. Staff believes that the previous sentence stating that "Whenever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland...." adequately states the communities desire for a high quality bicycle path along Stringfellow Road and does not believe that relocating power poles for the sole purpose of creating a path without curves is economically prudent or necessary. Staff recommends that the last sentence of this Policy be removed.

POLICY 14.3.3: The county's zoning regulations will Land Development Code shall will continue to state that no building or structure on Greater Pine Island will be erected or altered so

that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall will not be measured from minimum flood elevations nor shall will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

This Policy does not change the spirit of Policy 14.3.3, it merely removes the possibility that deviations to the height restrictions may be sought and approved, as currently exists and reinforces the language of how height will and will not be measured. The applicant is asking that the Land Development Code be amended to include the language of Policy 14.3.3. If the language of Policy 14.3.3 is approved, the next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.3.5: The county will shall amend its Land Development Code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.3: The county will shall expand the commercial design standards in its Land Development Code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

Staff does not feel it is appropriate to state in this Policy that the county will amend its land development code to provide specific regulations without having the opportunity to review what those specific regulations will be. Staff is supports considering those land development code amendments and feels that language is important for this Policy and would be more accurate. Those proposed amendments would have to be initiated by the Greater Pine Island Community or their representative and would be subject to all Land Development Code amendment procedures. The next scheduled deadline for Land Development Code amendment applications will be in the Fall, 2002.

POLICY 14.4.4: The county will shall expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

Staff's comment about proposed Policy 14.4.3 also applies to this proposed policy.

POLICY 14.4.5: The county shall will establish a prioritized schedule for a five-year an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

The Department of Community Development prepared a July, 1989, Commercial Study report for Pine Island and based on the recommendations contained in that report subsequently began the process of rezoning land on Pine Island to properly reflect its development potential under the Lee Plan. That rezoning process was halted after the County received numerous complaints from property owners on Pine Island about the process. Staff does not believe that County initiated rezonings would proceed any better today, or in the next five years, than they did during the last attempt at rezoning property on Pine Island.

Staff does not object to the Policy, in general, but feels that a five year time frame for completing County initiated rezonings on Pine Island is unrealistic and would very difficult to achieve, given the current workload of staff. Staff recommends that the Policy stand essentially as written, with the exception that the five year time frame be stricken from the Policy.

POLICY 14.5.4: The county shall will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall will identify potential buildings or districts for the National Register of Historic Places.

Staff does not have a problem with the Policy as it is written; however, does not have adequate personnel to undertake the activity in the foreseeable future. It is possible that summer interns could be used to begin preliminary field work and to conduct some necessary research. Another possibility is to use some of the funds in the Division of Planning budget set aside for consulting services to hire a consultant to complete the requested historic site survey if that is determined to be needed.

Proposed new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Map:

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14.1.8. These lands are to remain rural except for portions of individual properties whose owners choose to permanently preserve or restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities increase

as various higher percentages of the uplands portion of the site have their native habitat uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Both staff and the applicants consultant feel that the revised language is more clear. The title of the first column of the following chart has also been revised.

native habitats	Maximum density
<u>0%</u>	1 DU/ 10 acres
<u>5%</u>	1 DU/ 9 acres
10%	1 DU/ 8 acres
15%	1 DU/ 7 acres
<u>20%</u>	1 DU/ 6 acres
<u>30%</u>	1 DU/ 5 acres
40%	1 DU/ 4 acres
50%	1 DU/ 3 acres
<u>60%</u>	1 DU/ 2 acres
<u>70%</u>	1 DU/ 1 acre

Proposed Policies 1.4.7 and 14.1.8 will create a new Coastal Rural Land Use designation and establish a sliding scale of allowable densities for properties that are currently in the Rural Land Use category based on the amount of native vegetation that is preserved or restored on the upland portion of a site. The effect of those Policies would be as follows:

- 1. Reduce the development potential of large tracts of land, thereby restricting density on the Island; or
- 2. increase the amount of native vegetation on the Island; or
- 3. both 1 and 2.

Staff believes that restricting density on the island is justifiable given the likely road constraints during a possible evacuation of the island. Staff also feels that increasing the amount of native vegetation on the island will be beneficial.

FUTURE LAND USE MAP AMENDMENTS

The Community Plan is proposing 2 separate Future Land Use Map amendments. These are as follows:

- Amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category; and,
- amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157
 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail
 Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1
 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and
 Pinehurt Acres and September Estates on the south.

Amending the Rural designated lands on Pine Island to the proposed Coastal Rural category affects approximately 7,600 acres of land on Pine Island. Staff notes that the Greater Pine Island Community plan Update report provides that placing the Rural designated land of Pine Island into the Coastal Rural category responds to three identified problems:

the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;

the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and

the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

The proposed amendment does not necessarily reduce allowable density on a subject site. Proposed Policy 1.4.7 creates a criteria that must be utilized to obtain approvals for the maximum permittable density of 1 dwelling unit per acre. This criteria is a sliding scale of dwelling units per acre based upon the percentage of a total sites preservation or restoration of native habitats. An applicant with a site that contains 100% indigenous vegetation can achieve the same density as is permitted under the Rural designation by limiting impacts to the vegetation to 30% of the site. An applicant with a totally cleared site with no native habitat would have to restore 70% of the site to achieve the same density as is permitted under the Rural designation. As the Update report notes, the sliding scale allows the property owners to choose any point on the scale. While this does increase development costs, it affords the property owner the ability to achieve the maximum density allowed under the Rural designation.

Figure 2, of the Update report shows the 157 acres located in northern Pine Island south of Bokeelia. Current allowable density on that land is three dwelling units per acre. The proposed land use change would lower allowable densities to a maximum of one dwelling unit per acre, if native vegetation on 70% of the site is preserved or restored. That action may lower personal property values and could have Bert Harris Act implications. The Plan Update document provides the following discussion concerning this property:

"The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west."

One member of the LPA questioned, at the March hearing, whether the affected property owners had been notified of the proposed land use amendment. The applicant's representative responded that the on-going community planning effort had been widely advertised but that individual notice would be provided. Spikowski Planning Associates has provided, to staff (Attached), a copy of a letter and information that was sent to these affected property owners.

Staff recognizes the likely constraints on the roadways in the event of a possible evacuation. A reduction of density would be beneficial in limiting congestion of the evacuation route. Staff weighed this factor with the Bert Harris Act implications in recommending that the Future Land Use Map be amended.

FUTURE LAND DEVELOPMENT CODE AMENDMENTS

The Community Plan proposes several future amendments to Lee County's Land Development Code. Topics for potential LDC amendments range from compatibility of commercial uses with adjacent residences, sign regulations, building heights, and architectural standards for new development. Staff has amended the proposed plan language in several instances, as noted above, to require the Greater Pine Island Community to be responsible for submitting the requested Land Development Code amendments during one of the two regularly scheduled amendment cycles occurring in the Spring and Fall.

B. CONCLUSIONS

The proposed revised Vision Statement, Goal and Policies are the result of over a two-year long planning process. They directly reflect the vision that the Pine Island Community has for its future growth and development. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in Pine Island. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section B.1 of this report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 22, 2002

GREG STUART

A.	LOCAL PLANNING AGENCY REVIEW
В.	LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY
	1. RECOMMENDATION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
C.	VOTE:
	NOEL ANDRESS
	SUSAN BROOKMAN
	BARRY ERNST
	RONALD INGE
	GORDON REIGELMAN
	VIRGINIA SPLITT

PART IV - BOARD OF COUNTY COMMISSIONERS HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

	DATE OF TRANSMITTAL HEARING:
A.	BOARD REVIEW:
В.	BOARD ACTION AND FINDINGS OF FACT SUMMARY:
	1. BOARD ACTION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
C.	VOTE:
	JOHN ALBION
	ANDREW COY
	BOB JANES
	RAY JUDAH
	DOUG ST. CERNY

PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

	DATE OF ORC REPORT:
A.	DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS
В.	STAFF RESPONSE

PART VI - BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT

	DATE OF ADOPTION HEARING:
A.	BOARD REVIEW:
В.	BOARD ACTION AND FINDINGS OF FACT SUMMARY:
	1. BOARD ACTION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
C.	VOTE:
	JOHN ALBION
	ANDREW COY
	BOB JANES
	RAY JUDAH
	DOUG ST. CERNY

7 4 1



DEPARTMENT OF TRANSPORTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

November 26, 2001

Subject:

LCDOT COMMENTS ON DRAFT

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

The Lee County Department of Transportation has reviewed the draft community plan update for Greater Pine Island dated September 30, 2001. On a general note, the plan documentation is very well written and presented in an easy-to-follow format, and the supporting data and analysis seems thorough. However, we have concerns about a couple of issues.

POLICY 14.2.3

The discussion on page 8 and in Appendix A suggests that adding a third lane on Pine Island Road would not be desirable, even though it is an option to be evaluated in existing Policy 14.2.3. The Matlacha Civic Association has apparently recently taken a position opposing the addition of a third lane through Matlacha. While some changes to Policy 14.2.3 are proposed on page 6 to address hurricane evacuation concerns, the language regarding evaluating a continuous third lane is retained in the policy. Perhaps the retention of this language should be reconsidered.

DEVELOPMENT LIMITATION STANDARD

Appendix A includes a fairly thorough discussion of the capacity calculations that led to the 810 and 910 traffic limitation standards and the changes in capacity calculations over time, but instead of actually calculating new capacities the report attempts to justify sticking with the old capacity calculations based on a comparison to Estero Boulevard. Staff feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different.

Also, there is no attempt to reconcile the old standard, defined in terms of peak hour, annual average two-way trips, with the more modern standard used throughout the rest of the Lee Plan, which is peak season, peak hour, peak direction trips. Finally, the analysis

in Appendix A suggests that the level of service "D" capacity was purposely used to develop the 810/910 standards instead of the normal level of service "E" used for most other County roads. Assuming that policy position is retained, the policy would be much clearer if language was added that indicated the 810 and 910 standards were calculated as 80% and 90% of the level of service "D" capacity as calculated using the 1965 Highway Capacity Manual.

BIKE PATHS

We appreciate the recognition of Lee County efforts toward building a bike path along major portions of Stringfellow Road, and understand the completion of the path would be a high priority to Pine Islanders. Proposed new policy 14.2.4 reads as follows:

POLICY 14.2.4: The county shall make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity, not as an afterthought. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bicycle path.

It is not clear to staff what is meant by the second sentence – is there an example of a bike path being designed as an afterthought? If the intention is to indicate that bike paths should be part of the up-front design for a major road improvement, then the policy should say that – although no major road improvements are contemplated on Stringfellow Road.

As far as the third sentence, what defines a "high-quality" bicycle path? Who determines the need to relocate power poles and swales to provide such a high-quality path? The supporting analysis acknowledged that the reason for the jogs in the existing portions of the path was the costs of relocating the power poles. Is the intent of the third sentence to require the relocation of power poles and swales to create a straight path irregardless of cost? If so, staff objects to the inclusion of this sentence – limited dollars for sidewalk and bike path installation countywide requires us to seek the most cost-effective solutions.

Thank you for this opportunity to comment on the draft Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association Donna Loibl, President, Matlacha Civic Association Administrative File From:

Ivan Velez

To:

Mudd, James

Date:

11/8/01 4:14PM

Subject:

Greater Pine Island Community Plan Update

The following are comments from the Utilities Division with respect The G.P.I. Community Plan:

Septic Tanks Along Canals (page 36)

- 1. Appears that some of the statements made at the last paragraph of page 36 are based on perception and not in facts.
- 2. Getting There: The Utilities Division is not staffed and cannot execute the duties that must be added by implementing the modifications suggested to the Policy 14.1.7.

The Lee County Health Department is charged with some of the duties related to septic tanks and permit requirements.

S. Ivan Velez, P.E. Prof. Engineer III Lee County Utilities 941/479-8166 velezsi@leegov.com

CC:

Diaz, Rick; Wegis, Howard



OARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:_____

hn E. Manning strict One November 13, 2001

strict Two

Mr. Paul O'Connor, Director Lee County Division of Planning

P.O. Box 398

ay Judah Fort Myers

Fort Myers, FL 33902-0398

ndrew W. Coy

Re: Greater Pine Island Community Plan Update

hn E. Albion

Dear Paul:

onald D. Stilwell ounty Manager We have reviewed the proposed update to this portion of the Lee Plan.

emes G. Yaeger

ounty Attorney

iana M. Parker ounty Hearing xaminer We have no objections to any of the proposed amendments; however, we would like to point out an issue in how the term "evacuation time" is defined as it relates to the discussion on page 5 of the document. On this page, the second footnote defines evacuation time which includes both a clearance time component (12 hours) and an pre-landfall hazards time component (8 hours). These two components are used together to come up with a 20 hour time frame for a category 2 (presumably a landfalling) hurricane. The third paragraph on this page then states this evacuation time exceeds both regional and county standards for evacuation times.

The recently completed 2001 Southwest Regional Hurricane Evacuation Study indicates a clearance time estimate between 8.0 - 10.8 hours for a category 2 landfalling storm occurring late in the hurricane season for Pine Island (p. II-B-48, Table 11). The evacuation time estimate for the same storm ranges from 13.6 hours to 17.2 hours taking into account the worst case assumptions (p. II-B-52, Table 13A).

The point we would like to make is that the way the Pine Island Community Plan Update defines evacuation time exceeds both the regional and county thresholds. However, the current clearance time and evacuation time estimates are below the language presented in both the Strategic Regional Policy Plan and the Lee County Comprehensive Plan, as defined by these planning documents. This is not to say that a hurricane evacuation problem does not exist on Pine Island, nor is the way the update defines evacuation time is incorrect for the purposes of defining policy.

Sincerely,

DIVISION OF PUBLIC SAFETY

John Wilson Director

JDW:cmm

cc: Michael Bridges, Deputy Director

David Saniter, Emergency Programs Manager Terry Kelly, Emergency Management Coordinator From:

Roland Ottolini

To:

Mudd, James 11/28/01 2:28PM

Date: Subject:

Greater Pine Island Community Plan

modification to Policy 14.1.7 requires Lee County to develop a program to assess the impacts of septic systems on water quality for Pine Island and identify corrective measures (if needed), within one year. Such an effort will require additional funding. This work may be better suited to the Health Dept. as they are the ones who are permitting the septic systems.

Roland Ottolini Division Director, Natural Resources ottolire@leegov.com phone: (941) 479-8127 fax: (941) 479-8108

CC:

Pellicer, Tony

John Agwunobi, M.D. Secretary

February 4, 2002

Mr. Jim Mudd, Principal Planner Department of Community Development P.O. Box 398 Ft. Myers, Florida 33902-0398

Dear Mr. Mudd,

Thank you for your letter of January 22, 2002 requesting the Lee County Health Departments review of the draft community plan for Greater Pine Island. A review and comments have been made by members of our Environmental Health Section of those parts of the plan you have flagged.

Protecting Aquatic Preserves from Runoff page 34

The Lee County Health Department recognizes the importance of environmental issues associated with the sensitive wetland zones on Pine Island serving as habitat for aquatic and wetland-dependent wildlife and vegetative species. The proposed 50 foot vegetated buffer separating new development and agricultural land from sensitive areas would serve to capture contaminates and sediment. In addition, a storm water collection and reuse plant might be considered to help area irrigation and replenish groundwater.

Septic Tanks Along Canals page 36

The Pine Island Community Plan accurately describes the benefits and conversely the hazards associated with the use of onsite wastewater systems. A septic system is both simple in design and complex in its collection, treatment and disposal of wastewater. A 91 page Florida Administrative Code, Chapter 64E-6, regulates septic system installation. These legislated standards are the product of input from the engineering community, building industry, registered contractors, state environmental agency representatives, health officials and research data collected as a part of a state mandate funded from permit fees. The concerns expressed for bacterial and viral pollution on Pine Island resulting from porous soils, small lots, shallow wells, proximity to water bodies, seasonally inundated lands, high water tables and tidal influence are all concerns shared by health departments statewide. Fortunately, each of these is addressed in the administrative rule governing septic systems. Systems, both new and repaired are permitted only after a complete application and field evaluation along with a myriad of other compliance considerations are reviewed. It should be noted that Florida's requirements are among the most stringent in the nation due largely in part to such a diverse and sensitive environment. Lee County ranks number one in the issuance of new system permits statewide and yet boast only a 2.8% failure rate of new systems installed within a two-year period. These system failures are however seldom the result of poor installation construction but rather to occupant abuse of poor maintenance, excessive water use and the introduction of grease, oils and chemicals creating conditions deleterious to the systems operation.

Older existing septic systems, such as might be found on Pine Island that experience failure must be permitted and repaired in accordance with present code standards. The code has changed many times over the years to accommodate new technology and concepts current with today's onsite wastewater research. For example, since 1994 all repaired drain beds are required to meet a minimum separation from the seasonal high water table. This often necessitates elevating the drain bed above the previous height. The repaired system location may also be altered to meet more stringent set backs when site conditions permit. This however may not always be possible due to pre-existing landscaping, driveways and building additions. Conditions that may contribute to environmental concerns on Pine Island may stem from illegal repair of failing systems without benefit of permit whereby corrections were made bypassing environmental safeguards provided under the rule. Periodic maintenance of septic systems is recommended and should be encouraged in any plan where there exists nearby sensitive lands or aquatic preserves. The leaching of untreated effluent containing elevated levels of nitrates, phosphates, bacteria. viruses and chemicals through the soils provides the potential for contamination of nearby water bodies. Testing for enteric bacterial contaminates of marine waters through the identification of fecal coliform and enterococci can be performed. Contamination can originate from birds, dogs, cats, livestock, other animals and humans. DNA testing, though expensive, can differentiate between animals and humans. There are laboratories locally and around the state that can provide the necessary testing services. These include the Lee County Lab, D.E. P. lab services and the University of Florida. Difficulty often arises in determining the source of human contamination once it is implicated, as possible sources include septic systems, public and private wastewater treatment facilities and live-a-boards docked at marinas and residences. If it is determined by various survey methods that septic systems are an obvious contributor a corrective action plan as suggested in the draft may be implemented, given available funding. Such a plan may be limited to single identified structures or as broad as entire communities and may include an inspection program, upgrading or maintenance upon home sale or extension of central sewer service collection lines for communities now served by septic systems or investor owned and poorly maintained treatment plants.

The Lee County Health Department is most willing to assist in any way possible where we have statutory responsibility and resources to ensure the environmental health of Lee County is protected in accordance with the highest standards provided by law.

If my staff or I can be of any further assistance in this matter please do not hesitate to call.

Sincerely,

Judith Hartner, MD, MPH, Director

Lee County Health Department

941-332-9510

cc:

Joseph Barker, RS, Environmental Administrator H. Michael Clevenger, RS, Environmental Supervisor



DEPARTMENT OF TRANSPORTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

April 16, 2002

Subject:

LCDOT FINAL COMMENTS ON GREATER PINE ISLAND

COMMUNITY PLAN UPDATE

The consultant for the Greater Pine Island Community Plan Update in his letter of February 27, 2002 has done an excellent job addressing our comments of November 26, 2001, and we agree with most of his proposed language changes. However, in response to our request that the 810/910 development limitation standards be updated, since they are based on roadway capacity calculations done twelve or more years ago, the consultant declined. He indicated that he agreed with the need for the update, but cited a lack of essential input data for the Matlacha area as a basis for not doing the calculation. That same argument, along with a comparison to the most recent capacity calculations on Estero Boulevard which suggested that the new calculations wouldn't be much different, was included in Appendix A of the update. The consultant said in his February 27th letter, "We would be pleased if Lee County were to undertake this analysis at its most sophisticated level; it was simply beyond the budget of the community planning process and not essential for supporting a policy that has already been in force for a dozen years."

Staff disagrees with the premise that the recalculation is not essential, and feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different. These calculations serve as a regulatory standard to limit development, and development denials based on such standards have the possibility of being challenged in court. Lee County would be hard-pressed to defend the reliance on twelve-year-old calculations when there have been significant changes in the calculation methodologies and the input data. We do not feel the calculation is as difficult as suggested by the consultant, and have undertaken it ourselves in the interest of protecting the County.

The most recent software for calculating service volumes (capacities) was released by the Florida Department of Transportation in March, and is called HIGHPLAN 1.0. Staff calculated the capacity for the entire section of Pine Island Road from Stringfellow Road

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 2

to Burnt Store Road using the new software. The software has a number of input variables, some of which we have site-specific information for and some of which rely on FDOT defaults. Because of the length of the segment we are dealing with (5.4) miles, there is some variation in the variables that required some averaging. For example, there are four different posted speeds within the segment, ranging from 30 mph to 55 mph. In examining the lengths of the different speed zones, staff developed a weighted average of 45 mph as an input to the software. There are also two different Area Types within the 5.4 mile segment; part would be considered Rural Undeveloped (about 61%) and part Rural Developed (about 39%). Staff calculated capacities under both scenarios and averaged them together using a weighted average system. The assumed input variables under each scenario are as follows:

INPUT VARIABLES

II VI VI	mumbbbb	
Rural Undeveloped	Rural Developed	Field Data
4	3	Default
45	45	Field Data (Avg.)
50	50	Default
N/A	N/A	
2	2	Field Data
Level	Level	Field Data
No	No	Field Data
No	No	Field Data
60	60	Field Data
10900	10900	2001 Report
.103	.103	2001 Report
.58	.58	2001 Report
.88	.895	Default
5	4	Default
1700	1700	Default
.9	.92	Default
1139	1180	Default
	Rural Undeveloped 4 45 50 N/A 2 Level No No 60 10900 .103 .58 .88 5 1700 .9	4 3 45 45 50 50 N/A N/A 2 2 2 Level Level No No No No 10900 10900 .103 .103 .58 .58 .88 .895 5 4 1700 1700 .9 .92

The calculation of the averaged service volumes relates to the staff determination that 61% of the segment fell into the Rural Undeveloped category and 39% was Rural Developed. Staff took the service volumes calculated under each scenario, applied the percentage of the overall segment, and added them together to get an estimated service volume. The results are below.



DEPARTMENT OF TRANSPORTATION

MEMO

To: Jim Mudd

Date: April 16, 2002

Page 3

SERVICE VOLUME CALCULATIONS PEAK SEASON, PEAK HOUR, PEAK DIRECTION

LOS	Rural Undeveloped	Rural Developed	Wtd. Average
A	0	90	35
В	90	240	150
C	280	490	360
D	490	690	560
E	940	990	960

These calculations include a peak season, peak hour factor (K-factor) and a peak direction factor (D-factor) as inputs, so they represent peak season, peak hour, peak direction conditions. The current policy language refers to peak hour, annual average. two-way trips. Staff had asked the consultant to reconcile the old annual average, twoway standard with the more modern peak season, peak direction standard used throughout the rest of the Lee Plan and consistent with current professional practice, but the consultant did not address that issue. There is also an inconsistency with the regulatory level of service standard applied on County roads, which is "E", and the reliance in this case on a percentage of the level of service "D" capacity. The analysis in Appendix A indicates that the use of level of service "D" was purposeful, but staff feels it would be better to be consistent throughout the plan on the use of the level of service standard relied on for regulatory purposes. Therefore, staff proposes to modify the standard in Policy 14.2.2 to establish the development thresholds at 80% and 90% of the peak season, peak hour, peak direction conditions at the level of service "E" capacity. Relying on the new peak season, peak hour, peak direction level of service "E" capacity calculated above (960), the 80% threshold would be 768 trips and the 90% threshold would be 864. As a point of reference, the latest Lee County Concurrency Management Report indicates that the current peak season, peak hour, peak direction volume on this segment of Pine Island Road is 627. We recommend the following changes to the policy language as proffered in the community plan:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county shall keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations shall reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

MEMO To: Jim Mudd

Date: April 16, 2002

Page 4

- When traffic on Pine Island Road reaches 810 768 peak season, peak hour, annual average two-way-peak direction trips, the regulations shall restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

 When traffic on Pine Island Road reaches 910 864 peak season, peak hour, annual average two-way peak direction trips, the regulations shall restrict the further issuance of residential development orders to onethird the maximum density otherwise allowed on that property.

The 810 768 and 910 864 thresholds were based on 80% and 90% of level-of-service "D" "E" peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or siteplan approval under Ordinance 86-36.

Thank you for this opportunity to comment on the Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association
Donna Loibl, President, Matlacha Civic Association
Administrative File

Loveland forwarded us his April 16 memo to Jim Mudd this morning.

We plan to take exception to some of his points, especially the suggestion to increase the traffic thresholds for Pine Island Road from LOS "D" to LOS "E". That change would have incredibly serious policy implications for the future of Pine Island, yet is couched here as a technical issue of improving "consistency." Pine Island's access situation is hardly consistent with the rest of Lee County, nor is the actual development situation in Matlacha; that was the whole point for having this special rule for Greater Pine Island.

It appears that using the new methodology while retaining LOS "D" would actually make the current development restrictions more onerous on private property owners. We are not recommending such a change to this policy because it would open up the county to claims under the Bert Harris Act. That act cannot be used to challenge the effect of rules that were adopted prior to 1995, thus the existing 810/910 rule is grandfathered under the Bert Harris Act. Although we are proposing minor changes to this rule, the Bert Harris Act test is whether the *changes themselves* would impose an inordinate burden on private property. The changes we are proposing are actually *less* restrictive than the current rules, whereas using the new methodology with LOS "D" would make them more restrictive. Ralf Brookes' legal opinion on this subject is attached.

We are now reviewing several technical matters in David's memo and will be getting together with him later in the week in an attempt to resolve them — we'll keep you advised of our progress.

Bill Spikowski

MEMORANDUM OF LAW

In re: Pine Island Community Plan and Bert Harris Act

Date: April 2, 2002

By: Ralf Brookes, Attorney, 1217 E. Cape Coral Parkway #107, Cape Coral, FL 33904

In 1995, the State of Florida enacted the Bert J. Harris, Jr., Private Property Rights Protection Act, as Chapter 70.001 of the Florida Statutes¹. The Act creates a new cause of action for aggrieved property owners who demonstrate that governmental action occurring <u>after May 11</u>, 1995, "inordinately burdens" property because it unreasonably, and disproportionately limits or restricts on investment-backed expectations for the existing use or a vested right to a specific use of the real property "

Several important and "notable limitations" to Bert Harris Act claims exist, including these that are relevant to a Harris Act legal analysis of the proposed Pine Island Community Plan:

- the cause of action created by the Act does not apply to any laws, rules, regulations or ordinances adopted, or formally noticed for adoption, prior to May 11, 1995, the adjournment date of the 1995 Regular Session of the Legislature. Incremental additions to pre-May 11, 1995 laws are actionable only if the post-May 11, 1995 increment independently constitutes an inordinate burden in its own right; iv
- the Act only provides recovery for permanent, not temporary, losses or impacts to real property;
- the Act "expressly excludes relief for cases involving (1) 'operation, maintenance or expansion of transportation facilities,' or (2) traditional eminent domain laws relating to transportation. The former exclusion leaves several unanswered questions, such as whether such exclusions affect transportation concurrency moratorium" in cases where none of the other exceptions were to apply;
- Even if a landowner brings an action and is successful the "affected governmental entities may take an interlocutory appeal of the court's determination that the challenged action resulted in an inordinate burden. That is, even if the government loses, it can call the process to a halt before damages are awarded by a jury, and subject the landowner to a lengthy and perhaps expensive appeal process [and offering yet another opportunity for settlement or remedial action]. Landowners, however, may not take an interlocutory appeal from the circuit court's adverse determination."

Proposed Pine Island Community Plan: Amendment to Policies 14.2.2 and 14.2.3

Once a local government has adopted its comprehensive plan, the Growth Management Act^{vii} requires that all actions taken by the local government in regard to development orders be consistent with each and every goal, objective and policy contained in the adopted local comprehensive plan^{viii}.

The current Lee County Comprehensive Plan (adopted prior to 1995) is more restrictive than the proposed Pine Island Community Plan and states:

[CURRENT] POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800 additional dwelling units, the county shall consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of these regulations would be to appropriately reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard being reached, as follows:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan.

The proposed Pine Island Community Plan is equal to, or less restrictive than, the current Comprehensive Plan policies. The proposed language contained in the Pine Island Community Plan would amend the policy referenced above as follows:

[PROPOSED] POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 6,800 additional dwelling units, the county shall keep in force effective consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of These regulations shall would be to appropriately reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road adopted level of service standard being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

-When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road. through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

-When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders to one-third the maximum density otherwise allowed on that property. (pursuant to the Development Standards Ordinance), or other measures to maintain the

adopted level of service, until Improvements can be made in accordance with this plan.—These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

The new language providing exceptions for minor rezonings and infill properties (at 810 trips) and allowing some development, (albeit at1/3 previous densities), instead of the current outright prohibition (at 910 trips), is *less restrictive* than the current Comprehensive Plan policy.

The Proposed Pine Island Community Plan also offers additional policy assurances in an effort to further improve hurricane evacuation times and protect both of human life and property rights:

[PROPOSED] POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, the county shall take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures shall be evaluated:

- The construction of left- tum lanes at intersections with local roads in Matlacha, or a continuous third lane.

- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

This new language will provide further relief from traffic based hurricane evacuation constraints. If not, under the current comprehensive plan policy 14.2.2 (set forth above) a rate of growth ordinance or other development restrictions may be required to "implement measures to gradually limit future development approvals." Such a gradual approach would allow Lee County to allocate any available, remaining trips west of the Matlacha bridge while maintaining and achieving LOS and evacuation improvements.

The proposed policy amendments to 14.2.2 and 14.2.3 would likely be construed as favorable, less-restrictive *incremental addition* to the current requirements. The current requirements were adopted prior to 1995. The proposed amendment(s) does not "<u>independently</u> constitute an inordinate burden" in its own right.

Part II of the Bert Harris Act.

An additional relief or safety valve that can operate to further minimize the risk of damages is created in Part II of the Act, which allows local governments and property owners to enter into a formal mediation process for resolution of property rights disputes. This is helpful to local government which can use the formal mediation process avoid claims for a taking under the Florida Constitution or violations of Part I of the Act - should unique, individual circumstances arise that are not foreseen.

ⁱ Fla. Stat. § 70.001 (1995) ⁱⁱ Fla. Stat. § 70.001 (1995).

III FLORIDA'S BERT HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT — AN OWNER'S BRIDGE TOO FAR? Ronald L. Weaver & Elizabeth Yñigo, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Tampa, Florida

iv Fla. Stat. § 70.001(12) (2000).

Weaver & Yñigo, supra

" Weaver & Yñigo, supra

vii Florida Statutes, Section 163.3194(1)(a)

viii Machado v. Musgrove 519 So.2d 629 (Fla. 3rd DCA 1987) affirmed en banc at 1988 Fla. App. Lexis 705; 13 Fla. Law W. 522 (1998) review denied Machado v. Musgrove, 529 So. 2d 694 (Fla. 1988).

PINE ISLAND PROPERTY OWNERS POTENTIAL AFFECTED BY 157-ACRE RECLASSIFICATION TO "COASTAL RURAL"

SECTHREE CORPORATION 4545 NORTHWESTERN DR #A ATT RONALD SMITH ZIONSVILLE, IN 46077

PALM TREE INCOME FUND I LTD C/O RICHARD GALVIN 87 ANDOVER LN WILLIAMSVILLE, NY 14221

HANCOCK JULIA M 15720 QUAIL TRL BOKEELIA, FL 33922

VITELLO LEONARD P JR + JANE 285 SUNRISE DR #24 KEY BISCAYNE, FL 33149

BURFORD FREDERICK J + CATHY P 15790 QUAIL TRL BOKEELIA, FL 33922

TOBIN JAMES A + MARY JOAN PO BOX 494 BOKEELIA, FL 33922

KIBURZ KIM + STRAIT ROBERT 3331 SW 18TH ST FORT LAUDERDALE, FL 33312

STRAIT BOB + KIBURZ KIM 3331 SW 18TH ST FORT LAUDERDALE, FL 33312

BECHDEL FAMILY FL LTD PTRSHP 11350 LONGWATER CHASE CT FT MYERS, FL 33908 SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SISSON GLENN F + ILEANA 4702-A SETERRA BEND DURHAM, NC 27712

SIMPSON RICHARD L + JILL A 4421 SW 62ND CT MIAMI, FL 33155

SECFOUR INC., ATT RONALD SMITH 4545 NORTHWESTERN DR #A ZIONSVILLE, IN 46077

SMITH DONALD K + DEBORAH F P O BOX 523 CARMEL, IN 46032

SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SOARING EAGLE CORP 7321 HOWARD RD BOKEELIA, FL 33922

SMITH DONALD K + DEBORAH PO BOX 417 BOKEELIA, FL 33922

Letters were mailed from Spikowski Planning Associates to these property owners on April 2, 2002, with copies of the preliminary April 25 meeting notice and pages 1 and 11-17 of the plan.

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

telephone: (941) 334-8866

fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

April 2, 2002

SECTHREE CORPORATION 4545 NORTHWESTERN DR #A ATT RONALD SMITH ZIONSVILLE, IN 46077

RE: PUBLIC HEARING ON APRIL 22, 2002

Dear Pine Island Property Owner:

On the back of this letter you will find an announcement for a public hearing to be held in Fort Myers on April 22 regarding the Greater Pine Island Community Plan Update.

You are receiving this letter because you own property in a 157-acre area just south of Barrancas Street in Bokeelia whose land-use classification may be changed as a result of these public hearings. The change would be from an urban designation ("Outlying Suburban," which allows from one to three dwelling units per acre) to a new "Coastal Rural" designation, which is described on the attached pages from the Greater Pine Island Community Plan Update.

Full copies of this plan update can be obtained from the Pine Island Library or can be downloaded from the Internet at http://www.spikowski.com/pineisland.htm

You are invited to comment on these proposals in person on April 22, or you may address any correspondence to Mr. James Mudd, Principal Planner, Lee County Department of Community Development, P.O. Box 398, Fort Myers, Florida 33902-0398. You may also contact me with any questions.

Sincerely,

William M. Spikowski, AICP



Community Plan Update for Greater Pine Island

Monday morning, April 22, 2002, at ?:?? A.M. at the County Commissioner's Meeting Room Old Courthouse, 2120 Main Street, Fort Myers, Florida

BACKGROUND: During the past two years the Greater Pine Island Civic Association has coordinated a comprehensive review of Lee County's plans and development rules for Pine Island and Matlacha. This effort has resulted in recommended revisions on the following subjects:

Hurricane Evacuation Road Constraints (Pine Island Rd.) Cap on Building Heights Urban and Rural Land Uses Commercial Building Design Bike Paths

Fences and Walls

Historic Buildings **Business Signs** Pine Island - a Vision for 2020 Protecting Aquatic Preserves from Runoff Septic Tanks Along Canals

STATUS: The completed plan update was submitted to Lee County last September. Like all other changes to Lee County's comprehensive plan, these proposals will be the subject of at least three public hearings.

The first public hearing was held on March 25. The second public hearing will be held before Lee County's Local Planning Agency at the date, time, and place listed above. The Local Planning Agency is expected to make its final recommendations to the Board of County Commissioners at this hearing.

A complete copy of this plan update and its recommendations can be reviewed at the Pine Island Library, or a free copy can be downloaded from the Internet at http://www.spikowski.com/pineisland.htm

Community planning effort and this notice sponsored by

Greater Pine Island Civic Association P.O. Box 478 St. James City, Florida 33956

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

This document presents a community plan update for Greater Pine Island. Background material on current conditions is followed by specific proposals to amend Lee County plans and regulations that affect Greater Pine Island.

A quick summary of this plan is available by reviewing the shaded boxes throughout this document. One of Greater Pine Island's major planning issues is summarized in each box, followed by one or more recommended responses.

This entire plan update has been sponsored as a community service by the Greater Pine Island Civic Association, with professional assistance by Spikowski Planning Associates, aided by Mohsen Salehi Consulting Services, both of Fort Myers. Generous financial assistance was provided by the Lee County Board of Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation. Updates on the progress of this plan are published in the Pine Island Eagle and are also available at http://www.pineisland.htm and http://www.PineislandNews.com

Written comments can be forwarded to the Greater Pine Island Civic Association at P.O. Box 478, St. James City, FL 33956.

This plan update was formally submitted to Lee County on September 28, 2001. Formal public hearings will be held in Fort Myers. Notices are published in advance in the News-Press.

TABLE OF CONTENTS

INTRODUCTION TO THIS PLAN UPDATE .	Page 1
Pine Island - the Place and the People	. Page 2
Existing Private Property Rights	
TRANSPORTATION ISSUES	Page 5
Hurricane Evacuation	
Road Constraints	
POPULATION AND LAND USE	Page 11
Town and Country on Pine Island	Page 11
Population Summary	Page 18
Greater Pine Island's Boundary	Page 19
	Page 20
Design of Commercial Buildings	Page 20
Bike Paths	Page 22
Fences and Walls	Page 24
Historic Buildings	Page 26
Cap on Building Heights	Page 28
Business Signs	Page 30
County-initiated Rezonings	Page 31
Pine Island - a Vision for 2020	Page 32
Municipal Incorporation	Page 33
THE ENVIRONMENT	
Protecting the Aquatic Preserves from Runoff	Page 34
Septic Tanks Along Canals	Page 36
Jet-skis and Air Boats	
APPENDIX A: TRANSPORTATION DATA AND	
APPENDIX B: RURAL LAND-USE ALTERNATIVE	ES
APPENDIX C: EXISTING AND APPROVED LOTS	S

POPULATION AND LAND USE

Town and Country on Pine Island

The essential character of Pine Island has always been the contrasts among its physical environments. Surrounded by harbors and bays of unparalled beauty, Pine Islanders live in a series of low-key settlements or "villages" that are separated by rural land. With dense mangrove forests creating barriers between most land and the water, the seven residential villages have formed in the locations with best access to the water (Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical Homesites/Manatee Bay, and St. James City). Only Pine Island Center is away from the water, in favor of the only crossroads location on Pine Island. Between these villages there has always been the sharp contrast of rural lands, dominated by slash pine/palmetto habitats and some farming operations.

Pine Island has almost no beaches, few city services, and limited employment and shopping — yet it remains a highly desirable



Pine Island Center, looking north

Photo courtesy of Mohsen Salehi and Bill Dubin

and moderate-cost alternative to the formless "new communities" that have obliterated the natural landscape throughout coastal Florida.

The current Pine Island community plan maintains the distinct villages by limiting their expansion through boundaries on a future land use map. Only a single ten-acre amendment has been approved to that map since 1989. Because the boundaries themselves have not been reexamined during that period, that effort was undertaken as part of this plan update, as described below.

Town (village) boundaries

The freestanding villages on Pine Island have been given one of three "future urban area" designations, with densities and total acreages summarized in Table 2.

TABLE 2

"Future Urban" designations on future land use map	Residential density range (DU = dwelling unit)	Actual acres in Greater Pine Island
Urban Community	1 to 6 DU/acre	1350 acres
Suburban	1 to 6 DU/acre	1427 acres
Outlying Suburban	1 to 3 DU/acre	1557 acres

"Urban Community" areas can have considerable concentrations of commercial uses, and thus were assigned to Pine Island Center and Matlacha, the commercial centers for all of Greater Pine Island.

"Suburban" areas are allowed similar densities for residential development, but with fewer commercial uses. This designation has been assigned to most of Bokeelia and St. James City, and smaller areas around the Pink Citrus, Flamingo Bay, and Pinewood Cover mobile home parks.

"Outlying Suburban" areas are allowed half the density of "Suburban" areas, but with comparably limited commercial uses. This designation was generally assigned to all other settlements on Pine Island.

All the future urban designations were drawn tightly around existing settlements. The exceptions are about 52 acres just north of Galt Island Avenue (northwest of St. James City); 95 acres centered around the Pine Island Village subdivision south of Flamingo Bay; and 157 acres south of Bokeelia and north of September Estates. The first two exceptions apparently had been made due to imminent development activity on those parcels, and both were reasonably logical extensions of existing settlements. However, little activity has taken place on either parcel, with extensive natural vegetation remaining.

The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west.

Other apparent anomalies are several large clusters of rural land that have been assigned the "Outlying Suburban" designation east and northeast of Pineland. Close examination shows that these areas have been subdivided into lots averaging one-half acre, and have been almost entirely sold off to individual purchasers. The largest area, just east of Stringfellow Road, is known as the Kreamer's Avocado subdivision. The relatively few homes that have been built there enjoy a pleasant rural setting. However, any substantial increase in homebuilding will overtax the incomplete network of unpaved roads and reduce the rural atmosphere. At such time, residents could band together and

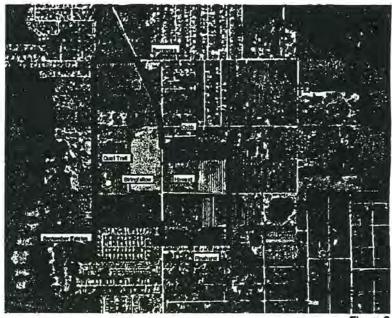


Figure 2

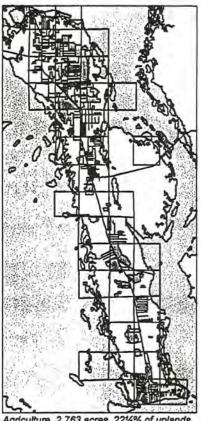
pave the roads and install a modest drainage system through a special taxing district. The seeming anomaly of the "Outlying Suburban" designation, however, is appropriate for the existing pattern of small subdivided lots.

The future of rural Pine Island

Outside the village boundaries, all high ground has been designated in the "Rural" category, where residential development is now limited to one dwelling unit per acre (1 DU/acre). Over the past 15 years, much "Rural" land between the villages has been converted to farmland, especially on the north half of the island, a trend that is continuing even today. This conversion has destroyed a quarter of the remaining pine-and-palmetto habitat over a 15-year period (see Table 3), a period in which farming has become the most popular and economic use of rural land on Pine Island.



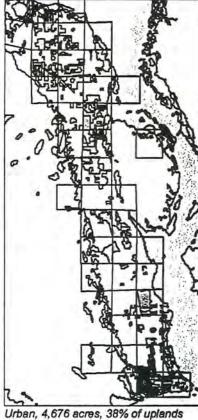
Wetlands, 13,088 acres, 52% of land



Agriculture, 2,763 acres, 221/2% of uplands



Forests, 4,853 acres, 39½% of uplands (pine flatwoods, lighter color, 22½%; exotic infested, darker color, 17%)



SOURCE: Based on GIS data for 1996 provided by the South Florida Water Management District.

TABLE 3 Removal of Pine Flatwoods on Pine Island 1981 - 1996

			•		
Pine Island Comm- unity, By Sector	Upland Acres		of Pine woods 1996	15-Year Decrease of Pine Flatwoods	Agricul- fural Acres, 1996
Bokeella	1,612	144	40	(104)	464
Pineland	2,672	373	230	(143)	1,336
Pine Island Center	2,690	859	743	(116)	365
Matlacha	224	0	0	0	0
Flamingo Bay	2,451	1,360	1,044	(316)	444
Tropical Homesites	792	581	400	(181)	12
St. James City	1,630	420	300	(120)	142
TOTALS:	12,071	3,737	2,757	(980)	2,763

SOURCES: Data based on interpretation of aerial photographs.
For sector boundaries, see map in Appendix C.
1981: Lee County Coastal Study, Appendix IV-III, Godschalk & Assoc., 1988.
1996 and upland totals: Based on GIS data provided by the South Florida Water Management District.

This increase in farmland is sometimes seen as preferable to more residential subdivisions, which cannot be supported by Pine Island's limited road connections to the mainland. However, farmland can be converted to residential land very easily; the current comprehensive plan actually seems to encourage this by allowing residential development on one-acre lots without rezoning, even on active farmland. Planning professionals generally agree that one-acre lots are too small to maintain the countryside and too large to create villages; yet that is the predominant residential density allowed on Pine Island today.

During this plan update process, Pine Islanders carefully considered alternative growth-management techniques to replace the 1 DU/acre "Rural" category on Pine Island. While considering

Remaining pine flatwoods, 1996

these alternatives, the public was made aware of the current regulatory climate: regulations that are so strict as to essentially "take away" all rights to private property rights are illegal, and such "takings" must be fully compensated to the landowner, an enormously expensive undertaking.

In addition, in 1995 the Florida legislature passed the Bert J. Harris, Jr. Private Property Rights Protection Act. This act established a new standard for preventing overly strict regulations on land - any regulation that is determined to

place an "inordinate burden" on a landowner may now require compensation, even though it isn't a "taking" of all property rights. This act does not mean that land-use regulations cannot be made stricter, even if they lower the market value of land: but as a practical matter it will mean closer scrutiny of strict regulations, especially their potential to "inordinately burden" landowners even if the court decides that a particular regulation is valid and in the overall public interest.

Whether a new regulation places an "inordinate burden" on a landowner will be determined by the courts on a case-by-case basis. It is clear that the amount the market value of land may be lowered after a regulation is imposed will be a very important factor in this decision.

On Pine Island today, there is little market demand for residential development at densities of 1 DU/acre. A single new subdivision has been created at this density (Island Acres just south of the water treatment plant), and it has experienced relatively slow sales even though its lots surround an attractive lake. The actual real estate market for large tracts of Pine Island land has three major types of buyers:

- Intensive agriculture users, who are planting tropical fruits, ornamental palms, and some vegetables;
- Land speculators, who often anticipate selling at a profit to a developer who would build dwelling units around a golf course; and
- Public agencies, the new players in this market, at present primarily Lee County's "Conservation 2020" program which buys and preserves natural habitats.

These three types of buyers will establish the market value for large tracts on Pine Island in the absence of substantial demand for one-acre homesites.

Appendix B of this report evaluates five different growth-management techniques for rural land on Pine Island:

- Conservation land purchases
- · Larger lots in rural areas
- · Cluster development
- Transferable development rights
- Rate-of-growth control

Any of these techniques, or either of the two hybrid techniques also discussed in Appendix B, could become part of the Greater Pine Island community plan update and the Lee Plan's future land use map, and would be implemented through subsequent changes to other county regulations. (Existing lots would pre-

sumably be "grandfathered in" even if they are now vacant.)

The option recommended as the best for Greater Pine Island at this stage of its evolution is a hybrid described in Appendix B as "conservation clustering with incentives" (#7). It combines the best features of conservation land purchases (#1), larger lots in rural areas (#2), and cluster development (#3).

Land that is now designated "Rural" would be placed in a new "Coastal Rural" category. This conversion would respond well to the three main problems identified for Pine Island's rural areas:

- the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;
- the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and
- the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

This option combines regulations with incentives and uses a sliding scale of density to encourage (though not require) conservation of undisturbed habitats.

Property owners who save 70% of native habitats would be allowed to keep all of the dwelling units allowed to them today, but instead of placing each house on a 1-acre lot, these homes could be placed on the remaining 30% of the land. This would allocate 0.3 acres per lot (although actual lot sizes would be somewhat smaller to account for land needed for streets and stormwater detention lakes).

Property owners who choose *not* to save any native habitats would be limited to 1 DU per 10 acres. This would allow agricultural or country-estate homes on 10-acre lots.

A sliding scale would allow property owners to choose any point within the extremes just described, as shown in Table 4.

TABLE 4

Assume %		RESULTS ON 100 ACRES WOULD BE:										
of native land saved or restored	Would then be assigned this gross density:	# of DUs	acres used per lot	total acres preserved	total acres							
0%	1 DU per10 acres	10	10.0 acres	0	100							
5%	1 DU per 9 acres	11	8.6 acres	5	95							
10%	1 DU per 8 acres	13	7.2 acres	10	90							
15%	1 DU per 7 acres	14	6.0 acres	15	85							
20%	1 DU per 6 acres	17	4.8 acres	20	80							
30%	1 DU per 5 acres	20	3.5 acres	30	70							
40%	1 DU per 4 acres	25	2.4 acres	40	60							
50%	1 DU per 3 acres	33	1.5 acres	50	50							
60%	1 DU per 2 acres	50	0.8 acres	60	40							
70%	1 DU per 1 acre	100	0.3 acres	70	30							

It may seem counterintuitive to allow higher densities on natural habitats than on disturbed lands, but this provides landowners with a strong incentive not to clear native habitats. (The same incentive would be granted to restored land as to preserved land, using the same sliding scale.)

This approach diminishes the potential for residential development on agricultural land while rewarding landowners who protect (or restore) their land's natural habitats. Actual development on native parcels would disturb far less land than would occur today by either allowing today's number of dwelling units to be placed on smaller lots, or by reducing the number of lots that are allowable. Public purchases of entire tracts for preservation would be encouraged, but if purchase offers aren't attractive enough to interest property owners, this new plan would encourage more preservation than current regulations.

SETTING THE COURSE

The culture of community-making demonstrated by Pine Island's ploneers should be continued by enhancing its seven freestanding communities and keeping them from sprawling into rural areas. Pine Island's rural areas should be placed into a new Coastal Rural category on the future land use map. This category would have a sliding density scale that would reward landowners who preserve native upland habitats. However, it would not prevent them from pursuing agriculture or creating standard ten-acre homesites if they choose. Without major habitat preservation smaller homesites would not be allowed in Coastal Rural areas (Existing legal lots in rural areas would not be affected.)

GETTING THERE

1. Adopt a new comprehensive plan policy as follows:
POLICY 14.1.8: The county shall reclassify all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are to provide clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island than can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide landowners with maximum flexibility while accomplishing these public purposes:

(continued)

GETTING THERE (continued)

 Adopt a new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Map as follows:

POLICY 1.4.7: The Costal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14:1.8. These lands are to remain rural except for portions or individual properties whose owners choose to permanently preserve of restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density in the Coastal Rural area is one dwelling unit per ten acres (1 DU/10 acres). Maximum densities increase as various percentages of native uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-direction, conservation uses, and residential uses up to the following densities.

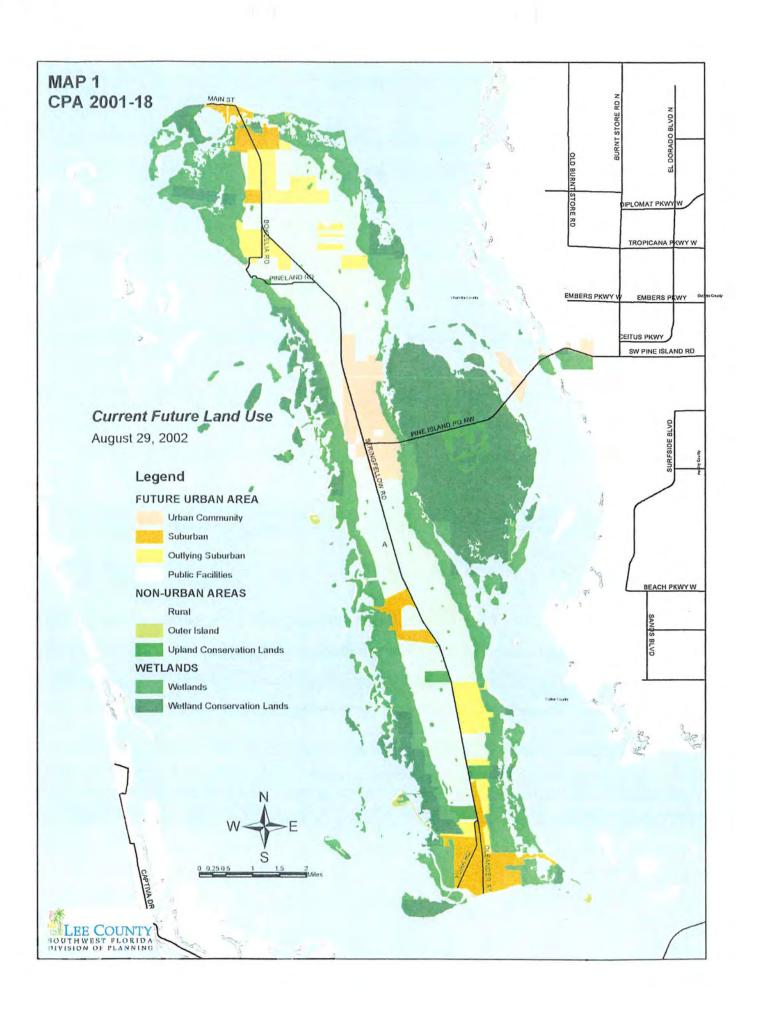
Ð	Ī	ï	ï	Č	ĕ	ñ	la	d	ė	Ä	ö	à	ñ	à	ti	Ÿ	d	Ä	ĥ	ä	b	1	ľ	7	S	H	¥	Ŋ.	ð	Į.	V	ķ	'n	8	į.	選	þ	題		Ħ	y	Ų	ä
ξ	d	锐	遊	W	'n	É	Į.	i.	9	æ	ď.	ß	Min.	ä	崙	F	ž.	ž	h	W.	Ċ.	3	범	ij	H	装	V	И	8	X	II	n	Ц	п	u	Q	ΙE	J.	15	Ш	ŋ	Į,	R

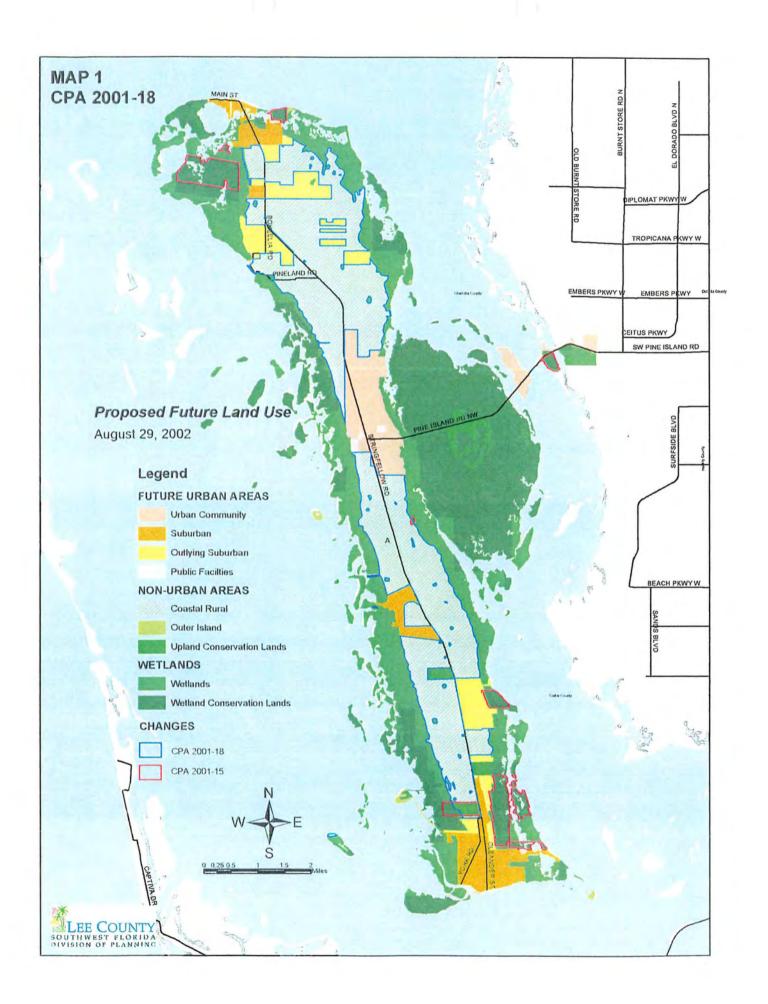
ed or resto	ored Piggs	有的数据和数据的	NATION DESIGNATION OF THE PARTY	NAMES OF
0%		STOU	/10 ac	mas i
CHARLES SEASON DOWN			/ 9 ac	
5%				
10%			/ 8 ac	
15%	類的類似的	题1DU	/ 7 ac	res
20%	le de la la		/ 6 ac	
Wern Warran State (1975)	阿瑟伊斯			
30%	被 医电影		/ 5 ac	
40% 网络		题1 DU	/ 4 ac	res
50%	计数据数据 数据	数1 DU	/ 3 ac	res
60%	那些特性	Marian Marian Control	/ 2 ac	**************************************
MARIA SERVICE PROPERTY.				
70%		INT DU	/ 1 ac	(8)

(continued)

GETTING THERE (continued)

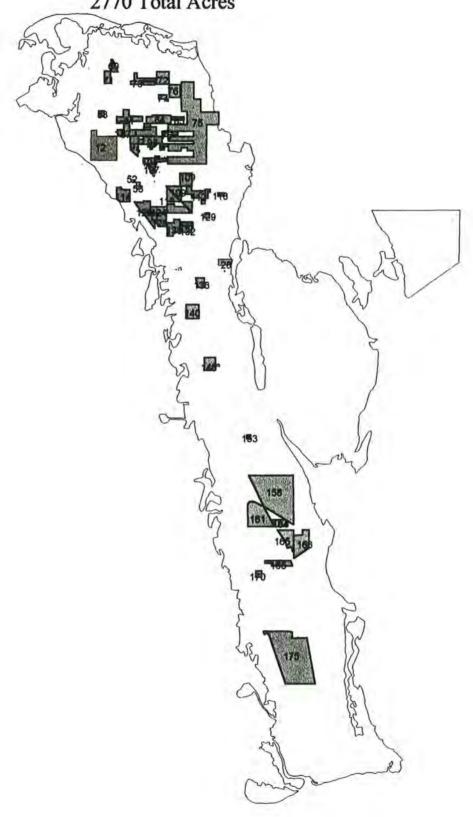
- 3. Amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category.
- 4. Amend the future land use map to reclassify from a "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeella and September Estates in 31-43-22, bounded by Quali Trail on the wast Barrancas Street on the north. Stringfellow on the east Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east and Pinehurst Acres and September Estates on the south.
- 5 Amend the land development code to provide detailed regulations to implement new Policies 1.4.7 and 14.7 is including modifications to the AG-2 zoning district in accordance with these policies.





Pine Island South Florida Water Management District Groundwater Use Permits

2770 Total Acres



SFWMD Groundwater Use Permits

ld#	Land Use	Project Name	Acres
12	golf	ALDEN PINES	162
28	lan	BLUE CRAB KEY	19
41	agr	WENDY CHOU AND HUNG YI YEN	1
50	agr	WAGNER LYCHEE GROVE	2
52	agr	WAGNER LYCHEE GROVE 2	2
53	agr	NOEL ANDRESS NURSERY	7
68	nurs	STEVE MARUD	1
69	agr	BOKEELIA COCONUT FARM	13
71	agr	G-1 NURSERY	19
72	agr	FERLISE HOLDING LIMITED	39
73	agr	SUNBURST TROPICAL FRUIT CO	27
74	agr	PALM NURSERY	9
75	agr	BROOKS/DEAN GROVE	488
76	agr	FERLISE HOLDING LIMITED **	35
77	agr	DISMAL SWAMP	10
31	agr	PINE ISLAND ORGANICS	40
33	agr	ENVIRONMENTAL TURF SOLUTIONS	8
34	agr	EAGLES LANDING	48
35	agr	BROOKS-BRITTON	9
36	agr	RTR PALMS	6
37	agr	DEAN PROPERTY	37
38	agr	TREEHOUSE NURSERY THE	5
90	agr	J R BROOKS AND SON INC	37
91	agr	DEAN PROPERTY	5
92	agr	DEAN PROPERTY	8
94	agr	TREEHOUSE NURSERY THE	6
95	agr	TREEHOUSE NURSERY THE	1
97	agr	PINE ISLAND ORGANICS	33
98	agr	DEAN PROPERTY	48
100	agr	PENNEY GROVE	6
102	agr	MANSEN PROPERTY NURSERY	2
103	agr	HARGROVE PROJECT	9
104	agr	D/D	16
07	agr	DEAN PROPERTY	10
08	lan	SOUTHTRUST BANK	2
109	agr	HARVEY BROTHERS FARM	65
112	agr	EASTERDAY CARAMBOLAS	38
113	agr	SABASA PASS GROVE	26
114	agr	CAMMICK GROVE	40
17	agr	E Z DUZIT	8
18	agr	PAN ASIA LYCHEE CO GROVE	5
20	agr	SAMADANI MANGO GROVE	33
21	agr	WRIGHT ORGANIC VEGETABLE FARM	15
23	agr	BRUCKER CARAMBOLAS	38
	agr	TCCT LLC PALMS	24

125	agr	BACK FIFTY	15
127	agr	ROSS AND DIANE HORSLEY GROVE	8
128	agr	REESER GROVE	31
129	agr	BUSCH GARDEN CENTER	6
130	agr	PINE ISLAND CITRUS	39
131	agr	PALMS AWAY	11
132	agr	KAR S JAY TROPICAL FRUIT GROVE	19
136	agr	G-2	18
140	agr	PORT WEST PROPERTIES	46
146	agr	PINE ISLAND CITRUS	36
153	agr	JERRY MYERS PALM FIELD	4
158	agr	MCINTYRE PINE ISLAND FARM	350
161	agr	PINE ISLAND GROVE, INC.	119
164	agr	MUGERDICHIAN GROVE	25
165	agr	PALM GROVES	48
166	agr	MASTER'S LANDING	78
168	agr	CAMMICK PALMS	30
170	agr	WETSTONE NURSERY	9
175	agr	QUAIL RUN NURSERY	416

GPICA1

INVOICE

To:

Barbara Dubin, GPICA

From:

Mohsen Salehi M

Date:

J September 13, 2000

Re:

Pine Island Traffic Study

Tasks	% Completion	This Billing	Balance
Retainer \$1,500.00			\$2,750.00
Site Visit/Slides	100.00%		
Prep for 4/20Mtg	100.00%		
4/20 Public Mtg	100.00%		
4/26 Aerial/Roadway Slides	100.00%		
May/Jun/Jul Data Collect'n/Research	100.00%		
8/8 Public Mtg	100.00%		
Aug/Sep Data Analysis/Spreadsheet	100.00%		
Prep for 9/12 Mtg	100.00%		
9/12 Public Mtg/Slide Pres.	100.00%		
Draft Memo #1	75.00%		
		\$1,500.00	\$1,250.00

EXHIBITS

INC 30 PAGE 467

OF

FLORIDA WIDDLIFE FEDERATION

ARTICLE I.

The name of this Corporation shall be "FLORIDA WIEDLIFE!
TION", a non-profit Corporation, and shall be located in the Ci
Jacksonville, Duval County, State of Florida.

ARTICLE II.

The general nature of the object of this Corporation is (
stitute a Federation of fish and game associations and sportman'
in the several cities and counties of the State of Florida, and
other organizations not for profit as are interested in the cons
tion of the flora and fauna within the State of Florida, and for
purpose of the more efficient administration thereof to change th
location of the office of the corporation to the residence of the
President or Secretary as the same may be elected from year to ye

To form a permanent central state organization, to promote to assist in the co-ordination of the wildlife conservation, restand management work of existing associations and other groups organ for like objects; of the citizens of the State of Florida and the authorities and agencies in their endeavors to conserve, restore manage the wildlife and its habitant within the State of Florida.

To co-ordinate the efforts of the Federated Associations of Florida with the efforts and activities, within the State of Flori of any national organizations of like objects.

To cooperate with all Government authorities, National, Stand Local in the enactment, execution and enforcement of uniform 1 and regulations within the State of Florida for effectuating the cabove outlined.

To organize and direct sportsmen's contests within the Stat Floride, such contests calculated to create and inspire interest a

De en

ARTICLE II. continued.

the several sportsmen of the State of Florida in the advancement of their respective skills and accomplishments as regards sportmen's activities.

To gather and disseminate information with respect to fish and game and all other wildlife and generally to promote the best interests of the State of Florida with relation thereto.

To enlighten and make conscious the citizens of this State as well as non-resident sportmen with the State of Florida the true valu of the fish, game and other wild life as an asset and as an attractio to the people of the State of Florida.

To encourage the teaching in the several schools and other institutions of learning within the State of the value of the conservation of the natural resources of the State.

To establish institution for or encourage existing institutions of learning in the scientific study of wildlife and its economic value to the State.

To do all such acts necessary or convenient to attain the objects and purposes herein set forth, to the same extent and as fully as any natural person could or might do, and as are not forbidden by law or by this Charter or by the By-Laws of this Corporation.

To purchase, lease, hold, receive by gift, devise or bequest, sel mortgage, or otherwise acquire or dispose of such real or personal property as may be necessary to the purposes of this Corporation.

To have all the powers that may be conferred upon all Corporation organized under Chapter 617, Statutes of 1941, and any amendments ther ofl

ARTICLE III.

The members of this Corporation shall be Organizations, Leagues, Clubs or Associations, whose principal objects are the conservation and restoration of wildlife, and such other organizations as may elsewhere be named herein or may from time to time be approved for membership by the Executive Committee hereinafter provided, so that for all time

INC 30 PAGE 469

ARTICLE III. continued

there may be hunting and fishing, which are delightful recreations and prolong life. Such Organizations, herein recited, upon qualify as members in accordance with the by-laws of this Corporation, shal from their members, elect in accordance with the provisions of their respective charters and by-laws, representatives to participate in the management of this Corporation. The Executive Committee may in accordance with the by-laws, provide for the preation of affilial honorary or life memberhips for persons or associations interested in the preservation and restoration of the fish, game and wildlife the State of Florida, but such membership shall have no voting power or participation in the management of this Corporation.

ARTICLE IV

This Corporation shall have perpetual existence.

ARTICLE V.

The names and residences of the subscribers are:

James J. Murphy

1544 Atlantic Blvd., Jacksonville,

Paul G. Mains

544 May Street, Jacksonville, Fla.

Frank J. Darling

Leesburg, Florida.

ARTICLE VI

The financial, fiscal and corporate affairs of this Corpora shall be managed by the Executive and General Councils, meeting eith in joint or separate sessions, and all decisions regarding the Financial, Fiscal and Corporate affairs and their execution by this Corporation, shall be held valid only when the majority or each of the respective councils concurs in the action.

The members of the Executive Council shall consist of one representative from each member organization in good standing, and

ARTICLE VI. continued.

each member of the Executive Council will voice one vote, equally, in each action of the Executive Council. A quorum shall be not less than one-half of the membership of the Executive Council. Two alternates shall be elected annually by each respective organization, and either of the two alternates may represent his organization in the absence of the regular representative. Representatives shall be elected to serve for a term of one year.

The members of the General Council shall consist of one representative from each member organization in good standing, and each member of the General Council will voice the number of votes recorded on the records of this Corporation as the numerical strength of his organization evidenced by the amount of the payment of annual dues. Two alternates shall be elected annually by each respective organizations and either of the two alternates may represent his organization in the absence of the regular representative. Representatives shall be elected to serve for a term of one year.

The members of the Executive and General Councils shall elect from their number, equally, not more than eight from each of the Executive and General Councils, members of the Executive Committee; and from the eight elected from each of the Executive and General Councils, the Chairman of the Executive Committee will be elected by a majority vote of both the Executive and General Councils. Of the eight elected from each of the Executive and General Councils for membership on the Executive Committee there shall be included one person from each of the conservation districts of the State of Florida, as now or later defined by the Legislature of the State of Florida.

The Treasurer, however selected, shall be a member of the Executive Committee. The Executive Committee shall employ an Executive Secretary, who need not be a member of the Executive Committee, and need not be a delegate from one of the organizations having membership in this Corporation, and shall define his duties.

INC 30 PAGE 471 ARTICLE VI. continued.

The Executive Committee, eight of whom shall constitute a quorum, shall have and shall exercise all powers of the Executiv and General Councils when the Executive and General Councils are in session. Further, the duties of the Executive Committee shall to inaugerate, outline and present programs and policies for the deliberation of the Executive and General Councils.

There shall be a nominating Committee appointed from equal each of the Executive and General Councils, and their duties shal be to nominate at least two candidates for each elective office within this Corporation

ARTICLE VII.

The names of the officers who are to manage the affairs of Corporation until the first annual meeting of the Board of Govern until their successors are duly elected and qualified are:

James J. Murphy

President

Paul G. Mains

Vice President

Mack E. Fillingham

Treasurer.

Frank J. Darling

Executive Secretary.

The date of the first annual meeting of the Board of Govern and of the members of the Corporation shall be fixed and determine the by-laws of the Corporation, as later adopted according to this Charter.

ARTICLE VIII

The by-laws of this Corporation may be adopted, amended, altered or rescinded by a three-fourths vote of the Board of Gover present and voting at any annual or regular meeting, or at any spe meeting duly called for that purpose, or in such other manner as m be provided in the by-laws themselves.

INC 30 PAGE 472

The highest total amount of indebtedness or liability which this Corporation may incur, shall be the sum of Five Thousand (\$500 Dollars but in no event shall such indebtedness ever be greater than two-thirds (2/3rds) of the real value of the preperty, real, personal or mixed or this Corporation as computed from the assessed valuation as fixed by the various Tax Assessors of the Counties or the State of Florida.

ARTICLE X.

The total amount in value of the real property which this Corporation may hold shall not exceed One Hundred Thousand (\$100,000 Dollars.

The real property or any interest therein of the Corporation may be sold, conveyed, encumbered, leased or otherwise disposed of by resolution adopted by a majority of the Board of Governors, which action of the Board of Governors must be approved by Order of a Judge of the Circuit Court sitting in the County in which such real propert; is situated. Five (5) days prior notice, in writing, of the application for such order shall be sent by registered mail to each of the office and governors of this Corporation.

None of the members, Governors or Officers shall be liable for any debts of this Corporation.

IN WITNESS WHEREOF, the said subscribers have hereunto set the hands and seals this 29 day of APRIL, A. D. 1946.

60

Jane S. Mains (SEA Frank J. Narling (SEA STATE OF FLORIDA COUNTY OF DUVAL.

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned officer, duly authorized to take acknowled, ments of Deeds and other instruments:

James J. Murphy, Paul G. Mains Frank J. Darling,

all to me well known to be the individuals described in and who signe and subscribed the foregoing CHARTER, and acknowledged that they executed and subscribed the said CHARTER of "FLORIDA WILDLIFE FEDERAT a Corporation, not for profit, for the purposes therein expressed, and being first duly sworn by me and before me, upon oath, each of the says that it is intended in good faith to carry out the purposes and objects set forth in said CHARTER.

SWORN to and SUBSCRIBED before me this the 29 day

6F April; A. D. 1946.

16112

MOTARY PUBLIC STATE OF FLORI

STATE OF FLORIDA COUNTY OF DUVAL.

Wetery Public State of Florida at Large My commission expires June 8, 1947

The undersigned Circuit Judge of the Fourth judici Circuit of Florida, in and for Duval County, does hereby certify that the foregoing proposed Charter for "FLORIDA WILDLIFE FEDERATION" a Corporation not for profit having been found to be in proper form an for an object authorized by Chapter 617, Title XXXIV, Florida Statut 1941, the said Charter is hereby approved.

DONE at Jacksonville, Duval County, Florida, this

70 Th day of April, A. D. 1946.

563-643-A

FILED APR 30 1946

T. 17.57 O'CLOCK A M. RECORDED IN THE PUBLIC RECORDS F DUVAL COUNTY, FLORIDA, IN THE BOOK AND PAGE NOTED ABOVE

LEONARD W. THOMAS, Clerk Circuit Court

Page 7

Denuty Clerk

This document consists of seven (7) Legal, Pages.

STATE OF FLORIDA COUNTY OF DUVAL

I, S. MORGAN SLAUGHTER, Clerk of the Circuit Court, Duval County, Florida, do hereby certify that the foregoing is a true and correct photostatic copy of the record of a certain instrument as the same appears recorded in

INCORPORATION Book 30 at Page 467.

of the Public Records of Duval County, Florida.

Witness my hand and seal of office at Jacksonville, Florida, this the 3rd day of March A. D. 1971...

S. MORGAN SLAUGHTER, Clerk Circuit Court

Deputy Clerk

INC 37 PAGE 348

AMENDMENTS TO THE CHARTER OF THE FLORIDA WILDLIFE FEDERATION

AMENDMENT # 1.

In line # 10 of Page 3 of the typewritten Charter strike \$\omega\$ out the words "Board of Governors" and insert in lieu thereof, "Board of Directors", and in all subsequent places in the said Charter where the words "Board of Governors" appear, strike said words and insert in lieu thereof, "Board of Directors."

AMENDMENT # 2.

Article VI of the said Charter is amended to read, Article VI: The financial, fiscal and corporate affairs of this non-profit corporation shall be managed by a Board of Directors consisting of the number of amequal to the number of affiliated clubs in good standing in the corporation.

Each and every affiliated club in good standing shall be

entitled to one Director and one alternate or a proxy.

There shall be vested in the Board of Directors the right and authority to vote on any matter or business coming before any

and authority to vote on any matter or business coming before any meeting of the Corporation, each club having one vote.

Directors and alternates shall be selected prior to the Annual Meeting by each club in such manner as it may elect, but at least ten days prior to the date fixed for any general meeting of the Corporation. Names of such Directors and alternates shall be reported to the Secretary of the Corporation by the president or officer of authority of such club; it shall be the duty of each Director or alternate to attend at least three (3) meetings per Director or alternate to attend at least three (3) meetings per

Five (5) members of the Board of Directors, including off-icers present, shall constitute a quorum at any annual, district,

or special meeting of the Corporation.

In the event a Director shall be elected to office as President, Vice-President, Secretary, or Treasurer, his office as Director shall be held vacant and a new member elected in his place to fill the unexpired portion of his term by his club.

The President shall appoint one Director from each conservation district to constitute an Executive Committee, within

thirty (30) days after the annual meeting.

At least thirty (30) days prior to the annual meeting, the Executive Committee shall appoint a Nominating Committee of five (5) members representing five (5) different clubs, not more than two (2) from any one (1) district, for the purpose of placing in nomination the names of one (1) or more candidates for each elective office to be filled. Additional nominations, if any, shall be accepted from the floor at the time the committee report

Said Board of Directors at the annual meeting of this nonprofit corporation shall elect from those nominated by "majority ballot-vote" a President, Vice-President, A recording Secretary, and a Treasurer of this non-profit corporation to serve for the term of one (1) year or until his respective successor shall be elected and qualified.

The above Amendments to the Charter of the Florida Wildlife Federation, a non-profit corporation were duly passed according to law and the by-laws and Charter of this Corporation at the Annual Meeting of soid Corporation held in Daytona Beach, Florida Alp October, A.D. 1952.

A(Corporate Seal)

State of Florida County of Leon Sworn to and subscribe

INC 37 PAGE 349

the original chapter of named Corporation are hereby approved to named Corporation of Landers at Jacknownilla. His 18 and Carp of October, 1954

Oct 18 3 22 Fil 1854

STATE OF FLORIDA COUNTY OF DUVAL

> S. MORGAN SLAUGHTER, Clerk Circuit Court

Lema Inepany

STATE OF FLORIDA

DEPARTMENT OF STATE



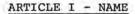
I certify that the following is a true and correct copy of Certificate of Amendment to Certificate of Incorporation of FLORIDA WILDLIFE FEDERATION, a Florida corporation not for profit, filed on the 14th day of April, 1977, as shown by the records of this office.



GIVEN under my hand and the Great
Seal of the State of Florida, at
Tallahassee, the Capital, this the
14th day of April,
19 77.

SECRETARY OF STATE

AMENDMENTS TO THE CHARTER OF FLORIDA WILDLIFE FEDERATION





The name of this corporation is FLORIDA WILDLIFE FEDER-ATION.

ARTICLE II

This corporation not for profit shall have perpetual existence.

ARTICLE III - PURPOSE

This corporation not for profit shall be to further and advance the cause of conservation and environmental protection, and to perpetuate and conserve the fish, wildlife, mineral, soil, water, clean air and forest resources of the state; to so manage the use of all natural resources that this generation and posterity will receive the maximum benefit from same.

To encourage the teaching of conservation education in schools and other institutions of learning, cooperating with local, state, and national authorities and attempting to coordinate the efforts of all organizations and agencies organized for like objectives.

To purchase, lease, hold, receive by gift, devise or bequest, sell, mortgage, or otherwise dispose of personal and real property, as may be necessary to achieve the objectives of this Federation.

ARTICLE IV - MEMBERSHIP

SECTION 1, QUALIFICATIONS

The members of this corporation shall be individuals, organizations, leagues, clubs, associations, whose principal

objectives are conservation and restoration of wildlife and environment, which have been approved by the House of Delegates herein, and such other organizations as may elsewhere be named herein or may be approved for membership from time to time by the Delegates of this corporation. Honorary memberships may be granted pursuant to the majority vote of the Board of Directors present at a quorum meeting, but honorary memberships shall not be given voting status.

IMPEACHMENT

Impeachment or withdrawal of membership of clubs or individuals. It is hereby declared that membership in the Florida Wildlife Federation is an honor and privilege and any of the following violations shall terminate the membership of any person, firm, organization or corporation; said violation being to wit:

- (a) Willful violation of known conservation practices.
- (b) Club activities which are illegal
- (c) Moral Turpitude
- (d) Dereliction of duty, or in case of such action, non-cooperation with policy as described by the House of Delegates, or any action which might bring Florida Wildlife Federation into actual or potential disrepute.

METHOD OF SUSPENSION OR WITHDRAWAL OF MEMBERSHIP

Recommendations shall be made by the Board of Directors, and such action shall be subject to review and ratification
by the House of Delegates at any quorum meeting thereof, the
unrestricted discretion of the House of Delegates shall be
controlling.

Reinstatement can be made only at the discretion of the House of Delegates, if favored by the majority thereof at any quorum meeting.

REMOVAL OF OFFICER

Any officer of this corporation can be removed by a majority vote of a quorum meeting of the House of Delegates; provided that written notice of such action shall be given to all delegates and the officer in question not less than thirty (30) days prior to the date of the said meeting for that purpose.

SECTION 2, CLASSIFICATION

There shall be the following classes of members, all generally referred to as "Members."

ORGANIZATIONS .

An organization in Florida composed of ten (10) or more members whose aims and purposes closely parallel those of the Federation may, upon approval of its application for membership and payment of dues, as hereinafter provided, become an affiliated member of the Federation under one of the following classes:

CLASS "A" MEMBER CLUBS are those organized groups of persons, such as clubs, societies, and associations of a local character paying per capita dues as provided in the by-laws.

CLASS "B" MEMBER CLUBS are those groups of persons,
local in character, organized not purposely for conservation, such as Chamber of Commerce, service and luncheon clubs, veterans groups, farm organizations, paying club dues as provided in the by-laws.

CLASS "C" MEMBER CLUBS are those groups of persons organized on a state-wide basis and/or associations of local clubs paying per club dues as provided in the by laws.

INDIVIDUALS

Any individual may become a member of the Federation by payment of dues as provided by the by laws and by subscribing to its purposes and objectives. Classes of membership shall be associate, patron, sustaining, benefactor, and cooperator.

ARTICLE V - DISPOSITION OF FUNDS

Should for any reason the Florida Wildlife Federation be dissolved, all funds on hand after all obligations have been met will revert to the National Wildlife Federation, a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code of 1954. If in the event that the National Wildlife Federation at the time of dissolution of the Florida Wildlife Federation, did not have the exemption as described above, all the residual assets of the organization will be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170 (c)(2) of the Internal Revenue Code of 1954 or corresponding sections in any prior or future Internal Revenue Code, or to the Federal, State, or Local government for exclusive public purpose.

ARTICLE VI - REGISTERED OFFICE AND AGENT

The street address of the registered office of this corporation is 4080 North Haverhill Road, West Palm Beach, Florida 33407. The name of the registered agent of this corporation at that address is John C. Jones.

ARTICLE VII - BOARD OF DIRECTORS

SECTION 1, ELECTION

The officers and board members of the Federation shall be elected as the last order of business at the annual meeting as provided in the by laws.

SECTION 2, NOMINATIONS

The president shall appoint a committee on nominations at least six months prior to the annual meeting, consisting of five (5) delegates, one from each regional district, if possible. He shall furnish the committee the vacancies to be filled on the board of directors and elected officers. The committee shall

consult with other members of the Federation and hear suggestions for persons to nominate for the offices to be filled. Such suggestions are to be sustained by a statement of the qualifications of the suggested candidates. The committee shall report the results of its deliberations at the meeting preceding the annual meeting, in the form of a ticket containing the names for each office to be filled. The selections shall give representation to all sections of the state. Additional nominations may be made from the floor, but such nominations shall be substantiated by a statement of qualifications. No nominations shall be accepted after the close of the meeting preceeding the annual meeting.

ARTICLE VIII - SIGNERS

The names and addresses of the persons signing these articles are:

C. Richard Tillis
2812 Roscommon Drive
Tallahassee, Florida 32303

John C. Jones

4080 North Haverhill Road

West Palm Beach, Florida 33407

ARTICLE IX - BY LAWS

The power to adopt, alter, amend and repeal By Laws shall be vested in the House of Delegates.

ARTICLE X - CALLING OF SPECIAL MEETINGS

Special meetings of the members may be called by the Board of Directors.

ARTICLE XI - ACTIVITIES

This Federation, at no time shall endorse nor recommend any political candidate and notwithstanding any other provision of these Articles, this corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

ARTICLE XII - AMENDMENT

This corporation reserves the right to amend or repeal any provisions contained in these amendments to Charter, or any amendments hereto, and any right conferred upon the House of Delegates is subject to this reservation.

IN WITNESS WHEREOF, the undersigned subscribers have executed these Articles of Incorporation this _______day of _____, 1977.

C. Richard Tillis

John C. Jones

STATE OF FLORIDA

SS.

COUNTY OF LEON

BEFORE ME, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared C. Richard Tillis and John C. Jones to me known to be the persons described in and who executed the foregoing Agreement, and acknowledged before me that they executed the same for the purposes therein they expressed.

WITNESS my hand and official seal in the County and State last aforesaid on this 14 day of april , 1977

OTARY PUBLIC, State of Florida at Large

My Commission Expires:

Notary Public, State of Florida at Lorge My Commission Expires Jon. 8, 1978 Bondad by American Fire & Casualty Co.

Internal Revenue Service

District Director

Department of the Treasury

101 Marietta St., Rm 1007 Atlanta, Ga. 30301

Florida Wildlife Federation P.O. Box 6870 Tallahassee, Fla 32314 Refer Reply to: QRS:E0:TPA:1007

Date: November 9, 1987

EIN: 59-1398265

FFN: 580042680

. Dear Sir or Madam:

This is in response to your request for confirmation of your exemption from Federal income tax.

You were recognized as an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code by our letter of July, 1977 . You were further determined not to be a private foundation within the meaning of section 509(a) of the Code because you are an organization described in section 170(b)(1)(A)(vi) and 509(a)(7).

Contributions to you are deductible as provided in section 170 of the Code.

The tax exempt status recognized by our letter referred to above is currently in effect and will remain in effect until terminated, modified, or revoked by the Internal Revenue Service. Any change in your purposes, character, or method of operation must be reported to us so we may consider the effect of the change on your exempt status. You must also report any change in your name and address.

Thank you for your cooperation.

Sincerely yours,

EOMF Coordinator

3

Florida Wildlife Federation Balance Sheet

As of August 31, 2000

	Aug 21 100
	Aug 31, '00
ASSETS	
Current Assets Checking/Savings	
1001 · Cash - Capital City - Operating	4,299.96
1006 · Cash - Capital City-Fundraising	5,466.25
1008 - Cash - Capital City Inheritance	25,000.00
1009 - Cash-Capital City Bank- Habitat	4,340.06
1030 · Savings-Capital City Bank	54,865.92
1080 · Petty Cash	159.03
1081 · Petty Cash - Frank	150.00
1122 · Frank Est ML Money Market	1,712.04
1126 · Sec. America - Money Market	544.09
Total Checking/Savings	96,537,35
Other Current Assets	
1100 · Inventory	6,748.89
1156 · Promises to Give	18,394.44
1170 · Accts Rec - Fuller	1,661.74
Total Other Current Assets	in the state of
Total Other Current Assets	26,805.07
Total Current Assets	123,342.42
Fixed Assets	
1500 - Property and Equipment	
1501 · Property and Equipment - FWF	51,243.45
1502 · Property and Equipment - SWFL	8,695.72
1503 · Accumulated Depreciation	-34,128.70
Total 1500 · Property and Equipment	25,810.47
1615 · Land & Building - Blairstone	270,442.10
Total Fixed Assets	296,252.57
Other Assets	
1119 · Mutual of Omaha - America Fund	466.62
1120 · Stock - GE Div. Reinv. Prog.	3,047.82
1121 - Fidelity	195,764.81
1123 · Merrill Lynch	72,826.05
1125 - Securities America	30,683.39
1300 · Utility Deposit	617.79
1600 - Conservation Property	15,115,130
1601 · Land - SWFL	2,780.71
1616 · Building - Tanglewyld	62,155.82
1621 · Building Improvements-Tanglewyl	49,787.82
1622 · Land - Tanglewyld	262,554.00
1623 · Land - 18 AC Tanglewyld	59,302.60
1635 · Accumulated Depr-Tanglewylde	-71,595.22
Total 1600 - Conservation Property	364,985.73
Total Other Assets	668,392,21
TOTAL ASSETS	1,087,987.20
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	الكراهما مماد
2001 · Accounts Payable	190,488.00
Total Accounts Payable	190,488.00

09/07/00

Florida Wildlife Federation **Balance Sheet** As of August 31, 2000

	Aug 31, '00
Other Current Liabilities 2040 · Accounts Payable-Line of 2205 · Withholding Payable 2225 · Sales Tax · Merch Sales	Credit 45,656.74 0.04 11.16
Total Other Current Liabilities	45,667.94
Total Current Liabilities	236,155.94
Long Term Liabilities 2700 · Inheritance Payable	30,000.00
Total Long Term Liabilities	30,000.00
Total Liabilities	266,155.94
Equity 3900 · Retained Earnings Net Income 3901 · Jack Stanley Memorials	804,552.93 17,678.33 -400.00
Total Equity	821,831.26
TOTAL LIABILITIES & EQUITY	1,087,987.20

Florida Wildlife Federation Profit and Loss

October 1999 through August 2000

	Oct '99 - Aug '00
Income	
4000 · Annual Meeting 4002 · Meals	2 220 00
4210 · Raffle/Auction	2,330.00 190.00
4211 · Donations	1,000.00
Total 4000 · Annual Meeting	3,520.00
4100 · Fundraising Income	
4031 · Greeting Card Programs	56,759.00
4101 · Sale of Merchandise 4111 · Sale of Merchandise - Tax Exemp	7,585.93
4111 · Sale of Merchandise - Tax Exemp	1,116.17 1,238.50
Total 4100 · Fundraising Income	66,699.60
4200 · Contributions - Unrestricted	*10/1/11
4026 · Donations And Gifts	24,620.38
4027 · S.W. Florida - Nancy	42,794.50
4204 · United Way	6,171.30
4333 - Environmental Fund For Florida	576.92
Total 4200 · Contributions - Unrestricted	74,163.10
4249 · Contributions - Restricted	
4581 · Appeal Initiatives	37,775.19
4585 · Foundations	25,000.00
Total 4249 · Contributions - Restricted	62,775.19
4300 · Memberships	E2 101 E0
4001 · New Members (Individuals) 4003 · New Club Affiliate	52,161.50 615.00
4005 · Renewals	109,915.50
4007 · Life Members	1,500.00
4008 · Club Renewal	1,904.00
Total 4300 · Memberships	166,096,00
4400 · Legal Defense Funds	
4404 · South Walton	410.00
4407 · Twin Eagles	28,428.18
4408 · Donated Professional Fees	259.30
Total 4400 · Legal Defense Funds	29,097.48
4500 · Investment Returns 4501 · Interest and Dividends	28,998.92
4503 · Apprec (Deprec) of Investments	7,720.65
4506 · Gain (Loss) on Sales	-2,281.15
Total 4500 · Investment Returns	34,438.42
4600 · Other Income	
4215 · Board Meetings - Reimbursements	310.00
4315 - Building Rent	7,538.54
4575 · Miscellaneous Income	83,846.84
Total 4600 · Other Income	91,695.38
4700 · Boat Sweeps	007.044.40
4701 · BoatSweeps (12/31/99)	287,244.13
Total 4700 · Boat Sweeps	287,244.13
4800 · Boat Sweeps- 4801 · Boat Sweeps (12/31/00)	195,843.00
Total 4800 · Boat Sweeps-	195,843.00
Total Income	1,011,572.30

Florida Wildlife Federation Profit and Loss

October 1999 through August 2000

	Oct '99 - Aug '00
xpense 5000 · Boat Raffle (12/31/98) 5001 · Mailing Lists	5,070,08
Total 5000 · Boat Raffie (12/31/98)	5,070.08
5100 · Card Program 5101 · Mailing List 5103 · Postage 5107 · Printing	605.18 4,561.31 29,113.36
Total 5100 - Card Program	34,279.85
5200 · Purchase of Merchandise 6000 · Salaries and Benefits 6001 · Salaries 6003 · Insurance-Health; Life; WC 6008 · Payroll Taxes	6,952.65 167,351.92 9,032.42 12,809.21
Total 6000 · Salaries and Benefits	189,193.55
6100 · Occupancy 6101 · Insurance - Building 6103 · Telephone 6105 · Utilities 6107 · Repairs and Maintenance	3,758.39 9,760.25 3,194.82 2,781.38
Total 6100 · Occupancy	19,494.84
6200 · General and Administrative 6201 · Contract Labor 6203 · Accounting 6205 · Office Supplies 6207 · Interest Exp-Line of Credit 6209 · Bank Charges 6211 · Taxes and Licenses 6213 · Repairs-Computers & Off Equip 6215 · Postage - General Office 6217 · Travel - General 6219 · Dues / Subscriptions / Internet 6220 · New Member Expenses / Cardinal 6221 · Printing - General / Membership 6225 · Meals & Entertainment 6230 · Interest / Late Charges 6250 · Miscellaneous 6280 · Shipping Supplies	39,071.48 11,345.00 33,753.38 3,470.72 1,499.46 141.50 10,386.13 8,184.15 12,067.88 2,166.61 58,166.97 1,438.00 2,335.83 368.51 7,063.56 488.96
Total 6200 · General and Administrative	191,948.14
6300 · Newsletter 6301 · Mailing Lists 6303 · Postage 6305 · Contract Labor 6307 · Printing - Camilla 6309 · Supplies and Other (Van & etc) 6311 · Processing Costs (Modern)	50.00 11,619.32 9,456.00 5,890.72 629.98 2,821.47
Total 6300 · Newsletter	30,467.49
6400 · Program Expenses 6401 · Annual Meeting 6405 · Memberships - Renewals 6406 · Conferences/Meetings/Board Mtgs 6407 · Sponsor/Award	3,780.62 8,875.43 2,198.79 2,231.53
Total 6400 · Program Expenses	17,086.37
6410 · Tanglewylde Expenses	5,523.53

Florida Wildlife Federation Profit and Loss

October 1999 through August 2000

	Oct '99 - Aug '00
6420 · Litigation Projects 6421 · Legal Fees 6422 · Wakulla Spgs. 6424 · SWFL Legal 6429 · Donated Professional Expense	7,683.87 1,210.90 84,301.56 518.60
Total 6420 · Litigation Projects	93,714.93
6430 · E.F.F Program 6431 · E F F Expenses	1,074.78
Total 6430 · E.F.F Program	1,074.78
6500 · Fundraising 6501 · Malling Lists 6505 · Contract Labor 6511 · Appeal Initiatives 6512 · Premium for New Members	2,738.10 320.00 5,411.10 2,885.55
Total 6500 · Fundraising	11,354.75
6600 · Grants & Contract Exps 6602 · Grant Expenses 6600 · Grants & Contract Exps - Other	260.00 442.50
Total 6600 · Grants & Contract Exps	702.50
6700 · Boat Sweepstakes (12/31/99) 6701 · Mailing Lists 6703 · Postage 6705 · Contract Labor 6707 · Printing 6711 · Prizes 6715 · Processing Costs	30,630.10 56,897.96 18,660.11 63,945.27 27,059.64 22,907.74
Total 6700 · Boat Sweepstakes (12/31/99)	220,100.82
6800 · New Equipment 6801 · New Equipment 6800 · New Equipment - Other	2,775.37 113.50
Total 6800 - New Equipment	2,888.87
6900 · Education Programs 6901 · Material 6905 · Fiscus Web Site Project 6900 · Education Programs - Other	633.00 3,165.67 50.00
Total 6900 · Education Programs	3,848.67
7000 · Boat Sweepstakes (12/31/00) 7001 · Mailing Lists 7003 · Postage 7005 · Contract Labor 7007 · Printing 7015 · Processing Costs	31,876.67 44,398.28 3,002.00 63,125.37 17,789.83
Total 7000 - Boat Sweepstakes (12/31/00)	160,192.15
Total Expense	993,893.97
Net Income	17,678.33

990

partment of the Treasury mal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation) or section 4947(a)(1) nonexempt charitable trust Note: The organization may have to use a copy of this return to satisfy state reporting requirements

OMB No. 1545-0047 1998 This Form is Open to Public Inspection

10/01/98 , and ending or the 1998 calendar year, OR tax year period beginning C Name of organization D Employer ID number Please Check if: use IRS label or FLORIDA WILDLIFE FEDERATION 59-1398265 Change of address print or Initial return Number and street (or P.O. box if mail is not delivered to street address) Room/suite E Telephone number Specific Instruc-tions. 2545 BLAIRSTONE PINES DRIVE 850-656-7113 Final return Check ▶ if exemption Amended return (required also for state reporting) City or town, state or country, and ZIP+4 32301 TALLAHASSEE Type of organization- > X Exempt under section 501(c)(3) < (insert number) OR > ___ section 4947(a)(1) nonexempt charitable trust te: Section 501(c)(3) exempt organizations and 4947(a)(1) nonexempt charitable trusts MUST attach a completed Schedule A (Form 990). exemption number (GEN) X Accruat Cash b) If "Yes," enter the number of affiliates for which this return is filed: Accounting method: Yes X No c) Is this a separate return filed by an organization covered by a group ruling? Other (specify) Check here If the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; but if it received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return. ite: Form 990-EZ may be used by organizations with gross receipts less than \$100,000 and total assets less than \$250,000 at end of year. Revenue, Expenses, and Changes in Net Assets or Fund Balances (See Specific Instructions on page 13.) Part I 1 Contributions, gifts, grants, and similar amounts received: 209,206 a Direct public support 1b Indirect public support b Government contributions (grants) 1c C 209,206 1d 9,187 Program service revenue including government fees and contracts (from Part VII, line 93) 2 2 175,595 3 3 Membership dues and assessments Interest on savings and temporary cash investments 4 744 4 28,018 5 Dividends and interest from securities 6a 6a Gross rents Less: rental expenses 6b b 9,190 Net rental income or (loss) (subtract line 6b from line 6a) 6c C 1..... Other investment income (describe 7 (B) Other Gross amount from sale of assets other (A) Securities 8a 7,162 8a than inventory 689 6,653 8b Less: cost or other basis and sales expenses b 509 8c -689 Gain or (loss) (attach schedule) -180 Net gain or (loss) (combine line 8c, columns (A) and (B)) See Stmt 1 See Stmt 2 8d d Special events and activities (attach schedule) 9 Gross revenue (not including \$ ____ 390,363 contributions reported on line 1a) Less: direct expenses other than fundraising expenses _______9b 282,490 b 107,873 9c C 10,397 10a Gross sales of inventory, less returns and allowances 10a Less: cost of goods sold _______10b 5,454 b Gross profit or (loss) from sales of inventory (attach sch.) (subtract line 10b from In. 10a) Stmt 3 4,943 10c C 750 Other revenue (from Part VII, line 103) 11 11 545,326 Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11) 12 12 487,529 13 Program services (from line 44, column (B)) 13 76,700 14 Management and general (from line 44, column (C)) 14 44,208 15 15 Fundraising (from line 44, column (D)) 16 16 Payments to affiliates (attach schedule) 608,437 17 Total expenses (add lines 16 and 44, column (A)) 17 -63,111 Excess or (deficit) for the year (subtract line 17 from line 12) 18 18 847,925 19 19 Net assets or fund balances at beginning of year (from line 73, column (A)) 20,688 20 Other changes in net assets or fund balances (attach explanation) See Stmt 4 20 805,502 Net assets or fund balances at end of year (combine lines 18, 19, and 20) 21

Part II Statement of All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations Functional Expenses and section 4947(a)(1) nonexempt charitable trusts but optional for others. (See Specific Instructions on page 17.) Do not include amounts reported on line (B) Program (C) Management (A) Total (D) Fundraising 6b. 8b, 9b, 10b, or 16 of Part I. services and general rants and allocations (attach schedule) non-cash \$ 22 (cash \$ Specific assistance to individuals 23 Benefits paid to or for members 24 2,145 Compensation of officers, directors, etc. 25 50,558 45,865 2,548 Other salaries and wages 26 121,957 88,195 33,762 27 Pension plan contributions 9,000 6,994 1,894 112 28 Other employee benefits 2,781 10,265 Payroll taxes 29 13,210 164 Professional fundraising fees 30 15,226 11,188 3,813 225 31 Accounting fees 55,748 55,748 32 Legal fees 2,883 170 11,513 8,460 33 Supplies Telephone 12,015 9,337 2,529 149 34 35 12,673 9,312 3,174 187 Postage and shipping 17,946 5,737 230 36 11,979 Occupancy 37 Equipment rental and maintenance Printing and publications 37,038 38 37,038 157 12,652 9,832 2,663 39 Travel Conferences, conventions, and meetings 40 26,256 18,379 5,251 2,626 41 2,089 2,089 Interest 16,416 12,062 4,111 243 42 Depreciation, depletion, etc. (att. sch.) Other expenses (itemize): a ______ 43a 37,800 43b 194,140 152,875 3,465 See Statement 5 43c 43d 43e Total functional expenses (add lines 22 - 43) Organizations 608,437 487,529 76,700 44,208 44 completing columns (B)-(D), carry these totals to lines 13-15 eporting of Joint Costs. - Did you report in column (B) (Program services) any joint costs from a combined Yes X No ucational campaign and fundraising solicitation? Yes," enter (i) the aggregate amount of these joint costs \$ ______; (ii) the amount allocated to Program services \$ ______ ; and (iv) the amount allocated to Fundraising \$ i) the amount allocated to Management and general \$ Statement of Program Service Accomplishments (See Specific Instructions on page 20.) Part III Program Service hat is the organization's primary exempt purpose? Expenses PROMOTE ENVIRONMENTAL AWARENESS Required for 501(c)(3) and organizations must describe their exempt purpose achievements in a clear and concise manner. State the number (4) orgs., and 4947(a)(1) clients served, publications issued, etc. Discuss achievements that are not measurable. (Section 501(c)(3) and (4) trusts; but optional for ganizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.) others.) See Statement 6 37,038 (Grants and allocations See Statement 7 450,491 (Grants and allocations (Grants and allocations \$ (Grants and allocations 8 Other program services (attach schedule) (Grants and allocations \$ Total of Program Service Expenses (should equal line 44, column (B), Program services) 487,529

Part IV Balance Sheets (See Specific Instructions on page 20.)

lote:	Where required, attached schedules and amounts with	cription	(A)		(B)	
	column should be for end-of-year amounts only.			Beginning of year	-	End of year
45	Cash-non-interest-bearing		45	310		
46	Savings and temporary cash investments			68,502	46	53,33
47a	Accounts receivable	47a	1,081			
b	Less: allowance for doubtful accounts	47b		1,065	47c	1,08
48a	Pledges receivable	48a	18,394			
b	Less: allowance for doubtful accounts	48b			48c	18,39
49	Grants receivable				49	
50	Receivables from officers, directors, trustees, and key	employees	3			
	(attach schedule)				50	
51a	Other notes and loans receivable (attach	1 1				
	schedule)	51a				
b	Less: allowance for doubtful accounts	51b			51c	
52	Inventories for sale or use			6,002	52	7,35
53	Prepaid expenses and deferred charges	*********	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	23,347	53	
54	Investments-securities (attach schedule)	S	ee Stmt 8.	256,569	54	302,56
55a	Investments-land, buildings, and					
	equipment: basis	55a				
b	Less: accumulated depreciation (attach					
	schedule)	55b			55c	
56	Investments-other (attach schedule)	4			56	
57a	Land, buildings, and equipment: basis	57a	330,380			
b	Less: accumulated depreciation (attach			-		
	schedule) See Stmt 9	57b	105,724	241,473	57c	224,65
18	Other assets (describe See Stmt 10	_)		437,685	58	437,64
					112	
59	Total assets (add lines 45 through 58) (must equal lin			1,035,043		1,045,34
60	Accounts payable and accrued expenses			136,117	60	156,62
61	Grants payable		No. of A.A. Street S.A.A. Springer, S.A.W. 18, 5		61	
62	Deferred revenue				62	4,55
63	Loans from officers, directors, trustees, and key emple					
	schedule)				63	
64a	Tax-exempt bond liabilities (attach schedule)				64a	110 70
b	Mortgages and other notes payable (attach schedule)	See	Worksheet L	15,001		45,65
65	Other liabilities (describe See Stmt 1	1)	-	36,000	65	33,00
66	Total liabilities (add lines 60 through 65)			187,118	66	239,83
	nizations that follow SFAS 117, check here					
	67 through 69 and lines 73 and 74.					
67	Unrestricted		(CINTERNATION CITY	847,925	67	787,10
68	Temporarily restricted				68	18,39
69	Permanently restricted				69	
Orga	inizations that do not follow SFAS 117, check here	▶ ☐ ar	nd			
	complete lines 70 through 74.					
70	Capital stock, trust principal, or current funds				70	
71	Paid-in or capital surplus, or land, building, and equip			1	71	
72	Retained earnings, endowment, accumulated income				72	
73	Total net assets or fund balances (add lines 67 thro		Prince in adding a contract to be had also as the			
	70 through 72; column (A) must equal line 19 and col					
	equal line 21)			847,925	73	805,50
74	Total liabilities and net assets / fund balances (ad			1,035,043	74	1,045,34

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a articular organization. How the public perceives an organization in such cases may be determined by the information presented its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's ograms and accomplishments.

(001ALM612,M10111 M10111 (11) seden() seemmingsgiden ()	9886	
Did any officer, director, trustee, or key employee receive aggree organization and all related organizations, of which more than \$1 If "Yes," attach schedule-see Specific Instructions on page 22.	[1] [1] [1] [1] [1] [1] [1] [1] [1] [1]	

Yes X No

FLORIDA WILDLIFE FEDERATION'S 1998-99 OFFICERS, DIRECTORS, AND STAFF P.O. Box 6870, Tallahassee, FL 32314 (850)656-7113, fax:(850)942-4431

E-MAIL: wildfed@aol.com CHAIR: LYNN ALAN THOMPSON 908 THOMASVILLE RD. TALLAHASSEE, FL 32303

(W) 850-224-4889, (Fax) 850-224-9335, Lynn@versoft.com

VICE CHAIR
FRANKLIN ADAMS
761 15TH ST. NW
NAPLES, FL 34120
(H) 941-455-1567
(FAX) 941-643-2679

VICE CHAI	IR
BARBARA JEAN	POWELL
22951 SW 190	AVE.
MIAMI, FL 331	170
(H) 305-246-13	
(W/FAX) 305-24	18-9924
barjnpwll@aol	L.com

VICE CHAIR	
MIKE WEBSTER	
1658 GERALDINE DR.	
JACKSONVILLE, FL 32	205
(H) 904-387-0747	
(W) 904-384-3113	
(FAX) 904-384-6550	

STAFF

MANLEY K. FULLER, III, PRESIDENT

DIANE HINES, OFFICE MANAGER RICHARD FARREN, EDITOR, FFWN
LYNN JONES & PATRICIA PEARSON, ADMIN.ASSISTANTS, JOE E.COX, BOOKKEEPER
SARA YOUNG & SAL RIVECCIO - STAFF ASSISTANTS

SOUTHWEST FLORIDA OFFICE - NANCY PAYTON, FIELD REPRESENTATIVE DR. KRIS THOEMKE, NWF EVERGLADES PROJECT DIRECTOR

5051 CASTELLO DR., #240, NAPLES, FL 34103

PHONE: (941) 643-4111, FAX: (941) 643-5130, Email: fwf@peganet.com EXECUTIVE COMMITTEE:

LYNN ALAN THOMPSON, FRANKLIN ADAMS, BARBARA JEAN POWELL, MIKE WEBSTER, JENNY BROCK, STEVE O'HARA, AND LEROY WRIGHT

PRESIDING OFFICER OF LIFE MEMBERS' COUNCIL- JACK MOLLER,

- 610 NW 93RD AVE., PEMBROKE PINES, FL 33024 (FAX)305-827-0249
- (W) 305- , (H) 954-432-1361, Email:MOLLERD@mail.firn.edu
- PRESIDING OFFICER OF PAST CHAIRMEN'S COUNCIL- JIM SCANLAND P.O. Box 1122, DAVENPORT, FL 33837 (941)422-5597, fax: (941)421-0206 1999 DELEGATES TO NWF ANNUAL MEETING:

DELEGATE: STEVE O'HARA, 1061 HOLLY LANE, JACKSONVILLE, FL 32207

(H) 904-398-8936, (W) 904-356-1955, fax: 904-356-3454

ALTERNATE: JENNY BROCK, 311 OLD MAGNOLIA RD., CRAWFORDVILLE, FL 32327 (H) 850-421-6640, (FAX) 850-942-4431-FWF OFFICE

PAST CHAIRMEN'S COUNCIL: JENNY BROCK, IMMEDIATE PAST CHAIRMAN; FRANKLIN ADAMS, JIM SCANLAND, JACK STANLEY, BILL BLAKE, TOMMY NEEDHAM, STEVE O'HARA, WALT BRANDON, TIMOTHY KEYSER, RICHARD TILLIS, CALVIN STONE, JOHNNY JONES

NORTHWEST REGION REGIONAL DIRECTOR BETSY KNIGHT

RT. 1, BOX 255-K, ALTHA, FL 32421-9801 (H) 850-762-8685, (W) 850-762-3992, FAX:850-762-8650

DISTRICT I DIRECTORS

AFFILIATE -

BOB REID

113 DAVIS DRIVE

NICEVILLE, FL 32578

(H) 850-678-1926

ASSOCIATE -

BETSY CLARK

113 DAVIS DRIVE

NICEVILLE, FL 32578

(H) 850-678-1926

DISTRICT II DIRECTORS

AFFILIATE -

TERRELL ARLINE

3205 BRENTWOOD WAY

TALLAHASSEE, FL 32308

(H) 850-894-1116

(W) 850-222-6277, FAX: 850-222-1117

terrella@igc.apc.org

ASSOCIATE -

ALAN RICHARDSON

1710 SHARON RD.

TALLAHASSEE, FL 32303

(H) 850-422-2351

(W) 850-488-6102

(FAX) 850-922-7238

NORTHEAST REGION

REGIONAL DIRECTOR

DAVID O'KEEFE

3931 SE 37TH ST., GAINESVILLE, FL 32641

(W) 352-373-9313, (FAX) 352-371-6027, FullCircle@Delphi.com

DISTRICT III DIRECTORS

AFFILIATE -

DAVID WHITE

4804 SW 45TH STREET

GAINESVILLE, FL 32608

(W) 352-379-3664

(FAX) 352-379-8694

davewhite@igc.apc.org

DISTRICT IV DIRECTORS

AFFILIATE -

GORDON VINES

3026 INDIAN HILL DR.

JACKSONVILLE, FL 32257

(H) 904-737-1955

(W) 904-389-6687

(FAX)904-388-8106

ASSOCIATE -

STEVE O'HARA

1061 HOLLY LANE

JACKSONVILLE, FL 32207

(H) 904-398-8936

(W) 904-356-1955

(FAX) 904-356-3454

sohara@mediaone.net

ASSOCIATE -

DON PINAUD

10010 BELLE RIVER BLVD.#1407

JACKSONVILLE, FL 32256

(H) 904-646-4369

(W) 904-398-1229

(FAX) 904-398-1568

CENTRAL REGION REGIONAL DIRECTOR LEROY WRIGHT 4045 EDGEWOOD PLACE COCOA, FL 32926 (H & FAX) 407-632-8403

DISTRICT V DIRECTORS AFFILIATE -

> RANDY DOWD P. O. BOX 1504 DUNDEE, FL 33838 (H) 941-439-2801

(W) 941-967-5259 (FAX) 941-965-1778 DISTRICT VI DIRECTORS

AFFILIATE -

JODY MILLAR

3823 W. SAN LUIS ST.

TAMPA, FL 33629

(H) 813-831-3099

(W) 813-223-9936

(FAX) 813-223-9938

Pager: 813-883-9494

ASSOCIATE -

ALICE TRAUTMAN 5895 SW 52ND ST. OCALA, FL 34474 (H) 352-237-1717 (W) 352-854-1112

(FAX) 352-854-1231

amtl@mfi.net

ASSOCIATE -

DALE MERYMAN

10408 BLOOMINGDALE AVE.

RIVERVIEW, FL 33569

(H) 813-627-0320

(W) 813-626-9551

(FAX)813-623-6613

SOUTHERN REGION

REGIONAL DIRECTOR

LEE CHAMBERLAIN

4251 SW 77TH AVE., DAVIE, FL 33328 (H) 954-475-8306, (W & FAX) 954-791-8711

chamber1@bellsouth.net

DISTRICT VII DIRECTORS

ASSOCIATE - BISHOP WRIGHT

AFFILIATE -ROBERT STOSSEL, JR.

14241 77 PL. N.

LOXAHATCHEE, FL 33470

(H) 561-753-7888

(W) 561-616-1758

(FAX) 561-616-1784

Pager: 561-552-0842

15439 94TH ST. N.

(H) 561-795-1375

(W) 561-845-0502

W. PALM BCH, FL 33412

RCS@flinet.com

DISTRICT VIII DIRECTORS

AFFILIATE -

CARLOS ALFONSO, JR. 1705 N. 16TH ST.

TAMPA, FL 33605

(W) 813-247-3333

(FAX) 813-247-3395

ASSOCIATE -MARK DOMBROSKI

1842 LYNTON CIR.

WELLINGTON, FL 33414

(H) 561-795-1375

(W) 561-738-1600

(FAX) 561-738-0411

markdombrowski@metlife.net

DISTRICT IX DIRECTORS:

AFFILIATE-

KARL GREER 14781 SW 238 ST. HOMESTEAD, FL 33032 (H)305-258-5871

(W) 305-387-6600

ASSOCIATE-

RALF BROOKES 1075 DUVAL ST., STE. 164 KEY WEST, FL 33040 (H)305-293-0825 (W)305-295-6368 rbrookes@flakeysol.com

All directors are volunteers and receive

The books are in care of ► MANLEY K. FULLER III Telephone no. ► 850-656-7113 Located at ► TALLAHASSEE, FLORIDA ZIP+4 ► 32301

▶ 92

Number of employees employed in the pay period that includes March 12, 1998 (See instructions.)

Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041- Check here

and enter the amount of tax-exempt interest received or accrued during the tax year

AA

	Part VII Analysis of Income-Producing Activitie nter gross amounts unless otherwise		Unrelated business income		sec. 512, 513, or 514	(E) Related or	
idicated.		(A)	(A) (B) Business Amount		(D) Amount	Related or exempt function	
	n service revenue:	code	SS Amount	Exclusion code		income	
	NUAL MEETING		A Property of	7	9,187		
b					71.77		
c			A Marian				
d							
e							
f Medicar	re/Medicaid payments	********	-4117				
	nd contracts from government agenci		110				
	rship dues and assessments					175,59	
	on savings and temporary cash inve			14	744		
	ds and interest from securities			14	28,018		
	tal income or (loss) from real estate:						
debt-fin	anced property	TOTAL CONTRACTOR OF THE CONTRA					
	t-financed property			30	9,190		
	tal income or (loss) from personal pro						
	vestment income						
	(loss) from sales of assets other that			1	-180		
	ome or (loss) from special events			1	107,873		
	profit or (loss) from sales of inventory			41	4,943		
	evenue: a						
p _ Tr T 5	ST RENTAL			13	750		
Subto	otal (add columns (B), (D), and (E))			0	160,525	175,595	
art VIII	Relationship of Activitie Explain how each activity for which of the organization's exempt purports.	n income is reported in colu	nent of Exempt Pu mn (E) of Part VII contrib	outed important			
ne No.	Explain how each activity for which of the organization's exempt purposed MEMBERS RECEPTION	s to the Accomplishr	nent of Exempt Pu mn (E) of Part VII contrib g funds for such purpose ERS AND OTHE	outed important es). ER INFOR	ly to the accomplish	ment	
art VIII	Explain how each activity for which of the organization's exempt purposed MEMBERS RECEPTION	s to the Accomplishment income is reported in columbses (other than by providing CEIVE NEWSLETT NS ON CONSERVANDLIFE ISSUES.	nent of Exempt Pumn (E) of Part VII contrib g funds for such purpose ERS AND OTHE TION AND EDU	outed important es). ER INFOR JCATION	ly to the accomplish	ment)	
art VIII ne No. 4	Explain how each activity for which of the organization's exempt purposed MEMBERS RECONSTRUCTION FLORIDA WITH THE PROPOSED PUBLICATION PUBLICA	s to the Accomplishment income is reported in columbses (other than by providing CEIVE NEWSLETT NS ON CONSERVANDLIFE ISSUES.	nent of Exempt Pumn (E) of Part VII contrib g funds for such purpose ERS AND OTHE TION AND EDU	outed important es). ER INFOR JCATION	ly to the accomplish	ment)	
art VIII ne No. 4 4 art IX me, addr	Explain how each activity for which of the organization's exempt purports of the organization's exempt purports MEMBERS RECONTRACTION FLORIDA WII FLORIDA WII FLORIDA WII formation Regarding Taress, and employer identification of corporation or partnership	s to the Accomplishr h income is reported in colu- pses (other than by providing CEIVE NEWSLETT NS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (Conservation of the column of the co	nent of Exempt Pumn (E) of Part VII contrib g funds for such purpose ERS AND OTHE TION AND EDU	outed important es). ER INFOR JCATION	ty to the accomplishing MATION AND REGARDING	is checked.)	
art VIII ne No. 4 art IX me, addr	Explain how each activity for which of the organization's exempt purposed MEMBERS RECONSTRUCTION FLORIDA WITH THE PROPOSED PUBLICATION PUBLICA	s to the Accomplishr h income is reported in colu- pses (other than by providing CEIVE NEWSLETT NS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (Conservation of the column of the co	ment of Exempt Pumn (E) of Part VII contrib g funds for such purpose ERS AND OTHE TION AND EDU	outed important es). ER INFOR JCATION	' box on line 88	is checked.) End-of-year	
irt VIII ne No. 4 irt IX me, addraumber o	Explain how each activity for which of the organization's exempt purports of the organization's exempt purports MEMBERS RECONTRACTION FLORIDA WII FLORIDA WII FLORIDA WII formation Regarding Taress, and employer identification of corporation or partnership	s to the Accomplishr h income is reported in colu- bees (other than by providing CEIVE NEWSLETT NS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (C Percentage of ownership interest %	ment of Exempt Pumn (E) of Part VII contrib g funds for such purpose ERS AND OTHE TION AND EDU	outed important es). ER INFOR JCATION	' box on line 88	is checked.) End-of-year	
art VIII ne No. 4 4 art IX ne, addr	Explain how each activity for which of the organization's exempt purports of the organization's exempt purports MEMBERS RECONTRACTION FLORIDA WII FLORIDA WII FLORIDA WII formation Regarding Taress, and employer identification of corporation or partnership	s to the Accomplishr h income is reported in colu- pses (other than by providing CEIVE NEWSLETT NS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (Compensate of the compensate of the compensa	ment of Exempt Pumn (E) of Part VII contrib g funds for such purpose ERS AND OTHE TION AND EDU	outed important es). ER INFOR JCATION	' box on line 88	is checked.) End-of-year	
art VIII ne No. 4 art IX ame, addr number o	Explain how each activity for which of the organization's exempt purports of the organization's exempt purports MEMBERS RECONTRACTION FLORIDA WII FLORIDA WII FLORIDA WII formation Regarding Taress, and employer identification of corporation or partnership	s to the Accomplishr h income is reported in colu- pses (other than by providing CEIVE NEWSLETT NS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (Consentage of ownership interest % % % % it I have examined this return, in- psete, Declaration of preparer (other)	ment of Exempt Pu mn (E) of Part VII contril g funds for such purpose ERS AND OTHE TION AND EDU Complete this Part Nature of business activities	if the "Yes"	box on line 88 Total income	is checked.) End-of-year assets	
art VIII ne No. 14 art IX ame, addr number o	Explain how each activity for which of the organization's exempt purports of the organization's exempt purports MEMBERS RECONTRACTION PUBLICATION FLORIDA WII FLOR	s to the Accomplishr h income is reported in colu- pses (other than by providing CEIVE NEWSLETT NS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (Consentage of ownership interest % % % % it I have examined this return, in- psete, Declaration of preparer (other)	ment of Exempt Pu mn (E) of Part VII contril g funds for such purpose ERS AND OTHE TION AND EDU Complete this Part Nature of business activities	if the "Yes"	box on line 88 Total income onts, and to the best of notice preparer has any known to the many known to the many known to the many known to the best of the	is checked.) End-of-year assets my knowledge mowledge. TIT Presion	
Part IX ame, addr	Explain how each activity for which of the organization's exempt purportion of the organization's exempt purportion of the organization's exempt purportion of the organization of corporation or partnership of the organization of corporation or partnership of the organization of the org	s to the Accomplishr in income is reported in colu- pses (other than by providing CEIVE NEWSLETT INS ON CONSERVA LDLIFE ISSUES. Exable Subsidiaries (O Percentage of ownership interest % % % % % % If I have examined this return, inches, Declaration of preparer (other) Accomplished the control of the cont	cluding accompanying scheer than officer) is based on a	if the "Yes" which is a statement of which is a statement of which is a statement of the check	box on line 88 Total income into and to the best of manifer has any known to the service of the control of the	is checked.) End-of-year assets	

OHEDULE A orm 990)

Organization Exempt Under Section 501(c)

(Except Private Foundation) and Section 501(e), 501(f), 501(k), 501(n), or Section 4947(a)(1) Nonexempt Charitable Trust Supplementary Information

ry Information 1998

OMB No. 1545-0047

ient of the Treasury

See separate instructions.

Must be completed by the above organizations and attached to their Form 990 or 990-EZ.

me of the organization Employer identification number FLORIDA WILDLIFE FEDERATION 59-1398265 Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees (See instructions on page 1. List each one. If there are none, enter "None.") (d) Contributions to (e) Expense account and other (a) Name and address of each employee paid more (b) Title and average hours (c) Compensation employee ben. plans & than \$50,000 per week devoted to position deferred compensation allowances None otal number of other employees paid over Or 7: Compensation of the Five Highest Paid Independent Contractors for Professional Services ιII (See instructions on page 1. List each one (whether individuals or firms). If there are none, enter "None.") (a) Name and address of each independent contractor paid more than \$ 50,000 (b) Type of service (c) Compensation ARTCRAFT PRINTERS, INC. P.O. BOX 897 TALLAHASSEE, FL 32302 PRINTING 62,733

otal number of others receiving over \$50,000 for

ofessional services

During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities S 20,363 Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking "Yes," must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities. During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any of its trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary: Sale, exchange, or leasing of property? Lending of money or other extension of credit? Ze Furnishing of goods, services, or facilities?	art	Statements About Activities	-	25	age
attempt to influence public opinion on a legislative matter or referendum? If "Yes," enter the total expenses paid or incurred in connection with the lobbying activities Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A Other organizations checking "Yes," must complete Part VI-B ANID attach a statement giving a detailed description of the lobbying activities. During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any of its inuteses, directors, organization, either directly or indirectly, engaged in any of the following acts with any of its inuteses, directors, organization, either directly or indirectly, engaged in any of the following acts with any of its inuteses, directors, organization, either directly or indirectly, engaged in any of the following acts with any of its inuteses, directors, organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary: Lending of money or other extension of credit? Lending of money or other extension of credit? Payment of compensation (or payment or reimbursement of exp. if more than \$1,000)? Zea State, exchange, or leasing of property? Zea State State 15 Transfer of any part of its income or assets? See Stmt 15 Transfer of any part of its income or assets? See Stmt 15 Transfer of any part of its income or assets? Do you have a section 403(b) annuity? Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See instructions on pages 2 through 4.) Part IVI Reason for Non-Private Foundation Status (See instructions on pages 2 through 4.) Particular in a state or local operation determines that individuals or organizations are related to a confidence part in age 4. A chord-is take, or local operation determines that individuals or organizations			-	Yes	N
Organizations that made an election under section 501(h) by filing Form 5788 must complete Part VI-A. Other organizations checking "Yes," must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities. During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any of its trustees, directors, organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary: Sate, exchange, or leasing of property? 2a Lending of money or other extension of credit? Enumishing of goods, services, or facilities? 2b Payment of compensation (or payment or reimbursement of exc. if more than \$1,000)? Furnishing of goods, services, or facilities? 2c Payment of compensation (or payment or reimbursement of exc. if more than \$1,000)? Transfer of any part of its income or assets? If the answer to any question is "Yes," attach a defailed statement explaining the transactions. Does the organization make grants for scholarships, fellowships, student loans, etc.? 3 Do you have a section 403(b) annutly? Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its chariatible programs qualify to receive payments. (See instructions on pages 2 through 4.) Transfer of non-Private Foundation Status (See instructions on pages 2 through 4.) Transfer or a coperative hospital service organization. Section 170(b)(1)(A)(ii). A church, convention of churches, or association of churches, Section 170(b)(1)(A)(ii). A rederfar, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A rederfar, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(ii), (Also complete the Support Schedule in Part IV-A.) An organiza	att	empt to influence public opinion on a legislative matter or referendum?	1	Х	
During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any of its trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary: Sale, exchange, or leasing of property? Lending of money or other extension of credit? Lending of money or other extension of credit? Payment of compensation (or payment or reimbursement of exp. If more than \$1,000)? See Stmt 15 Transfer of any part of its income or assets? If the answer to any question is "Yes," attach a detailed statement explaining the transactions. Does the organization make grants for scholarships, fellowships, student loans, etc.? 3 Dy you have a section 403(b) annutly? Altach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments, (See instructions on pages 2 through 4.) ganization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i). A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) A norganization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(ii). A community trust. Section 170(b)(1)(A)(ii). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from a governmental unit. Section 170(b)(1)(A)(ii). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives as substantial part of its support from any payments and a supports organization are receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 173% of its support from c	Or	ganizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other			
organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary: 2a beneficiary: 2a calle, exchange, or leasing of property? 2a called of money or other extension of credit? 2b called of money or other extension of credit? 2c called of money or other extension of credit? 2c called of money or other extension of credit? 2d	Du	uring the year, has the organization, either directly or indirectly, engaged in any of the following acts with any			
Sale, exchange, or leasing of property? Lending of money or other extension of credit? Purnishing of goods, services, or facilities? Payment of compensation (or payment or reimbursement of exp. If more than \$1,000)? Transfer of any part of its income or assets? If the answer to any question is "Yes," attach a detailed statement explaining the transactions. Does the organization make grants for scholarships, fellowships, student loans, etc.? Does the organization make grants for scholarships, fellowships, student loans, etc.? 3 Do you have a section 403(b) annutly? Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See instructions on pages 2) TILIVI Reason for Non-Private Foundation Status (See instructions on pages 2 through 4.) annization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(ii). A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii). A rederal, state, or local government or governmental ourils. Section 170(b)(1)(A)(iii). A rederal, state, or local government organization. Section 170(b)(1)(A)(iii). A norganization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iii). An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(ii), (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(ii), (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(ii), (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(ii), (Also complete the Support Schedule in Part IV-A.)	org	ganization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal			
Furnishing of goods, services, or facilities?			2a		
Payment of compensation (or payment or reimbursement of exp. If more than \$1,000)? See Stmt 15 If the answer to any part of its income or assets? If the answer to any question is "Yes," attach a detailed statement explaining the transactions. Does the organization make grants for scholarships, fellowships, student loans, etc.? Do you have a section 403(b) annuity? Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See instructions on page 2 through 4.) ganization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i). A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(ii). A redderal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A redderal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A redderal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A redderal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A roganization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511	Le	nding of money or other extension of credit?	2b		
Transfer of any part of its income or assets? If the answer to any question is "Yes," attach a detailed statement explaining the transactions. Does the organization make grants for scholarships, fellowships, student loans, etc.? Do you have a section 403(b) annuity? Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See Instructions on pages 2 through 4.) Reason for Non-Private Foundation Status (See Instructions on pages 2 through 4.) Ranization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(ii). A school. Section 170(b)(1)(A)(iii). (Also complete Part V, page 4.) A chools. Section 170(b)(1)(A)(iii). (Also complete Part V, page 4.) A rederal, state, or local government or governmental unit. Section 170(b)(1)(A)(iii). A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(iii). A redical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iiv). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) n	Fu	rnishing of goods, services, or facilitles?	2c		
Transfer of any part of its income or assets? If the answer to any question is "Yes," attach a detailed statement explaining the transactions. Does the organization make grants for scholarships, fellowships, student loans, etc.? Do you have a section 403(b) annuity? Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See instructions on page 2.) Reason for Non-Private Foundation Status (See instructions on pages 2 through 4.) ganization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(ii). A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii). A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A rederal, state, or local government or governmental unit. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vii). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from governmental into more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from governmental into controlled by any disqualified persons (other than foundation managers) and supp	Pa	yment of compensation (or payment or reimbursement of exp. if more than \$1,000)?	2d	Х	
Altach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See instructions on page 2.) **TIV*** Reason for Non-Private Foundation Status** (See instructions on pages 2 through 4.) **ganization is not a private foundation because it is: (Please check only ONE applicable box.) **A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i). **A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) **A chospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii). **A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(iii). **A neganization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). **(Also complete the Support Schedule in Part IV-A.) **An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) **An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipits from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) **An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) **Provide the following information about the supported organizations.** (6) Line numbers in the supp		ansfer of any part of its income or assets?	2e		2
Attach a statement to explain how the organization determines that individuals or organizations receiving grants or loans from it in furtherance of its charitable programs qualify to receive payments. (See instr. on page 2.) IV Reason for Non-Private Foundation Status (See instructions on pages 2 through 4.) ganization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i). A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii). A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A rederal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (1
Reason for Non-Private Foundation Status (See instructions on pages 2 through 4.) Ganization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(I). A school. Section 170(b)(1)(A)(II). (Also complete Part V, page 4.) A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(V). A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(V). A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(III). Enter the hospital's name, city, and state An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(IV). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(VI). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(VI). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization stat is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) Provide the following information about the supported organizations. (See instructions on page 4.)			4a		
ganization is not a private foundation because it is: (Please check only ONE applicable box.) A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i). A school. Section 170(b)(1)(A)(ii). (Also complete Part V, page 4.) A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii). A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(ii). A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) Provide the following information about the supported organizations. (See instructions on page 4.)	fro	m it in furtherance of its charitable programs qualify to receive payments. (See instr. on page 2.)			
An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A)(iv). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businessess acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) Provide the following information about the supported organizations. (See instructions on page 4.)		A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii). A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).	ty,		
Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.) An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) Provide the following information about the supported organizations. (See instructions on page 4.) (b) Line numbers.		An organization operated for the benefit of a college or university owned or operated by a governmental unit. Section 170(b)(1)(A	.)(iv).	·\$4.10;	•
An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) Provide the following information about the supported organizations. (See instructions on page 4.) (b) Line numbers of the following information about the supported organizations)		하다. 이 경기 이 아이들이 지어 되어야 되어야 되는 아이들이 얼마나 되었다면 하는데 아니는데 아니는데 아니는데 하는데 얼마나 되었다면 하는데 아니는데 아니는데 아니는데 아니는데 아니는데 아니는데 아니는데 아니			
by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3).) Provide the following information about the supported organizations. (See instructions on page 4.) (a) Name(s) of supported organization(s)	Н	An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions-subject to certain exceptions, and (2) no more than 33 1/3% of	Áa.		
Provide the following information about the supported organizations. (See instructions on page 4.) (a) Name(s) of supported organization(s) (b) Line number 1.		by the organization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.) An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above; or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See	ia		
(a) Name(s) of supported organization(s)		Provide the following information about the supported organizations. (See instructions on page 4.)	Intoc	ina k	
		(a) Name(s) of supported organization(s)			
Harania de la companya della companya della companya de la companya de la companya della company					
An organization organized and operated to test for public safety. Section 509(a)(4). (See instructions on page 4.)					_

Part IV-A Support Schedule (Complete only if you checked a box on line 10, 11, or 12.) Use cash method of accounting. Note: You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting alendar year (or FY beginning in) (a) 1997 (b) 1996 (c) 1995 (d) 1994 (e) Total Gifts, grants, and contr. received. (Do not incl. unusual grants. See line 28.) 126,327 148,226 360,326 128,466 763,345 167,630 175,117 212,302 Membership fees received . 205,453 760,502 Gross receipts from admissions. merchandise sold or services performed, or furnishing of facilities in any activity that is not a bush, unrelated to the organization's 135,696 62,307 108,400 66,583 372,986 charitable, etc., purpose Gross inc. from int., dividends, amounts received from pymt, on securities loans (section 512(a)(5)), rents, royalties, & unrelated busn, taxable inc. (less sec. 511 taxes) from businesses acquired by the organization after June 30, 1975 42,130 31,882 28,096 26,443 128,551 Net income from unrelated business activities not included in line 18 Tax revenues levied for the organization's ben & either paid to it or expended on its behalf The value of services or fact, furnished to the org. by a governmental unit without charge. Do not incl. the value of serv. or facilities generally furnished to the public without charge Other income. Attach a schedule. Do not include gain or (loss) from sale of cap, assets 1,271 3,404 4.719 500 9,894 473,054 420,936 427. 713.843 445 2.035.278 Total of lines 15 through 22 360,862 337,358 358,629 605,443 1,662,292 Line 23 minus line 17 4,731 7,138 Enter 1% of line 23 4,209 274 a Enter 2% of amount in column (e), line 24 Organizations described in lines 10 or 11: 26a 33,246 Attach a list (which is not open to public inspection) showing the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1994 through 1997 exceeded the amount shown in line 26a. Enter the sum of all these excess amounts See Stmt 16 26b 26,754 1,662,292 c Total support for section 509(a)(1) test: Enter line 24, column (e) 26c 18 128,551 19 d Add: Amounts from column (e) for lines: 22 9,894 26b 165,199 26d 1,497,093 e Public support (line 26c minus line 26d total) 26e 90.0620% Public support percentage (line 26e (numerator) divided by line 26c (denominator)) Organizations described on line 12: a For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," attach a list to show the name of, and total amounts received in each year from, each "disqualified person." Enter the sum of such amounts for each year: N/A (1997) (1996) b For any amount included in line 17 that was received from a nondisqualified person, attach a list to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) \$5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year: ^{*}(1997) (1996) (1995) (1994) Add: Amounts from column (e) for lines: 15 ______ 16 27c d Add: Line 27a total and line 27b total 27d 27e Public support (line 27c total minus line 27d total) Total support for section 509(a)(2) test: Enter amount on line 23, column (e) 27f Public support percentage (line 27e (numerator) divided by line 27f (denominator)) 27g % Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) 27h Unusual Grants: For an organization described in line 10, 11, or 12 that received any unusual grants during 1994 through 1997, attach a list (which is not open to public inspection) for each year showing the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant. Do not include these grants in line 15. (See instructions on page 4.) See Stmt 17 Part V Private School Questionnaire (See instructions on page 4.)

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

	N/	A	Yes	No
	Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws,			
	other governing instrument, or in a resolution of its governing body?	29	50 500005000	3000000000
	Does the organization include a statement of its racially nondiscriminatory policy toward students in all its			
	brochures, catalogues, and other written communications with the public dealing with student admissions,			
	programs, and scholarships?	30	8	
	Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during			
	the period of solicitation for students, or during the registration period if it has no solicitation program, in a way			
	that makes the policy known to all parts of the general community it serves? If "Yes," please describe; if "No," please explain. (If you need more space, atlach a separate statement.)	31		
	1444.074.54.44.04.44.44.44.04.04.04.04.04.04.04.04	1000000000		
	, (1111) 111 (111) 111 (111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (1111) 111 (111) (111	1000000000		
	, a a a a man a	000000000		
	Does the organization maintain the following:			
a	Records indicating the racial composition of the student body, faculty, and administrative staff?	32a	1	
	Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory	020		
7	basis?	32b		
С	Copies of all catalogues, brochures, announcements, and other written communications to the public dealing	77.1		
	with student admissions, programs, and scholarships?	32c		
d	Copies of all material used by the organization or on its behalf to solicit contributions?			
	If you answered "No" to any of the above, please explain. (If you need more space, attach a separate statement.)			
		000000000		
	Does the organization discriminate by race in any way with respect to:			
a	Students' rights or privileges?	33a		
		100		
b	Admissions policies?	33b	1	
		1,155		
С	Employment of faculty or administrative staff?	33c	1	_
a.	NUMBER OF THE PROPERTY OF THE			
a	Scholarships or other financial assistance?	33d	-	-
	Educational policies?	33e	1	7
e	Educational policies?	336		-
f	Use of facilities?	33f		
•	Use of facilities?	331		
a	Athletic programs?	33g		
9	Amena bian and the second seco			
h	Other extracurricular activities?	33h		
	If you answered "Yes" to any of the above, please explain. (If you need more space, attach a separate statement.)			
		+134 (m) h		
3	Does the organization receive any financial aid or assistance from a governmental agency?	34a		-
	And a second	.5.51		
b	Has the organization's right to such aid ever been revoked or suspended?	34b		
	'f you answered "Yes" to either 34a or b, please explain using an attached statement.			
	Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev.	88888		
	Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If "No." attach an explanation	25		

	A WILDL 'E		0.00		3826	5	Page 5
Part VI-A Lobbying Expendit (To be completed ONLY				on page	6.)		
	pelongs to an affiliated		00)				
: 10 TO TO THE PERSON THE PERSON TO THE PERSON THE PERSON TO THE PERSON TO THE PERSON TO THE PERSON TO THE PERSON	above and "limited con	5.4.37					
Limits on L	obbying Expendi	furas			(a)		(b)
Ellints off E	obbying Expendi	tures		Affilia	ited group otals		To be completed for ALL electing
(The term "expenditure					7000		organizations
6 Total lobbying expenditures to influence p							20.000
7 Total lobbying expenditures to influence a							20,363
Total lobbying expenditures (add lines 36Other exempt purpose expenditures				-			20,363 460,801
Total exempt purpose expenditures (add)							481,164
Lobbying nontaxable amount. Enter the a							401,104
If the amount on line 40 is-	The lobbying nont						
Not over \$500,000							
Over \$500,000 but not over \$1,000,000	. \$100,000 plus 15%	of the excess over \$5	00,000				
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10%	of the excess over \$1	,000,000 41				96,233
Over \$1,500,000 but not over \$17,000,00	0 \$225,000 plus 5% c	of the excess over \$1,5	500,000				
Over \$17,000,000		and the second second second second second	- 1310110000				
2 Grassroots nontaxable amount (enter 25%			7 1 0 0 0 0 0	_			24,058
3 Subtract line 42 from line 36. Enter -0- if I		The factor of the transfer of the					0
4 Subtract line 41 from line 38. Enter -0- if I	ine 41 is more than line	38	44				0
Caution: If there is an amount on either I	ine 43 or line 44 file Ed	orm 4720					
		ng Period Under	Section 501(1)		•••••••••••••••••••••••••••••••••••••••	
(Some organizations th					e columns	s below	
	See the instruction	ns for lines 45 through	50 on page 7.)		See S	Stmt	18
		Lobbying Expen	ditures During	4-Year A	veraging	Period	
alendar year (or	(a)	(b)	(c)	-	(d)		(e)
fiscal year beginning in)	1998	1997	1996		1995		Total
		7 77717				- 1	
5 Lobbying nontaxable amount	96,233	109,406	108,82	1			314,460
6 Lobbying ceiling amount (150% of							120 000
line 45(e))						-	471,690
- Carlos	20 262	20 102	62.24	4		- 1	102 000
7 Total lobbying expenditures	20,363	20,192	63,34	4			103,899
8 Grassroots nontaxable amount	24,058	27,352	27,20	5			78,615
9 Grassroots ceiling amount (150% of	24,030	27,332	21,20	3			70,013
line 48(e))							117,923
Grassroots lobbying expenditures							
Part VI-B Lobbying Activity I							
(For reporting only by org				on page 8	3.)		
ouring the year, did the organization attempt					Yes	No	Amount
ttempt to influence public opinion on a legisl	ative matter or reference	dum, through the use of	ot:			Х	
Volunteers Paid staff or management (include corr	noncoling la evaceace	reported on lines of the	rough h	******	**	X	
 Paid staff or management (include comments) Media advertisements 			The state of the s			X	
d Mailings to members, legislators, or the						X	
				THE RESERVE OF THE RESERVE			

)urir	g the year, did the organization attempt to influence national, state or local legislation, including any	Yes	No	Amount
tter	opt to influence public opinion on a legislative matter or referendum, through the use of:	165	NO	Amount
a	Volunteers		X	
b	Paid staff or management (include compensation in expenses reported on lines c through h.)	-	X	
C	Media advertisements	100	X	
d	Mailings to members, legislators, or the public	- :	X	
е	Publications, or published or broadcast statements		Х	
f	Grants to other organizations for lobbying purposes		X	
g	Direct contact with legislators, their staffs, government officials, or a legislative body	1	X	
	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means		X	
	Total lobbying expenditures (add lines c through h)			

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities

See Stmt 19

Part VII Information Regarding Transfers To and Transactions and Relationships With Noncharitable

		Exempt Organiza	tions					
Di	id the repo	rting organization direc	tly or indirec	tly engage in any of the following w	vith any other organization described in section			
50	01(c) of the	Code (other than sect	ion 501(c)(3	organizations) or in section 527, r	relating to political organizations?			
a Tr	ransfers fro	om the reporting organia	zation to a n	oncharitable exempt organization of	of:		Yes	No
(i) Cash		*******			51a(i)	2110	X
(i						a(ii)		X
b 0	ther transa					1		
(b(i)		X
(i	i) Purch	ases of assets from a n	oncharitable	exempt organization		b(ii)	1	X
(ii					***************************************	b(iii)	4 - 1	X
(iv					***********************************	b(iv)		X
(/) Loans	or loan guarantees			******************************	b(v)	200	X
(v	i) Perfor	mance of services or m	nembership o	or fundraising solicitations		b(vi)		X
c Sh					***************************************	С		X
d If	the answe	r to any of the above is	"Yes," comp	olete the following schedule. Colum	nn (b) should always show the fair market value of	f the		
go	oods, other	assets, or services give	en by the re	porting organization. If the organiz	ation received less than fair market value in any			
tra	ansaction o	or sharing arrangement	, show in co	umn (d) the value of the goods, ot	her assets, or services received:			
((a)	(b)		(c)	(d)			
Lin	e no.	Amount involved	Name of	noncharitable exempt organization	Description of transfers, transactions, and sharing	g arrange	ments	
N/A	1							
			1-					
-								
		75.50						
		-						_
_								_
- 10		and the state of the state of	-11 (01)-1-1	little or related to one or serve to	travanut appailmettana		_	_
	10.00		and the second second second	with, or related to, one or more ta	x-exempt organizations	□ Y	F	10-
				han section 501(c)(3)) or in section	15277	Ц	es M	NO
וו מ	"Yes," con	nplete the following sch	leaule:	(4)	(-)		_	
		(a)		(b)	(c)			
N/		Name of organization		Type of organization	Description of relationship			
1/1	A						-	
_								
_			-					
-			-				_	_
								_
								_
_							-	_
					<u> </u>			
_								_
					<u> </u>			
1								
11-								

Form 990	4	, Je	cial Events Sch	iedule		1998
Form 990	For calendar	year 1998, or tax year be	eginning 10/	01/98 , and ending	9/30/99	1990
ame		7 1 7 7 7 7				entification Number
_ORIDA W	ILDLIFE F	'EDERATION			59-1398	3265
		(A)	(B)	(C)	Others	Total
Gross receipts	6	310,354	75,009	5,000	0	390,363
Less contribut	tions	0	0	0	Ö	0
Gross revenue	9	310,354	75,009	5,000	0	390,363
Less direct ex	penses	234,601	47,889	0	0	282,490
Net income (lo	ess)	75,753	27,120	5,000	0 =	107,873
Descriptions A) <u>E</u>	BOAT SWEE	PSTAKES				
B) <u>c</u>	CARD PROG	RAM			160	
C) <u>s</u>	SALT WATE	R CLASSIC				
Others _						

Not Open for	S .edule of C	1 1998		
Public Inspection	For calendar year 1998, or tax year beginning	10/01/98	, and ending	9/30/99
ime	200000000000000000000000000000000000000			Employer Identification Number
_ORIDA WI	LDLIFE FEDERATION			59-1398265
Name and Addres			e, and Description:	W6 4757-125
	WILDLIFE FEDERATION SBURG PIKE VA 22184	\$ Cash	5,000	11/05/98
ONE CNN	OUNDATION CENTER SUITE 1090 S TOWER GA 30303	\$ Cash	40,000	VARIOUS
A CO. CO. CO. CO. CO. CO.	FOUNDATION T KENNEDY BLVD #319 L 33609	\$ Cash	30,000	VARIOUS
,	Y FAMILY TRUST H GRAND AVE STE 2600 LES, CA 90071	\$ Cash	25,000	2/10/99
VARIOUS	CONTRIBUTORS	\$ Cash	109,206	VARIOUS

Totals

45 01/13/2000 9:12 AM Mortgages and Other Notes Payable Form 990 1998 10/01/98 , and ending For calendar year 1998, or tax year beginning 9/30/99 **Employer Identification Number** FLORIDA WILDLIFE FEDERATION 59-1398265 Form 990, Part IV, Line 64b - Additional Information Name of lender Relationship to disqualified person CAPITAL CITY BANK N/A Original amount Maturity Interest borrowed Date of loan date Repayment terms rate 30,782 3/03/97 3/03/99 CREDIT LINE PAID MONTHLY 9.250 0) Security provided by borrower Purpose of loan REAL ESTATE WORKING CAPITAL LOAN Balance due at Balance due at beginning of year Consideration furnished by lender end of year 15,001 45,657

15,001

45,657

4562

preciation and Amortization

(Including Information on Listed Property)

OMB No. 1545-0172

1998

emal Revenue Service (99) :) shown on return

► See separate instructions.

Attach this form to your return.

Attachment Sequence No. Identifying number

ORIDA WILDLIFE					59-139	98265
siness or activity to which this form rela						
Indirect Deprecia Part Election To Exp		ngible Property (S	action 170\	Notory		rty," complete Pt. V before Pt.
Maximum dollar limitation. If a						
Total cost of section 179 prope	orty placed in conjec	See page 2 of the instr	instructions		2	\$18,500
Threshold cost of section 179						\$200,000
Reduction in limitation. Subtra						\$200,000
Dollar limitation for tax year, S				**********	200003883	
filing separately, see page 2 o					5	
	ption of property) Cost (business u		ected cost	
Listed property, Enter amount	from line 27		**********	7		
Total elected cost of section 1	79 property. Add amou	unts in column (c), lines	6 and 7	**************	B	
Tentative deduction. Enter the	smaller of line 5 or lin	e 8			9	
Carryover of disallowed deduc					and the second s	
Business income limitation. En						
Section 179 expense deduction						
Carryover of disallowed deductors. Do not use Part II or Part III below dain computers, or property used for en	tion to 1999. Add lines	9 and 10, less line 12	collular telephone	13		
tain computers, or property used for en	tertainment, recreation, or	amusement), Instead, use	Part V for listed pro	perty.	T	
Part II MACRS Depred					lax Year (D	o Not Include Listed Property.
	S	ection A-General Asse	t Account Electi	ion		
10 constraint markets at the allower	1/4/100 b == 11=== == == == == == == == == = = = = = =	\	wastiffer asserted at	lively and the forest and	-1-12-22	
If you are making the election						S.F.
If you are making the election or more general asset accoun	its, check this box. See	page 3 of the instruction	ons			> []
	section B-General	page 3 of the instruction Depreciation System	ons (GDS) (See page	3 of the instructi)
	its, check this box. See	page 3 of the instruction	(GDS) (See page	3 of the instructi		(g) Depreciation deduction
or more general asset account (a) Classification of property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page	3 of the instructi	ons.)	
ur more general asset account (a) Classification of property a 3-year property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page	3 of the instructi	ons.)	
ur more general asset account (a) Classification of property a 3-year property b 5-year property c 7-year property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page	3 of the instructi	ons.)	
(a) Classification of property a 3-year property b 5-year property c 7-year property d 10-year property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page	3 of the instructi	ons.)	
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page	3 of the instructi	ons.)	
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page (d) Recovery period	3 of the instructi	ons.) (f) Method	
or more general asset account (a) Classification of property a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page (d) Recovery period	e 3 of the instructi	ons.) (f) Method	
ur more general asset account (a) Classification of property a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page on (d) Recovery period 25 yrs. 27.5 yrs.	(e) Convention	ons.) (f) Method S/L S/L	
or more general asset account (a) Classification of property ia 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	cons (GDS) (See page on see (d) Recovery period (25 yrs. 27.5 yrs. 27.5 yrs.	(e) Convention MM MM	ons.) (f) Method S/L S/L S/L	
or more general asset account (a) Classification of property a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real	sts, check this box. See Section B-General (b) Month and year placed in	Depreciation System (c) Basis for depreciation business/investment u	(GDS) (See page on (d) Recovery period 25 yrs. 27.5 yrs.	(e) Convention MM MM MM MM	ons.) (f) Method S/L S/L S/L S/L S/L	
or more general asset account (a) Classification of property ia 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property	ats, check this box. See Section B-General (b) Month and year placed in service	page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions)	cons	(e) Convention MM MM MM MM MM	ons.) (f) Method S/L S/L S/L S/L S/L S/L	
or more general asset account (a) Classification of property a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property	ats, check this box. See Section B-General (b) Month and year placed in service	Depreciation System (c) Basis for depreciation business/investment u	cons	(e) Convention MM MM MM MM MM	S/L S/L S/L S/L S/L S/L S/L S/L	
a 3-year property b 5-year property c 7-year property d 10-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property	ats, check this box. See Section B-General (b) Month and year placed in service	page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions)	25 yrs. 27.5 yrs. 39 yrs.	(e) Convention MM MM MM MM MM	ons.) (f) Method S/L S/L S/L S/L S/L S/L	
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property h Residential rental property i Nonresidential real property c Class life b 12-year	ats, check this box. See Section B-General (b) Month and year placed in service	page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions)	cons	(e) Convention MM MM MM MM MM	S/L	
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property c Class life b 12-year c 40-year	sts, check this box. See Section B-General (b) Month and year placed in service Section C-Alternative	page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions)	25 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 40 yrs.	MM	S/L	
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property a Class life b 12-year c 40-year Part III Other Deprecia	Section B-General (b) Month and year placed in service Section C-Alternative ation (Do Not Incl.)	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unit) conly-see instructions) e Depreciation System ude Listed Proper	25 yrs. 27.5 yrs. 27.5 yrs. 39 yrs. 12 yrs. 40 yrs.	MM	S/L	
a 3-year property b 5-year property c 7-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property c Class life b 12-year c 40-year Cother Deprecia	Section B-General (b) Month and year placed in service Section C-Alternative ation (Do Not Inclusive placed in service)	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions) e Depreciation System ude Listed Proper ce in tax years beginnin	25 yrs. 27.5 yrs. 27.5 yrs. 39 yrs. 1 (ADS) (See page	MM	S/L	(g) Depreciation deduction
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property h Residential rental property i Nonresidential real property c 40-year	Section B-General (b) Month and year placed in service Section C-Alternative ation (Do Not Incluses service)	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions) e Depreciation System ude Listed Proper ce in tax years beginning	25 yrs. 27.5 yrs. 27.5 yrs. 39 yrs. 1 (ADS) (See page	MM	S/L	(g) Depreciation deduction
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property h Residential rental property i Nonresidential real property c 40-year c 40-year Part III Other Deprecial GDS and ADS deductions for Property subject to section 16 ACRS and other depreciation Part IV Summary (See p.	Section B-General (b) Month and year placed in service Section C-Alternative ation (Do Not Incl.) assets placed in service assets placed in service (b) Month and year placed in service	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions) e Depreciation System ude Listed Proper ce in tax years beginning	25 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 40 yrs. 40 yrs. 40 yrs. 40 yrs.	MM	S/L S/L S/L S/L S/L S/L S/L S/L S/L 1001 S/L	(g) Depreciation deduction
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property c 40-year C 40-year C 40-year Part III Other Deprecial GDS and ADS deductions for Property subject to section 16 ACRS and other depreciation Part IV Summary (See p.	Section B-General (b) Month and year placed in service Section C-Alternative ation (Do Not Incluses to place a placed in service) ation (Do Not Incluses to placed in service) age 6 of the instruction from line 26	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment under the conty-see instructions) e Depreciation System ude Listed Proper ce in tax years beginning	25 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 40 yrs. 40 yrs. 25 yrs.	MM	S/L S/L S/L S/L S/L S/L S/L S/L S/L 1001 S/L	(g) Depreciation deduction
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property c 40-year	Section B-General (b) Month and year placed in service Section C-Alternative ation (Do Not Incl. assets placed in service) assets placed in service (b) Month and year placed in service ation (Do Not Incl. assets placed in service) (c) (f) election (d) (d) election (d) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment under the conty-see instructions) e Depreciation System ude Listed Proper ce in tax years beginning the column (g), and lines 1	25 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 40 yrs. 40 yrs. 7 through 20. Ent	MM	S/L S/L S/L S/L S/L S/L S/L S/L 1001 S/L	(g) Depreciation deduction
a 3-year property b 5-year property c 7-year property d 10-year property e 15-year property f 20-year property g 25-year property h Residential rental property i Nonresidential real property c 40-year C 40-year C 40-year Part III Other Deprecial GDS and ADS deductions for Property subject to section 16 ACRS and other depreciation Part IV Summary (See p.	Section B-General (b) Month and year placed in service Section C-Alternative Ation (Do Not Incluses to place a placed in service) ation (Do Not Incluses to place a placed in service) ation (Do Not Incluses to place a placed in service) at (1) election age 6 of the instruction and the place and 16 in placed and 15 in placed and 16 in placed and 15 in placed and 16 in plac	e page 3 of the instruction Depreciation System (c) Basis for depreciation (business/investment unity-see instructions) e Depreciation System ude Listed Proper ce in tax years beginning ns.) column (g), and lines 1 thips and S corporations	25 yrs. 27.5 yrs. 27.5 yrs. 27.5 yrs. 40 yrs. 40 yrs. 40 yrs. 7 through 20. Enti-see instructions	MM	S/L S/L S/L S/L S/L S/L S/L S/L 1001 S/L	(g) Depreciation deduction

59-1398265

rederal Statements

FYE: 9/30/1999

Statement 1 - Form 990, Part I, Line 8c - Sale of Assets Other than Inventory-Securities

	Desc				He		Whom Sold	
	Date Acquired	Date Sold		Sale Price		Cost & Expense	Deprec	Net Basis
FIDELITY ADV HEALTH	CARE			Dor	at	ion		
	Various	Various	\$	7,162	\$	6,653	\$	\$ 6,653
Total			\$_	7,162	\$_	6,653	\$ 0	\$ 6,653

Statement 2 - Form 990, Part I, Line 8c - Sale of Assets Other than Inventory-Other

	Desc		-51	How Rec'			Whom Sold	2	
	Date Acquired	Date Sold	Sale Price		Cost & Expense		Deprec		Net Basis
COPIER	A STATE OF THE STA		Pu	rcha	se				
	1/01/90	9/30/99	\$	\$	5,444	\$	5,444	\$	
GREEN EXEC. CHAIR			Pu	rcha	se				
	11/05/89	9/30/99			1		1		
COMPUTER-PENTIUM 75			Pu	rcha	se				
	3/21/95	9/30/99			2,303		1,901		402
HP 4+ LASER PRINTER			Pu	rchas	se				
	3/21/95	9/30/99			1,645		1,358	-	287
Total			\$	\$	9,393	\$_	8,704	\$_	689

Statement 3 - Form 990, Line 10c - Sales of Inventory

Description	Gross Sales	cogs	Gross Profit		
EDUCATIONAL MATERIAL SALES	\$ 10,397	\$ 5,454	\$	4,943	
Total	\$ 10,397	\$ 5,454	\$	4,943	

Statement 4 - Form 990, Line 20 - Other Changes in Net Assets or Fund Balances

Description	Amount
APPRECIATION OF VALUE IN INVESTMENTS	\$ 20,688
Total	\$ 20,688

Statement 5 - Form 990, Part II, Line 43 - Other Functional Expenses

Description	Total Expenses	Program Service	Mgt & General	Fund- Raising
Indirect Expense	\$	\$	\$	\$
CONTRACT SERVICES	80,137	68,541		11,596
DUES AND SUBSCRIPTIONS FUNDRAISING COSTS	1,814 26,172	1,333	454	27 26,172

145 FLORIDA WILDLIFE FEDERATION

59-1398265

ederal Statements

FYE: 9/30/1999

Statement 5 - Form 990, Part II, Line 43 - Other Functional Expenses (continued)

Description		Total Expenses		Program Service	Mgt & General	Fund- Raising
NEW MEMBER PROGRAMS	\$	64,851	\$	64,851	\$	\$
AWARDS		2,200		2,200		
BANK CHARGES		2,784			2,784	
TAXES AND LICENSES		151			151	
TRAINING		304		223	76	5
OTHER DIRECT PROGRAM EXP.	1.2	15,727		15,727		
Total	\$_	194,140	\$_	152,875	\$ 3,465	\$ 37,800

Statement 6 - Form 990, Part III, Line a - Statement of Program Service Accomplishments

PRODUCE A NEWSLETTER FOR THE MEMBERSHIP OF THE FLORIDA WILDLIFE FEDERATION UPDATING THEM ON RECENT LEGISLATIVE ISSUES, CURRENT WILDLIFE TOPICS AND INCREASING AWARENESS ON IMPORTANT ENVIRONMENTAL ISSUES. ENCOURAGED MEMBERS TO SUPPORT EFFORTS IN PROMOTING ENVIRONMENTAL ISSUES.

Statement 7 - Form 990, Part III, Line b - Statement of Program Service Accomplishments

LED THE EFFORT TO CREATE A UNIFIED FISH AND WILDLIFE CONSERVATION COMMISSION IN THE STATE OF FLORIDA. LED A NALITION OF CONSERVATION ORGANIZATIONS AND INDIVIDUALS TO SUPPORT THE PASSAGE OF A CONSTITUTIONAL AMENDMENT WHICH WILL CREATE THE UNIFIED FISH AND WILDLIFE CONSERVATION COMMISSION.

SUPPORTED EFFORTS TO SAVE WAKULLA SPRINGS STATE PARK SURROUNDINGS FROM DEVELOPMENT; BRING ABOUT HIGHER WATER QUALITY STANDARDS FOR POLLUTED LAKES AND RIVERS IN FLORIDA AND BRING IMPERILED RED SNAPPER FISHERY BACK FROM NEAR COLLAPSE.

MAKE AVAILABLE WILDLIFE PRINTS, PSOTERS, VIDEOS, BOOKS AND OTHER ITEMS RELATED TO CONSERVATION EDUCATION. DISTRIBUTED CONSERVATION EDUCATION MATERIALS SUCH AS WILDLIFE WEEK KITS TO TEACHERS AND STUDENTS AND THE GENERAL PUBLIC. USE THE INTERNET TO COMMUNICATE WITH STUDENTS AND INDIVIDUALS TO ANSWER QUESTIONS REGARDING WILDLIFE ISSUES AND MAKE AVAILABLE EDUCATIONAL MATERIALS.

SUPPORTED ALONG WITH OTHER PRIVATE GROUPS AND PUBLIC AGENCIES THE "BE GATOR SAFE" SIGNS WHICH ARE NOW INSTALLED AT BOAT RAMPS AND RECREATION AREAS THROUGHOUT THE SOUTHEASTERN UNITED STATES.

Statement 8 - Form 990, Part IV, Line 54 - Investments in Securities

Description	Beginning of Year	End of Year	Basis of Valuation
Corporate Stock	22/12/2	31 012	16.74
FIDELITY VALUE FUND	41,668	50,138	Market
FIDELITY UTILITIES FUND	54,303	70,085	Market
GENERAL ELECTRIC -REINVESTMENT PLAN	1,535	2,149	Market

145 FLORIDA WILDLIFE FEDERATION

59-1398265

rederal Statements

FYE: 9/30/1999

Statement 8 - Form 990, Part IV, Line 54 - Investments in Securities (continued)

Description	ŀ	Beginning of Year	End of Year	Basis of Valuation
GENERAL ELECTRIC FIDELITY ADV. FINANCIAL SERVICE FUND MUTUAL SHARE EUROPE FUND FIDELITY ADV EQUITY GROWTH FUND FIDELITY ADV HEALTH CARE FUND FPL GROUP, INC TRW PUTNAM INTERNATIONAL OPPORTUNITY TEMPELTON LATIN AMERICA FUND	\$	23,340 457 6,434 5,339 6,197	\$ 33,158 521 8,154 14,594	Market Market Market Market Market Market Market Market
Corporate Bonds FHLMC COLLATERALIZED MORTGAGE BOND MUTUAL OF OMAHA BOND FUND FIDELITY INVESTMENT GRADE BOND FUND FIDELITY CAPITAL AND INCOME FUND MERRILL LYNCH FRANKLIN BOND FUND		24,796 998 31,323 49,496 10,683 256,569	23,781 723 31,405 57,651 10,208 302,567	Market Market Market Market Market

Statement 9 - Form 990, Part IV, Line 57 - Land, Buildings, and Equipment

- 7	Beginning of Year		Accum Deprec		End of Year		Accum Deprec
Ś	65.513	Š	27.467	Ś	56.120	Ś	28,600
Υ.	03,313	4	27,107	4	50,120	4	20,000
	3,819		3,819		3,818		3,818
	265 011		65 643		265 011		71,595
	205,011		03,043		265,011		11,555
	5,431	16	1,372		5,431		1,711
\$_	339,774	\$_	98,301	\$_	330,380	\$_	105,724
	\$	of Year \$ 65,513 3,819 265,011 5,431	of Year \$ 65,513 \$ 3,819 265,011 5,431	of Year Deprec \$ 65,513 \$ 27,467 3,819 3,819 265,011 65,643 5,431 1,372	of Year Deprec \$ 65,513 \$ 27,467 \$ 3,819 3,819 265,011 65,643 5,431 1,372	of Year Deprec Year \$ 65,513 \$ 27,467 \$ 56,120 3,819 3,819 3,818 265,011 65,643 265,011 5,431 1,372 5,431	of Year Deprec Year \$ 65,513 \$ 27,467 \$ 56,120 \$ 3,819 3,819 3,818 265,011 65,643 265,011 5,431 1,372 5,431

Statement 10 - Form 990, Part IV, Line 58 - Other Assets

Description	Beginning of Year	End of Year
PROPERTY HELD- CONSERVATION PURPOSES UTILITY DEPOSIT	\$ 437,685	\$ 436,581 1,063
Total	\$ 437,685	\$ 437,644

59-1398265

rederal Statements

FYE: 9/30/1999

Statement 11 - Form 990, Part I	/, Line 65 - Other Liabilities
---------------------------------	--------------------------------

Description	B	Beginning of Year		End of Year	
DUE TO BENEFICIARIES	\$	36,000	\$	33,00	00
Total	\$	36,000	\$	33,00	00
Statement 12 - Form 990, Pa	rt IV-A - Other Reve	nue Included	in Fina	ncial Sta	tements
Descri	ption			A	mount
MISCELLANEOUS				\$	290
Total				\$	290
Statement 13 - Form 9		r Expenses Ir	ncluded		
Descri		r Expenses Ir	ncluded		<u>rn</u> mount -290 -290
Descri MISCELLANEOUS Total				\$\$	mount -290
Descri MISCELLANEOUS Total	ption m 990, Part VI, Line			\$s	mount -290 -290
Descri MISCELLANEOUS Total Statement 14 - For	ption m 990, Part VI, Line			\$s	mount -290 -290

Statement 15 - Schedule A, Part III, Question 2d - Payment of Compensation

SEE PART V FORM 990

Statement 16 - Schedule A, Part IV-A, Line 26b - Excess Gifts

Donor Name	lotal	Excess
DONNELLEY FAMILY TRUST	\$ 60,000	\$ 26,754
Total	\$ 60,000	\$ 26,754

145 FLORIDA WILDLIFE FEDERATION 59-1398265 rederal Statements

FYE: 9/30/1999

Statement 17 - Schedule A, Part IV, Line 28 - Unusual Grants

	Name							
Date	Amount					De	escription	
HARDER FOUNDA	TION							
12/31/95	113,500	TO	FUND	SW	FLORIDA	OFFICE		
HARDER FOUNDA								
12/31/94	134,700	TO	FUND	SW	FLORIDA	OFFICE		
HARDER FOUNDA								
12/31/93	89,825	TO	FUND	SW	FLORIDA	OFFICE		
Total	338,025							

Statement 18 - Schedule A, Part VI-A - Explanation for Not Completing All Columns

FORM 5768 FILED FOR FYE 9-30-96

Statement 19 - Schedule A, Part VI-B - Description of Lobbying Activities

EDUCATING LEGISLATORS AND STAFF ON ENVIRONMENTAL ISSUES. PROVIDING TESTIMONY TO LEGISLATIVE COMMITTEES ON FISH AND WILDLIFE RELATED LEGISLATION.

ARTICLES OF INCORPORATION

OF

GREATER PINE ISLAND CIVIC ASSOCIATION, INC.

(A Corporation Not-For-Profit)

These Articles of Incorporation are signed and acknowledged by the incorporator for the purpose of forming a non-profit corporation under the provisions of Chapter 617 of the Florida Statutes known as the Florida Not for Profit Corporation Act, as follows:

ARTICLE I NAME OF CORPORATION

The name of the corporation is GREATER PINE ISLAND CIVIC ASSOCIATION, INC. The principal place of business shall be at Pine Island, Lee County, Florida, or at such other place as the Board of Directors may from time to time designate.

ARTICLE II TERM OF EXISTENCE

This corporation shall have a perpetual existence unless sooner liquidated by operation of law.

ARTICLE III PURPOSE

The general nature of the objects of this corporation are as follows:

- A. Said corporation is organized and shall be operated exclusively for the betterment of the Greater Pine Island area, to perform and do any act of a general or specific civic nature, and in connection therewith to hold and accept bequests of gifts; and for the accomplishment of the general purposes hereof, to have all power and authority to do anything and everything necessary or desirable in the furtherance of the purposes hereof not inconsistent with such purposes.
- B. The corporation may own, lease, or acquire property both real, personal, and mixed, either by gift or purchase, for the use and benefit of the corporation in the furtherance of its

ARTICLE IV MEMBERSHIP

Any person may become a member of this corporation under such conditions as may be prescribed by the Bylaws.

ARTICLE V DEDICATION OF ASSETS

No part of the income of this corporation shall be distributed to its members, except as compensation for services rendered.

ARTICLE VI MANAGEMENT

The affairs of the corporation shall be managed by a Board of Directors, a President, Vice President, Secretary, and Treasurer. Such officers shall be elected at the first meeting of the Board of Directors following each annual meeting of the members. The qualifications for membership and manner of their admission not otherwise stated herein, shall be regulated by the Bylaws of this corporation.

The names of the officers who are to serve until the first election are:

Leroy Wacker Eugene Boyd Barbara Howard Carlyn Herring President Vice President Secretary Treasurer

ARTICLE VII BOARD OF DIRECTORS

The number of Directors consituting the initial Board of Seven (7)
Directors is eight (8). The names and addresses of the initial
Board of Directors are:

DOROTHY BIRMINGHAM 4729 Berkshire Road St. James City, FL 33956 ELEANOR BOYD 5225 Serenity Cove Bokeelia, FL 33922

BOB DEADWYLER 16136 Bowline Bokeelia, FL 33922

DONALD GESSMAN 3493 Snowbird Lane St. James City, FL 33956

JOHN KING 5807 Tarpon Road Bokeelia, FL 33922 RICHARD PATTERSON 3430 Pine Tree Drive St. James City, FL 33956

LEROY WACKER 15454 Pembroke Road Bokeelia, FL 33922 objectives; I may build, construct, equi, and maintain such buildings, structures and complete establishments as may from time to time be necessary to carry out its corporate purposes.

- privileges, and powers, and have the benefits of such immunities as may be given to or enjoyed by non-profit insitututions under the laws of the State of Florida. By the enumeration of special powers herein, no limitation is intended or shall be held to be placed on the right of the corporation to exercise any and all rights, powers, and privileges permissible under the laws of the State of Florida.
- D. The Board of Directors shall have the sole power to determine who shall be entitled to have access to and the use of facilities of the corporation, and to prescribe the rules and regulations for the operation of the said facilities of the corporation; and the said Board of Directors shall have full power and authority to determine all rules and regulations in connection therewith.
 - E. No member of the corporation shall ever receive any monetary renumeration or compensation whatsoever by virtue of membership in the corporation.
 - F. The general purposes for which this corporation is formed are to operate exclusively for such charitable purposes as will qualify it as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 or corresponding provisions of any subsequent federal tax laws, including, for such purposes, the making of distributions to organizations qualifying as tax-exempt organizations under that Code.
- G. The corporation shall not, as a substantial part of tis activities, carry out propaganda or otherwise attempt to influence legislation; nor shall it participate or intervene (by publication or distribution of any statement or otherwise) in any political campaign on behalf of any candidate for public office.

The name and address of the incorporator is:

James T. Humphrey

Humphrey, Jones & Myers, P.A. 1625 Hendry Street, Suite 301 Fort Myers, Florida 33901

ARTICLE VIII REGISTERED AGENT AND OFFICE ADDRESS

The initial registered agent of the corporation shall be James T. Humphrey and the initial registered address of the corporation shall be 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901.

ARTICLE IX BYLAWS

The Bylaws of the Corporation shall be adopted by the Board of Directors and may be altered, amended or rescinded in the manner provided by the Bylaws.

ARTICLE X EFFECTIVE DATE

The effective date of this corporation shall be upon filing with the Office of the Secretary of State of the State of Florida.

IN WITNESS WHEREOF the incorporator has signed these Articles of Incorporation for the purpose of forming this non-profit, charitable corporation under the laws of the State of Florida, this game day of acceptance, 1987.

danies T. Humphrey

STATE OF FLORIDA)
COUNTY OF LEE)

On this Daday of County, personally appeared Notary Public, in and for said County, personally appeared JAMES T. HUMPHREY to me known to be the person named in and who executed the foregoing instrument, and severally acknowledged that he executed the same freely and for the intents and purposes therein expressed.

Streleune a. Fragine Notary Public

My Commission Expires:

Rotary Public, State of Florida My Commission Expires Oct. 16, 1987 CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN THIS STATE, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

In pursuance of Chapter 48.091 Florida Statutes, the following is submitted in compliance with said Act:

GREATER PINE ISLAND CIVIC ASSOCIATION, INC., desiring to organize under the laws of the State of Florida, has named James T. Humphrey located at 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, as its agent to accept service of process within this State.

ACKNOWLEDGMENT:

Having been named to accept service of process for the above-stated corporation at place designated in this Certificate, I hereby accept to act in this capacity and agree to comply with the provisions of said Act relative to keeping open said office.

By:

James T. Humphrey Registered Agent



Volume 9, Issue 10 - October 1999

WHEN IS A RULE NOT A RULE?

The road to Pine Island is paved with good intentions and Lee County Commission rules. Good intentions tend to be positive, while the Commission rules are sort of - well, kind of - perhaps - capricious and arbitrary, at best.

We have a rule, or perhaps we should say, we had a rule. The rule is stated in the Pine Island Comprehensive Plan under the heading of "Objective 14.2, Policy 14.2.1, and Policy 14.2.2." This rule states and I quote, "When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulation shall provide restrictions on further rezoning which would be necessary traffic on Pine Island Road." The operative word in the above sentence is "rule." The Commission ruled on this proposition before 1996 and now they want to unrule the rule. I didn't know you could do that! I just didn't know.

You people who use the Midpoint Bridge - the Commission may unrule your bridge. If you see a bull dozer close to either end of the span, start a honking campaign - something - anything.

This teminds me of a story I once read in an ancient manuscript. It seems that on the road to Albion, the holy man Judah met a Saint named Cerny, and the two sat under a date tree to rest and converse. Then Saint Cerny told Judah to be careful and avoid the Coy Roman Proctor, Manning. Judah explained that he had a run-in with Proctor Manning when the Proctor was a lowly Commissioner. Judah went on to tell the Saint Cerny Manning had promised all the Leeites a moratorium on construction along the River Jordan, he then perpetrated a coy reversal and undecided his decision, and let the

bionites fill in the Jordan River marshlands and construct a course for a new pastime called "Gulf."

FINANCIAL ADVISORY COMMITTEE

On 9-13-99, the GPICA Financial Advisory Committee met and discussed how best to allocate our funds gleaned from the sale of the building. Present were: Bill Dubin Anna Stober, Priscilla Lewis, Rhea Caswell and "Doc' Prosser.

The meeting lasted for approximately one hour and fifteen minutes and many options were discussed, the distillation of which, will be presented at our October gathering.

IMPORTANT SEPTEMBER 28TH LCC MEETING

On September 28th, the Lee County Commissioners will hear a challenge to the 810 rule contained in the Pinc Island Comprehensive Plan (policy 14.2, 14.2.1, 14.2.2) mentioned earlier in this letter.

Please bend every effort to be at this 9am meeting at the Old Courthouse in Ft. Myers. We must estop the Commission from changing the 810 designation. Please contact Barbara Dubin at 282-9114 if you need to make arrangements for transportation or you just want to know where the meeting place is and at what time people will leave for Ft. Myers.

This is very important, folks - we truly need your support.

1999 OFFICERS

	President	Tonya Player	283-7413
	Vice-President	Barbara Dubin	282-9114
	Treasurer	Bill Dubin	282-9114
W	Secretary	Alda Prosser	282-6281
	Board	l of Directors	Tone Er
Max	Hughson 283-030	3 "Doc" Prosser	282-6281

283-0301 Anna Stober

Peg Riske

NOTES FROM "DOC"S" DESK

(neater love hath no man than to protect our island way of life.

We have got to understand one thing - our First District Commissioner, John Manning does not respect Pine Island, period! That leaves the residents of Pine Island Interally between a rock and a hard place surrounded by water.

If you channate Mr. Manning from the equation, then you must convince three of the four remaining Commissioners, to consider our needs in a democratic manner. In order to persuade these illustrious leaders, we must use force of numbers. If you cannot attend the Commission Meetings, call the five Commissioners. If you have a computer, E-mail the three who have E-mail addresses – write a letter to all five - fax all five - just make your voices heard

Telephone numbers:

*John Manning	335-2224
*Doug St. Cerny	335-2227
*Ray Judah	335-2223
*Andy Coy_	335-2226
*John Albion	335-2225
All five can be faxed at:	335-2143

L-mail Addresses.

John Manning	MANNINJE@bocc.co.lee.fl.us
Ray Judah	JUDAHHR@bocc.co.lee.fl.us
Andy Coy	COYAW@bocc.co.lee.fl.us

Please save this page of important information for future use.

OCTOBER GENERAL MEETING

The General Meeting of the GPICA will be held on Tuesday, October 5, 1999 at 7:00pm.

IMPORTANT NOTICE: THE G. P. I. C. A. HAS A NEW ADDRESS - P. O. BOX 478, ST. JAMES CITY, FL 33956.

NOTE: Our monthly newsletter is produced by "Doc" Prosser. If you have information that is pertinent to the GPICA for the November Newsletter, it must be in Doc's hands by October 15th. Send transmittals to "Doc" Prosser, 7246 Cobiac Drive, St. James City, 33956 or call him af 282-6281.

A LESSON ... BUREAUCRATIC "STUPID-SPEAK"

The Lee County Emergency Management hierarchy has ruled thusly. Barrier Island residents (including Pine Island) must evacuate 12 hours prior to the opening of hurricane shelters. Where are these people to go? - "to hell," comes to mind!

I am convinced that the Lee County Commissioners and the Lee County Emergency Management Team would like to draw a line and separate Pine Island and the other barrier islands from the rest of Lee County. They then would not be pestered by these bohemian islanders, endowed with so few registered voters - what a relieft However, friends, we are here and we will be heard.

Lee County Government is replete with major and minor deities, who feel they (after they are elected or appointed) do not have to answer to their constituents. The primary all-knowing personages on Mount Ft. Myers are the five sitting commissioners. They proclaim great platitudes and dissertations (from their lofty perch) that affects thousands of citizens, off times without regard to the consequences of their rulings.

People of Pine Island, contact these Commissioners and tell them you're mad as hell and you won't take it anymore. Ask the tough questions of these gods, and particularly aim your posers at John Manning - if he's back from vacationing on Mount Olympus.

ERT

The Pine Island Emergency Response Team met on 9-16-99 to review final preparations for evacuation in case of a hurricane.

This team is made up of concerned individuals and they will strive to do the very best possible work for the people of the island. When a hurricane approaches, you will find plywood signs throughout the island listing the telephone numbers that you can call for information. Headquarters for the Emergency Response Team is located at the United Methodist Church in Pine Island Center.

P.O. Box 478 St. James City, FL 33956 August 8, 2000

Mr. Thomas Reese, Esq. 2951 61st Ave. South St. Petersburg, FL 33712

Re: Grant for Greater Pine Island Civic Association

Dear Mr. Reese:

The Greater Pine Island Civic Association, corporate LD. #59-0995723, is a not for profit organization with an average total annual income well under \$10,000. Total income for 1999 was \$6500.

If you need more information we will be happy to supply it.

Sincerely.

Rhea Caswell

Treasurer,

Greater Pine Island Civic Association

Klen Caswell

GREATER PINE ISLAND CIVIC ASSOCIATION

Working for the betterment of Greater Pine Island

"As a quasi-official voice of Greater Pine Island to county and state government, we try to obtain governmental programs that are better adapted to the special needs of our Island."

OFFICERS

President	Tonya Player
Vice-President1	3arbara Dubin
Secretary	. Alda Prosser
Treasurer P	hoebe Bullene

BOARD OF DIRECTORS

William Dubin, Chairperson Max Hughson "Doc" Prosser Peg Riske Anna Stober

MEETINGS

First Tuesday of every month, 7:00PM Civic Association Building Pine Island Center

MEMBERSHIP

Membership is open to all residents
Minimum age 18 years
Annual dues: \$5.00

MAJOR GOALS

Preservation and protection of our quality of life and the environment through cooperation with state and local governments

Providing education programs on local issues giving residents the opportunity to communicate with each other and government representatives

RECENT AND CONTINUING

- Adoption and implementation of the Pine Island Plan, a section of Lee County's Comprehensive Plan
- Improvement of Island hurricane evacuation
- Ensure continuation of Island services such as the library and parks

SOCIAL PROGRAMS

Community organizational meetings Special GPICA sponsored events

MAILING ADDRESS AND PHONE

P.O. Box 478 St. James City, FL 33956 Phone: 283-7413 or 282-9114

To: J. Muda



AVALON ENGINEERING, INC.

•Architecture •Engineering •Planning

MEMORANDUM

TO:

Mary Gibbs, Director

Lee County Community Development

PO Box 398

Ft. Myers, FL 33901

FROM:

Larry Hildreth, P.E.

Project Manager

PROJECT:

Pine Island Village Links RPD

SUBJECT:

Re-submittal Issues

DATE:

March 20, 2003

You had indicated after our public hearing on 3/11/03 that there was an opportunity to resubmit the RPD under the new "Coastal Rural Category." Although the "rules" under this new designation were not yet adopted, you indicated staff would be "more than fair" in interpreting the intent of the change.

Based on the e-mails between Matt Uhle and Bill Spikowski (enclosed), it appears Bill and his civic associate clients will take an opposing position. Please call me Tuesday, March 25, 2003 to discuss your recommendation.

Thank you.

G:\2002\02-148\Gibbs- Resubmittal memo.dot

Deborah Powley - Re: Eckerty, Trus'

property

From:

"Bill Spikowski" <bill@spikowski.com>
"Matthew Uhle" <MUhle@Knott-law.com>

To: Date:

3/13/03 9:57AM

Subject:

Re: Eckerty, Trustee property

Matthew Uhle wrote:

>

- > My clients are currently evaluating all of their options.
- > To that end, I would appreciate it if you would give me
- > your opinion on the following:
- > 1. Are golf courses permitted in the Coastal Rural category?
- > The category description is silent on that point.

Another thing that could have been made explicit!

The category description is indeed silent. Personally, it seems to me that a golf course that's designed and built as an amenity to an interwoven residential subdivision is a residential accessory use to the whole subdivision. That was the basis for my comments on Tuesday that the Village Links project wouldn't be killed by having its RPD extension denied — I was thinking that the landowner could keep the golf course and reduce the density, or drop the golf course and keep the density, or something in between.

I must admit that looking back at the actual words that were adopted for Policy 1.4.7 makes me less than confident that the county folks will necessarily agree that a golf course is permitted just because it might be considered a "residential accessory use." The staff reworded Policy 1.4.7 several times; the new version is similar to the original, but it's not identical. The original said "these lands are to remain rural except for portions of individual properties..."; whereas the adopted version says "these lands will remain rural except for portion of properties where residential lots are permitted..."

I didn't detect this subtle change until now, and I don't know if the county folks meant something significant by that change or not. I haven't discussed this with them.

- > 2. Assuming, for purposes of argument, that golf courses
- > can be permitted, could a fairway planted with native grasses
- > be counted against the indigenous requirement? We believe that
- > rough areas clearly can be counted, and that greens and tees
- > cannot, but we are not sure about fairways.

I don't know how rough the rough areas would be -- would they be untouched pine/palmetto, or would they have the palmettos manicured or removed? However, I cannot imagine fairways meeting the indigenous requirement just because they're planted with native grasses. For that to work, you'd have to be able to show that open expanses of native grasses are a "native upland habitat," but I've never seen a habitat like that anywhere on Pine Island.

- > Incidentally, while the DCA web site indicated that the ad
- > was supposed to run yesterday, I looked through the paper
- > three times, and I never saw it.

It's buried in the legal notices, look at the lower right column on page 12F (Tuesday's News-Press).

Bill Spikowski Spikowski Planning Associates



BOARD OF COUNTY COMMISSIONERS

LEE COUNTY RECEIVED

03 JUN - 6 AM 9: 00 Writer's Direct Dial Number:

(941) 335-2236

GUITTI CEW PUB. WRKS. CHTR. SECOUS EL OOR

Facsimile (941) 335-2606

District One

Douglas R. St. Cerny District Two

Ray Judah District Three

Bob Janes

John F Albian District Five

Andrew W. Coy

District Four

Henderson, Franklin, Starnes & Holt, P.A.

P. O. Box 280

Fort Myers, FL 33902-0280

Russell, Schropp, Esquire

Donald D. Stilwell County Manager

James G. Yaeger County Attorney

Diana M. Parker County Hearing Examiner

Petition for Administrative Hearing

Russell M. Setti and Eagles Landing at Pine Island, Inc. v.

June 5, 2003

Department of Community Affairs DCA Docket #03-1-NOI-3601-(A)(I)

LU-03-04-2291.A.2.

Dear Russ:

I would like to take this opportunity to respond to the list of important points you provided regarding Mr. Setti's challenge to the adoption of the Pine Island Community Plan Amendments to the Lee Plan.

After discussing the matter with staff and reviewing the pertinent regulations, I believe the County would favorably consider recommending a compromise that would allow the following:

- Setbacks. Average 25-foot setback from wetland and its associated vegetation so long as the project maintains a minimum setback of 15 feet.
- Waste Water Treatment. Lee County would be willing to recommend the issuance of a stipulated development order prohibiting all development activity including site work until the owner obtains a DEP permit for the waste water treatment plant. The proposed waste water treatment plant may be located on the adjacent commercially zoned property as long as it is part of the same development order. Also the waste water treatment plant may only serve the commercially zoned property and the residentially zoned property to the north. The developer may subsequently amend the development order to show a connection to the Pine Island Road force main if it can be demonstrated that the capacity is available to allow connection to the central sewer.

S:\LU\DMC\DMCLTR\Setti - Petition ofr Admin Hearing - Schropp.wpd

Russell, Schropp, Esquire June 5, 2003 Page 2

Re: Petition for Administrative Hearing

- Gates and Walls. The residential portion of a site may be developed as a gated community. Both the residential and commercially zoned property may be developed with perimeter walls.
- AG Lots on Northern Boundary. The current development order application may be revised to reflect up to four individual agricultural lots as estate home sites.
- 5. Furthermore, as to the potential for settlement on the points listed above, the County would require as a condition of settlement that the pending development order application achieve sufficiency within 90 days of the date of settlement. Failure to be found sufficient within the 90-day period will result in the application of current Lee Plan Policies and governing land development regulations.

We are not able to recommend compromise on the remaining points, including height, future amendments to the development order, or the rezoning of the agricultural lots on the northern boundary of the site.

After you have had the opportunity to discuss the substance of this correspondence with Mr. Setti, feel free to contact me to discuss further.

Kind regards,

Donna Marie Collins

Assistant County Attorney

Callins

DMC/amp

cc: Timothy Jones, Chief Assistant County Attorney

Russell, Schropp, Esquire June 5, 2003 Page 3

Re: Petition for Administrative Hearing

bcc: Pete Eckenrode, Director, Development Services Division

Matt Noble, Planning Division

FACSIMILE	E TRANSMITTAL SHEET	
TO: Matt Nobel	FROM: Russell	SETTI
COMPANY:	3/26/03	
FAX NUMBER: 479-8319	TOTAL NO. OF PAGES INCLUDING	
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:	-030
RE:	YOUR REFERENCE NUMBER:	
Please review,	the County was	
Ins Theres	The County was	
Flank yo	Λ	
	6)	

PO BOX 290847 DAVIE, FLORIDA 33329

Phone: (954) 962-5557 Fax: (954) 962-5556

August 20, 2002

Ms. Theresa L. Mann
Division of County Lands
Lee County Board of County Commissioners
PO Box 398
Fort Myers, Florida 33902-0398

Re: Phillips Park Replacement Site

Dear Ms. Mann.

It was a pleasure speaking with you regarding this issue and potential opportunities and solutions that were going to be analyzed by both parties.

We would be interested in selling or leasing all or part of our property if we could mutually agree on the price and terms.

As I have indicated to you, we are in the process of obtaining our Development Order for approximately One Hundred thirty six (136) to One Hundred Forty (140) Residential Units and Seventy Five Thousand (75,000) Square Feet of Commercial uses on our Property.

The property is zoned for the above use and is in compliance with the Lee Plan.

We did have an appraisal performed for the total parcel, residential, commercial, Ag, wetlands and it is approximately Two Million Dollars.

We are willing to offer Lee County a below-appraised value sale for all or part of the property, if the use of the remainder of the site is mutually beneficial.

The reason we may need a meeting with you and others is to help resolve the previous and following concerns and questions regarding this matter to determine if Lee County and Eagles

Landing can agree on Price and Terms to avoid further expenditures by Eagles Landing for Development Order Costs (engineering, fees, etc.). These costs are not necessary if Lee County purchases the property, and this will be cost effective to both parties.

The need to achieve an agreement, as soon as possible, between Lee County and Eagles Landing at Pine Island, Inc. is also due to the Proposed Pine Island Comprehensive Land Use Amendment. This Amendment could affect the property rights of Eagles Landing at Pine Island, Inc. if we do not get a Development Order in a timely manner.

Can Lee County assist Eagles Landing if we delay the Development Order process to allow Lee County sufficient time to make a decision?

Is a lease-purchase agreement a possible method Lee County can utilize in this transaction?

Should the proposed Parks and Recreation site be considered for additional purposes, such as Community and/or Civic Center, Governmental facilities, school expansion, public safety or other, in order to utilize other funding sources, if necessary?

Transferable Development Rights (TDR's) or Purchase Development Rights (PDR's) may be a method to obtain funding, is this an option?

In the event we sell part of the property, would the intended use affect the value of the remainder of the property?

This proposed purchase might afford Lee County and the people of Pine Island some present and future planning opportunities.

We look forward to working with you in attempting to achieve a win-win situation. In the event you need any additional information, please call me at 800-706-6833.

Sincerely,

Russell M. Setti

uncel h Seth



Division of County Lands

(239) 479-8505 Writer's Direct Dial Number: (239) 479-8391 FAX

BOARD OF COUNTY COMMISSIONERS

Bob Janes District One

August 6, 2002

Mr. Russell M. Setti

5110 Sheridan Street

Hollywood, Florida 33021

Douglas R. St. Comy District Two

Ray Judah District Three

Andrew W. Coy District Four

John E. Albion District Five

Donald D. Stilwell County Manager

James G. Yaoger County Attorney

Diana M. Parker County Hearing Examiner

RE: PHILLIPS PARK REPLACEMENT SITE

Dear Mr. Setti:

Lee County is currently looking for potential sites for park expansion on Pine Island. Staff is aware that you may be interested in selling a portion of your land adjacent to the Pine Island Elementary School. As to your parcel, the County would desire that the land be adjacent to the school property and be of at least 25 upland acres. Should you want your property further considered, please provide a written response indicating the specific parcels you are interested in selling and what the asking price is for same. A reply is needed by August 20, 2002.

Please contact me at the above listed number if you have any questions or concerns regarding this matter.

Sincerely,

Teresa L. Mann

Property Acquisition Agent



BOARD OF COUNTY COMMISSIONERS

County Lands

941-479-8505 941-479-8391 FAX

Writer's Direct Dial Number:

Bob Janes

District One

April 30, 2002

Douglas R. St. Cerny District Two

Ray Judah

At Eagles Landing P.O. Box 290847 Davie, FL 33329

Andrew W. Coy District Four

District Three

John E. Albion District Five

RE: Pine Island Park/Conservation 2020

Donald D. Stilwell County Manager STRAP No. 28-44-22-00-00011.0030; 12.002A & 12.002B

James G. Yaeger County Attorney Dear : Property Owner:

Diana M. Parker County Hearing Examiner Lee County's Parks and Recreation Department is interested in acquiring 40 acres of land adjacent to or very near Pine Island Elementary School. The purpose for buying this land will be to build ball fields, and if they are built close enough to the school's facilities and infrastructure, a savings may be realized.

Due to the proximity of your property to Pine Island Elementary School, I am seeking to find out if you wish to sell all or part of your property at 5200 Pine Island Road, a ± 37 acre tract of land. And if so, what is your asking price?

Upon receipt of this letter, please call me at (239) 479-8505 or write to me at County Lands, Lee County Government, P.O. Box 398, Fort Myers, FL 33902 and inform me as to whether or not you wish to sell this parcel and what your asking price is.

Sincerely,

Robert G. Clemens

Acquisition Program Manager

05/10/2002 FRI 11:39 FAX 239 479 8391

LEE COUNTY-COUNTY LANDS





Lee County Department of Public Works

FACSIMILE COVER SHEET

Division of County Lands
P.O. Box 398
Fort Myers, Florida 33902
FROM: ROBERT G. CLEMENS
DATE: MAY 10, 200 Z
(941) 479-8505 (941) 479-8391 FAX
SEND TO: RUSSELL SETTI
ATTENTION:
FAX NUMBER: 954-962-5556
□ Urgent 368 - 2022 EXT. 5328 □ Reply ASAP
☐ Please Comment ☐ Please Review
For Your Information
7-14-15-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
Total Pages, including cover she
RE:
LIST OF APPROVED
APPRAISERS.
7 11 102 10
The state of the s
The state of the s



Florida Department of Community Affairs

2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100 Colleen Castille, Secretary

Division of Community Planning

Division Director's Office: (850) 488-2356, Suncom: 278-2356 Bureau of State Planning: (850) 488-4925, Suncom: 278-4925 Bureau of Local Planning: (850) 487-4545, Suncom: 277-4545

> Fax: (850) 488-3309, Suncom: 278-3309 Website: http://www.dca.state.fl.us/fdcp/DCP/

FACSIMILE

Date:	
To:	Matt Noble
	239-479-8319
From:	Bornard Piswah.
Office Telephone Number:	922-1817
Cover Sheet:	1 + = Total Pages
Comments or Special Instructions:	*

MAR 3 1 2008

STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

RUSSELL M. SETTI and EAGLES LANDING AT PINE ISLAND, INC.,

Petitioners,

v.	Case No
DEPARTMENT OF COMMUNITY AFFAIRS,	
Respondent.	,

PETITION FOR ADMINISTRATIVE HEARING

Petitioners, RUSSELL M. SETTI ("Setti") and EAGLES LANDING AT PINE ISLAND, INC. ("ELPI"), by and through their undersigned attorney, hereby file this Petition for Administrative Hearing and as grounds therefor state as follows:

A. BACKGROUND

- 1. Setti and ELPI are the owners of certain property located on Pine Island in Lee County, Florida, which property is subject to the comprehensive plan adopted and amended by Lee County pursuant to Part II of Chapter 163, Florida Statutes.
 Specifically, Setti is the owner of that certain property described in Exhibit A and ELPI is the owner of that certain property described in Exhibit B, both Exhibits being attached hereto and incorporated herein by reference.
- 2. For purposes of this proceeding, Petitioners' names, address and telephone number is as follows: Russell M. Setti and Eagles Landing at Pine Island, Inc., P.O. Box 290847, Davie, Florida 33329, telephone: (954)963-2030, fax:

 [954)962-5556.

 [954]962-5556.

FILING AND ACKNOWLEDGEMENT FILED, on this date, with the designated Agency Clerk, receipt of which is hereby acknowledged.

Miriam Snipes Deputy Agency Clerk Date

- Petitioners' representative is undersigned counsel, whose address and phone number are as provided at the end of this Petition. Pleadings, notices or other documents pertaining to this case may be served on Petitioners' undersigned counsel.
- 4. The name and address of the agency affected by this Petition is the Department of Community Affairs ("DCA"), Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The docket number given by DCA to this file is 03-1-NOI-3601-(A)-(I). In addition, while not an agency for purposes of Chapter 120, Florida Statutes, Lee County ("County"), a political subdivision of the State of Florida, is also affected by this Petition. The County's address is P.O. Box 398, Ft. Myers, Florida, 33902. The file number given by the County to the Plan Amendment that is the subject of this Petition is CPA2001-18.
- Petitioners' counsel received notice of the agency decision through a telephone conversation with Paul O'Connor, planning director for the County.
- 6. In 1989, Lee County adopted its comprehensive plan pursuant to Chapter 163, Florida Statutes, hereinafter referred to as the "Lee Plan." The Lee Plan included Goal 16 and objectives and policies thereunder which pertain to that portion of the County known as Pine Island.
- 7. In 1994, the County adopted amendments to the Lee Plan which included, among other things, the reassignment of Goal 16 (and the objectives and policies thereunder) to Goal 14 of the Lee Plan.

- 8. In 2001, proposed amendments to the objectives and policies of Goal 14 were sponsored by the County. These amendments, along with other proposed amendments to the Lee Plan, were transmitted to DCA after the transmittal hearing on September 5, 2002; DCA issued its objections, recommendations and comments ("ORC Report") on November 22, 2002; and the County adopted the proposed Plan Amendments, including the Pine Island Plan Amendments (CPA 2001-18) on January 9, 2003. CPA 2001-18 was adopted through Lee County Ordinance No. 03-03. Thereafter, DCA issued its Notice of Intent to find the proposed amendments "in compliance" with Chapter 163 on March 7, 2003, and published said Notice of Intent in the Fort Myers News-Press on March 11, 2003.
 - Petitioners have timely filed this Petition for Administrative Hearing.

B. STANDING

- As set forth more fully in paragraph 1 above, Setti and ELPI are the owners of property located on Pine Island, in Lee County, Florida.
- 11. Petitioners submitted oral and/or written comments, recommendations, or objections to the County at the transmittal hearing, prior to the adoption hearing, and/or at the adoption hearing for the Plan Amendments at issue in this Petition.
- 12. Petitioners' substantial interests have been or will be effected by Plan
 Amendment CPA 2001-18 in that the development potential of Petitioners' property has
 been reduced from its potential development under the Lee Plan prior to adoption of this
 Plan Amendment and the Plan Amendment will have significant substantial and adverse
 effects on development plans that have been prepared for the property.

C. DISPUTED ISSUES OF MATERIAL FACT

- 13. Whether there is adequate relevant and appropriate data and analysis to support the amendment to Policy 14.1.5, which requires that new development or agriculture preserve or create a 50-foot wide native vegetated buffer adjacent to all waters of state aquatic preserves and their associated wetlands? Petitioners assert that this amendment is not supported by relevant and appropriate data and analysis in that the technical and substantive data and analysis relied upon by the County does not support the need for the amendment to the policy and, further, that the future application of the amended policy would be ambiguous, overbroad, and unsupported by scientifically based data or analysis.
- 14. Whether the amendment to Policy 14.1.5, which requires that new development or agriculture preserve or create a 50-foot wide native vegetated buffer adjacent to all waters of state aquatic preserves and their associated wetlands, is internally consistent with other policies of the Lee Plan pertaining to similar matters regulated therein? Petitioners assert that the amendment to this policy is internally inconsistent with other elements and policies within the Lee Plan that apply to the treatment of upland and wetland buffers and setbacks throughout the County.
- 15. Whether the amendment to Policy 14.1.7, which eliminates the need for the County to pursue central sewer service for portions of Pine Island, is internally consistent with other policies of the Lee Plan which direct and require central sewer service for various levels of development? Petitioners assert that this amendment is inconsistent with other policies of the Lee Plan that apply to the preferred availability of

and/or requirement for central sewer service to support certain levels of development in the County.

- 16. Whether the amendment to Policy 14.2.2, which places restrictions on rezonings and development orders based upon actual peak hour traffic counts at one location, is based upon adequate relevant and appropriate data and analysis? Petitioners assert that this amendment is not supported by relevant and appropriate data and analysis in that the technical and substantive data relied upon by the County does not support the need for the changes to this policy and are not reasonably related to the changes proposed.
- 17. Whether the amendment to Policy 14.2.2, which places restrictions on rezonings and development orders based upon actual peak hour traffic counts at one location, is internally consistent with other policies of the Lee Plan pertaining to level of service standards applicable to development proposals? Petitioners assert that the subject policy, as amended, is internally inconsistent with other policies within the Lee Plan that apply to the treatment of level of service standards for future development.
- 18. Whether the amendment to Policy 14.2.3, which eliminates from consideration by the County the potential construction of a continuous third lane as a measure to increase the capacity of Pine Island Road, is supported by adequate relevant and appropriate data and analysis? Petitioners assert that this amendment is not supported by relevant and appropriate data and analysis in that the technical and substantive data and analysis relied upon by the County does not support eliminating this alternative as a viable method for increasing the capacity of Pine Island Road.

- approving deviations to Land Development Code regulations pertaining to height on Pine Island, is supported by adequate relevant and appropriate data and analysis? Petitioners assert that this amendment is not supported by relevant and appropriate data and analysis in that the technical and substantive data and analysis relied upon by the County do not support the prohibition of height deviations from the County's Land Development Code from being requested through the planned development process.
- 20. Whether the creation of new Policies 14.3.5, 14.4.3, and 14.4.4, which require the County to adopt certain land development code regulations if "acceptable" proposals are submitted by the "Greater Pine Island community," are supported by adequate relevant and appropriate data and analysis and are internally consistent with other provisions of the Lee Plan pertaining to matters addressed by these policies? Petitioners assert that these proposed new policies are not supported by relevant and appropriate data and analysis; are vague, overbroad and ambiguous relative to the data and analysis provided; and conflict with other policies of the Lee Plan dealing with residential development throughout the County.
- 21. Whether the creation of new Policy 14.4.5, which requires the County to "establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan," is based on adequate relevant and appropriate data and analysis, and is internally consistent with other provisions of the Lee Plan pertaining to private property rights and vested rights? Petitioners assert that this new policy is not supported by any data and analysis and conflicts with protections afforded private property rights contained within the Lee Plan.

22. Whether the creation of new Policy 1.4.7, which establishes a new Coastal Rural land use designation, and its application to certain lands on Pine Island through new Policy 14.1.8, is based upon adequate relevant and appropriate data and analysis and is internally consistent with other policies of the Lee Plan. Petitioners assert that the density provisions of this new policy are not supported by data and analysis and that the policy is inconsistent with other policies of the plan pertaining to preservation of upland areas.

D. ULTIMATE FACTS ALLEGED

- 22. As a concise statement of the ultimate facts that would entitle Petitioners to the relief requested, Petitioners allege that:
- a. There is not adequate relevant and appropriate data and analysis to support the creation and/or amendment of Policies 14.1.5, 14.2.2, 14.2.3, 14.3.3, 14.3.5, 14.4.3, 14.4.4, 14.4.5 and 1.4.7; and
- b. The amendment and/or creation of Policies 14.1.5, 14.2.2, 14.3.5, 14.4.3, 14.4.4, 14.4.5, and 1.4.7 is internally inconsistent with other elements and policies of the Lee Plan.

E. STATUTES AND RULES ENTITLING PETITIONERS TO RELIEF

23. Petitioners allege that the following statutes and rules require reversal and/or modification of the DCA's proposed action: Chapter 163, Fla. Stat., including but not necessarily limited to Sections 163.3177(8) and (10)(e); Rule 9J-5, F,A.C., including but not necessarily limited to Rules 9J-5.005(2), (5), and (8).

F. RELIEF REQUESTED

24. Petitioners request that the DCA grant the following relief:

- a. That DCA grant this Petition and forward it to the Division of
 Administrative Hearings for assignment of an administrative law judge;
- b. That, after hearing and issuance of a recommended order by the administrative law judge, the DCA find CPA 2001-18 "not in compliance," and submit the recommended order to the Administration Commission for entry of a final order.

Respectfully filed this 28th day of March, 2003.

Henderson, Franklin, Starnes & Holt, P.A. Attorneys for Petitioners P.O. Box 280 Fort Myers, FL 33902-0280

Telephone: (239) 337-8414 Facsimile: (239) 334-4100

Russell P. Schropp Fla. Bar No. 0438898

I hereby certify that the original of this Petition has been served by express mail upon the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100; and by regular mail upon James G. Yaeger, County Attorney, Lee County, P.O. Box 398, Fort Myers, FL 33902-0398 this Agency day of March 2003.

Russell P. Schropp

EXHIBIT "A"

3 pages

Property owned by Russell M. Setti, identified by the following Lee County STRAP Numbers:

28-44-22-00-00012.0020

21-44-22-00-00011.0190

See attached Property Data sheets

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 28-44-22-00-00012.0020 TAX YEAR 2002

Parcel data is available for the following tax years: [2001 | 2002]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE, LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2002 ROLL.

Owner of Record							Le	iptlon		Image	of Str	ucture		
SETTI RUSSELL M P O BOX 290847 DAVIE FL 33329							NE1/4 OF NE1/4 LESS (Not OR 2052 PG 1656 OF NE 1/4					ot Presently Available)		
Site Address										- 1				
5200 PINE IS Bokeclia, FL														
	1	axing Di	strict							DOR	Code			
007 - MATLA	CHA-PINE	İŞLAND	FIRE I	DISTR	ICT		00 - VAC	ANT RE	SIDEN	TIAL				
1	Property Values										Dimens	ions		
Just 3,000 H					nestead				0 M	esureme	nt Units		AC	
Assessed 3,000 As					icultural				0 Nu	mber of	Units		25.00	
Assessed SOH 3,000 V					ow				0 Fr	ontage			(
Taxable			3,000	0 Wid	ower				0 De	pth				
Building			_		Disability					Bedrooms				
Land					Wholly					0 Bathrooms				
Building Extra			_		Energy					tal Sq. Fi				
Land Extra Fe	atures		(SOF	I Differenc	ifference 0 Year Improved						0		
					Sa	iles Tran	sactions							
Sale Price	Date	OR Boo					Transaction Details Description							
5.000	Diet opp	Page		Гуре	- TIS	7 = =	Description							
5,000	8/6/1998	2997/27		01				amp .70 / SP less th \$100 / Other DisQ)						
588,000	5/1/1981	1516/21		02			ltiple STRAP # / 06-09I)						V	
0	4/1/1981	1507/13	00	O)		ualified (Doc Stamp ,70 / SP less th \$100 / Other DisQ) V							v	
		_ =			Solid Wa		-							
		Vaste Dist		_		Roll	Туре	Cate	gory	Uni	t/Area	Tax	Amount	
005 - Service Area 5 - Pinc Island Area						-			-		0		0,00	
					Lan	-	/Land U	se						
Description					Use Code					Units				
Mangrove					-	96:							25.00 Acres	
Stor	m Surge Ca	tegory			Flood Insurance (FIRM)									
- Y					Rate Code			nunity		Panel	Versio	II.	Date	
	Tropical Sto	rm		17	A9:EL9		125	124		0280	В		091984	

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 21-44-22-00-00011.0190 TAX YEAR 2002

Parcel data is available for the following tax years: [2001 | 2002]

Next Lower Porcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2002 ROLL.

	Ov			Legal Description				ucture		
SETTI RUSS P O BOX 290 DAVIE FL 3:	0847				GOV LOT 4 LESS W 270 FT + LESS N 1130 FT		(Not Presently Available)			
		Site Address	8	-		i		1	P. 1	
11040 ARDE Bokeelia, FL	N LAKES DI 33922	R								
	T	axing Distri	ct			T A TOTAL OF		DOR	Code	
007 - MATL	ACHA-PINE	ISLAND FI	Œ D	ISTR	uct	00 - VACANT	RESID	ENTIAL		
p. 11	Property Val	lues			Exe	mptions	-111		Dimensions	
Just 20,010 Ho					nestead		0	Measurem	ent Units	AC
Assessed		20	,010	Agr	icultural		0	Number o	f Units	8.6
Assessed SO	Н	20	,010	Wic	low		0	Frontage		
Taxable		20			lower			Depth		
Building 0 Dis							0	Bedrooms		
Land 20,010 Wh								Bathroom		
							Total Sq. 1			
Land Extra F	eatures		0	SOI	I Difference		0	Year Impr	oved	0
					Sales T	ransactions				
Sale Price	Date	OR Book		Transaction			Detai		Vacant /	
		Page		ype						Improved
5,800	6/20/2001	3454/227		03	La case de	Disqualified (Interest Sales / Court Docs / Government)				
5,800	6/19/2001	3454/226		03		qualified (Interest Sales / Court Docs / Goverment)				V
5,800	6/4/2001	3454/229		03	V C P C C C C C C C C C C C C C C C C C	terest Sales / Court Docs / Government)				V
5,800	5/31/2001	3454/228		03		interest Sales / Court Docs / Government)				V
100	10/25/1999	3454/225	1	01	and the last Control	oc Stamp .70 / SP less th \$100 / Other DisQ)				V
100	10/25/1999	3454/224		01		oc Stamp .70 / SP I	_	-		V
100	12/1/1988	2035/1339	_	01		oc Stamp .70 / SP I				v
100	8/30/1988	3012/4584		01			oc Stamp .70 / SP less th \$100 / Other DisQ)			
100	8/30/1988 8/1/1988	2012/4585		01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ) Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)					V
100	8/1/1988	2012/4586		01			ess in	aton / Othe	T DISQ)	V
4						mbering History				
	Prior ST	A STATE OF THE STA			Renumber Reason			Renumber Date		
21	-44-22-00-00	0000.1100			Split (From another Parcel) Uns				Unspecif	fied

EXHIBIT "B"

5 pages

Property owned by Eagles Landing at Pine Island, Inc., identified by the following Lee County STRAP Numbers:

28-44-22-00-00012.002A

28-44-22-00-00012.002B

28-44-22-00-00011,0000

28-44-22-00-00011.0030

See attached Property Data sheets

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 28-44-22-00-00012.002A TAX YEAR 2002

Parcel data is available for the following tax years: [2001 | 2002]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE, LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2002 ROLL.

	0	wner of Recor	ď		L	Legal Description				ge of Str	ucture	
EAGLES LA PINE ISLAN P O BOX 290 DAVIE FL 3 5160 PINE IS Bokeelia, FL	D INC 9847 3329 SLAND RD N	Site Address			TH 621.FT S COR OF W1/2 OF						ently Available)	
Bokeella, FL		Faxing Distric						DOR C	nde	==		
007 - MATL		ISLAND FIR	_	RICT	00 - VAC	CANTR	ESID				-	
	Property Va	lues			Exemptions				Dimer	islons		
Just			110 Ho	mestcad			0	Measuremen	t Units	-	AC	
			110 Ag	ricultural			0	Number of I	Jnits .	-	12.63	
			10 Wi	dow			0	Frontage				
Taxable		88,4	10 Wi	dower			0	Depth				
Building		0 Dis	0 Disability			0	Bedrooms					
Land	88,4	110 W	0 Wholly			0	Bathrooms					
Building Extr	a Features		0 Energy				0	Total Sq. Ft.				
Land Extra Fe	catures		0 80	OH Difference			0	Year Improved			0	
				Sale	es Transactions							
Sale Price	Date	OR Book /	Transaction								Vacant / Improved	
		Page	Type					SETTPENDIE				
112,000	7/16/1998	3014/2448	04		(Multiple STR						V	
100	6/1/1991	2227/1605	03			Interest Sales / Court Docs / Goverment)					V	
100	2/1/1989	2052/1656	01	Disqualified	(Doc Stamp .7	(Doc Stamp .70 / SP less th \$100 / Other DisQ)						
					enumbering H	story						
	Prior STRAF				er Reason							
	22-00-00012				nother Parcel)				ay, September 30, 1998			
28-44-22-00-00012.0020 Split (From a					nother Parcel)	other Parcel) Unspecified						
	14.5			Solid Wast	e (Garbage) Re	oll Data						
		Roll Type	Ca	tegory	Unit	/Area	Tax	Amount				
005 - Service	Area 5 - Pine	Island Area							0		0.00	
,				Land	Tracts/Land U	Ise			-			
	De	scription			Use	Code				Units		

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 28-44-22-00-00012.002B TAX YEAR 2002

Parcel data is available for the following tax years: [2001 | 2002]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATARASE, LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2002 ROLL.

	O	wner of Recor	b	- 110	L	gal Descr	ption	Imag	e of Stru	cture	
EAGLES LA PINE ISLAN P O BOX 290 DAVIE FL 32	D INC 0847				NE1/4 TH 621F	PAR NE1/4 BEG SE COR NE1/4 TH 621FT S88D52MW TO SE COR OR3014/2448			(Not Presently Available)		
		Site Address									
5200 PINE IS BOKEELIA,		iw									
	1	axing Distric	t				_	DOR Code			
007 - MATL	ACHA-PINE	ISLAND FIR	E DIS	TRICT	00 - VAC	CANT RES	IDEN	TIAL			
	Property Va	lues		10	Exemptions			Dimen	sions		
Just 45,4				Iomestcad			0 M	leasurement Units	-	AC	
				gricultural			0 N	umber of Units		4.78	
Assessed SO	H	45,4	10 V	Widow			0 F	rontage			
Taxable		45,4	10 V	Vidower			0 D	epth			
Building				Disability			0 B	edrooms	J. Julian		
Land		45,4	10 V	Wholly				athrooms			
Building Extr		100	0 E	0 Energy			0 Total Sq. Ft.				
Land Extra Fo	eatures		0 8	OH Difference	OH Difference 0 Year 1						
				Sa	les Transactions					,	
Sale Price	Date	OR Book /			Trans	action De	_		V		
		Page	Тур			Description					
112,000	7/16/1998	3014/2448	04		ed (Multiple STR						
100	6/1/1991	2227/1605	03		Carlotte and the second		Court Docs / Government)				
100	2/1/1989	2052/1656	01		ed (Doc Stamp .7		th \$1(00 / Other DisQ)		V	
					Renumbering Hi	story					
	Prior STRAF				ber Reason	1		Renumber			
28-44-	22-00-00012	.002A		Split (From	another Parcel)		_	Wednesday, Septem	ber 30, 19	98	
				Solid Was	ste (Garbage) Re	-					
		Vaste District			Roll Type	Categ	ory	Unit/Area	Tax	Amount	
005 - Service	Area 5 - Pine	Island Area			-					0.00	
				Land	d Tracts/Land U						
		escription			U	se Code			Units		
Vacant Resid	ential					0				4.78 Acres	

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 28-44-22-00-00011.0000 TAX YEAR 2002

Parcel data is available for the following tax years: [2001 | 2002]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tax Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE, LAND, BUILDING, VALUE, AND EXEMPTION DATA ARE FROM THE 2002 ROLL.

Owner of Record						L	Legal Description				Image of Structure		
EAGLES LANDING AT PINE ISLAND INC P O BOX 290847 DVIE FL 33329						24 BLK JP	PAR NE 1/4 BEG NE COR I						
		Site Ad	dress										
0 ACCESS U Bokeelia, FL		NED											
Taxing District							DOR Code						
007 - MATL	ACHA-PINE	ISLANI	FIRE	DIS	TRICT	00 - VA	CANT	RESID	ENTIAL				
	Property Va	lues		T		Exemptions	-		-	Dimer	isions		
Just				10 H	Homestead			0	Measurement Units AC				
Assessed			_		gricultural			0	Number	of Units			
Assessed SOH			37,3	10 V	Vidow			0	Frontag				
Taxable			37,3	10 V	Vidower			0	Depth				
Building				0 D	Disability			0	Bedrooms				
Land 37,3			10 V	Wholly			0	Bathroo	Bathrooms				
Building Extra Features				0 E	nergy			0	0 Total Sq. Ft.				
Land Extra Features				0 \$	OH Difference	e		0	Year Improved			0	
, 411					Si	les Transactions							
Sale Price	Date	OR Book / Page				Trans	Transaction Details						
				Тур			Description						
112,000	7/16/1998	3014/2448		04					-		V		
100	6/1/1991	2227/1605 03											
100	2/1/1989	2052/1656 0			Disqualified (Doc Stamp .70 / SP less th \$100 /					Other DisQ)			
					Parcel	Renumbering H	istory						
Prior STRAP Renumb						umber Reason	er Reason			Renumber Date			
				Con	Combined (With another parcel-Delete Occurs)					Thursday, October 01, 1998			
28-44-22-00-01200.2A				Split (F	Split (From another Parcel)				Thursday, October 01, 1998				
Jr. 0		_			Solid Wa	ste (Garbage) R	oll Dat	а					
Solid Waste District						Roll Type	C	ategor	у	Unit/Area	Tax	Amount	
005 - Service	Area 5 - Pine	Island	Aren							Ö		0.00	
					Lan	d Tracts/Land U	lse						
	D	escripti	AB.	-		T	se Cod	la	7		Units		

LEE COUNTY PROPERTY APPRAISER

PROPERTY DATA FOR PARCEL 28-44-22-00-00011.0030 TAX YEAR 2002

Parcel data is available for the following tax years: [2001 | 2002]

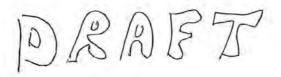
[Next Lower Parcel Number | Next Higher Parcel Number | Display Tex Bills on this Parcel]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2002 ROLL.

	O	vner of Reco	d		Lega	l Descript	lon	Image of Structure			
EAGLES LA PINE ISLAN P O BOX 290 DAVIE FL 33 0 ACCESS U Bokeclia, FL	D INC 0847 3329 NDETERMI	Site Address NED			S1/2 OF NE1/4 OF NW1/4 OF NE1/4+LT24 UT 3 BLK J P I CENT+PT 11.0000+PT 11.0004+ PT 00012.002A AKA PH II OR3014 PG2448			(Not Presently Available)			
Bokeciia, FL		axing Distric				===	DOR	Code	===		
007 - MATL		ISLAND FIR	_	UCT	00 - VACA	NT RESID					
	Property Val	lues	7	Ex	Exemptions Dimensions						
Just				Homestead			Measurem	surement Units AC			
Assessed				ricultural		0 Number of					
Assessed SOH			30 Wi	dow		0 Frontage					
Taxable			930 Wi	dower		0 Depth					
Building			0 Dis	ability		0 Bedrooms			15		
Land			930 Wh	olly			0 Bathrooms				
Building Extra Features				ergy	0 Tota						
Land Extra Features			0 SO	H Difference		0	Year Impr	oved		0	
				Sales	Transactions						
Sale Price	Date	OR Book / Page			Transaction Details				Vacant		
112 000	7/16/1998	3014/2449	Type 04								
112,000	6/1/1991	2227/1605	03					- /	V		
100	2/1/1989	2052/1656	01								
100											
D-1	- CTDAR				umbering Histo	ory	- 10			-	
Prior STRAP 28-44-22-05-000J0.0240				Renumber Reason Combined (With another parcel-Delete Occurs)				Renumber Date Thursday, October 01, 1998			
28-44-22-05-00010.0240				Split (From another Parcel)				Thursday, October 01, 1998 Thursday, October 01, 1998			
28-44-22-00-00011.0040				Split (From another Parcel)				Thursday, October 01, 1998			
28-44-22-00-00012.002A				Split (From another Parcel)				Thursday, October 01, 1998			
					(Garbage) Roll			, manually,		- M	
	Solid Waste District					_		Init/Area Tax Amoun			
	Solid V	Vaste District			Roll Type	Categor	y U	it/Area	Tax	Amount	



2001-18



Coastal Rural Category Indigenous Preserve Area Credits

1:1 Credit	Open space tracts covered by a minimum 75% native vegetation cover. Must be protected by a conservation easement or separate deed to Homeowners Association. Cannot contain any of the 6 exotic species listed by county.
1:1 Credit	Project buffers, which utilize all native vegetation.
3:1 Credit	Critical habitat areas: Eagle buffer areas or gopher tortoise preserve areas must be protected by a conservation easement or separate deed to Homeowners Association. Cannot contain any of the 6 exotic species listed by county.
½:1 Credit	Manmade lakes provided shorelines meet Lee County shoreline planting requirements –
1/2:1 Credit	Adjacent natural wetlands within project limits. Must be protected by conservation easement in deed to Homeowners Association cannot contain any of the 6 exotic species list by Lee County.
1:1 Credit	Golf courses, excluding Greens and Tees. Fairway and roughs must be planted or contain at least 75% native vegetation. Lakes are calculated separately.
½:1 Credit	Non-clearing deed restrictions on large (½ acre larger) single-family lots.

G:\2002\02-148\indigenous Preserve Area Credits.doc

479-8319 TAX Paul D'Connor

BARKER LAW OFFICE, P.A.

KENWOOD OFFICE PARK. 12734 KENWOOD LANE UNIT # 5 POST OFFICE DRAWER 159 FORT MYERS, FL 33902-0159 PHONE (941) 275-0000 FAX (941) 277-1890 CELLULAR (941) 994-6666 scottlaw99@aol.com

01.09.03

BY HAND DELIVERY ON 01.09.03

PAUL O'CONNOR LEE COUNTY PLANNING DIRECTOR Post Office Box 398 Fort Myers, FL 33902

Re: CPA2001-18 PINE ISLAND PLAN AMENDMENT, DCA No. Lee County 02-2

Dear Mr O'Connor

I represent the Hilton Pine Island Limited Partnership which is the owner of a portion of the property which is the subject of Lee County Development order #83-07-003.00D. A copy of my November 11, 2002 letter to Robert Gurnham, Lee County Department of Community Development is attached and incorporated herein by this reference.

The purpose of this letter is to submit comments of record on the proposed plan amendment so as to qualify Hilton Pine Island Limited Partnership, Daniel Greene, General Partner as an "affected person" as that term is defined in 163.3184, F.S.

It is my client's understanding that the amendment referred to above, if adopted, will not affect the ability of my client, or its grantees or assigns to obtain building permits consistent with said development order under the terms of the current Lee Plan and land development regulations provided the existing building permits and future applications for building permits are diligently pursued.

BARKER LAW OFFICE P.A.

R. Scott Barker, Attorney

OPA 2001-18 S. Banken 01/09/2003

B, .. KER LAW OFFICE, P.A.

KENWOOD OFFICE PARK. 12734 KENWOOD LANE UNIT # 5 POST OFFICE DRAWER 159 FORT MYERS, FL 33902-0159 PHONE (941) 275-0000 FAX (941) 277-1890 CELLULAR (941) 994-6666 scottlaw99@aol.com

11.11.02

Department of Community Development Lee County Attn: Robert Gurnham P.E. Post Office Box 398 Fort Myers, FL 33902

Re: Hilton Pine Island Development Order #83-07-003.00D

Dear Bob,

I represent the owner of the property on Pine Island called The Villages of Pine Island, which is a commercial and residential development on Pine Island which is defined by Development Order 83-07-003-00D. The property adjoins Stringfellow Road and extends westerly to the Bay and contains a strip of commercial zoning on its eastern end with the remainder being residential zoning with a conservation easement at the western end adjoining the water.

The owner contends that Development Order 83-07-003-00D remains open and in effect. The first attachment to this letter is a 1999 letter from Walter McCarthy confirming the open status of the development order in 1999. During all relevant times, except when the effect of the ordinance was tolled by the foreclosure of a mortgage on a portion of the property, there has always been one or more open building permit.

The owner has entered into a contract to sell the property and the buyer is concerned about whether or not Lee County will allow the construction of the improvements specified in Development Order 83-07-003-00D and will not close the purchase without assurance that this is the situation. Accordingly, the owner requests a zoning verification letter which states that the eastern portion of the property is zoned CS and the remailider is zoned RM-2 with a special exception and variance, subject to a conservation easement on the westerly edge and that there is one Development Order in effect for the entire property and that through the tolling of the time periods during a foreclosure in the early 1990's and continuous, permitted construction on the site, Development Order 83-07-003-00D remains valid and effective today.

The property is under contract for sale to LAND MANAGEMENT OF SOUTH FLORIDA INC. The buyer has retained Larry Hildreth of Avalon Engineering to assist in performing the buyer's due diligence inspection of the property and the build-out of the project. The inspection period has passed and the buyer is ready to close and begin construction of both the commercial and residential improvements specified in Development Order 83-07-003-00D.

A letter from LAND MANAGEMENT OF SOUTH FLORIDA INC., who has contracted to purchase the property, is attached which details their due diligence activities, money expended in connection with this project, and, most important, states that they are ready and willing to start construction immediately and to build the improvements which are specified and permitted by DO 83-07-003-00D.

In the 90's, the development and sale of The Villages of Pine Island was halted by litigation and foreclosure just before the local market softened. There is no question that it has been a 20 year disappointment to the 20 or more local people who invested. The price at which they have finally agreed to sell is a fraction of the price they have hoped for 20 years to receive and they consider themselves fortunate to have found a buyer willing to build and market the improvements specified in Development Order 83-07-003-00D.

I have attached, in addition to the letter from the buyer, some copies of photographs and documents which may assist you in understanding the history of this project, the extent of the improvements and the constant attention the owner's have paid over the years to preserving and maintaining the right to construct the improvements permitted by Development Order 83-07-003-00D you may find useful in your review. The documents are numbered and are described below, and except for the 1999 letter from Walter McCarthy (1) and the letter from the buyer (24), are in chronological order:

- 1. 1999 letter from Walter McCarthy to owner stating that the Development Order 83-07-003-00D is active under the provision of active pursuit.
- 1981 Lee County Board of County Commissioners, sitting as the Zoning Appeals Board, Resolution Z-81-226A
- 1981 Lee County Board of County Commissioners Zoning Resolution Z-81-226A
- 1983 Letter from Lee County Department of Community Development approving request for Preliminary Development Order
- 1988 letter from Attorney for the property owner estimating the time table for construction of the project.
- 6 1984 Memo from project engineer estimating the time table for construction of the project.
- 1990 letter from Paul J. Bangs P.E. to project engineer stating that the project should be considered active so long as construction is diligently pursued.
- 1990 letter from project engineer to Paul J. Bangs P.E. detailing construction activity.
- 1990 letter to project engineer from Florida Department of Environmental Regulation certifying completion of part of the water system.
- 1990 letter to project engineer from Florida Department of Environmental Regulation acknowledging receipt of certificate of completion of part of the water system.
- 11. 1990 letter from project engineer to Paul J. Bangs P.E. detailing construction activity.
- 1992 letter from owner to Paul J. Bangs P.E. detailing the impact of the foreclosure proceeding and decree and reciting that \$519,000.00 had been spent on improvements.
- 13. 1992 Summary Judgement Declaring Rights and Quieting Title in case 90-8060, which is the foreclosure suit involving part of the property.
- 14. 1993 letter from Paul J. Bangs P.E. to owner discussing the impact of the Quiet Title on the property and the ability to continue construction.
- 15 1993 Building Permit # 199308555
- 1996 Building Permit # 199608240
- 1996 letter from project engineer to Don Blackburn concerning progress and amount spent on construction.
- 18. 1996 Building Permit # 199608250
- Letter to project engineer from Walter J. McCarthy P.E. in connection with wall construction.

Barker to Gurnham 11.23.02 Page 3 of 3

- 1996 Letter from George B. Mikita, Code Plans Examiner II with reference to minor change to D.O. 83-07-003-00D.
- 1996 letter from project engineer to Walter J. McCarthy P.E. in connection with minor changes to D.O. 83-07-003-00D.
- 1996 letter from Walter J. McCarthy P.E. to project engineer approving minor change To D.O. 83-07-003-00D
- 23. Phasing plan requested by Lee County and prepared by project engineer showing the phase development of the commercial property and the designation of the residential portion of the property as a separate phase.
- Letter from purchaser describing the nature and quality of the purchaser's investment in the purchase of the property and the purchaser's detrimental reliance on D.O. 83-07-003.00D.
- 25. Early photographs showing initial clearing and installation of infrastructure

I have attached my check for \$125.00. Please let me know if you have questions or if there is anything else you need in connection with this request

BARKER LAW OFFICE P.A.

R. Scott Barker, Attorney Kenwood Office Park 12734 Kenwood Lane # 5 Post Office Drawer 159 Fort Myers, Florida 33902-0159 (941) 275-0000 (Telephone) (941) 277-1890 (Facsimile) scottlaw99@aol.com (email) Florida Bar No: 0781894

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

> telephone: (941) 334-8866 fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

September 3, 2002

Lee County Commissioners P.O. Box 398 Fort Myers, Florida 33902-0398

RE: GREATER PINE ISLAND COMMUNITY PLAN (CPA 2001-18)

Dear County Commissioners:

On your agenda for Thursday September 5th you will be considering a proposed update to the Greater Pine Island Community Plan.

This hearing is the culmination of over two years of effort. On behalf of all those who have participated, I would like to thank all of you and your staff for the important role Lee County has played in updating this community plan.

As you can tell from the staff report, we have been able to resolve almost all of the questions that have arisen during the review process. We are aware of only two remaining issues that may be contested at your public hearing.

ISSUE #1: REVISIONS TO POLICY 14.2.2, TRAFFIC ON PINE ISLAND ROAD

This policy was adopted in 1989 as the centerpiece of the entire plan; it implements a phased slowing of growth on Pine Island as the capacity of Pine Island Road is reached. The first phase of the restrictions began in 1998 when the peak-hour traffic through Matlacha reached the preestablished threshold of 810 trips, which was based on 80% of the LOS "D" capacity of Pine Island Road.¹

¹ A summary of this issue is provided on pages 7 through 10 of the community plan update and a more detailed discussion is provided in Appendix A.

Lee County Commissioners September 3, 2002 Page 2 of 3

This plan update recommends some modifications to this policy to make it clearer and to provide certain reasonable exceptions, but the pre-established thresholds would remain exactly the same. Lee County DOT staff has proposed another version of this policy that would dramatically increase the thresholds for these growth restrictions — in effect, the existing restrictions would be suspended and would not be reinstated until approximately the year 2019!

Because the two versions of this policy use different methodologies, I have prepared the attached chart that allows an easy comparison of the effects of each.

The upper curve on the chart shows traffic *in both directions* through Matlacha from 1990 through 2000, with a straight-line projection into the future. Two horizontal lines depict the thresholds in the existing Policy 14.2.2; the first threshold, at 810 trips in both directions, was surpassed in 1998, at which time certain limitations began on rezonings for additional growth.

The lower curve on the chart shows traffic *in the peak direction only* for the same period, also with a projection into the future. This second curve is shown because the methodology proposed by DOT sets the new thresholds in *peak-direction trips* instead of trips in both directions (as well as lowering the level-of-service from "D" to "E"). Two horizontal lines depict the new thresholds proposed by DOT (beginning at 768 *peak-direction* trips). You can see that the projected traffic would not exceed this threshold until about the year 2019.

The DOT proposal was an honest attempt to achieve consistency between Policy 14.2.2 and Lee County's concurrency program. However, the concurrency program already establishes varying levels of service for roads with different characteristics (for instance, LOS "E" for most arterials; "C" for I-75; "B" for parts of SR 80; etc.).

The (inadvertent) result of the DOT proposal for Policy 14.2.2 would be a policy change of such magnitude that I am totally at a loss to explain it to the Greater Pine Islanders who have worked so diligently to update and refine this plan. Nothing has reduced Pine Island's growth potential since 1989 and nothing is even on the horizon to increase road capacity from the mainland. How could a delay of 21 years in the application of the plan's most important policy possibly be justified?

I'm sure you can understand why Greater Pine Islanders cannot accept this proposed change. Please transmit the *first version* of Policy 14.2.2 on page 5 of the staff report; this is the version originally proposed as part of this plan update and then refined through later discussions with staff.

ISSUE #2: PROPOSED POLICY 14.4.4 ON DIRECTIONAL SIGNS

Although the staff report doesn't discuss directional signs specifically, we have been in contact with DOT staff members who have concerns about allowing any new directional signs in the right-of-way.

At present, directional signs are allowed only for subdivisions and non-profit groups, but not for businesses. On Pine Island, many businesses are located along the waterfront rather than along

Lee County Commissioners September 3, 2002 Page 3 of 3

the highway. Without highway frontage, businesses such as marinas are not permitted to have any signs to advise motorists how to find them. Pages 30 and 31 of our plan explains this dilemma and proposes a pilot program of small directional signs that we would like to propose for Pine Island. These signs would have the business name and an arrow; advertising would be strictly forbidden.

I am attaching some earlier responses we provided to address concerns raised by DOT staff. The bottom line is that we may or may not be able to design a program of directional signs that will be satisfactory to Lee County officials. By adopting Policy 14.4.4, the county will be encouraging us to at least attempt to resolve the DOT concerns and allow small directional signs for businesses that meet carefully defined conditions (such as not being visible from the highway). We anticipate all costs of this program, such as the cost of the signs themselves and increased mowing costs, will be offset through permit fees.

Because this program would require revisions to the county's LDC and administrative code, the county commission will have the ability to accept, modify, or reject our detailed proposal when it is completed. DOT staff is not confident that we can resolve all of their concerns; we appreciate having been so apprised and we accept the risk that this program might not ultimately be accepted. However we urge the county commission to adopt Policy 14.4.4 as proposed and let us work with DOT staff in an attempt to design a program of directional signs that would meet with your approval.

Again, we would like to thank everyone for the high level of cooperation that has been demonstrated throughout this process. We urge you to transmit the proposed amendments to the Lee Plan as set forth on pages 3 through 8 of the staff report, selecting the first option on page 5 for Policy 14.2.2.

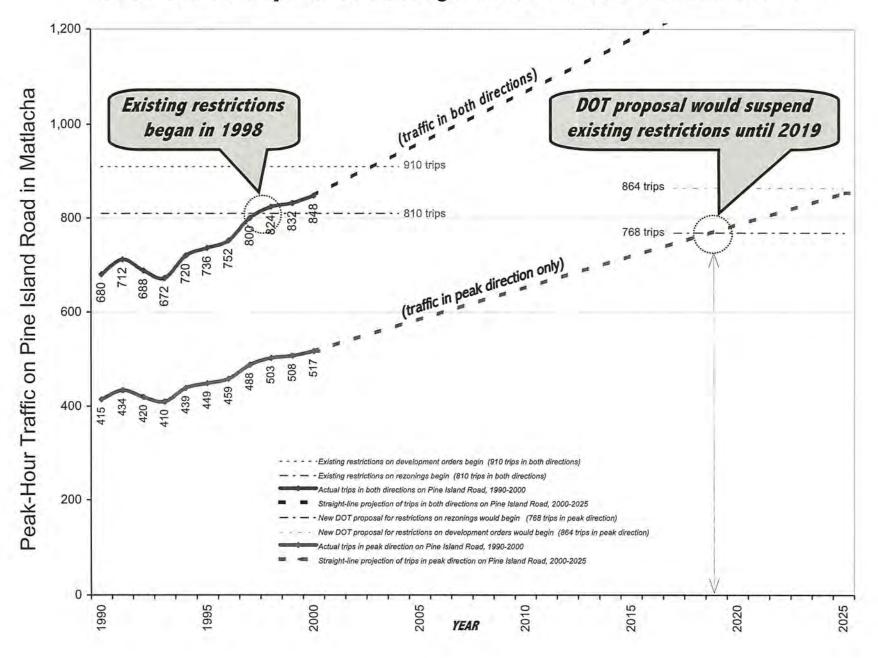
Sincerely,

Bill Spikowski, AICP

ATTACHMENTS:

- Chart: Effect of DOT Proposal on Existing Restrictions on Greater Pine Island
- Memo from May 10: Business Signs in the Right-of-Way on Pine Island

Effect of DOT Proposal on Existing Restrictions on Greater Pine Island

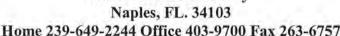


то;	Mr. Paul O'Connor	FAX:	239-479-8998
FROM:	Carl M. Fernstrom	DATE:	1/8/03
PAGES;	2	CC;	Hon. Ray Judah
PAGES;	CPA2001-18, Pine Islan	Charles II G	

Ø 001/002

Attached please find comments related to the scheduled adoption hearing on January 9, 2003

Carl M. Fernstrom 696 Fountainhead Way Naples, FL. 34103





Via Fax and Courier

January 8, 2003

Paul O'Connor, AICP Lee County Planning Director PO Box 398 Ft. Myers, Fl. 33902

Re: CPA2001-18, Pine Island Plan Amendment, DCA No. Lee County 02-2

Dear Mr. O'Connor,

On behalf of myself, Carl M. Fernstrom, as owner of the following described property:

Lots 73, 74, 75, 76 and 77, Holiday Harbor Subdivision, unrecorded also being the North 260 feet of the South 1725.0 feet of the East 108.17 feet of the West 276.35 feet of Government Lot 7, Section 30, Township 45 South, Range 22 East, Pine Island, Lee County, Florida

With regard to the above referenced plan amendment, I submit these written comments prior to the scheduled adoption hearing on January 9, 2003, on behalf of the following:

Carl M. Fernstrom 600 Fifth Avenue South, Suite 206 Naples, Fl. 34102

The purpose of this letter is to submit comments of record on the proposed plan amendment referenced above so as to qualify the owner named above as "affected persons" within the meaning of Section 163.3184, F.S. I am the owner of the property located on Pine Island.

An application for building permit, Res. 2002-02673, was filed in 2002 with Lee County for the subject property. The purpose of this letter is to confirm our understanding, based upon communications with other County officials, that the amendment referenced above, if adopted, would not effect the ability to obtain the building permit under the current Lee Plan and Land development regulations applicable to the subject property, provided the existing application for a building permit is diligently pursued in good faith. We would appreciate confirmation of this interpretation at your earliest convenience. Thank you.

Sincerely,

Carl M. Fernstrom

Cc: Hon, Ray Judah, Chairman, BOCC

Carl M. Fernstrom 696 Fountainhead Way Naples, FL. 34103 Home 239-649-2244 Office 403-9700 Fax 263-6757

Via Fax and Courier

January 8, 2003

Paul O'Connor, AICP Lee County Planning Director PO Box 398 Ft. Myers, Fl. 33902

Re: CPA2001-18, Pine Island Plan Amendment, DCA No. Lee County 02-2

Dear Mr. O'Connor,

On behalf of myself, Carl M. Fernstrom, as owner of the following described property:

Lots 73, 74, 75, 76 and 77, Holiday Harbor Subdivision, unrecorded also being the North 260 feet of the South 1725.0 feet of the East 108.17 feet of the West 276.35 feet of Government Lot 7, Section 30, Township 45 South, Range 22 East, Pine Island, Lee County, Florida

With regard to the above referenced plan amendment, I submit these written comments prior to the scheduled adoption hearing on January 9, 2003, on behalf of the following:

Carl M. Fernstrom 600 Fifth Avenue South, Suite 206 Naples, Fl. 34102

The purpose of this letter is to submit comments of record on the proposed plan amendment referenced above so as to qualify the owner named above as "affected persons" within the meaning of Section 163.3184, F.S. I am the owner of the property located on Pine Island.

An application for building permit, Res. 2002-02673, was filed in 2002 with Lee County for the subject property. The purpose of this letter is to confirm our understanding, based upon communications with other County officials, that the amendment referenced above, if adopted, would not effect the ability to obtain the building permit under the current Lee Plan and Land development regulations applicable to the subject property, provided the existing application for a building permit is diligently pursued in good faith. We would appreciate confirmation of this interpretation at your earliest convenience. Thank you.

Sincerely.

Carl M. Fernstrom

Cc: Hon. Ray Judah, Chairman, BOCC

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

> telephone: (941) 334-8866 fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

MEMORANDUM

TO: David Loveland FROM: Bill Spikowski DATE: May 10, 2002

SUBJECT: Business Signs in the Right-of-Way on Pine Island

Thanks for forwarding the concerns expressed by DOT's operations folks regarding the proposal in the Greater Pine Island community plan update to allow some business signs in the right-of-way. I have paired the DOT comments with my thoughts in response.

DOT: Would this be opened up county-wide – if we allow it on Stringfellow, how can we deny it elsewhere?

RESPONSE: Proposed Lee Plan Policy 14.4.4 would only apply to "Greater Pine Island," which ends at Matlacha Isles just east of Matlacha, so it would not have any legal applicability elsewhere in Lee County. If the program is a success, of course, there may be an effort from other communities to have the same program. The costs and benefits will be much clearer at that time than they are now; an assessment of those facts could lead toward expansion of the program, or toward its termination!

DOT: Visibility of businesses on Stringfellow is good, better than in many other areas.

RESPONSE: This program is for businesses that are *not visible at all* from Stringfellow. If the business is visible, it can put up a conventional identification sign on its building. The implementing regulations for this program will have to be clear on this point.

DOT: Will you allow a residence to put up a sign? What about the guy that runs a lawn service out of his garage? If not, why not?

RESPONSE: This program is for businesses only. As for home businesses, the implementing regulations will have to make some subtle distinctions. The guy who runs a lawn service out of his

Mr. David Loveland May 10, 2002 Page 2 of 3

garage should not qualify – for him, this would be strictly advertising, since his customers have no need to ever visit the business location. However, a sculptor with a gallery in his garage that is open occasionally maybe should qualify. We would be preparing the first draft of the implementing regulations and then seeking input from county staff prior to taking these regulations to public hearings.

DOT: Will you allow businesses on side streets to put up a sign on Stringfellow? If yes, you could have 5 or 10 signs at one location.

RESPONSE: Yes, this program would be aimed at businesses on side streets. For instance, just before Pineland Road I can imagine a number of Pineland businesses all wanting a sign (the marina, the restaurant, the church college, and Randell Research Center, for example). But there is no reason for each of these signs to be on its own pole. The size of these signs and how many could go on a single pole would be matters about which we would seek advice from DOT before proceeding to public hearings.

DOT: If there is an accident and somebody hits the sign and it damages their vehicle, who is responsible? If the person sues, we would in all likelihood be included no matter what we think is right.

RESPONSE: These signs would be paid for by the benefitting businesses through permit fees, but since the signs would be produced, installed, and maintained by the county, I'm sure any liability would end up with the county.

DOT: Signs are expensive to mow around. At each sign the mower has to stop, turn around, and back up to the sign. Then he has to turn around and back up to it again from the other side. Plus you can never get all the grass so there is some hand work, trimming, spraying or something. Each sign post becomes a significant cost and slows down the operation.

RESPONSE: I think DOT would be able quantify the extra effort in time and materials, In addition to the initial fee to produce and install the sign, let's charge an annual fee for each sign that includes all reasonable maintenance costs.

DOT: For each sign in the R-o-W, the mower must swing out into traffic creating a safety concern. Most of our vehicle accidents, albeit an infrequent occurrence, have occurred while moving around a sign.

RESPONSE: None.

DOT: Wouldn't we have to change our administrative code to allow this to happen?

RESPONSE: It would certainly require an LDC change, and probably an administrative code change also.

Mr. David Loveland May 10, 2002 Page 3 of 3

The county planning department has recommended slightly different wording for our proposed Policy 14.4.4. Their version is as follows:

POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

The major change is that the burden is now on the Greater Pine Island community to bring forth an acceptable proposal on business signs. We have agreed to this new language, and if it is adopted, we will be seeking your input on our draft language before any public hearings are scheduled.

Attached are the two pages from the Greater Pine Island community plan update regarding business signs, for your reference.

From:

Bill Spikowski

spikowski.com>

To:

David Loveland <LOVELADM@leegov.com>

Date:

8/22/02 5:57PM

Subject:

Re: Fwd: State Statute on Commerical Signs in the ROW

David, I forgot that we agreed to reword Policy 14.4.4 as you have stated.

The current version reads:

"POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road."

You're right, this policy would put the burden on us to come up with "an acceptable proposal." But I think the acceptability of the proposal would ultimately be judged by the county commission when they approve or reject the proposal.

If DOT cannot get comfortable with our directional sign idea, I hope you would still critique our draft to make it as good as possible. Working with us wouldn't commit you to supporting the idea before the BOCC if you still think the final proposal shouldn't be approved — but our aim would be to win your support before the public hearing stage.

-- Bill Spikowski

> Bill:

- > Sorry to keep dragging this discussion out, but one of the things
- > you said at the end concerns me, about the Board approving your
- > concept for directional signs. My understanding of the policy change
- > that planning staff proposed to 14.4.4 is that we would consider changing
- > our sign regulations IF AN ACCEPTABLE PROPOSAL IS SUBMITTED. I
- > interpreted that as being acceptable to staff, which would give you
- > the opportunity to convince us why signs should be allowed in the
- > right-of-way, but we would be reserving the right to still object.
- > We wouldn't take the Board approval of the policy as automatic
- > approval for allowing the signs in the right-of-way, with it simply
- > being a matter of working out the details. If that is your understanding,
- > then DOT staff is going to have to object to the policy at the transmittal
- > hearing.

David M. Loveland, AICP Manager, Transportation Planning, Lee Co. DOT loveladm@leegov.com (941)479-8509 - Phone (941)479-8520 - Fax

>> Bill Spikowski <bill@spikowski.com> 08/22/02 02:32PM >>> I'm not arguing for the Interstate logo sign program on Pine Island!

I was just pointing out that the statute against advertising signs in the ROW couldn't be read to forbid carefully controlled directional signs for businesses that meet criteria established by the government and determined to be in the public interest -- or the logo sign program would never have been allowed.

Same thing with those darned bus benches with blatant advertising -- I hate 'em more than you could know, but apparently they're not against state law (ought to be, if anyone wants my opinion).

The Pine Island program would of course need its own strict criteria to keep it from being abused. Pine Island criteria probably wouldn't include that business having to be a significant traffic generator, that's not the purpose of this program.

If the BOCC approves our concept for directional signs on Pine Island, it may be that Ordinance 88-11 is the place to implement it, or should at least contain a reference to the implementing regulations. We'll deal with all those details if we get the go-ahead to pursue the program.

Thanks for keeping me advised of DOT concerns about this proposal.

-- Bill Spikowski

CC: John Davis <DAVISJAD@leegov.com>, Matthew Noble <NOBLEMA@leegov.com>, Paul Wingard <WINGARPW@leegov.com>

From: David Loveland
To: Noble, Matthew
Date: 8/22/02 9:11AM

Subject: Re: Fwd: Greater Pine Island community plan update

Matt-

The issue of whether the threshold is 80%/90% of LOS D or E is a policy call, and DOT can live with it either way. I still think there is some inconsistency by having a different basis of measurement for Pine Island (annual average, peak hour, two way traffic) than the entire rest of the County (peak season, peak hour, peak direction), but we can do the calculation. There is some merit to Bill's argument to keep the resulting threshold numbers fixed (810 and 910) to comply with DCA's original requirement and not have a sliding scale that changes as the capacity calculations change, and it gives the Pine Islanders some certainty. I think his other changes provide better direction on how the standard is measured against development proposals.

As far as the commercial sign proposal, we didn't officially respond back to Bill's May 9th memo, but the language proposed in the staff report and discussed with the LPA was acceptable to us - as Bill noted it puts the burden on them to submit something that is acceptable. DOT still has a concern about the precedent setting nature of allowing commercial signs in the right-of-way on Pine Island - despite Bill's argument that it only applies to Pine Island and allowing them to implement it will give us some data, we would be hard-pressed not to allow it in other parts of the County. In e-mail communications with Donna Marie, I think she agrees. Bill's suggestion that the additional maintenance costs for working around the new obstructions in the right-of-way be part of the permit fee seems a little simplistic (what if the businesses think our costs are too high?), and he doesn't really address the additional liability facing the County or the safety concerns for our maintenance staff. John Davis also indicated there might be a conflict with state law, which I am trying to verify.

David M. Loveland, AICP Manager, Transportation Planning, Lee Co. DOT loveladm@leegov.com (941)479-8509 - Phone (941)479-8520 - Fax

>>> Matthew Noble 08/22/02 08:03AM >>>

Any thoughts on the attachments? I am just up dating the report today! What do you guys think about the revisions to 14.2.2?

From: Bill Spikowski <bill@spikowski.com>
To: James Mudd <JMUDD@leegov.com>

Date: 8/5/02 11:24AM

Subject: Greater Pine Island community plan update

Several remaining issues regarding the Greater Pine Island community plan update:

-- The newspaper ad for the BOCC hearing needs to include a map of our entire community planning area -- this boundary is the same one that is used in the current Lee Plan (it's shown on page 19 of our plan).

I think the ad should also outline or shade the 157 acres that would be changed from Outlying Suburban to Coastal Rural.

The April staff report showed too much text being deleted from Policy 14.2.3 -- the only part to be deleted is the final clause of the first bullet: "...or a continuous third lane." (Matt mentioned this at the LPA meeting and the LPA also concurred.)

-- At the LPA hearing you passed out a revision to Policy 1.4.7 -- we agreed with the new language and so did the LPA -- so be sure that this version replaces the earlier version in the staff report.

- -- I hope you are planning to change the staff recommendation to concur with the LPA recommendation on Policy 14.2.2 (regarding traffic thresholds, where they voted to recommend our new language rather than DOT's language)! The LPA motion to support this language mentioned our commitment to keep looking at the exact wording to avoid introducing any unnecessary Bert Harris problems. After the LPA meeting, I consulted with Tim Jones about this language and sent him a slightly revised version that reflected my statements at the LPA meeting that the new language was intended to be slightly *less* restrictive than the existing language (see our e-mail exchange below). The new language is in the lower half of the attached sheet -- see the changes in the second bulleted item. We would now like to use this newer version as our official proposal and request that you show it in the staff report as our proposal -- and please use it in your recommendation if you concur.
- -- Regarding the hearing date, we have no preference as to September 4 vs. September 5. But please don't put us late on either agenda! The Pine Island folks have already been through the wait-all-day thing twice at the LPA level and don't deserve it again. My own preference is to not to follow your normal procedure and schedule all the hearings in one stream, with any not finished the first day being carried over to a second. Why don't you just schedule half for each day, and if you get out by noon both days, well think of all the time that people didn't waste sitting through an entire day of other peoples' hearings just to get to their own! The BOCC and staff spend the same amount of time at the hearings either way. If you split the hearings this way, please put the Captiva and the Pine Island cases on different days.)
- -- At Matt's suggestion, I consulted Kim Trebatoski about restoration standards. She gave me the names of what she called "the real experts" in this field. Unfortunately neither of them have responded to my requests for assistance to date.
- -- The previous comments from DOT had mildly questioned our proposal regarding business signs in the ROW. I'm attaching my response to these comments, which I sent to David Loveland in May. I haven't heard anything further from David on this matter.
- -- I'd love to take a final look at the staff report before it gets distributed. All of this is tremendously complicated, and any error or inconsistency in the staff report just magnifies the confusion!

Timothy Jones wrote:

>>

>> Bill,

```
>> I think your new language is fine. I haven't been able to
>> come up with something I think would be better. Your language
>> makes the point that we are not creating a new restriction,
>> but modifying the old language so that it will not cause a
>> total prohibition of development.
>>
>> Timothy Jones
>> Assistant County Attorney
>> Lee County, Florida
>> Phone: 941-335-2236 Fax: 941-335-2606
>> Email: jonest@leegov.com
>>> Bill Spikowski <bill@spikowski.com> 5/8/2002 10:13:47 AM >>>
> Here's the existing proposal plus a modified version, which changes only
> the wording under the second bullet (the 910 rule).
> It adds the "one-third" density proposal as a minimum rather than as a
> substitute for the existing language. This would accomplish what we
> were trying to do without providing an unnecessary opening for
> challenges under the Bert Harris Act, as you suggested.
> I think the Pine Island folks will be agreeable to this approach.
> Let me know if you have another suggestion on how this might be worded.
```

CC: Matthew Noble < NOBLEMA@leegov.com>

Subject: Pine Island public hearing- land owner with comments

Date: Mon, 22 Apr 2002 12:37:23 -0400

From: "I. M. Sisson" < womeninthewild@earthlink.net>

Organization: Women In The Wild is a Registered Trademark of I. Sisson

To: bill@spikowski.com

Dear Mr. Spikowski,

We received your letter concerning the land-use reclassification for sections of Pine Island. My husband and I own five acres of land off Bromeliad St. and just south of Cobb in Bokeelia. We have read the entire report and we are very much in favor of the changes proposed for the entire area. We are conservationists and would love to see this approach to "saving" the island carried out throughout the island.

We would like to mention to you that during your research you missed out on another type of individual interested in buying acreage who is neither farmer nor developer and that's people like us who want to preserve the land as is. Our acreage is heavily wooded and we aim to keep it that way.

We hope to build a natural house someday and protect the remaining land.

However, we do have a question, will this change prevent us from building a detached garage with a second story studio and/or detached storage area?

We regret we won't be able to attend today's meeting. But we wanted to let you know we support the plan and we applaud the Islanders for their great efforts to maintain the character, charm and mystery of this beautiful place. If only, it'd be likewise throughout our beautiful State of Florida.

Regards,

I. Marjorie Sisson and Glenn Sisson

I. M. Sisson < womeninthewild@earthlink.net>



DEPARTMENT OF TRANSPORTATION

Memo

To:

Jim Mudd, Principal Planner

From:

David Loveland, Manager, Transportation Planning

Date:

November 26, 2001

Subject:

LCDOT COMMENTS ON DRAFT

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

The Lee County Department of Transportation has reviewed the draft community plan update for Greater Pine Island dated September 30, 2001. On a general note, the plan documentation is very well written and presented in an easy-to-follow format, and the supporting data and analysis seems thorough. However, we have concerns about a couple of issues.

POLICY 14.2.3

The discussion on page 8 and in Appendix A suggests that adding a third lane on Pine Island Road would not be desirable, even though it is an option to be evaluated in existing Policy 14.2.3. The Matlacha Civic Association has apparently recently taken a position opposing the addition of a third lane through Matlacha. While some changes to Policy 14.2.3 are proposed on page 6 to address hurricane evacuation concerns, the language regarding evaluating a continuous third lane is retained in the policy. Perhaps the retention of this language should be reconsidered.

DEVELOPMENT LIMITATION STANDARD

Appendix A includes a fairly thorough discussion of the capacity calculations that led to the 810 and 910 traffic limitation standards and the changes in capacity calculations over time, but instead of actually calculating new capacities the report attempts to justify sticking with the old capacity calculations based on a comparison to Estero Boulevard. Staff feels the legal defensibility of the standard would be better served by calculating a new capacity based on the most up-to-date methods, even if some of the inputs for the calculation have to be estimated and even if the results are not much different.

Also, there is no attempt to reconcile the old standard, defined in terms of peak hour, annual average two-way trips, with the more modern standard used throughout the rest of the Lee Plan, which is peak season, peak hour, peak direction trips. Finally, the analysis

in Appendix A suggests that the level of service "D" capacity was purposely used to develop the 810/910 standards instead of the normal level of service "E" used for most other County roads. Assuming that policy position is retained, the policy would be much clearer if language was added that indicated the 810 and 910 standards were calculated as 80% and 90% of the level of service "D" capacity as calculated using the 1965 Highway Capacity Manual.

BIKE PATHS

We appreciate the recognition of Lee County efforts toward building a bike path along major portions of Stringfellow Road, and understand the completion of the path would be a high priority to Pine Islanders. Proposed new policy 14.2.4 reads as follows:

POLICY 14.2.4: The county shall make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity, not as an afterthought. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bicycle path.

It is not clear to staff what is meant by the second sentence – is there an example of a bike path being designed as an afterthought? If the intention is to indicate that bike paths should be part of the up-front design for a major road improvement, then the policy should say that – although no major road improvements are contemplated on Stringfellow Road.

As far as the third sentence, what defines a "high-quality" bicycle path? Who determines the need to relocate power poles and swales to provide such a high-quality path? The supporting analysis acknowledged that the reason for the jogs in the existing portions of the path was the costs of relocating the power poles. Is the intent of the third sentence to require the relocation of power poles and swales to create a straight path irregardless of cost? If so, staff objects to the inclusion of this sentence — limited dollars for sidewalk and bike path installation countywide requires us to seek the most cost-effective solutions.

Thank you for this opportunity to comment on the draft Greater Pine Island Community Plan Update. Please contact me if you have any questions.

DML/mlb

cc: Bill Spikowski

Greater Pine Island Civic Association Donna Loibl, President, Matlacha Civic Association Administrative File From: "Joseph Loibl" <jo-dons@worldnet.att.net>
To: "Commisioner Janes" <DIST1@leegov.com>
Date: Wednesday, November 21, 2001 2:27PM
Subject: Matlacha Civic Association-Third Lane

Thank you for responding. Nan sent over the response from Mr. Loveland. I presented this information to your board. It appears that in Mr. Loveland's response he states: "The character of Matlacha would lose some of its village atmosphere and pedestrian orientation, replaced with a more highway-oriented character, plus businesses and homes would lose SOME of their parking. Has Mr. Loveland been to Matlacha? Is he at all familiar with Pine Island Rd from the Bridge to Sandy Hook Restaurant? Also he stated we should express our concerns to the planners -Mr. Spikowski.

We originally contacted Mr. Spikowski. Asked him to be a guest speaker at our meeting. He referred us to Mr. OConnor who graciously responded and attended our October meeting. He suggested we inform the commissioner's about our feelings. Which we did, we contacted you. Now Mr. Loveland feels we should be talking to Mr. Spikowski. This sounds like an Abbott and Costello routine: Who's on first??

The following statement was made by one of our directors at our last meeting. Please do not take offense to it as it is not intended to be sarcastic.

When Lee county decides to build a third lane OVER THE BRIDGE - then come and talk to us about a third lane in Matlacha.

We will be discussing this at our next meeting Nov. 26th. If anyone is interested in participating you are all welcome. It is at 7 p.m. in Matlacha Park, at the Art Association building.

On another note, Commissioner Janes-does the county own or have easements on the property at the corner of Pine Island Rd and Island Ave. (Across from Realty World on the Island Ave. side) This strip is an eye sore to the community. Please let us know what can be done here.

Thank you,
Donna Loibl
President Matlacha Civic Association

CC: "Paul OConnor" <OCONNOPS@leegov.com>, <gilbersm@leegov.com>, <loveladm@leegov.com>, <dist3@leegov.com>



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:_	
vvriter's Direct Dial Number:_	

John E. Manning

November 13, 2001

Douglas R. St. Cerny District Two

Mr. Paul O'Connor, Director Lee County Division of Planning

P.O. Box 398

Fort Myers, FL 33902-0398

District Three
Andrew W. Coy
District Four

Ray Judah

Re: Greater Pine Island Community Plan Update

John E. Albion District Five Dear Paul:

Donald D. Stilwell County Manager We have reviewed the proposed update to this portion of the Lee Plan.

James G. Yaeger County Attorney We have no objections to any of the proposed amendments; however, we would like to

Diana M. Parker County Hearing

Examiner

point out an issue in how the term "evacuation time" is defined as it relates to the discussion on page 5 of the document. On this page, the second footnote defines evacuation time which includes both a clearance time component (12 hours) and an pre-landfall hazards time component (8 hours). These two components are used together to come up with a 20 hour time frame for a category 2 (presumably a landfalling) hurricane. The third paragraph on this page then states this evacuation time exceeds both regional and county standards for evacuation times.

The recently completed 2001 Southwest Regional Hurricane Evacuation Study indicates a clearance time estimate between 8.0 - 10.8 hours for a category 2 landfalling storm occurring late in the hurricane season for Pine Island (p. II-B-48, Table 11). The evacuation time estimate for the same storm ranges from 13.6 hours to 17.2 hours taking into account the worst case assumptions (p. II-B-52, Table 13A).

The point we would like to make is that the way the Pine Island Community Plan Update defines evacuation time exceeds both the regional and county thresholds. However, the current clearance time and evacuation time estimates are below the language presented in both the Strategic Regional Policy Plan and the Lee County Comprehensive Plan, as defined by these planning documents. This is not to say that a hurricane evacuation problem does not exist on Pine Island, nor is the way the update defines evacuation time is incorrect for the purposes of defining policy.

Sincerely,

DIVISION OF PUBLIC SAFETY

John Wilson Director

JDW:cmm

cc: Michael Bridges, Deputy Director

David Saniter, Emergency Programs Manager Terry Kelly, Emergency Management Coordinator



BOARD OF COUNTY COMMISSIONERS

RETURN CHECK WTO 's Direct Dial Number: FISCAL POOL

(941) 479-8585

Bob Janes District One

November 1, 2001

APPROVE/PLEASE PAY, FROM

Douglas R. St. Cerny

District Two

Ray Judah District Three

Andrew W. Cov District Four

John F Albion District Five

Donald D. Stilwell County Manager

James G. Yaeger

Diana M. Parker County Hearing

Examiner

Beth Frost, Senior Management Analyst I Florida Department of Community Affairs

Division of Community Planning 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100

PO) Dept Appr

Fiscal Auth/Date

RE: Technical Assistance Grant/Contract Number: 01-DR-15-09-46-01-024

RETURN CHECK TO FISCAL POOL

Dear Ms. Frost: County Attorney

> Attached is the second deliverable in accordance with the technical assistance grant, contract number 01-DR-15-09-46-01-024, between Lee County and the Department of Community Affairs. Consistent with page 15 of the contract, the second deliverable is being submitted by the Nov. 1, 2001 due date as an invoice for the second 50% payment amount of \$5,000.

> Included in the attachment is a draft of the completed plan, as required under the schedule of deliverables, as well as the cover letter and an update on the community planning effort from the subrecipient, the Greater Pine Island Civic Association.

> Thank you for your assistance with this project. If you have any questions, or if I can be of further assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,

Dept. Of Community Development Division of Planning

Paul O'Connor, AICP

Director

cc:

Bob Cambric, Growth Management Administrator Peter Cloutier, Fiscal Manager Grants Coordinator, Budget Services

LEE COUNTY BOARD OF COUNTY COMMISSIONE P.O. BOX 2238 FORT MYERS, FLORIDA 33902 (941) 335-2300

Vendor No.- 203190

Check Date - 12/4/01

Check No.-313031

DISCOUNT **NET AMOUNT**

INVOICE NUMBER

INV. DATE

DESCRIPTION

INV. AMOUNT

110101

11/1/01

#01-DR-15-09-46-01-24

\$5,000.00

\$5,000.00

*****\$5,000.00

*****\$5,000.00

LEE COUNTY BOARD OF COUNTY COMMISSIONERS P.O. BOX 2238 FORT MYERS, FLORIDA 33902 (941) 335-2300

Five thousand and 00/100 Dollars

VENDOR NO. 203190

FIRST UNION NATIONAL BANK PENSACOLA, FLORIDA

63-1012/632

CHECK DATE 12/4/01

CHECK NUMBER 313031

CHECK AMOUNT ******5,000.00

VOID AFTER 6 MONTHS

GREATER PINE ISLAND CIVIC ASSOCIATION

PO BOX 478

ST JAMES CITY, FL 33956

CHAIRN

10/31/202

FILE COPY



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes District One

Douglas R. St. Cerny District Two October 30, 2001

Ray Judah District Three

Andrew W. Cov.

Andrew W Co District Four

John E. Albion District Five

Donald D. Stilwell County Manager

James G. Yaeger County Attorney

Diana M. Parker County Hearing Examiner Public Service/Review Agencies See Distribution List

RE: Greater Pine Island Community Plan Update

Planning Division staff requests your agency's help in reviewing the above referenced draft community plan for Greater Pine Island which includes Pine Island, Little Pine Island and Matlacha. The draft plan contains specific proposals to amend Lee County plans and regulations including the Lee Plan and Land Development Code.

Proposed amendments are highlighted throughout the document and are accompanied by a brief discussion of the proposals. Many of the proposed amendments would require significant expenditures of County resources. Included in the proposed amendments are the creation of a new land use classification, an expansion of design and architectural standards, infrastructure improvements, and various environmental assessments including a time frame for completion.

Planning staff requests that your agency help to determine the adequacy of existing county plans and regulations to address the concerns expressed in the attached plan and the impact on both fiscal and human resources the proposed amendments would have on your agency. Also, if applicable, please provide comment on your agency's ability to provide the requested services.

Planning Staff requests that your agency review the draft community plan for Greater Pine Island and provide written comments no later than Wednesday, November 14, 2001. If the proposed community plan causes any other concerns for your agency, please include this information in your comments. Also, please return the draft community plan along with your comments, if possible, so we can use it again for subsequent reviews.

Sincerely,

Dept. Of Community Development Division of Planning

Jim Mudd

Principal Planner

Distribution List:

John Wilson, Lee County Public Safety

Chris Hansen, Lee County Public Safety, EMS A. Scott Hamilton, Lee County Sheriff's Office

Roland E. Ottolini, Lee County Natural Resources Management

Steven Myers, Lee Tran

John Yarbrough, Lee County Parks & Recreation Stephanie Keyes, Lee County School Board

Dave Loveland, Lee County division of Transportation Mike Carroll, Lee County Development Services

Rick Joyce, Lee County Division of Planning, Environmental Sciences

Program

Lindsey Sampson, Lee County Environmental Services, Deputy Director

Bill Horner, Lee County Port Authority

Janet Watermeier, Lee County Economic Development Robert Gurnham, Lee County Development Services

Kim Trebatoski, Lee County Division of Planning, Environmental

Sciences Program

John Campbell, Lee County Public Safety, Emergency Management

Jim Lavender, Lee County Public Works

Jerry Murphy, Lee County Development Services

Rick Diaz, Lee County Utilities

Chief David Bradley, Matlacha-Pine Island Fire Control District



BOARD OF COUNTY COMMISSIONERS

(941) 479-8585

Bob Janes District One

October 18, 2001

Douglas R. St. Cerny District Two

Ms. Barbara Dubin, Chairman

Ray Judah District Three Greater Pine Island Civic Association Comprehensive Land Use Plan Committee

Andrew W. Coy District Four

P.O. Box 478

John E. Albion District Five St. James City, Florida 33956

Donald D. Stilwell County Manager RE: Greater Pine Island Community Plan Update

James G. Yaeger County Allomey Dear Ms. Dubin:

Diana M. Parker County Hearing Examiner We are in receipt of the Greater Pine Island Community Plan Update dated September 30, 2001 submitted to our offices on behalf of the Greater Pine Island Civic Association. We require 30 additional copies of the Community Plan for distribution to various public agencies for review and comment.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at the above telephone number.

Sincerely,

Dept. Of Community Development Division of Planning

Writer's Direct Dial Number

Jim Mudd

un Mr

Principal Planner

— GREATER PINE ISLAND COMMUNITY PLAN UPDATE —

SYNOPSIS OF AND RESPONSE TO SUGGESTIONS FROM THE SEPTEMBER 19, 2001, PUBLIC PRESENTATION

SYNOPSIS OF SUGGESTION:	COMMENT:	CHANGES MADE:	
1. SUGGESTIONS BY LEO AMOS			
a. A third lane on Pine Island Road through Matlacha would be bad for Matlacha.	 Page 8 describes the many negative effects of adding a third lane. 	a. NONE	
b. How would the section on signs affect Matlacha?	b. See page 30 and 31; mainly, buildings within 15 feet of a right-of-way would now be allowed to have wall-mounted signs.	b. NONE	
c. The section on municipal incorporation doesn't address what would happen to the new sewer plant after incorporation.	c. The answer to this question should be added to the plan.	c. Added a comment on page 33 that ownership and operation of the sewer plant would likely be retained by Lee County Utilities	
d. Where is the definition of the new "Coastal Rural" land-use designation?	d. The definition is contained in proposed Policy 1.4.7 on page 17.		
e. The plan repeatedly uses the phrase "Pine Islanders" – which seems to exclude Matlacha.	e. This was not intentional; however, adding the word "Greater" to every use of "Pine Islanders" would be somewhat cumbersome (though more accurate).		
f. Why are buildings on Galt Island allowed to be taller than elsewhere on Pine Island?	f. Phil Buchanan explained the history behind this question on September 19. This plan update contains the same height limits for Galt Island as for the rest of Greater Pine Island.	f. NONE	

CPA 2000 00018

SYNOPSIS	OF	SUGGESTION:

COMMENT:

CHANGES MADE:

2. BURGESS ISLAND

- a. Jack Brugger (also distributed letter)
 - Burgess Island is included in this plan without any analysis.
 - ii. The "Coastal Rural" designation may be challenged under the Bert Harris Act.
 - iii. The discussion of 70% habitat protection doesn't reflect the amount of land needed to meet SFWMD detention requirements.
 - iv. The proposed commercial standards require "large" windows, but the new building code will make them very expensive.
 - v. The modified height limit is measured from minimum flood elevation.
 - vi. The septic tank program (page 37) cannot be completed within one year.
- b. **Richard Donnelly** (also distributed letter from Alliance of Bridgeless Islands of Lee County, Inc)
 - Let the bridgeless islands decide for themselves if they want to be in this plan or out of it; keep this decision at the local level rather than letting the county commission decide.
- c. Tom Munz (via letter)
 - i. Please delete Burgess Island from your plan.

- Burgess Island was specifically included in the inventory in Appendix C.
- ii. This potential for such a challenge is discussed on pages 14 and 15.
- iii. These requirements should be acknowledged in this plan.
- iv. Any conflicts between great building types and the new Florida Building Code will be resolved when writing the new architectural standards.
- v. The basic height limit would not change; it is not measured from flood elevation, nor should it be.
- vi. Agreed; only the design of the program is expected in one year (see wording on page 37)

This plan contains nothing that would support a recommendation to change the boundary. A landowner's wish is not a sufficient justification for the community to recommend modifying the boundary. A boundary change would not only exclude a piece of land from this plan update, it would exclude it from the *existing* Pine Island plan.

- i. NONE
- ii. NONE
- iii. Modified narrative on page 15 and Tables 4, B-1, and B-2 on pages 16, B-5, and B-6 to reflect these requirements.
- iv. NONE
- v. NONE
- vi. NONE

NONE

SYNOPSIS OF SUGGESTION:

COMMENT:

CHANGES MADE:

3. SEPTIC TANKS ON CANALS

- a. **Eric Soronen**: Why does the septic tank section need to be in this report? It could split the community between those with new septic systems and those with older systems, and could open a huge can of worms by suggesting there might be a public health hazard in our canals.
- b. Phil Buchanan: Keep the septic tank section in the report; this question of sewers will go forward either without local data or with the local data we can collect.
- a. and b.
 There is no requirement to address this
 subject. It is a voluntary effort to learn
 more, and ultimately to influence the
 outcomes if contamination of canals is
 actually occurring. If this plan ignores
 this subject, others will control this
 decision and Pine Islanders will be
 forced to simply respond.
- a. and b. NONE

4. G.P.I. CHAMBER OF COMMERCE

- a. Sally Tapager (also distributed letter): This plan shouldn't advise Lee County as to the types of businesses we need or would welcome on Pine Island; pages 9, 10, and A-10 seem to do this.
- a. The only purpose of the chart that divides businesses into two types was to identify certain commercial uses that would almost never increase traffic on Pine Island Road through Matlacha. It was not intended to imply that businesses in the left column were desirable or that businesses in the right column were undesirable.
- b. Elaine McLaughlin: The listing of "hotels" on the chart on page 10 conjures up the image of incompatible chain hotels, while Pine Island would welcome small or bed-and-breakfast inns.
- This chart was not intended to suggest that small or bed-and-breakfast inns were unwelcome on Greater Pine Island.
- a. Modified the text and chart on pages 9, 10, and A-10 to avoid the impression expressed by the Chamber of Commerce letter, while retaining the list of business types that would be presumed to serve residents and existing visitors and thus be unlikely to increase traffic on Pine Island Road.
- Added text on page A-10 acknowledging small inns as desirable Pine Island businesses.

SYNOPSIS OF SUGGESTION:

COMMENT:

CHANGES MADE:

- 5. CHERRY ESTATES (Mike Roeder on behalf of Kevin Cherry (also sent letter):
- a. Cherry Estates has been under development for several decades but is not yet completed. Certain desirable changes (such as converting mobile home lots to conventional house lots) might be blocked by potential interpretations of Policy 14.2.2.
- a. This plan was not intended to interfere with completion of legitimate ongoing development projects, especially with changes that would improve such projects.
- a. Modified proposed changes to Policy 14.2.2 (page 10) to add this sentence: These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

This document presents a community plan update for Greater Pine Island. Background material on current conditions is followed by specific proposals to amend Lee County plans and regulations that affect Greater Pine Island.

A quick summary of this plan is available by reviewing the shaded boxes throughout this document. One of Greater Pine Island's major planning issues is summarized in each box, followed by one or more recommended responses.

This entire plan update has been sponsored as a community service by the Greater Pine Island Civic Association, with professional assistance by Spikowski Planning Associates, aided by Mohsen Salehi Consulting Services, both of Fort Myers. Generous financial assistance was provided by the Lee County Board of Commissioners, the Florida Department of Community Affairs, and the Elizabeth Ordway Dunn Foundation with assistance from the Florida Wildlife Federation. Updates on the progress of this plan are published in the Pine Island Eagle and are also available at http://www.spikowski.com/pineisland.htm and http://www.PineIslandNews.com

Written comments can be forwarded to the Greater Pine Island Civic Association at P.O. Box 478, St. James City, FL 33956.

This plan update was formally submitted to Lee County on September 28, 2001. Formal public hearings will be held in Fort Myers. Notices are published in advance in the News-Press.



TABLE OF CONTENTS

\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
INTRODUCTION TO THIS PLAN UPDATE	Page 1
Pine Island – the Place and the People	Page 2
Existing Private Property Rights	Page 4
TRANSPORTATION ISSUES	Page 5
Hurricane Evacuation	
Road Constraints	
POPULATION AND LAND USE P	
Town and Country on Pine Island	
Population Summary	
Greater Pine Island's Boundary	Page 19
COMMUNITY CHARACTER P	age 20
Design of Commercial Buildings	
Bike Paths	
Fences and Walls	
Historic Buildings	
Cap on Building Heights	
Business Signs	
County-initiated Rezonings	
Pine Island – a Vision for 2020	
Municipal Incorporation	
THE ENVIRONMENT P	
Protecting the Aquatic Preserves from Runoff	
Septic Tanks Along Canals	
Jet-skis and Air Boats	
APPENDIX A: TRANSPORTATION DATA AND A	
APPENDIX B: RURAL LAND-USE ALTERNATIVES	
APPENDIX C: EXISTING AND APPROVED LOTS	

INTRODUCTION TO THIS PLAN UPDATE

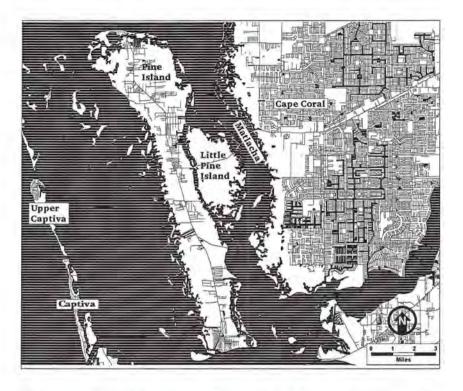
Pine Island, Little Pine Island, and Matlacha share many characteristics and are collectively called Greater Pine Island, or simply Pine Island. These islands are located west of Cape Coral and mainland Lee County but inside the string of barrier islands along Florida's west coast.

While geographically separate, Greater Pine Island is part of unincorporated Lee County and is governed by its board of county commissioners. Although without legal self-determination, local residents have always been vocal about public affairs, especially planning and zoning. An informal coalition of Pine Island residents formulated the original "future land use map" for Pine Island that was adopted by Lee County into its 1984 comprehensive plan (the original Lee Plan). Five years later, a community plan prepared by the Greater Pine Island Civic Association was the basis for a complete section of the Lee Plan (now under Goal 14) dedicated to the future of Pine Island.

The opening statement of the community plan explained its purpose:

GOAL 14: To manage future growth on and around Greater Pine Island so as to maintain the island's unique natural resources and character and to insure that island residents and visitors have a reasonable opportunity to evacuate when a hurricane strike is imminent.

Over ten years have passed since Goal 14 and its supporting policies and maps were adopted. Many of those policies are still pertinent; a few have not been implemented fully. However, due to the passing of time, new factors have arisen that require an overall re-examination of the plan. The explosion of agricultural activity on the northern half of Pine Island was not anticipated.



Residential growth has slowed somewhat from the 1980s. And traffic on Pine Island's only link to the mainland has increased, reaching target levels that were set in the 1989 plan to indicate the imminent overloading of the road system.

This current plan update begins with a general description of Greater Pine Island and its past and present residents, referred to in this plan simply as Pine Islanders. Major planning issues are then discussed in detail: hurricane evacuation, traffic, town and country boundaries, community character issues, and the environment. Each planning issue ends with a policy conclusion and specific recommendations for changes to the Lee Plan and the land development code.

Pine Island - the Place and the People

Pine Island is physically separated from the rest of Lee County. Situated within the estuary formed by Charlotte Harbor, Pine Island Sound, and San Carlos Bay, Pine Island differs in geography from the mainland to the east and the barrier islands to the west, though sharing some of the characteristics of each. It is a 10,000- to 12,000-year-old accretion island of some 33,620 acres, over a third of it mangrove forest and the remainder upland (originally slash pine and palmetto, now mostly cleared for agriculture or developed).

Pine Island's ecosystem is unique. Its mangrove shoreline and seagrasses just offshore play a vital role in the cycle of all aquatic life, supporting fishing interests both commercial and recreational. These plants are important elements in the well-being of the entire estuary, serving as its filtration system, aquatic nursery, and feeding ground. Seagrasses in Charlotte Harbor have declined by 29% over the last 40 years; much of the decline was caused by dredging and maintenance of the intracoastal waterway.

Within recent years large areas of pine forest have been cleared for agriculture. Currently over 3,600 acres are in agricultural use, with 36% in rangeland, 35% in nurseries, 21% in groves, and 5% in vegetables. The moderating influence of surrounding waters on the climate creates ideal growing conditions for certain tropical fruits such as mangoes, carambola, and lychees (99% of Lee County's tropical fruit acreage is on Pine Island). Ornamental palms of several varieties are now being widely grown on Pine Island. The tradeoff is this: every acre of land cleared for agriculture is an acre lost to its natural inhabitants. Furthermore, the extent of damage from fertilizers, herbicides, and pesticides draining into the estuary is not known. Efforts to monitor these conditions are both modest and underfunded.

Pristine areas remaining on the island provide a haven for an abundance of wildlife, much of it endangered and threatened — bald eagle, wood stork, osprey, ibis, heron, egret, pelican, manatee, alligator, gopher tortoise, eastern indigo snake, and beautiful pawpaw, to name a few.

Pine Island's history sets it apart. Archaeological finds in Pineland confirm the existence of one of the most important sites of the Calusa Indians, dating back more than 1,500 years. Digs and educational tours at the Randell Research Center are ongoing, as well as efforts by the non-profit Calusa Land Trust to purchase the remaining portions of a cross-island canal constructed by the Calusa Indians. The Pineland site is on the National Register of Historic Places.

Later settlers, appearing on the scene late in the 19th century and early in the 20th, contributed their own colorful chapter to the history of the island, eking out a hardscrabble subsistence fishing and farming. By the early 20th century, citrus and mango groves were planted near Pineland and Bokeelia. Many descendants of these pioneering families still live on the island.

Pine Island differs from other communities in Lee County in the needs, interests, and aspirations of its people. Its population is diverse, made up of old commercial fishing families, a large population of retirees from the north, and younger working families with children attending school, with families finding employment both on and off the island.

Each group harbors its own priorities and ambitions, yet they share common traits. They are independent-minded and they all chose to come to this place looking for privacy, a laid-back lifestyle, a setting of slash pine and open skies and blue water — qualities there for all to enjoy, whether by fishing the waters, or biking through the neighborhood, or simply returning from a hard day at the office or jobsite and crossing the bridge at Matlacha to find a refuge from heavy traffic and urban sprawl.

Peace and tranquility brought them to Pine Island, and that is what they value most.

Life on Pine Island mixes country living with the wonders of being surrounded by water, a fragile combination in coastal Florida. Without attention, the treasures of this unique place may be obliterated.

Looking east from the bridges at Matlacha, Pine Islanders see a vast expanse of sameness, a development form that suits the needs of others but that seems alien and a threat to Pine Islanders' vision of their own future.

Pine Island has two traffic problems resulting from the nearimpossibility of widening Pine Island Road through Matlacha without destroying its historic district. This road is nearing its capacity for meeting the daily travel needs of Pine Islanders and visitors, and it is barely adequate for evacuating low-lying areas in case of tropical storms and hurricanes.



Matlacha historic district, bisected by Pine Island Road
Photo courtesy of Mohsen Salehi and Bill Dubin

"Places like Matlacha are rare in this state, not just for its historical interest, but because the locals thrive by protecting the place. They like where they live and don't want to change it. Tourists respond by coming just to hang out on the bridges yakking with fisherfolk, then staying to buy local crafts and eat the fish they've seen caught. They come because they want to feel part of a real place, a place that doesn't put on mouse ears to pull them in."

- Florida writer Herb Hiller

The main mechanism currently protecting Pine Island from overdevelopment that would worsen the existing congestion and evacuation hazard has been Policy 14.2.2, found in the Lee Plan as follows:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800 additional dwelling units, the county shall consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of these regulations would be to appropriately reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard being reached, as follows:

 When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase

traffic on Pine Island Road.

When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan.

Ten years after this policy was adopted, here are the critical facts:

- Of the "6,800 additional dwelling units" cited in Policy 14.2.2, about 6,675 still can be built at any time (without requiring any further rezonings or subdivision approvals).
- Official Lee County traffic counts for the year 2000 show that the 810-trip threshold has now been exceeded for the third consecutive year.
- There are no practical or economically feasible plans to widen Pine Island Road through Matlacha or provide a second road to Pine Island.

Given these facts, it is clear that further increases in traffic are inevitable as property rights previously granted are exercised. The question is: how many *more* development rights will Lee County grant on top of those already in existence?

The conflict between these two realities—impending population growth on the island on the one hand and traffic exceeding limits established by the Lee Plan on the other—is the dilemma faced by island residents and by Lee County in the coming years. The proposals in this plan update represent the best efforts of Pine Islanders to deal with this conflict and to manage growth responsibly in the coming decades.

Growth is inevitable. Pine Islanders recognize that as a fact of life, but they seek a kind of responsible growth that preserves and enhances the best features of Greater Pine Island.

Existing Private Property Rights

In a 1989 study about Greater Pine Island, Lee County tabulated the number of existing dwelling units and the number of additional dwelling units that have already been approved but not yet built. Most of the "approved" units are reflected in older subdivision plats where the lots have already been sold off to individual owners; a small number of the "approved" units were in development orders issued by Lee County that may or may not be developed. That inventory showed 4,256 existing dwelling units and 6,663 "additional units" not yet constructed. (Unlike the U.S. Census, that inventory counted mobile homes and fixed recreational vehicles such as those in Cherry Estates as dwelling units.)

As part of this plan update, additional data sources were examined that might verify, contradict, or update those figures. One data source is the Lee County Coastal Study, which counted the number of dwelling units that existed in 1985 based on the official tax rolls. Another is a complete new inventory of existing and approved dwelling units conducted for this plan update, the complete results of which are found in Appendix C. Table 1 below summarizes those new data sources and presents a revised estimate of 6,675 additional dwelling units yet to be built, based on existing approvals. These "build-out" totals do not include development rights for unplatted vacant land or agricultural land.

This estimate of the number of additional dwelling units yet to be built is very close to Lee County's 1989 estimate. It is true that some, possibly many, of these dwelling units will never be built, due to limited demand, or vacant lots being held as open space by adjoining owners, or unforeseen permitting problems. Yet the magnitude of the development rights already granted is

¹ Commercial Study: Pine Island, Lee County Department of Community Development, July 1989.

overwhelming to Greater Pine Island, given the factors that will be discussed in the following sections of this report.

TABLE 1

Dwelling Unit Totals for 1985, 2000, and Build-out

Pine Island,	Dwelling Units		(15-year	Dwelling Units	
By Sector	1985 2000		increase)	Build-out (additional)	
Bokeelia	393	914	521	1,735	821
Pineland	128	322	194	2,022	1,700
Pine Island Center	485	873	388	2,269	1,396
Matlacha	632	695	63	1,029	334
Flamingo Bay	717	869	152	1,330	461
Tropical Homesites	117	259	142	713	454
St. James City	1,182	1,705	523	3,213	1,508
TOTALS:	3,654	5,637	1,983	12,311	6,674

SOURCES:

1985 dwelling units: Lee County Coastal Study, pages 3 through 13 of Volume II. Godschalk & Associates. 1988.

2000 and build-out dwelling units: See full data in Appendix C.

Sector boundaries: See map in Appendix C.

TRANSPORTATION ISSUES

Hurricane Evacuation

Pine Islanders will have a very difficult time evacuating if the island is struck by hurricanes of certain types.

Updated evacuation estimates were recently provided for Pine Island by the Southwest Florida Regional Planning Council (SWFRPC). In the event of a Category 2 hurricane coming from the most hazardous direction in the month of November, over 20 hours could be required for an evacuation.²

This evacuation time is unacceptably high even at today's population levels. Hurricane forecasters are not confident that they can provide this much warning that a hurricane is likely to strike a specific area. Also, this evacuation time already exceeds the regional³ and county⁴ standards for evacuation times.

These problems are not isolated to Pine Islanders alone. First, any evacuation of Pine Island would include residents of Upper Captiva and Useppa. Second, although Matlacha and its two-

² This time period includes 12 hours to get all evacuating vehicles through the most restrictive segment of the evacuation route (called the "clearance time") and to a shelter or to the county line, plus 8 hours ("pre-landfall hazard time") to account for the time before the hurricane strikes when the evacuation must cease due to gale force winds or tidal waters flooding the evacuation route. This time period could be reduced slightly if westbound traffic is temporarily banned from Pine Island Road, which may be ordered during the latter part of an evacuation if traffic is backing up on Pine Island.

³ "Projected evacuation times will be regularly reduced from 1995 levels, and by 2010, evacuation times will not exceed 18 hours in any part of the region." [Goal III-5, Strategic Regional Policy Plan, SWFRPC, 1995]

^{4 &}quot;By 1995, evacuation times will be restored to 1987 levels using the 1987 Southwest Florida Regional Hurricane Plan Update as guidance; and by 2010, the clearance time portion of evacuation time will not exceed 18 hours." [Objective 79.1, Lee County Comprehensive Plan]

lane drawbridge will create a bottleneck for vehicles exiting the island, a potentially more dangerous bottleneck exists on the mainland to the east of the bridge.

The SWFRPC study presumes that "a successful road network exists to take people to a safer place on higher ground." Unfortunately for Pine Islanders, this network includes Burnt Store Road (subject to flooding in heavy rains that often accompany hurricanes), the Del Prado Extension, and Pine Island Road.

At the present time Pine Island Road is only two lanes all the way to Santa Barbara in Cape Coral. A heavy influx of evacuees from low-lying areas of western Cape Coral can be expected to also end up on Pine Island Road, slowing traffic flow. Burnt Store Road is being extended to the south now and Pine Island Road will be widened to four lanes between Chiquita and Santa Barbara in about four years, but no other improvements are planned through at least the year 2020.

Lee County roads are not the only barrier to successful evacuation; there is a serious shortage of places for evacuees to stay. Consider the potential consequences of a Category 3 storm (as Donna was, in 1960), arriving in November from the southwest, making landfall not at Fort Myers Beach but at Boca Grande. Under this unlucky scenario, 14 designated shelters out of 34 would be unusable, and extensive stretches of the evacuation routes would be under water, according to Lee County Emergency Management maps. Under those conditions, Pine Island evacuees would be at the tail end of a queue made up of evacuees from much of Cape Coral and North Fort Myers, joined by many others from coastal areas as far south as Naples, all heading north on U.S. 41 and I-75, both of which are subject to flooding even in some tropical storms. There is serious potential for the resulting gridlock to trap tens of thousands of residents directly in harm's way.

Based on these factors and the inability to provide additional roads to Pine Island (as discussed later in this report), Lee County would be justified in immediately limiting any further development on Pine Island. However, in recognition of the private property rights already granted, as discussed in the previous section, this plan recommends a series of measures that, taken together, will avoid the creation of substantial additional property rights that would exacerbate today's serious hurricane evacuation problem.

SETTING THE COURSE

Even with *no* additional development, Pine Island exceeds regional standards for the time needed to evacuate when a hurricane approaches. Planned road improvements through Cape Coral may reduce evacuation times slightly. But as Cape Coral grows to its planned population of 350,000 people, evacuation problems will continue to increase. Lee County should pursue any measures that can improve evacuation times. Unnecessary rezonings and other development approvals that would exacerbate this situation must be avoided.

GETTING THERE

- Modify comprehensive plan Policy 14.2.3 as follows: POLICY 14.2.3: In addition to the enforcing the restrictions in the Policy 14.2.2, the county shall take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures shall be evaluated:
- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.
- 2. Modify comprehensive plan policy 14.2.2 as proposed later in this report.

Road Constraints

Access to Pine Island was strictly by boat until 1926 when the causeway carrying Pine Island Road was built through the mangrove islands that became Matlacha. With road access, modern development became practical.

For many decades, this two-lane road was sufficient to meet all demands placed upon it. Although there have been occasional discussions about a second bridge to Pine Island, the hurdles facing such a plan have always been insurmountable.

Appendix A of this plan contains a complete discussion of transportation constraints affecting Pine Island. The remainder of this section is excerpted from Appendix A.

Constraints on access to Pine Island

As the years progressed, traffic on Pine Island Road has continually increased. By general county standards, the current congestion would warrant plans to widen it to four lanes.

However, in 1989 Lee County formally designated Pine Island Road through Matlacha as "constrained," meaning that the road cannot (or should not) be widened for the preservation of the scenic, historic, environmental and aesthetic character of the community. Since that time, Lee County has also designated the heart of Matlacha as a historic district, further protecting it from road widening that would damage its character.

The decision not to widen a constrained road can obviously increase congestion. Because counties are required by state law to set maximum levels of congestion on every road, a very high level had to be set for all constrained roads. This normally causes only minor problems, because other parallel roads can handle much of the overflow traffic.

On Pine Island Road the traffic levels theoretically allowed on constrained roads could have had alarming consequences because it would legally indicate that there was road capacity to develop vast tracts of vacant Pine Island land. To avoid this problem, the county chose to modify a 1988 proposal from the Greater Pine Island Civic Association to gradually limit development on Pine Island as Pine Island Road began to approach its capacity. The proposal would have prohibited rezoning most additional land for development when 80% of road capacity was used up, and prohibited approvals of new subdivisions, even on land already zoned, when 90% was used up. This proposal ultimately was adopted as Policy 14.2.2, which restricts rezonings when traffic on Pine Island Road reaches 810 trips per hour and restricts other approvals at 910 trips (see full text of Policy 14.2.2 on page 3).

Since 1990, traffic on Pine Island Road in Matlacha has increased by about 22%. Figure 1 shows the averages for each year, with a visual comparison to the 810 and 910 thresholds. The 810 threshold was surpassed in 1998, 1999, and 2000.

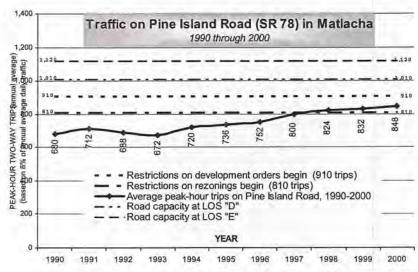


Figure 1, Traffic on Pine Island Road in Matlacha, 1990 through 2000

These significant traffic increases occurred during a decade where there was relatively little new subdivision or condominium development on Pine Island. Population increases resulted mostly from the construction of new homes on pre-existing vacant lots.

Physical alternatives that could improve access

Appendix A examines road improvements that might be able to improve road access to Pine Island. These improvements could have a variety of physical impacts, primarily in Matlacha if the existing right-of-way were reconfigured or widened. The impacts would be primarily environmental if an entirely new access road were built.

Widening Pine Island Road

The critical segments of Pine Island Road have only 66 feet of right-of-way (approximately the distance between utility poles). The existing pavement, including the paved shoulders, is about 32 feet wide. Without widening it could be rebuilt and reconfigured to three lanes of almost 11 feet each, and the unpaved shoulders could be paved to serve as breakdown lanes or sidewalks. The third travel lane could serve either as a two-way left turn lane or as a reversible lane for use in the busier direction.

Adding a third lane would cause a number of problems, however. Pedestrians trying to cross Pine Island Road would have to walk a greater distance, making the crossing less safe, and they would lose the use of the paved shoulder, which now functions as an informal sidewalk. The character of Matlacha would lose some of its village atmosphere and pedestrian orientation, replaced with a more highway-oriented character, plus businesses and homes would lose some of their parking.

The road could also be widened and converted into an urban street with curbs, for instance with four 11-foot lanes, 2-foot concrete curbs and gutters, and 9-foot raised sidewalks.

This configuration would significantly increase the traffic-carrying capacity of Pine Island Road. However, it would require extensive earthwork and metal railings, similar to the recently rebuilt San Carlos Boulevard as it approaches Fort Myers Beach. Sidewalks would extend to the very edge of the right-of-way, putting them directly adjacent to many buildings whose fronts are on the right-of-way line. It would also eliminate all parking from the right-of-way, a major disadvantage that would seriously damage, if not eliminate, the viability of many small businesses. And unless the bridges were widened as well, either approach would still face the bottleneck of having a three-lane or four-lane road narrow into two-lane bridges. The normal engineering solution of widening the road through Matlacha to four travel lanes cannot be considered as a viable or practical option because it would seriously harm Matlacha's village atmosphere and pedestrian orientation.

Widening the right-of-way is also not a solution. Shallow lots often back up to the waters of Matlacha Pass and many of the existing buildings directly adjoin the existing right-of-way. Thus, widening the right-of-way would involve altering or demolishing many buildings in Matlacha. Lee County's 1990 designation of Matlacha as a historic district would not legally prevent the county from altering historic buildings, but it indicates the historic value of many of Matlacha's buildings in addition to its unique village character.

New bridge bypassing Matlacha

The capacity of Pine Island Road could also be increased by building a new bridge immediately to the south of Matlacha. It could provide uninterrupted two-way traffic, or one-way traffic with the existing Pine Island Road serving traffic in the other direction.

Two-way traffic is generally more convenient to the public. Oneway traffic allows more cars to use the same amount of roadway, but is generally regarded as being harmful to businesses along the route. Either scenario would create serious intersection impacts at each end, and could cause additional travel to connect motorists with their actual destinations.

Pine Island Road is a county road west of Burnt Store Road (as are both bridges). Any improvements would be constructed and paid for by Lee County. As major bridges are generally beyond the ability of the county to pay for with current revenue sources, they are built with the proceeds from selling bonds, which are then paid back over time (usually with tolls).

Based on recent costs for bridge building, a new bridge should be expected to cost at least \$50 million and perhaps \$100 million (see cost comparisons in Appendix A).

State and federal permits are required for all new bridges, and are difficult to obtain, especially for a new bridge through the Matlacha Pass Aquatic Preserve. At least at present, building a new bridge around Matlacha is not a feasible option.

Entirely new bridge and entrance road

Another alternative involving a new bridge would be to extend Cape Coral Parkway westerly across Matlacha Pass, ending about halfway between St. James City and Pine Island Center near the Masters Landing power line. A continuous bridge would be needed to avoid interference with tidal flows.

This alignment would extend into the Cape Coral city limits, adding an extra layer of regulatory issues. The new bridge would add traffic onto Cape Coral Parkway, which is planned to be widened to six lanes but cannot be widened further.

This option, like the Matlacha bypass option, is currently costprohibitive and could have major environmental impacts on Matlacha Pass. Neither new-bridge option can be considered to be feasible.

Transportation policy alternatives

Beginning in 1998, the 810-trip threshold in Policy 14.2.2 has been exceeded each year. Once they became aware of this fact, the Lee County Commission voted to reexamine this policy.

No technical factors or changes since 1989 have been discovered in the course of this planning process that would justify abandoning the 810 or 910 thresholds in this policy. However, there is an opportunity at this time to determine the best way to fully implement this policy in the fairest possible way.

In 1991 Lee County amended its land development code using language almost verbatim from Policy 14.2.2. This is a problem because it is not self-evident which kinds of rezonings will "increase traffic on Pine Island Road." A better approach would be to have clearer regulations to implement Policy 14.2.2.

For instance, some types of rezonings would have minor or even positive effects on traffic flow in Matlacha. A convenience store in St. James City would serve only local residents and those passing by and would attract *no* new trips through Matlacha. A larger grocery store in St. James City would attract shoppers from a larger area, perhaps including some who currently drive to Matlacha or Cape Coral to shop for groceries, possibly *decreasing* traffic on Pine Island Road. However, a large new hotel or marina on the same property could have a different effect.

Thus an important distinction could be made in implementing Policy 14.2.2 between those land uses that primarily serve residents or visitors who are already on Pine Island, and land uses that primarily attract additional people across Pine Island Road. For instance, the following commercial uses would primarily serve residents and visitors: grocery, hardware, and convenience stores; hair salons; and service stations.

This distinction would be clouded somewhat by other factors, particularly the size and location of commercial uses. Some

small commercial uses might be exempted from this policy. Other alternatives would be to:

- allow minor rezonings below a certain size if they are proposed on "infill" properties between existing development at similar intensities (rather than expanding or intensifying already-developed areas);
- allow rezonings whose characteristics are such that traffic during the busiest peak hours would not be increased;
- give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

In summary, none of the available options for adding significant road capacity to Pine Island are practical. Building four lanes through Matlacha would seriously damage Matlacha's village atmosphere and pedestrian orientation. Either new-bridge option would have serious environmental impacts and there are no funds for such expensive undertakings. The increased traffic capacity of either bridge would most likely lead to approval of more development on Pine Island, negating the initial positive impacts on traffic flow and hurricane evacuation.

SETTING THE COURSE

Lee County made a sound decision in 1989 to slow development on Pine Island as the capacity of Pine Island Road through Matlacha is reached. This system should be maintained because no practical method of increasing road capacity has been identified. The specific regulations that govern this slowing should be clarified so that small-scale infill development isn't prohibited. However, additional larger-scale development rights should not be granted where there is no ability to provide basic services such as minimal evacuation capabilities.

GETTING THERE

Modify comprehensive plan Policy 14.2.2 as follows:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 6,800 additional dwelling units, the county shall keep in force effective consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals.

The effect of These regulations shall would be to appropriately reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road adopted level-of-service standard being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road- through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders to one-third the maximum density otherwise allowed on that property. (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan.

These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

188 2 E.

POPULATION AND LAND USE

Town and Country on Pine Island

The essential character of Pine Island has always been the contrasts among its physical environments. Surrounded by harbors and bays of unparalled beauty, Pine Islanders live in a series of low-key settlements or "villages" that are separated by rural land. With dense mangrove forests creating barriers between most land and the water, the seven residential villages have formed in the locations with best access to the water (Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical Homesites/Manatee Bay, and St. James City). Only Pine Island Center is away from the water, in favor of the only crossroads location on Pine Island. Between these villages there has always been the sharp contrast of rural lands, dominated by slash pine/palmetto habitats and some farming operations.

Pine Island has almost no beaches, few city services, and limited employment and shopping — yet it remains a highly desirable



Pine Island Center, looking north

Photo courtesy of Mohsen Salehi and Bill Dubin

and moderate-cost alternative to the formless "new communities" that have obliterated the natural landscape throughout coastal Florida.

The current Pine Island community plan maintains the distinct villages by limiting their expansion through boundaries on a future land use map. Only a single ten-acre amendment has been approved to that map since 1989. Because the boundaries themselves have not been reexamined during that period, that effort was undertaken as part of this plan update, as described below.

Town (village) boundaries

The freestanding villages on Pine Island have been given one of three "future urban area" designations, with densities and total acreages summarized in Table 2.

TABLE 2

"Future Urban" designations on future land use map	Residential density range (DU = dwelling unit)	Actual acres in Greater Pine Island	
Urban Community	1 to 6 DU/acre	1350 acres	
Suburban	1 to 6 DU/acre	1427 acres	
Outlying Suburban	1 to 3 DU/acre	1557 acres	

"Urban Community" areas can have considerable concentrations of commercial uses, and thus were assigned to Pine Island Center and Matlacha, the commercial centers for all of Greater Pine Island.

"Suburban" areas are allowed similar densities for residential development, but with fewer commercial uses. This designation has been assigned to most of Bokeelia and St. James City, and smaller areas around the Pink Citrus, Flamingo Bay, and Pinewood Cover mobile home parks.

"Outlying Suburban" areas are allowed half the density of "Suburban" areas, but with comparably limited commercial uses. This designation was generally assigned to all other settlements on Pine Island.

All the future urban designations were drawn tightly around existing settlements. The exceptions are about 52 acres just north of Galt Island Avenue (northwest of St. James City); 95 acres centered around the Pine Island Village subdivision south of Flamingo Bay; and 157 acres south of Bokeelia and north of September Estates. The first two exceptions apparently had been made due to imminent development activity on those parcels, and both were reasonably logical extensions of existing settlements. However, little activity has taken place on either parcel, with extensive natural vegetation remaining.

The third exception, south of Bokeelia, is the most incongruous. This entire acreage is now in intense agricultural use, with much of it cleared during the past decade (see Figure 2). Apparently it had been considered as a potential expansion of the Bokeelia urban area. Since that time, the landowners have clearly indicated a preference for agriculture and have made no efforts to develop any of the land residentially. Thus these 157 acres should be reclassified to whatever designation is ultimately assigned to the rural lands to their east and west.

Other apparent anomalies are several large clusters of rural land that have been assigned the "Outlying Suburban" designation east and northeast of Pineland. Close examination shows that these areas have been subdivided into lots averaging one-half acre, and have been almost entirely sold off to individual purchasers. The largest area, just east of Stringfellow Road, is known as the Kreamer's Avocado subdivision. The relatively few homes that have been built there enjoy a pleasant rural setting. However, any substantial increase in homebuilding will overtax the incomplete network of unpaved roads and reduce the rural atmosphere. At such time, residents could band together and



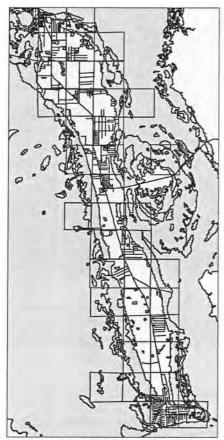
Figure 2

pave the roads and install a modest drainage system through a special taxing district. The seeming anomaly of the "Outlying Suburban" designation, however, is appropriate for the existing pattern of small subdivided lots.

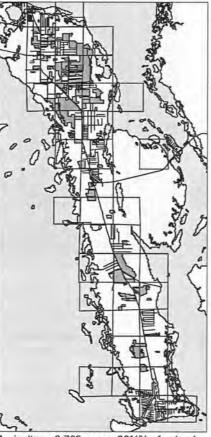
The future of rural Pine Island

Outside the village boundaries, all high ground has been designated in the "Rural" category, where residential development is now limited to one dwelling unit per acre (1 DU/acre). Over the past 15 years, much "Rural" land between the villages has been converted to farmland, especially on the north half of the island, a trend that is continuing even today. This conversion has destroyed a quarter of the remaining pine-and-palmetto habitat over a 15-year period (see Table 3), a period in which farming has become the most popular and economic use of rural land on Pine Island.

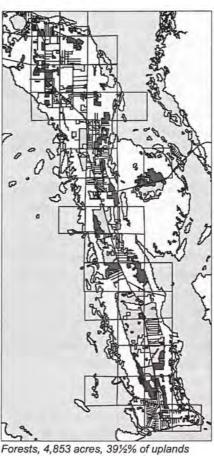
NA KLEWING



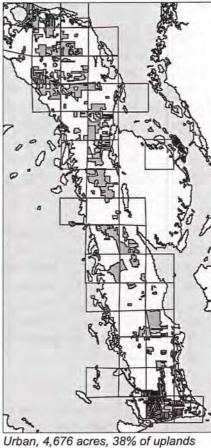
Wetlands, 13,088 acres, 52% of land



Agriculture, 2,763 acres, 221/2% of uplands



Forests, 4,853 acres, 39½% of uplands (pine flatwoods, lighter color, 22½%; exotic infested, darker color, 17%)



SOURCE: Based on GIS data for 1996 provided by the South Florida Water Management District.

TABLE 3
Removal of Pine Flatwoods on Pine Island
1981 – 1996

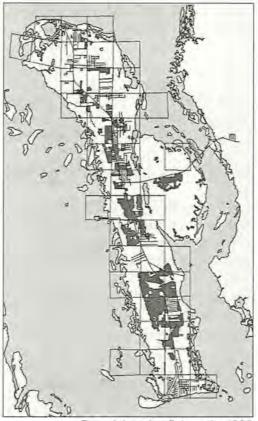
Pine Island Comm- unity, By Sector	Upland Acres	Acres of Pine Flatwoods		15-Year Decrease of Pine	Agricul- tural	
		1981 1996		Flatwoods	Acres, 1996	
Bokeelia	1,612	144	40	(104)	464	
Pineland	2,672	373	230	(143)	1,336	
Pine Island Center	2,690	859	743	(116)	365	
Matlacha	224	0	0	0	0	
Flamingo Bay	2,451	1,360	1,044	(316)	444	
Tropical Homesites	792	581	400	(181)	12	
St. James City	1,630	420	300	(120)	142	
TOTALS:	12,071	3,737	2,757	(980)	2,763	

SOURCES: Data based on interpretation of aerial photographs. For sector boundaries, see map in Appendix C.

1981: Lee County Coastal Study, Appendix IV-III, Godschalk & Assoc., 1988. 1996 and upland totals: Based on GIS data provided by the South Florida Water Management District.

This increase in farmland is sometimes seen as preferable to more residential subdivisions, which cannot be supported by Pine Island's limited road connections to the mainland. However, farmland can be converted to residential land very easily; the current comprehensive plan actually seems to encourage this by allowing residential development on one-acre lots without rezoning, even on active farmland. Planning professionals generally agree that one-acre lots are too small to maintain the countryside and too large to create villages; yet that is the predominant residential density allowed on Pine Island today.

During this plan update process, Pine Islanders carefully considered alternative growth-management techniques to replace the 1 DU/acre "Rural" category on Pine Island. While considering



Remaining pine flatwoods, 1996

these alternatives, the public was made aware of the current regulatory climate: regulations that are so strict as to essentially "take away" all rights to private property rights are illegal, and such "takings" must be fully compensated to the landowner, an enormously expensive undertaking.

In addition, in 1995 the Florida legislature passed the Bert J. Harris, Jr. Private Property Rights Protection Act. This act established a new standard for preventing overly strict regulations on land — any regulation that is determined to

place an "inordinate burden" on a landowner may now require compensation, even though it isn't a "taking" of all property rights. This act does not mean that land-use regulations cannot be made stricter, even if they lower the market value of land; but as a practical matter it will mean closer scrutiny of strict regulations, especially their potential to "inordinately burden" landowners *even if* the court decides that a particular regulation is valid and in the overall public interest.

Whether a new regulation places an "inordinate burden" on a landowner will be determined by the courts on a case-by-case basis. It is clear that the *amount* the market value of land may be lowered after a regulation is imposed will be a very important factor in this decision.

On Pine Island today, there is little market demand for residential development at densities of 1 DU/acre. A single new subdivision has been created at this density (Island Acres just south of the water treatment plant), and it has experienced relatively slow sales even though its lots surround an attractive lake. The actual real estate market for large tracts of Pine Island land has three major types of buyers:

- Intensive agriculture users, who are planting tropical fruits, ornamental palms, and some vegetables;
- Land speculators, who often anticipate selling at a profit to a developer who would build dwelling units around a golf course; and
- Public agencies, the new players in this market, at present primarily Lee County's "Conservation 2020" program which buys and preserves natural habitats.

These three types of buyers will establish the market value for large tracts on Pine Island in the absence of substantial demand for one-acre homesites.

Appendix B of this report evaluates five different growth-management techniques for rural land on Pine Island:

- · Conservation land purchases
- Larger lots in rural areas
- Cluster development
- Transferable development rights
- · Rate-of-growth control

Any of these techniques, or either of the two hybrid techniques also discussed in Appendix B, could become part of the Greater Pine Island community plan update and the Lee Plan's future land use map, and would be implemented through subsequent changes to other county regulations. (Existing lots would pre-

sumably be "grandfathered in" even if they are now vacant.)

The option recommended as the best for Greater Pine Island at this stage of its evolution is a hybrid described in Appendix B as "conservation clustering with incentives" (#7). It combines the best features of conservation land purchases (#1), larger lots in rural areas (#2), and cluster development (#3).

Land that is now designated "Rural" would be placed in a new "Coastal Rural" category. This conversion would respond well to the three main problems identified for Pine Island's rural areas:

- the absence of any meaningful effort to protect even the best remaining native habitats from agricultural clearing;
- the potential for residential development at 1 DU/acre that would result in neither "town" nor "country" conditions; and
- the potential for adding even more dwelling units that cannot be sustained by the limited road connections to the mainland.

This option combines regulations with incentives and uses a sliding scale of density to encourage (though not require) conservation of undisturbed habitats.

Property owners who save 70% of native habitats would be allowed to keep all of the dwelling units allowed to them today, but instead of placing each house on a 1-acre lot, these homes could be placed on the remaining 30% of the land. This would allocate 0.3 acres per lot (although actual lot sizes would be somewhat smaller to account for land needed for streets and stormwater detention lakes).

Property owners who choose *not* to save any native habitats would be limited to 1 DU per 10 acres. This would allow agricultural or country-estate homes on 10-acre lots.

A sliding scale would allow property owners to choose any point within the extremes just described, as shown in Table 4.

TABLE 4

Assume %		RESULTS ON 100 ACRES WOULD BE:				
of native land saved or restored	Would then be assigned this gross density:	# of DUs	acres used per lot	total acres preserved	total acres	
0%	1 DU per10 acres	10	10.0 acres	0	100	
5%	1 DU per 9 acres	11	8.6 acres	5	95	
10%	1 DU per 8 acres	13	7.2 acres	10	90	
15%	1 DU per 7 acres	14	6.0 acres	15	85	
20%	1 DU per 6 acres	17	4.8 acres	20	80	
30%	1 DU per 5 acres	20	3.5 acres	30	70	
40%	1 DU per 4 acres	25	2.4 acres	40	60	
50%	1 DU per 3 acres	33	1.5 acres	50	50	
60%	1 DU per 2 acres	50	0.8 acres	60	40	
70%	1 DU per 1 acre	100	0.3 acres	70	30	

It may seem counterintuitive to allow higher densities on natural habitats than on disturbed lands, but this provides landowners with a strong incentive *not* to clear native habitats. (The same incentive would be granted to restored land as to preserved land, using the same sliding scale.)

This approach diminishes the potential for residential development on agricultural land while rewarding landowners who protect (or restore) their land's natural habitats. Actual development on native parcels would disturb far less land than would occur today by either allowing today's number of dwelling units to be placed on smaller lots, or by reducing the number of lots that are allowable. Public purchases of entire tracts for preservation would be encouraged, but if purchase offers aren't attractive enough to interest property owners, this new plan would encourage more preservation than current regulations.

SETTING THE COURSE

The culture of community-making demonstrated by Pine Island's pioneers should be continued by enhancing its seven freestanding communities and keeping them from sprawling into rural areas. Pine Island's rural areas should be placed into a new Coastal Rural category on the future land use map. This category would have a sliding density scale that would reward landowners who preserve native upland habitats. However, it would not prevent them from pursuing agriculture or creating standard ten-acre homesites if they choose. Without major habitat preservation, smaller homesites would not be allowed in Coastal Rural areas. (Existing legal lots in rural areas would not be affected.)

GETTING THERE

Adopt a new comprehensive plan policy as follows:
 POLICY 14.1.8: The county shall reclassify all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation are to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island than can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide landowners with maximum flexibility while accomplishing these public purposes.

(continued)

GETTING THERE (continued)

Adopt a new comprehensive plan policy establishing a new non-urban designation on the county's Future Land Use Map, as follows:

POLICY 1.4.7: The Coastal Rural areas are uplands on Pine Island that were redesignated in accordance with Policy 14.1.8. These lands are to remain rural except for portions of individual properties whose owners choose to permanently preserve or restore native upland habitats and in return are permitted to use a portion of their properties for smaller residential lots. The standard maximum density in the Coastal Rural area is one dwelling unit per ten acres (1 DU/10 acres). Maximum densities increase as various percentages of native uplands are permanently preserved or restored. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

Percentage of native habitats	Maximum density
preserved or restored	Maximum density

0% 5% 10% 15% 20% 30% 40% 50% 60% 70%

red	Maximum	uensit
	1 DU / 10	acres
	1 DU / 9	acres
	1 DU / 8	acres
	1 DU / 7	acres
	1 DU / 6	acres
	1 DU / 5	acres
	1 DU / 4	acres
	1 DU / 3	acres
	1 DU / 2	acres
	1011/1	acre

(continued)

GETTING THERE (continued)

- Amend the future land use map to reclassify all land on Pine Island now designated as "Rural" into the new "Coastal Rural" category.
- 4. Amend the future land use map to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates in 31-43-22, bounded by Quail Trail on the west, Barrancas Street on the north, Stringfellow on the east, Unit A of Rapid #1 subdivision (Cobb Road) on the north, the quarter section line of Section 31 on the east, and Pinehurst Acres and September Estates on the south.
- Amend the land development code to provide detailed regulations to implement new Policies 1.4.7 and 14.1.8, including modifications to the AG-2 zoning district in accordance with these policies.

Population Summary

Initial data is beginning to be released by the U.S. Census Bureau from the 2000 census; a brief summary is provided here.

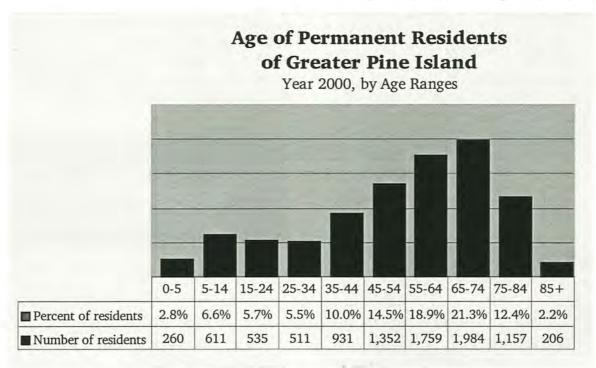
Greater Pine Island's population for many years has been much older than Lee County or the state of Florida as a whole, reflecting the continuing influx of retirees to the area. There are now 9,306 permanent residents of Greater Pine Island; the chart below illustrates the age breakdown of these permanent residents.

Of the 9,306 permanent residents, 98.3% percent are white and 3.7% are Hispanic.

These 9,306 permanent residents live in 4,575 dwelling units. There are 1,766 additional dwelling units that were either used by seasonal residents or were vacant when the census was conducted on April 1, 2000. Compared to other islands in Lee County, Greater Pine Island has a much higher percentage of its dwelling units occupied by permanent residents. (The census does not include any meaningful data on seasonal residents.)

Of the 4,575 occupied dwelling units, 85.7% are occupied by their owners and the remaining 14.3% are rented out to others.

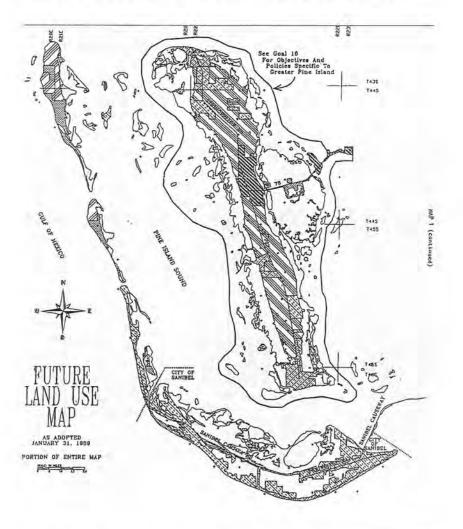
Additional data on the population and housing characteristics of Greater Pine Island is expected in the fall of 2001.



Greater Pine Island's Boundary

This plan has described Greater Pine Island as Pine Island, Little Pine Island, and Matlacha. A more precise boundary is needed for legal purposes.

The map below shows the original boundary adopted by Lee County in 1989 for the Greater Pine Island community plan.



Other Pine Island boundaries have been adopted for different purposes. Map 16 of the Lee Plan divides the entire county into twenty "planning communities" for administrative and accounting purposes; that Pine Island boundary includes some enclaves of unincorporated land between Matlacha Isles and the city limits of Cape Coral, including the Royal Tee Country Club. This is similar, though not identical, to the boundaries of the Matlacha/Pine Island Fire District and the Greater Pine Island Water Association, both of which however exclude Cabbage Key and Useppa and treat other small islands differently.

The original community plan boundary from 1989 also excludes Cabbage Key and Useppa, plus all of the unincorporated land east of Matlacha Isles. During the course of this plan update, only the areas within the original boundary were analyzed carefully. Thus the plan update, when adopted, should apply only to the original area. The Lee Plan should prominently display this boundary on the future land use map and/or a separate map depicting Greater Pine Island and all other areas that are subject to community plans.

GETTING THERE

Modify the future land use map to clearly reflect the 1989 boundary for Greater Pine Island, which includes Pine Island, Little Pine Island, and Matlacha eastward through Matlacha Isles.



Tropical Island Wear & Moretti's, Matlacha



Waterfront Restaurant, St. James City



Crossed Palms Gallery, Bokeelia

COMMUNITY CHARACTER

Design of Commercial Buildings

Businesses are an essential part of any community's character. They provide useful services and their buildings are usually located on major roads where they are regularly viewed by residents and visitors.

Pine Island has many commercial buildings that are strictly utilitarian, and others that are simply unsightly. However, there are also many wonderful examples of commercial buildings that help maintain the rural and small-town ambience of Pine Island. Some are old, some completely renovated, and some entirely new, but they usually are designed in the "Old Florida" or vernacular style and can serve as desirable examples for future commercial buildings on Pine Island. Photographs of some of those buildings are included here.

In late 1998, Lee County for the first time adopted design standards for commercial buildings. These standards are fairly minimal and do not govern the style of buildings, nor the placement of buildings on the site. However, they can be adapted to

incorporate either or both for commercial buildings on Pine Island.

The following list identifies general characteristics of the best commercial buildings on Pine Island, and compares them with some common trends elsewhere:

- Existing buildings are often converted to commercial use, rather than demolished and replaced.
- The buildings are relatively small; some could be mistaken for a large residence.
- There is little or no parking between the building and the street; parking lots tend to be on the side, or behind the building.
- Mature trees are considered assets on commercial sites, rather than obstacles to be removed.
- Glass is plentiful on the fronts of buildings; blank walls are rare even on the sides or the rear.
- Galvanized sheet metal is the most common roof material.
- Building styles are traditional, usually "Old Florida" style, but with many creative details — they are never identical formula buildings that might appear anywhere.



Pine Island Prof. Center, Pine Island Center



Pine Island Realty, Pine Island Center



Island Exchange, Pine Island Center

For the most part Greater Pine Island has avoided lookalike franchise architecture where repetitive building types function as giant billboards.

The city of Sanibel has tried a novel approach at controlling lookalike architecture by banning what they have defined as "formula restaurants." Their definition includes any restaurant that meets two of these three criteria: any fast-food restaurant; uses the same name as others in a chain or group; and uses exterior designs or employee uniforms that are standardized.

The Sanibel rule affects only restaurants, not any other commercial establishments. Also, many chains *are* willing to modify their standard designs or to build customized buildings, if clearly required by local law. By adopting specific commercial design standards for Pine Island, greater control can be obtained over out-of-character buildings without involving county government with issues of competition, corporate structure, or similarity to other businesses. These issues are outside the county's normal scope of review anyway.

SETTING THE COURSE

Lee County's new architectural standards are a major step forward but should be supplemented with specific standards for Pine Island. These standards should favor rehabilitation over demolition; small rather than large buildings; custom designs instead of standardized franchise buildings; preservation of mature trees; parking to the side and rear; large windows and no blank walls; and metal roofs and other features of traditional "Old Florida" styles.

GETTING THERE

- 1. Adopt a new comprehensive plan policy as follows: POLICY 14.4.3: The county shall expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island. These standards will favor rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles.
- Modify the county's land development code to implement new Policy 14.4.3 by incorporating measurable commercial design standards for new buildings and major renovations on Greater Pine Island.



Century 21 - Sunbelt #1 Realty, Matlacha



SouthTrust Bank, Pine Island Center

Bike Paths

After many years of effort by determined Pine Islanders, an extensive bike path is now in place along Stringfellow Road. The first asphalt segment was built from Barrancas Avenue to Main Street in Bokeelia in the 1980s. A much longer concrete segment was completed recently from the Monroe Canal in St. James City all the way to Pine Island Road. This project was built by Lee County and Florida DOT with a combination of local and federal funds and with easements donated by landowners.

These paths serve both pedestrians and bicyclists along stretches of Stringfellow Road where high speeds and deep swales had made walking or bicycling nearly impossible. These paths serve recreational users and also provide critical links between Pine Island's communities. These connections are increasingly important due to the influx of migrant workers whose bicycles are often their sole means of transportation, yet they must travel on a road that was designed only for high-speed traffic.

There are no bike paths or sidewalks at the northern or southern tips of Pine Island. Paved shoulders are used by pedestrians and bicyclists from Monroe Canal south through the commercial district of St. James City. Further to the south, and again in Bokeelia, the narrow pavement is shared by cars, trucks, pedestrians, and bicyclists. This situation has been acceptable for many years due to low traffic speeds; however, traffic levels during recent winter seasons are making this practice unsafe.

From Pine Island Road north to Barrancas Avenue, it is still extremely difficult and dangerous for pedestrians or bicyclists to move along Stringfellow Road. This is the most important "missing link" in the system, and is next in Lee County's plans for improvements. Construction is underway on another 1.5-mile segment from the Grab Bag store to just north of Pink Citrus. In March 2001, the commission approved another 1.8-mile segment from Pine Island Road to Marina Drive, with

construction expected in 2002.

Both segments had been delayed because some property owners have not been willing to donate easements along their property. Because the right-of-way is so narrow, construction of this path requires these easements or expensive reconstruction of the drainage system to move the swales or to route stormwater through underground pipes. The same problem on the remaining segments has greatly hindered efforts to extend the bike path further.

Much of the southern portion of the path was built along a wider right-of-way, avoiding some of these difficulties. Still, there were many conflicts with drainage swales and power poles, some of which were resolved with expensive railings and concrete walls. Some parts of the bike path were routed around every power pole rather than moving the row of poles because of cost concerns expressed by the power company.

The final stages of the bike path will be even more difficult to construct, yet it should be considered an important public amenity whose looks and functionality are of equal concern.

To complete this path, it might even be necessary to purchase a few missing easements, or go to the expense of underground drainage or moving power poles. It may even require off-site drainage improvements where swales must be covered to accommodate the path. These costs might delay the project further, but its long-term completion and excellence should remain a critical goal for all Pine Islanders.

Landscaping in strategic locations could soften some of the utilitarian look of existing portions of the path, and curbs can be installed where the path unavoidably adjoins the roadway. In the future, additional paths might be designated along parallel streets to improve the usefulness and variety of the bike path.



Better design could avoid needless jogs



The result of moving the path rather than moving the poles

SETTING THE COURSE

Lee County is to be congratulated for its success in building a bike path along major portions of Stringfellow Road. Completing this path across the entire length of Pine Island should continue to be a very high priority of all Pine Islanders.

GETTING THERE

Adopt a new comprehensive plan policy as follows: POLICY 14.2.4: The county shall make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity, not as an afterthought. Where needed to provide a high-quality bicycle path, power poles and swales should be relocated to avoid unnecessary jogs in the bike path.

Fences and Walls

Fences and walls serve many purposes; depending on their design and placement, they can be a character-enhancing part of a community or a divider of neighbors and neighborhoods.

Short fences or walls (less than 3 or 4 feet tall) are typically used in front yards to demarcate the fully public space in the right-of-way from semi-private front yards. These spaces together make up the public realm – the common visual space that forms much of a community's character.

Unlike fences in the public realm, back yards and rear portions of side yards can have taller fences or walls, typically 6 feet tall, to provide almost total privacy.

Pine Island has managed to avoid the modern trend of new neighborhoods with a single main entrance blocked by a security gate, and with a perimeter wall that blocks all other access, even for those traveling on foot. Most neighborhoods on Pine Island have more than one street connection (although

High wall surrounding Island Acres subdivision, south of P.I. Center

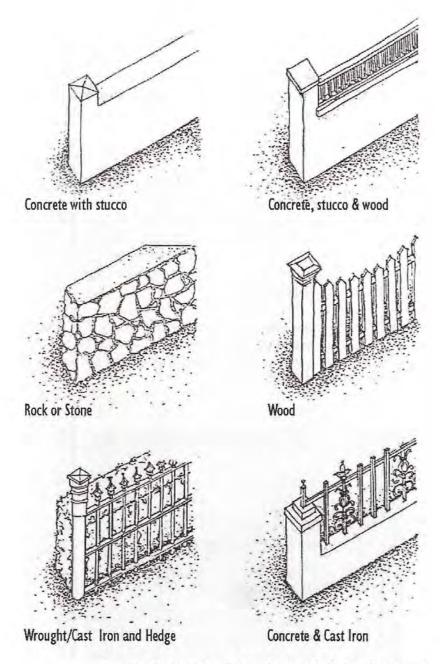
water bodies and wetlands sometimes make a single entrance unavoidable). Even Alden Pines, Pine Island's only golf course community, has a street that runs all the way through, integrating it fully with the surrounding neighborhoods. The new Island Acres subdivision, however, follows the modern trend and has a single gated entrance and a perimeter wall.

Lee County's development regulations restrict fences or walls to 4 feet high in front yards and 6 feet high behind and along the sides of houses, in the traditional manner. Yet these same regulations allow a 8-foot-high "backyard-style" wall to surround an entire neighborhood, even along public streets. County regulations also permit subdivisions with private streets to be gated with very few restrictions, even where they will interfere with normal circulation patterns.

Although Pine Island is unlikely to see many entirely new subdivisions, it is reasonable for those that are approved to be built in the traditional manner, with a interconnected street network and without perimeter walls or gates.



Typical Pine Island roadside south of Pine Island Center



Low fence and wall styles that are desirable along streets

SETTING THE COURSE

Isolated gated communities and walled compounds are not consistent with the traditional neighborhood character of Pine Island. Any new neighborhoods should be connected to their surroundings at several points rather than being isolated. Perimeter fences, walls, and gates, if allowed at all, should be limited to individual blocks or small portions of neighborhoods.

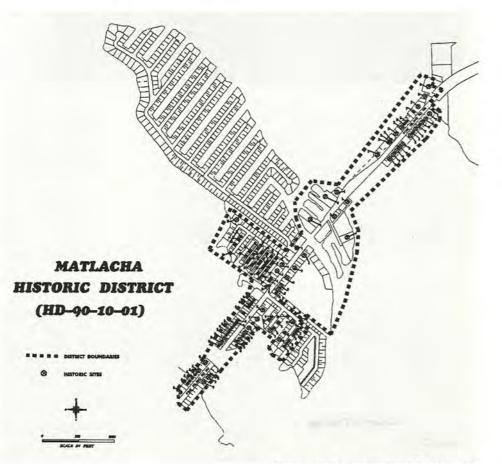
GETTING THERE

- A. Adopt a new comprehensive plan policy as follows: POLICY 14.3.5: The county shall amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.
- B. Modify the county's land development code to implement new Policy 14.3.5 by defining the new neighborhood connection requirements and revising the fence and wall regulations for Greater Pine Island.

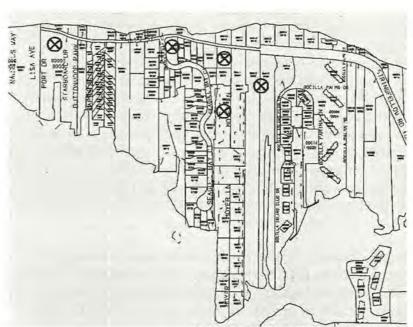
Historic Buildings

Lee County has formally designated two historic districts on Greater Pine Island. The largest district includes about 45 buildings in Matlacha, most of which are located directly on Pine Island Road. A small district has also been designated in Bokeelia that includes five properties with historic buildings. The maps below indicate these historic buildings and the Matlacha district boundary.

Potentially historic buildings on Greater Pine Island were originally identified in a historic survey conducted by Lee County in 1986. This survey identified 67 buildings of historic interest on Pine Island, generally those over 50 years old. Concentrations of these buildings were identified in Matlacha (30 buildings), Bokeelia (12 buildings), Pineland (7 buildings), and St. James City (18 buildings).



Designated historic district in Matlacha



Designated historic buildings in Bokeelia

All 67 buildings have been added to the Florida Master Site File, a statewide inventory that is maintained by the Florida Department of State. This file is just a database; listing does not imply any particular level of significance, or eligibility for the National Register of Historic Places or formal designation by Lee County.

Formal local historic designations are made in the unincorporated area by the Lee County Historic Preservation Board. Local designations qualify property owners for special incentives for upgrading their property, and require a review before improvements are made to assess their impacts on the historic value of the building.

While Lee County's 1986 historic survey was thorough, some buildings were undoubtedly missed or improperly identified, while others have been destroyed or extensively modified. As time passes, other buildings become eligible for listing as they become fifty years old. The state provides grants to have these surveys updated, although such requests require 50% matching funds and must compete with other worthy requests from across the state. An update of the Pine Island survey would provide the basis for formally designating historic buildings in St. James City and Pineland, and possibly more buildings in Bokeelia. It may also identify buildings or districts that have become eligible for the National Register of Historic Places.

The official designation of more of Pine Island's historic buildings would bring greater attention to their significance, building pride in maintaining them while enhancing the surrounding community. Owners of historic buildings often find the incentives that come with designation to be critical in being able to improve their properties, which modern codes often consider to be obsolete rather than in need of special consideration.

SETTING THE COURSE

The historic districts in Matlacha and Bokeelia have successfully protected the strong sense of place in both communities. Lee County should expand this program to include individual sites and concentrations of historic buildings in St. James City and Pineland.

GETTING THERE

Adopt a new comprehensive plan policy as follows: POLICY 14.5.4: The county shall update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county shall consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and shall identify potential buildings or districts for the National Register of Historic Places.

Cap on Building Heights

At the urging of Pine Islanders, the Lee County Commission in 1977 declared Greater Pine Island as unique in scenic beauty and geography and adopted the first meaningful limitation on building heights. No buildings taller than 38 feet above ground could be built on Greater Pine Island, other than an unexplained exception for industrial buildings.⁵

This height limit has been fiercely protected since that time because the lack of mid-rise or high-rise buildings is a strong character-defining element for a Florida coastal island. (Figure 3 shows a 1973 proposal—never built—for an out-of-scale condominium just north of St. James City.)

As extra protection, this height limit was added into the Pine Island section of Lee County's comprehensive plan, initially in 1989 just by committing to retain the existing code provisions, then in 1994 with the following more specific language:

POLICY 14.3.3: The county's zoning regulations shall continue to state that no building or structure on Greater Pine Island shall be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower.

Despite this clear language, there is continuing concern among Pine Islanders that the building height cap might be misinter-



Pine Island Highrise

Pine Island's first highrise condominium project is St. Jude Estates, on a parcel lying between Stringfellow Boulevard and Long John Silver Canal just north of St. James City at St. Jude Harbor. The 24t apartments will be in an L-shaped 10-story structure. Also proposed is a two story building facing the highway for convenience-type stores and shops. Earlier this shooth permits for \$4.1 million worth of construction were issued by the Lee County Building Department, Developer of the proposed project is Joseph A. Leone Jr. of Lawrence, Mass. The Si. Jude Eatates project is expected to cost about \$10 million.

Figure 3

preted, overlooked, or evaded through variances.

This cap might be misinterpreted because it measures building height from ground level and sea level, while in the rest of coastal Lee County, building heights are measured from the minimum flood level (the height above which all new homes must be elevated, which varies across the island from 8 feet to 11 feet above sea level).

This cap might also be overlooked by a new permit reviewer or by one not familiar with this one clause in an extremely long land development code. Another possibility is that one of the exceptions that Lee County allows to other height regulations might be incorrectly applied to Pine Island; or variances might be granted to this regulation without a showing of "exceptional"

⁵ Lee County Ordinance 77-15, amended by 78-19, and 80-20; later codified into Lee County's land development code at section 34-2175: "Height limitations for special areas. The following areas have special maximum height limitations as listed in this section: ... (5) Greater Pine Island. No building or structure shall be erected or altered so that the peak of the roof exceeds 38 feet above the average grade of the lot in question or 45 feet above mean sea level, whichever is lower. The term "building or structure," as used in this subsection, shall not include a building or structure used for an industrial purpose."

or extraordinary conditions," which are legally required for variances.

Policy 14.3.3 now simply describes the Pine Island height regulations and forbids its repeal from the county's land development code. Stronger approaches can be considered to guarantee the continued success of this cap.

One stronger approach is to place the height restriction directly into Policy 14.3.3 (instead of by reference to the zoning regulations). If this change were made, it would become impossible for variances ever to be granted, because no variance can legally be granted to any comprehensive plan requirement. This is appealing, given the prevailing fear of careless granting of variances; however, it is fraught with danger because there may be some unusual situation where a variance *should* be granted. In that case, the only alternative will be to permanently change the rule, rather than allowing an exception in that single instance.

A better approach is to modify the current wording of Policy 14.3.3 to specifically disallow certain incorrect interpretations on building heights. For instance, the policy could forbid any "deviations" from this height restriction (deviations can now be granted *without* the showing of exceptional or extraordinary conditions, as is required for a variance). The policy could also explicitly forbid the substitution of flood elevations as the starting point for measuring height [see LDC § 34-2171], and could forbid increases in building heights in exchange for increased setbacks, an acceptable practice elsewhere in Lee County [see LDC § 34-2174].

These new prohibitions, plus the elimination of the exception for industrial buildings, would cement Greater Pine Island's historic height regulations while still allowing the possibility of a variance in extreme circumstances.

SETTING THE COURSE

Building heights on Greater Pine Island have been carefully restricted since 1977. These restrictions have protected the community's character and must be maintained. Potential loopholes should immediately be closed.

GETTING THERE

- 1. Modify comprehensive plan Policy 14.3.3 as follows: POLICY 14.3.3: The land development code county's zoning regulations shall continue to state that no building or structure on Greater Pine Island shall be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions shall not be measured from minimum flood elevations nor shall increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.
- Amend the land development code to specifically include the new restrictions added to Policy 14.3.3.

Business Signs

Signs on Pine Island are controlled by general Lee County regulations. At present, only Captiva has separate regulations. For many years the county's regulations were extremely lenient, resulting in some oversized signs that remain standing today.

For new signs, the current regulations encourage signs to be freestanding, either mounted on poles or placed directly on the ground. Large pole and ground signs, however, are more appropriate for suburban strips where commercial buildings are set far back from the road.

Where most motorists drive the roads regularly, as on Pine Island, business signs need not be as large as they would be on a major highway like US 41. When buildings are nearer the road, as promoted by this plan, a better location for signs is directly on the wall of the building. Thus, regulations for business signs on Pine Island could be improved as follows:

- The regulations could limit pole and ground signs to sizes smaller than are needed on major highways.
- The regulations could encourage signs to be wall-mounted or to project out from a building, for instance on awnings, and to be made up of individual letters, rather than using internally lit plastic box signs that are out of character on Pine Island.
- Wall signs are now forbidden when buildings are within 15 feet of a right-of-way (common in Matlacha), yet walls are the most appropriate location for signs there.

In contrast to business identification signs, current regulations classify billboards as "off-premises" signs. New billboards are not allowed on Greater Pine Island. This is important because billboards are needless advertising that blights the scenic beauty of Greater Pine Island. However, some older billboards have been used on Pine Island as "directional signs" that direct travel-



External lighting

Sign is centered above the main entrance at the top of the facade

Sign painted directly on the facade above the main entrance





Internally lit box signs of plastic and/or metal are designed for commercial strips

ers to businesses that aren't visible.

Lee County regulations currently allow new directional signs only for residential subdivisions and for nonprofit groups, but never for businesses. Pine Island has only a single north-south road. Businesses such as marinas and groves that are located on other streets are not allowed to have a small sign on Stringfellow showing motorists where to turn.

The state of Maine has developed a program for this situation that could be a model for Pine Island and other locations where some businesses are otherwise "invisible." Businesses can purchase a small roadside sign using a common format that the state then installs at safe locations in the right-of-way just before motorists must turn. The illustration to the right shows Maine's standard sign sizes. Municipalities can also contract with the state to use a distinctive theme for their community.



A similar program tailored to Pine Island's needs and perhaps having a common artistic character could help the public locate individual businesses while continuing the prohibition on billboards.

SETTING THE COURSE

Lee County's sign regulations should be supplemented with specific standards that match the rural character of Greater Pine Island. These rules would encourage smaller signs on businesses, discourage signs typically found on commercial strips such as U.S. 41, allow small directional signs for businesses not visible from Stringfellow Road, and continue to ban billboards.

GETTING THERE

- Adopt a new comprehensive plan policy as follows:

 POLICY 14.4.4: The county shall expand its current sign regulations to include specific standards for Greater Pine Island. These standards will reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.
- Modify the county's land development code to implement new Policy 14.4.4 by incorporating new sign standards for Greater Pine Island.

County-initiated Rezonings

Property being developed must comply with its current zoning district *and* with the Lee Plan. In some cases, a property's zoning district has become obsolete due to changes in the Lee Plan. For instance, property that may have been zoned for a subdivision decades ago can no longer be developed at all because it is a protected mangrove forest.

More commonly, land with zoning that seemingly allows either commercial and residential uses cannot be developed commercially, or as intensely, due to specific policies in the Lee Plan. A 1989 Lee County study identified over 600 acres of land on Greater Pine Island whose zoning allows at least some commercial uses, whereas the Lee Plan will only allow the development of only a fraction of that amount.

Despite the legal requirements for compliance with both zoning and the Lee Plan, investors sometimes purchase land based only on its zoning. Lee County should methodically eliminate zoning that no longer reflects uses that are permissible on land. This is a difficult undertaking that has been largely put off since the adoption of the original Lee Plan in 1984.

SETTING THE COURSE

Lee County should methodically eliminate zoning classifications that will create false development expectations for potential investors.

GETTING THERE

- Adopt a new comprehensive plan policy as follows: POLICY 14.4.5: The county shall establish a prioritized schedule for a five-year effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.
- Begin the process of rezoning improperly zoned land on Greater Pine Island.

Pine Island - a Vision for 2020

Beginning in 1999, Lee County's comprehensive plan has included a brief "vision statement" for each of twenty segments of unincorporated Lee County. The Pine Island segment is worded as follows:

Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents.

This language focuses on commercial development and expected growth almost to the exclusion of any meaningful vision of Pine Island's future.

The Lee County plan would be better served by replacing the current language with a succinct summary of the vision that Pine Islanders have articulated through this plan update.

SETTING THE COURSE

Pine Islanders have articulated their own vision for the future of Greater Pine Island through this comprehensive plan update; a summary of this vision should be placed in the opening chapter of Lee County's comprehensive plan.

GETTING THERE

In the "Vision for 2020" section of the Lee Plan, replace the current language for the Pine Island planning community with the following description (summarized from this plan update): Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

Municipal Incorporation

Florida law allows individual communities to "incorporate" to form their own city. New cities remain under the control of county governments for many functions but can independently provide certain services, including planning and zoning. (Cities can also choose to call themselves towns or villages.)

Since 1995, both Fort Myers Beach and Bonita Springs have incorporated. The large tax bases in those communities have been able to support city governments without additional taxes. However, in communities without such high property values, a city government would require higher property taxes.

The legislature has erected various hurdles to discourage a proliferation of new cities:⁶

■ A population density of 1.5 persons per acre is normally required, as well as a total permanent population of 5,000.

■ There must be 2 miles or "an extraordinary natural boundary" between the new city and an existing city.

■ A formal feasibility study must demonstrate the fiscal capacity of the proposed city. In order to qualify for important state revenue-sharing, the new city must impose at least 3.0 mills of property taxation, whereas Lee County now charges only 1.2 mills for municipal services. (Fort Myers Beach and Bonita Springs have gotten around this requirement by convincing the legislature to count the property taxes now being imposed by their independent fire districts as part of this 3.0 mills.)

A special act of the legislature is required even when all of these requirements have been met, followed by a referendum of voters in the affected area.

City governments tend to become expensive, not just because some duplication of services is inevitable, but because an effective city government will tackle problems that citizens wouldn't entrust to more distant levels of government. However, "minimum cities" are becoming a trend; instead of employing large staffs, they contract with outside service providers and allow county government to provide many traditional services.

If Greater Pine Island were to incorporate as a city, it would likely leave the water association and fire department as independent entities. Law enforcement, operation of the sewer plant, emergency management, building permits, and zoning enforcement could be contracted back to Lee County. However, planning and zoning decisions would almost certainly be made by the new government, and additional services could be provided as needs arise.

Municipal incorporation isn't inherently good or bad. Pine Islanders should assume that taxes would have to be raised to support a city government (a revenue analysis could assess the likely costs), and this fact would make it somewhat difficult for a referendum to succeed. Other costs to be considered are the divisiveness of most incorporation efforts (Captiva's experience in the past year is cautionary), and the potential costs of hurricane recovery plus litigation to defend land-use decisions.

On the positive side, Pine Islanders face many distinctive issues that the current Lee County government finds to be outside its "core mission" — issues which Pine Islanders would gladly involve themselves, given the proper forum. Greater Pine Island has a strong history of civic activism and a core of retired citizens who could devote a great deal of attention to municipal matters.

Thus discussion of incorporation can be expected on a regular basis. If Lee County is responsive to Pine Island issues, incorporation may never appeal to enough citizens to justify the costs. However, incorporation always remains an alternative to governance by the county commission.

⁶ Chapter 165, Florida Statutes

⁷ Section 218.23, Florida Statutes

THE ENVIRONMENT

Protecting the Aquatic Preserves from Runoff

The current Pine Island plan requires a buffer area between new developments and aquatic preserves:

POLICY 14.1.5: New "planned development" rezoning approvals and new subdivisions adjoining state-designated aquatic preserves and associated natural tributaries shall provide a 50-foot-wide vegetated buffer area between the development and the waterbody.

Buffer areas of this type save a strip of native vegetation along the transitional zone between water (or wetlands) and uplands. With proper design, this strip can prevent erosion and trap sediments and other pollutants running off the land, in addition to its original functions.⁸

Such buffers are especially valuable on Pine Island because the island is surrounded by aquatic preserves. These preserves were designated by the state in the 1970s for their "exceptional biological, aesthetic, and scientific value" and are "set aside

8 "Lands immediately adjacent to an upland or wetland are transition zones between wetlands and uplands. They are zones that are wetland at times and upland at times, exhibiting characteristics of each and vegetated by species that are found in each. They are important to both the wetland and the upland as seed reservoirs, as habitat for aquatic and wetland-dependent wildlife species, as refuges to wildlife species during high-water events, and as buffers to the extreme environmental conditions that result from sharp vegetated edges. When development activities occur in transition zones, wetland-dependent wildlife species that are frequent users of theses areas are excluded, silt laden surface waters are generated and cannot be filtered, and groundwater may be diverted or drained." M.T. Brown and J. Orell, Tomoka River and Spruce Creek Riparian Habitat Protection Zone, p. 4 (St. Johns River Water Management District, 1995).

forever...for the benefit of future generations."9

A major management goal for aquatic preserves is to encourage uses of adjacent uplands that protect and enhance the resources in the aquatic preserves.

Policy 14.1.5 has been incorporated by Lee County into its land development code. ¹⁰ However, as currently worded, it has proven ineffective because it does not apply to agriculture, the predominant new land use on Pine Island over the past decade.



Sec. 34-935(d) Where the proposed planned development is within the Greater Pine Island area and adjoins state-designated aquatic preserves or associated natural tributaries, a 50-foot-wide vegetated buffer area between any structure or building and the mean high-water line of the water body shall be provided. No deviation from this requirement shall be permitted except under extreme circumstances in which the requirement would have the effect of prohibiting all reasonable use of the property.

Sec. 10-414(f) Except where a stricter standard applies for the Greater Pine Island Area (defined in chapter 34 of the land development code), there must be a 25-foot wide buffer landward from the mean high water line of all nonseawalled natural waterways. Where a proposed planned development or subdivision is located in the Greater Pine Island Area adjoining state-designated aquatic preserves and associated natural tributaries, the width of the required buffer will be 50 feet. . . . Existing vegetation within the buffer area must be retained except for the removal or control of exotic plants.

⁹ Section 258.36, Florida Statutes

This policy has been implemented through Lee County's land development code as shown in these excerpts:

Normally a new setback or buffer requirement is easy to adopt and administer. In this case it would be more difficult because Lee County has chosen to exempt agriculture from nearly all of the requirements that apply to developers.

One exception is that Lee County requires new agriculture operations to obtain a "notice of clearing" from the county before clearing any land. A change could be made to the requirements for a "notice of clearing" to require the retention of at least the 50-foot-wide native buffer that is required for all other land uses and to encourage it to be used with a filter strip to cleanse stormwater runoff before it reaches the mangrove wetlands and tidal waters.

The U.S. Department of Agriculture is strongly promoting riparian forest buffers¹¹ of at least 50 feet and filter strips¹² of at least 20 additional feet around farm fields through their National Conservation Buffer Initiative. The USDA calls them "commonsense conservation" and promotes these buffers as an important supplement to conventional stormwater retention strategies, to serve as a second line of defense in protecting natural resources from avoidable side-effects of agriculture.¹³ The USDA even helps pay for riparian buffers on private property through its Conservation Reserve Program.

SETTING THE COURSE

Wholesale land clearing up to the edge of the mangrove forest is now allowed for agriculture. All other new development must maintain a 50-foot native buffer strip between cleared land and natural water bodies. New rules should require agriculture to maintain at least the same 50-foot separation and use it to filter stormwater runoff.

GETTING THERE

Modify comprehensive plan Policy 14.1.5 as follows:

POLICY 14.1.5: All new development, including New
"planned development" rezoning approvals, and new
subdivisions, and agriculture, that adjoining state-designated
aquatic preserves and associated wetlands and natural
tributaries shall preserve or create provide a 50-foot-wide
native vegetated buffer area between the development and
the waterbody- or associated wetlands. This requirement
shall not apply to existing subdivided lots. For agriculture, this
requirement:

- shall be implemented through the notice-of-clearing process in chapter 14 of the land development code;
- <u>shall include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and</u>
- if native vegetation does not currently exist, native tree cover shall be established within three years of issuance of the notice of clearing.

Riparian Forest Buffer (Natural Conservation Service Conservation Practice Standard 391), available from ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/391.pdf

Filter Strip (Natural Conservation Service Conservation Practice Standard 393), available from ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/393.pdf

For details on the National Conservation Buffer Initiative, consult USDA's Natural resources Conservation Service at http://www.nhq.nrcs.usda.gov/CCS/Buffers.html

Septic Tanks Along Canals

Water quality in Pine Island's canals and bays can be degraded by many factors, some of which cannot be controlled easily (such as polluted water coming down the Caloosahatchee).

Other factors can be corrected if the public is aware of the problem and is willing to pay to solve it. An example of the latter is bacterial or viral pollution caused by improperly installed or malfunctioning septic tank drainfields. Contaminated canal water can pose health risks from exposure while swimming or boating or from eating contaminated seafood.

Used under proper conditions, septic tanks are a cost-effective method of sewage disposal for individual households. Ideal conditions include porous soils, large lots, the absence of nearby shallow wells or water bodies, and proper maintenance.

However, under some conditions septic tanks function poorly. During normal operation, excess wastewater is routed from each septic tank to an underground drainfield, which is a series of pipes that spread the water over a porous layer of gravel and then into the ground. Because septic tanks alone provide very limited treatment, proper soil conditions are essential so that movement through the soil can provide another level of treatment to capture viruses and other pathogens before wastewater comes in contact with humans or natural systems. ¹⁴

Riskier conditions for septic tanks include a high water table, small lot, nearby well or waterway, installation too low in the ground, and lack of maintenance. When not installed or functioning properly, septic tank drainfields can provide a direct path for the pollutants in domestic wastewater to reach the

canals and then the bays.

Pine Island's 66 miles of canal banks are potential routes for pollution to enter sensitive waters. Because most of these canals are deep and dead-ended, they are not easily cleansed by tidal flow. Also, daily tidal fluctuations can raise and lower ground-water levels near canals, creating a pumping effect that can speed the flow of pollutants from the soil into canals.

In the 1980s Lee County installed central sewer service throughout Fort Myers Beach and Matlacha after too many poorly functioning septic tanks along canals caused pollution levels to reach dangerous levels. No agencies currently have a regular program to monitor canals for signs of degradation due to older or malfunctioning septic systems.

In 1988, state rules allowed Lee County to insist that drainfields for new homes be elevated at least 24 inches above saturated soils, sometimes requiring above-ground mounds. These newer systems are much more likely to function properly without polluting nearby waterbodies. However, it is often impractical or even impossible for older homes to upgrade to the new standard.

Decisions to upgrade wastewater disposal systems are often caused by outside factors. This is what happened to the temporary sewage plant that Lee County had installed in the early 1980s on state-owned land on Little Pine Island to replace the septic tanks in Matlacha. This plant itself had become a source of pollution and the state insisted that it be removed. Instead of connecting Matlacha's sewers to the advanced treatment plan in Cape Coral for conversion into irrigation water, Lee County decided to build a new sewage treatment plant on Pine Island.

The decision to build a new regional sewer plant on Pine Island was probably ill-advised, given local soil conditions and flooding risks and the excess capacity available at the Cape Coral plant.

[&]quot;Human viruses in the coastal waters of Florida," Coastlines, issue 10.6, December 2000, available at http://www.epa.gov/owow/estuaries/coastlines/dec00/humanviruses.html

However, there are some benefits to Pine Islanders. Many of Pine Island's small freestanding sewer plants can now be easily connected to the new plant, and if septic tanks in sensitive areas are causing pollution, they can be connected also.

The most likely areas for septic tank damage would be populated areas with older septic systems on small lots abutting saltwater canals. These conditions may exist in parts of St. James City, Bokeelia, and Flamingo Bay. A coordinated effort should be mounted to determine whether existing drainfields in those areas are polluting Pine Island's canals.

Simple tests of canal water for fecal coliform bacteria is not sufficient because bacteria levels can be high for other reasons as well. More sophisticated methods are now available for determining whether septic tanks are actually polluting the water. These include dyes and viral tracers that can be flushed into septic tanks to detect whether wastewater is moving slowly enough through the ground to provide a reasonable level of treatment. Two recent studies of this nature in Citrus County and the Florida Keys have found contamination of waterways caused by septic tanks. ^{15, 16} Similar studies have also been conducted in New Port Richey and Sarasota.

If such tests demonstrate that serious problems exist, the county could establish an inspection program to identify and require replacement of failing or older septic systems, or could require upgrading when a home is sold. Other actions could include providing full sewer service for those neighborhoods, or a hybrid which might keep the septic tanks but route the effluent into sewers instead of on-site drainfields.

Central sewer service is fairly expensive to install and involves regular monthly charges for operation. However, septic-tank replacement is also expensive and disruptive to yards, especially when mounded drainfields are required. If there is clear evidence that septic tanks are causing pollution, Pine Islanders would support reasonable alternatives because clean and bountiful waters are an expected part of Pine Island life.

SETTING THE COURSE

Water quality in the canals and bays is very important to Pine Islanders. Lee County should initiate a program to determine whether older or failing septic tanks along canals are polluting the water, and if so, the county should analyze steps to solve the problem, including extending central sewer service if warranted.

GETTING THERE

Modify comprehensive plan Policy 14.1.7 as follows:

POLICY 14.1.7: The county shall continue to investigate the need for central sewer service for Bokeelia, St. James City, and Pine Island Center. This shall include, for any area having a strong need for such service, an analysis of available facility sites, alternative types of service, and financial feasibility. Lee County shall design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County shall assess the feasibility of various corrective measures.

¹⁵ "Bacteriological and pathogenic water quality assessment of the upper reaches of the Chassahowitzka Watershed" by Michael R. Callahan, Joan B. Rose, Ph.D., and John H. Paul, Ph.D. 2001, prepared for the Utility Division of the Citrus County Department of Public Works.

Wiral tracer studies indicate contamination of marine waters by sewage disposal practices in Key Largo, Florida" by Paul, J.H., Rose, J.B., Brown, J., Shinn, E.A., Miller, S., and Farrah, S.R., in *Applied and Environmental Microbiology*, 1995, vol. 61, No. 6, p. 2230-2234; available at http://aem.asm.org/cgi/reprint/61/6/2230.pdf

Jet-skis and Air Boats

It is no surprise that conflicts often arise over the use of local waterways in a boating community like Pine Island. County government has a limited role in resolving these conflicts, with most authority being retained by the state and federal government.

Counties do exercise some authority over boating. For instance, power boats can be restricted from interfering with popular bathing beaches, and certain boating activities can be regulated under land-use authority (such as the rental of boats). These activities can affect or be affected by shoreline land uses, thus giving counties a clear role in balancing competing uses.

In public meetings on Pine Island, there are two frequent complaints about the effects of boating on land use that might be addressed at the county level. One is the increased popularity of jet-skis (a trade name for what has become known generically as personal watercraft) and the other is the noise from air boats.

Personal watercraft use an inboard engine to drive a water jet pump that propels the boat by exhausting a large stream of water. Personal watercraft are noisy because they are built and marketed as high-speed "thrill craft" that are very powerful and maneuverable. The operators of personal watercraft ride them while standing, kneeling, or sitting on them, rather than sitting inside them like conventional boats. For all of these reasons, accident rates for personal watercraft are very high.

Lee County now regulates mainly the *rental* of personal water-craft; state law controls their *operation*. New county regulations over the operation of personal watercraft would now be very difficult due to a new state law that effectively bans local regulation of personal watercraft. While this state law remains in effect, local governments must ignore even legitimate distinc-

tions between personal watercraft and other boats.17

Lee County's current regulations keep personal watercraft rentals away from the bays and sounds by limiting rental locations to the barrier islands. ¹⁸ However, those renting personal watercraft, or owning them, can operate them in the aquatic preserves around Pine Island. Unless state law is changed, counties have no authority to adopt restrictions.

Air boats can traverse very shallow water because of their unconventional system of propulsion: their engines spin an *abovewater* propeller. Thus there are two sources of noise. First in the engine itself, which is often run without a muffler. But most of the noise comes from the propeller, which at high speeds greatly amplifies the engine noise. Air boats are very noisy and affect waterfront landowners and some wildlife, especially birds. State limitations on air boat noise are rarely enforced.

Local efforts to control air boat noise could involve local enforcement of state noise limits, or a ban on nighttime use, or a ban against operations outside marked channels (or within a fixed distance of the shoreline, except near boat ramps). In 1999 Fort Myers Beach banned all air boats in the portions of Estero Bay within the town because of noise and wildlife impacts.

Problems caused by air boats occur throughout Lee County's waters. Rather than addressing air boat problems just around Pine Island, Lee County should consider countywide regulatory measures that would preclude the greatest problems caused by careless use of air boats without adding to the patchwork of boating regulations that are already difficult to enforce.

[&]quot;Any ordinance or local law which has been adopted pursuant to this section or to any other state law may not discriminate against personal watercraft as defined in s. 327.02." (Chapter 2000-362, section 20)

¹⁸ Lee County Ordinance No. 95-13, section 9

APPENDIX A: TRANSPORTATION DATA AND ANALYSIS

Access to Pine Island was strictly by boat until 1926 when the causeway carrying Pine Island Road was built through the mangrove islands that became Matlacha. With road access, modern development became practical.

For many decades, this two-lane road was sufficient to meet all demands placed upon it. Although there have been occasional discussions about a second bridge to Pine Island, the hurdles facing such a plan have always been insurmountable.

Constraints on access to Pine Island

As the years progressed, traffic on Pine Island Road has continually increased. By general county standards, the current congestion would warrant plans to widen this road to four lanes, and funds to do so would be found by juggling Lee County's capital improvements budget. In fact, this widening would be necessi-

tated by Lee County's concurrency standards, which require that all development and building permits be stopped once traffic on a road exceeds the road's full capacity, a congestion level known as "Level of Service E" (LOS "E").

However, Lee County has formally designated certain roads that cannot (or should not) be widened as "constrained." According to Lee Plan Objective 22.2: "Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental and aesthetic character of the community." The Matlacha section of Pine Island Road has been designated as "constrained" since 1989. Since that time, Lee County has also designated the heart of Matlacha as a historic district, further protecting the community from road widening that would damage its character (see map of historic district on page 26).

The 810/910 rule in Lee Plan Policy 14.2.2

Origin of Policy 14.2.2

In 1989, Lee County was negotiating with the state over details of its new comprehensive plan, including the concept of constrained roads. Much of the controversy centered around another constrained (but much more heavily congested) road, Estero Boulevard at Fort Myers Beach. Community sentiment there strongly favored enduring the road congestion rather than widening Estero to four lanes, in part because the congestion was limited to the winter season when there was no hurricane evacuation threat. To reflect that sentiment, Lee County decided to sanction very extreme levels of congestion on constrained roads.²⁰

 $^{^{19}}$ Pine Island Road from Shoreview Drive west to Little Pine Island, according to Lee Plan Table 2(a)

 $^{^{20}}$ Specifically, 85% more traffic than the roads were designed to handle would (at least theoretically) be allowed.

For most of Lee County's islands, a "constrained" designation on their access road caused few or no problems. At Fort Myers Beach, nearly all land was already developed, and the existing traffic congestion was accepted as the price of a prosperous tourist economy. Bonita Beach, Captiva, and Boca Grande were nearly at build-out and under strict growth controls, so loosening the road standards would not increase traffic congestion. Sanibel, as its own city, would not be affected at all.

Only on Pine Island could the "constrained" designation have had alarming consequences. On Pine Island, vast tracts of land were still undeveloped; and the seasonal population extremes, while significant, weren't as great as the other island communities, leaving a larger percentage of Pine Island's population subject to summertime evacuations.

To avoid these effects on Pine Island, Lee County needed to supplement the constrained designation to keep it from allowing more development than the road system could handle. The county chose to modify a 1988 proposal from the Greater Pine Island Civic Association which was designed to gradually limit development on Pine Island as Pine Island Road began to approach its capacity. The proposal would have prohibited rezoning most additional land for development when 80% of road capacity was used up, and prohibited approvals of new subdivisions, even on land already zoned, when 90% was used up.²¹

Those percentages were based on the road's capacity at LOS "D," which at the time was defined as representing: "...high-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience.

Small increases in traffic flow will generally cause operational problems at this level."²²

Under the conditions existing on Pine Island Road, LOS "D" was defined by Lee County as occurring when 1,010 vehicles per hour used the road during the busiest hours in the winter.

To make sure that these limits wouldn't be ignored when they were reached, the state land planning agency insisted that the Lee Plan convert those percentages to specific vehicle counts at the nearest permanent traffic count station, which is located on Little Pine Island at the western edge of Matlacha. Thus, 80% was converted to 810 vehicles per peak hour, and 90% was converted to 910 vehicles.²³ These levels were then adopted into law as Lee Plan Policy 16.2.2 (later renumbered to 14.2.2).

Physical changes to Pine Island Road since 1989

During 1991 and 1992, Lee County reconstructed Pine Island Road from Burnt Store Road to Stringfellow Road. The county elevated flood-prone segments and widened the travel lanes to twelve feet. Within Matlacha, French drains were installed and the pavement was extended beyond the travel lanes in some places for parking. Outside Matlacha, the shoulders were widened to eight feet (four feet of which was paved) and the drainage ditches were improved.

These improvements had already been designed by late 1989 and a consultant to Lee County had analyzed whether they would increase the traffic-handling capacity (known as the

²¹ Pine Island Land Use Study – Issues and Recommendations, prepared by Carron Day for and with the assistance of the Greater Pine Island Civic Association, January 1988.

²² Support Documentation for the Traffic Circulation Element, for revisions adopted January 31, 1989, prepared the Lee County Division of Planning and Department of Transportation and Engineering, pages III-5, III-6, and III-10.

²³ Proposed 1990 Revisions to the Lee Plan, Volume 1, Traffic Circulation Element, prepared by David Plummer and Associates, September 1990, pages III-4 and B-6.

"service volume") of Pine Island Road. If they would have actually increased the road's capacity, the 810 and 910 figures might have been increased accordingly. The consultant concluded that they would not increase capacity:

"The reconstruction currently underway on Pine Island Road west of Burnt Store Road will raise the elevation of the roadway and widen the lanes to standard widths. Neither of these improvement will, according to the 1985 Highway Capacity Manual, affect the service volumes."

Current traffic conditions on Pine Island Road

Since 1990, traffic on Pine Island Road in Matlacha has increased by about 22%. Figure A-1 shows the average counts for each year, with a visual comparison to the 810 and 910

Traffic on Pine Island Road (SR 78) in Matlacha

1990 through 2000

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,200

1,20

Figure A-1, Traffic on Pine Island Road in Matlacha, 1990 through 2000

thresholds in Policy 14.2.2. The 810 threshold was surpassed in 1998, 1999, and 2000.

These significant traffic increases occurred during a decade where there was relatively little new subdivision or condominium development on Pine Island. Population increases resulted mostly from the construction of new homes on pre-existing vacant lots. Other traffic increases may have resulted from difficult-to-quantify changes in tourism or commuting patterns.

The largest traffic flows through Matlacha are eastbound during the morning rush hours and westbound during the afternoon rush hours, as shown in Figure A-2. Afternoon peaks are slightly higher than morning peaks. This pattern is similar year around, with the peaks more pronounced during the less busy months.

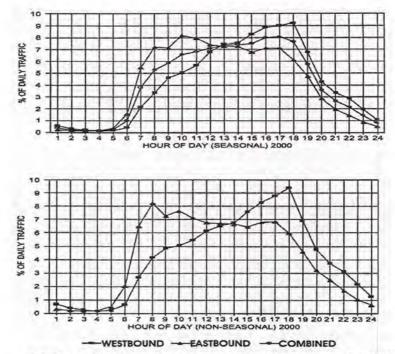


Figure A-2, Directional flow and hourly variations in Matlacha, 2000T

²⁴ Proposed 1990 Revisions to the Lee Plan, Volume 1, Traffic Circulation Element, prepared by David Plummer and Associates, September 1990, page B-4.

Traffic flow through Matlacha is affected by several other factors. The drawbridge is opened an average of two or three times each day to accommodate boaters, blocking traffic in both directions. School buses make about 30 trips each day, with about half occurring during peak traffic periods each day. Because there are no medians on Pine Island Road, traffic must stop both directions when school buses are loading. Public transit is very sparse at present and has inconsequential effects on traffic flow.

Changes since 1989 in methods of analyzing capacity

In 1990 Lee County began using a different method for determining the capacity of roads, using the 1985 *Highway Capacity Manual* instead of the earlier 1965 *Highway Capacity Manual*. Lee County decided to base the 810/910/1010 figures for Pine Island Road on the earlier method for determining capacity, to keep future technical changes in analytical methods from changing their policy decision on how to manage growth on Pine Island.

The earlier method was based primarily on physical characteristics of the road, such as the number of lanes, the width of the lanes, and lateral clearance from obstructions such as parked cars or pedestrians. Pine Island Road west of Burnt Store was designated as a major collector road in a "type 5" rural area.

The remainder of the Lee Plan used the newer method, which determined capacity on arterial roads about equally by the number of lanes and by the length of delays caused by intersections. For most urban roads, delays caused by the red cycle of traffic signals are a major limitation on the number of vehicles that can traverse those roads; thus the number and timing of

traffic signals becomes a major factor in determining road capacity. The newer method also assumes that left turn bays are provided at intersections and are adequate to prevent a following vehicle from having to slow down or stop.

Under the newer method, there is no straightforward reduction in capacity for a road with typical collector-road characteristics; the reductions must be computed through a sophisticated traffic analysis. The new method, without adjustments, may even understate the capacity of Pine Island Road as it crosses Little Pine Island. However, it is primarily within Matlacha itself that the bottlenecks occur. Within Matlacha there are no traffic signals, no major crossing streets, and no left-turn bays, yet there are multiple intersecting streets and driveways. With all of these factors, the new method, unless adjusted for those factors, would not provide a reasonable measurement of traffic capacity.

In order for the new method to accurately forecast the capacity of Pine Island Road, it must be carefully adjusted to factor back in the various obstructions to free-flowing traffic through Matlacha (no left-turn bays or passing lanes; reduced speed limit; cars backing into the road from parking spaces; frequent driveways; presence of pedestrians; etc.). These adjustments require more data than is currently available, for example the free flow speed, peak-hour characteristics of traffic flow, and the adjusted saturated flow rate.

In the absence of this data, it is instructive to compare the capacity of Pine Island Road using the older methodology with the capacity of Estero Boulevard at Fort Myers Beach²⁶, as

²⁵ Since that time, further modifications have been made in a 1994 *Highway Capacity Manual* and a 1997 *Highway Capacity Manual Update*, all published by the Transportation Research Board.

Estero Boulevard is the same width and has many of the same constraints as Pine Island Road through Matlacha; due to very heavy demand, its traffic flow completely breaks down most days from late January into April, with traffic flowing in a stop-and-go pattern between about 10:00 AM and 6:00 PM. A summary of this data is provided in the Fort Myers Beach Comprehensive Plan, pages 7-B-15 through 7-B-20.

computed by the Lee County department of transportation, as shown in Table A-1. The latest and most thorough study, completed in 1997, suggests that Estero Boulevard's capacity using the new method is only about 10% larger than the comparable capacity for Pine Island Road using the old method.

TABLE A-1
OLD CAPACITY METHODOLOGY
(used for Pine Island Road in the 1989 Lee Plan)

LEVEL OF 1	Peak-hour trips (both lirections)	COMMENTS:	
LOS "E"	1,120	LOS "E": full capacity; traffic flow breaks down with small increases in traffic	
LOS "D"	1,010	LOS "D": high-density but stable flow	
90% of ".	D" 910	(development order restrictions begin)	
80% of "	D" 810	(rezoning restrictions begin)	
		full capacity of uninterrupted and undi- vided two-lane road near the coast (1995 Lee DOT study)	
NEWE	(for	T CAPACITY METHODOLOGIES Estero Boulevard)	
LOS "E" 1,424		full capacity of Estero Boulevard south of Donora, based on 20% reduction (1995 Lee DOT study)	
LOS "E" 1,316		full capacity of Estero Boulevard between Donora and Crescent, based or 30% reduction (1995 Lee DOT study)	
LOS "E" 1,240		full capacity of Estero Boulevard (1997 Lee DOT study based on new data)	

Physical alternatives to improve access to Pine Island

Four different types of access improvements to Pine Island are described in the following sections, followed by preliminary comments on the impacts of each.

Access improvements could have a variety of physical impacts. These impacts would primarily occur in Matlacha if the existing 66-foot right-of-way were to be reconfigured or widened; they would be primarily environmental if an entirely new access road were created.

Within the existing right-of-way

Two possible reconfigurations have been identified that could fit within the existing 66-foot right-of-way (approximately the distance between the existing utility poles):

- CONVERT TO THREE LANES: The existing pavement, including the paved shoulders, is about 32 feet wide. It could be rebuilt and reconfigured to three lanes of almost 11 feet each, and the unpaved shoulders could be paved to serve as breakdown lanes or walkways. The third travel lane could serve either as a two-way left turn lane or as a reversible lane for traffic in the busier direction.
- CONVERT TO FOUR LANES: The road could also be reconfigured into an urban street with curbs and gutters. The existing right-of-way could accommodate up to four 11-foot lanes, two 2-foot concrete curbs and gutters, and two 9-foot raised sidewalks. This configuration would require extensive earthwork and metal railings, similar to the recently rebuilt San Carlos Boulevard as it approaches Fort Myers Beach.

Unless the bridges were widened as well, either approach would still face the bottleneck of having a three-lane or four-lane road narrow into two-lane bridges (similar to the Sanibel Causeway which has two-lane bridges connecting to four-lane roads).

The three-lane approach would change the look and feel of Pine Island Road less than the four-lane approach. If the third lane were used for left turns, those turns would cause less interference with traffic flow (which will become increasingly important as congestion increases).

A third lane could also be reversible, used for travel in the direction of highest traffic flow. The center lane would be designated for one-way travel during certain hours of the day, and in the opposite direction during other hours. The outer lanes provide normal flow at all times.

There are various problems with reversible lanes, such as operational problems at each end of the reversible lane; enforcement difficulties; increased safety hazards; and unsightliness of the traffic signals and/or barriers that would be required.

It seems unlikely that a reversible lane would have enough benefits in Matlacha to offset the operational difficulties. The greatest benefit to a third lane would be for left turns during daily use, and for an additional lane off Pine Island during an evacuation.

Adding a third lane would cause a number of problems, however, including:

- Pedestrians trying to cross Pine Island Road would have to walk a greater distance, making the crossing less safe;
- The character of Matlacha would lose some of its village atmosphere and pedestrian orientation, replaced with a more highway-oriented character;
- Pedestrians would lose the use of the current paved shoulder, which functions as an informal sidewalk;
 and
- Businesses and homes would lose some of their park-

ing area because the travel lanes would now be using the previous paved shoulders outside the French drains.

The second reconfiguration, into four travel lanes, would significantly increase the traffic-carrying capacity of Pine Island Road, without any of the complexities of changing the directional pattern of the center lane every day.

Pedestrian safety would be improved by replacing today's informal drainage and sidewalk pattern with raised sidewalks. However, these sidewalks would now extend to the very edge of the right-of-way, putting them directly adjacent to many buildings whose fronts are on the right-of-way line. In business areas, this is appropriate for both the stores and the pedestrians, but in residential areas it would be very awkward for the residents (as well as the pedestrians).

The four-lane configuration would preclude any left-turn bays and would eliminate all parking from the right-of-way. The loss of parking would be a major disadvantage and would seriously damage, if not eliminate, the viability of many small businesses. Undoubtedly, the physical construction of a four-lane configuration would seriously damage Matlacha's village atmosphere and pedestrian orientation.

The increases in traffic capacity that four lanes would provide would be detrimental to the character of Matlacha but would have mixed impacts on the remainder of Greater Pine Island. If the increased capacity just led to approval of more development on Pine Island, the damage to Matlacha would have been for naught. If the increased capacity were provided without allowing an additional increment of development on Pine Island, traffic congestion on Pine Island Road would be reduced, although it would reappear as existing subdivision lots are built upon and the new road capacity begins to be used up.

With a wider right-of-way

Some of the negative factors of a four-lane configuration could be offset by purchasing additional right-of-way, for instance to be used for a planting strips with trees that could separate the sidewalk from the travel lanes or from building fronts. However, the existing land-use pattern has very shallow lots that often back up to the waters of Matlacha Pass. Also, many of the existing buildings directly adjoin the existing right-of-way, so widening the right-of-way would involve altering or demolishing many buildings in Matlacha. A 1982 estimate suggested that if the right-of-way were expanded from 66 to 90 feet, as many as 75 businesses and homes in Matlacha would have to be altered or removed.²⁷

In 1990, Lee County designated the central portion of Matlacha as a historic district. This designation would not legally prevent Lee County from altering or demolishing historic buildings, but it indicates the historic value of many of Matlacha's buildings in addition to its unique village character.

Given these constraints, it is apparent that Lee County's 1989 decision to classify Pine Island Road as "constrained" (and therefore not subject to widening) was correct. It is possible that the benefits of a third lane through Matlacha might outweigh the disadvantages, and if so this improvement could be constructed. But building *four* travel lanes through Matlacha, either within the existing or a widened right-of-way, should not be considered to be a viable or practical option.

The capacity of Pine Island Road could also be increased by building a new bridge around Matlacha. A possible route would begin at about Shoreview Drive, run just south of Matlacha, and reenter Pine Island Road on Little Pine Island just west of the Sandy Hook restaurant, a distance of just over 1½ miles.

A Matlacha bypass bridge could provide uninterrupted two-way traffic to and from Pine Island, or could provide one-way traffic, with the existing Pine Island Road serving traffic in the other direction. Two-way traffic is generally more convenient to the public. One-way traffic allows more cars to use the same amount of roadway, but is generally regarded as being harmful to businesses along the route. Either scenario would create serious intersection impacts at each end, and could cause additional travel to connect motorists with their actual destinations.

Either scenario would also require widening Pine Island Road beyond the ends of the bridge in order to take full advantage of the bridge's new capacity. This would be especially important between the eastern terminus and Burnt Store Road.

Pine Island Road is a county road west of Burnt Store Road (as are both bridges). Any improvements would be constructed and paid for by Lee County. Because major bridges are beyond the ability of the county to afford with current revenue sources, they are built with the proceeds from selling bonds, which are then paid back over time (usually with tolls, although they can also be repaid through special taxes or assessments).

One recent and one planned bridge can illustrate the magnitude of how expensive new bridges are to construct.

A new bridge was completed in 1999 over eastern Pensacola Bay. This bridge is about 3.5 miles long and cost \$54 million to build; it was funded through a \$95 million bond issue. (At present, only half of the expected users are paying the \$2 toll,

New bridge bypassing Matlacha

²⁷ Pine Island at the Crossroads, by William M. Spikowski, 1982, p. 3.

and the bridge's owner, the Santa Rosa Bridge Authority, is unable to repay its bonds, which run for another 30 years.)

For the last two years Lee County has been considering rebuilding the Sanibel Causeway and its three bridges. Replacing the main bridge alone is estimated by the county to cost \$45 million for a higher and wider drawbridge or \$77 million for an even higher fixed bridge.

State and federal permits are required for all new bridges, and are difficult to obtain, especially for a new bridge through the Matlacha Pass Aquatic Preserve.

A Matlacha bypass bridge would have serious environmental impacts and there is no realistic source of funds to build it. Its increased traffic capacity might lead to approval of more development on Pine Island, negating its positive impacts on traffic flow and hurricane evacuation. If the increased capacity were provided without allowing an additional increment of development on Pine Island, traffic congestion on Pine Island Road would be reduced substantially.

At least at present, building a new bridge around Matlacha is not a feasible option.

Entirely new bridge and entrance road

Another alternative involving a new bridge would be to extend Cape Coral Parkway westerly across Matlacha Pass, ending about halfway between St. James City and Pine Island Center near the Masters Landing power line. This alignment would cross about two miles of wetlands and one mile of open water. A continuous bridge would be needed to avoid interference with tidal water flows in the wetlands and Matlacha Pass.

At present there is a narrow earthen dam through the mangroves that support an access road for maintaining the power line. If this fill were allowed to remain in place, it may be able to support a two-lane access road for the new bridge, thus reducing the cost of this alternative.

This alignment would extend into the Cape Coral city limits, adding an extra layer of regulatory issues. The new bridge would add traffic onto Cape Coral Parkway, which is planned to be widened to six lanes but cannot be widened further. This alignment would function well for traffic between St. James City, Cape Coral, and south Lee County.

This option, like the Matlacha bypass option, is currently costprohibitive and could have major environmental impacts on Matlacha Pass. Neither new-bridge option can be considered viable at this time.

Transportation policy alternatives

Since the 1989 update of the Greater Pine Island portion of the Lee Plan, a number of changes have been made to Pine Island transportation policies. Policy 16.2.3 committed Lee County to improving Pine Island Road by 1993 in four specific ways (all of which were completed before this policy was eliminated):

- Elevate the flood-prone segments.
- Widen the traffic lanes to twelve feet.
- Widen and improve the shoulders.
- Improve the intersection at Stringfellow Blvd.

Policy 16.2.4 committed Lee County to taking whatever additional actions were feasible to increase the capacity of Pine Island Road, specifically calling for the following measures to be evaluated:

- The construction of a bicycle lane which could serve as an emergency vehicle lane during an evacuation, thus freeing both traffic lanes for the evacuating population.
- The construction of two more lanes around Matlacha.
- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.

Parts of Policy 16.2.4 were repealed in 1994 because the county concluded that: "The first two items would be prohibitively expensive. The existing pavement already accommodates emergency vehicles and two lanes of traffic." The final item was retained in the policy because it had not been fully evaluated at that time (and apparently not since). Policy 16.2.2, later renumbered 14.2.2 and discussed at length earlier in this report, was retained unchanged because: "The extraordinary treatment of Pine Island Road in these policies is justified by the absence of other hurricane evacuation routes for Pine Island, Matlacha, and a large portion of Cape Coral."

Beginning in 1998, the 810-trip threshold in Policy 14.2.2 has been exceeded each year. Once county officials became aware of this fact, they initiated an amendment to the Lee Plan to reevaluate Policy 14.2.2 "to reflect current road conditions." The processing of that amendment has been delayed pending completion of this community plan update.

There are two fundamental questions that must be answered at this time regarding Policy 14.2.2:

#1: Have any factors changed sufficiently since 1989 to warrant adjustments to the 810/910 thresholds in Policy 14.2.2?

One relevant factor would be existing or planned improvements to the capacity of Pine Island Road. As discussed earlier, important improvements were made in 1991-92 including elevating flood-prone segments of the road, but those improvements did not increase the capacity of the road during everyday conditions.

Another relevant factor would be if better traffic data were now available, especially if such data would allow a more sophisticated analysis of existing or future congestion. A permanent traffic counter has been in place on Little Pine Island at the western edge of Matlacha for over ten years, collecting traffic data 24 hours a day all year; no changes have been made to this counter. As to methods of interpreting this data, a more sophisticated method for analyzing the capacity of a road has become commonplace since 1989, but its basic assumptions are less relevant for Pine Island Road through Matlacha than the previous method, and no entity has attempted to collect enough specialized traffic data to properly apply it in Matlacha. It has been suggested that the new methodology might indicate that Pine Island Road has a significantly greater capacity than indicated by the previous methodology, but the most recent Lee DOT work suggests only 10% higher capacity even on Estero Boulevard when using the new methodology.

Regardless of the ultimate determination of the full capacity of Pine Island Road, Policy 14.2.2 was clearly contemplated to begin slowing development approvals on Pine Island at pre-determined points in time, that is, when traffic reached 80% and 90% of what was determined to constitute dense but stable flow (known as LOS "D"). Those points were not set to occur at 80% and 90% of full capacity of the road (LOS "E"), but at a slightly earlier time, in a clearly stated effort to "recognize and give priority to the property rights previously granted by Lee County for about 6,800 additional dwelling units...." No technical factors or changes since 1989 have been discovered in the course of this planning process that would justify abandoning the 810/910 thresholds in Policy 14.2.2.

 $^{^{28}}$ EAR [evaluation and appraisal report] for Future Land Use, May 1994, section III, pages III-16 and III-17.

#2: Are any other changes to Policy 14.2.2 warranted?

Once the 810 threshold has been reached, Policy 14.2.2 calls for adoption of development regulations that provide "restrictions on further rezonings which would increase traffic on Pine Island Road." When 910 has been exceeded, regulations are to "provide restrictions on the further issuance of residential development orders...."

To implement this policy, in 1991 Lee County amended its land development code using the following language:

§2-48(2) When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak-hour annual average two-way trips, rezonings that increase traffic on Pine Island Road may not be granted. When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak-hour annual average two-way trips, residential development orders (pursuant to chapter 10) will not be granted unless measures to maintain the adopted level of service can be included as a condition of the development order.

The wording in this section was taken almost verbatim from Policy 14.2.2. This has become problematic because it is not self-evident which kinds of rezonings will "increase traffic on Pine Island Road." The county's usual method for enforcing traffic regulations is to require a traffic study from a development applicant and then to make a decision based on that study, rather than on an independent evaluation of the facts. This approach delegates this important analysis to the private party having the biggest stake in its outcome and is not likely to result in sufficient objectivity.

A better approach would be for the regulations that implement Policy 14.2.2 to be more self-explanatory (while still allowing an applicant to provide data if they think they qualify for an exception). For instance, it should be clear

that some types of rezonings would have inconsequential or even positive effects on traffic on Pine Island Road. A convenience store in St. James City would serve only local residents and those passing by, and would attract no new trips onto Pine Island Road. A larger grocery store in St. James City would attract shoppers from a larger area, perhaps including some who currently drive to Matlacha or Cape Coral to shop for groceries, possibly decreasing traffic on Pine Island Road. However, a new hotel or marina on the same St. James City property could have a different effect. A large new hotel or marina would undoubtedly serve some residents of St. James City and Pine Island Center, like a grocery store, but it would also attract users from throughout Lee County and beyond who would drive across Pine Island Road to spend a few nights or to launch a boat.

Thus an important distinction could be made in implementing Policy 14.2.2 between those land uses that primarily serve residents or visitors who are already on Pine Island, and land uses that primarily attract additional people across Pine Island Road. For instance, the following commercial uses would primarily serve residents and visitors: grocery, hardware, and convenience stores; hair salons; and service stations.

This distinction would be clouded somewhat by other factors, particularly the size and location of commercial uses. For instance, a 20-seat restaurant on a St. James City canal or a small inn are desirable Pine Island businesses that would be unlikely to draw substantial traffic across Pine Island Road. However, a 150-seat restaurant with a panoramic view (or a chain hotel) with a large advertising budget may well draw customers primarily from off Pine Island. To reduce this problem, some small commercial uses might be exempted from this policy even if they are of a type that primarily attracts additional vehicular trips. Other

alternatives would be to allow minor rezonings below a certain size if they are proposed on "infill" properties between existing development at similar intensities (rather than expanding or intensifying already-developed areas), or if their characteristics are such that traffic during the busiest peak hours would not be increased.

In summary, none of the available options for adding significant road capacity to Pine Island are practical. Building four travel lanes through Matlacha, either within the existing or a widened right-of-way, would seriously damage Matlacha's village atmosphere and pedestrian orientation. Either new-bridge option would have serious environmental impacts and in any case there are no funds for such expensive undertakings. The increased traffic capacity of either bridge would most likely lead to approval of more development on Pine Island, negating the initial positive impacts on traffic flow and hurricane evacuation.

APPENDIX B: RURAL LAND-USE ALTERNATIVES

This appendix contains an evaluation of five growth management techniques for Pine Island plus two hybrid techniques. Any of these techniques could become part of the new comprehensive plan and its future land use map and would be implemented through subsequent changes to other county regulations. (Existing lots would presumably be "grandfathered in" even if they are now vacant.)

1. Conservation land purchases

Local citizens have a strong interest in preserving portions of the native landscape. In 1996, Lee County voters initiated the Conservation 2020 program and funded it with a half-mill property tax for seven years. In the past year Lee County has begun negotiating the purchase of several large Pine Island tracts for preservation under this program. The state of Florida also has a major land acquisition program; in fact they were equal partners with Lee County in purchasing a 103-acre preserve near St. James City in 1993 that provides a nesting habitat for bald eagles. The federal government is also increasing its role in environmental land acquisitions in southwest Florida.

Through their combined efforts, these programs could purchase major portions of Pine Island's upland habitats over the next ten years. At present, about 2,800 acres of undeveloped native upland habitat remains, excluding that found on fragmented subdivision parcels. Almost all of this habitat is located in Pine Island's "Rural" areas. Removing any or all of these tracts from the private land market would make their treatment under the comprehensive plan moot. This update to the comprehensive plan could help these agencies identify the most valuable native lands remaining on Pine Island and demonstrate a consensus of Pine Islanders that such purchases would be welcomed.

The positive features of this approach would be taking advantage of existing governmental priorities on habitat preservation and, as a fortunate byproduct, helping maintain the character of the rural portions of Pine Island and precluding residential development. Extensive research on the physical characteristics of large tracts has been carried out recently by the non-profit Calusa Land Trust; their data could be used to help guide this effort. The effects on large landowners would be minimal because these acquisitions have historically been voluntary transactions with willing sellers.

Some negative features of this approach are the reliance on outside agencies that might decide to spend their acquisition funds outside Pine Island, or that might not complete their Pine Island purchases until such time as many natural habitats have been cleared for farming or have become overrun by invasive exotic vegetation.

2. Larger lots in rural areas

An obvious alternative to the current "Rural" category on Pine Island is to simply lower the allowable density for residential development, to either 1 DU/20 acres (or /10 or /5 acres). There is ample local precedent for density reductions; in 1990, Lee County created a new "Density Reduction – Groundwater Resource" category, where density is limited to 1 DU/10 acres,

and has applied it to about 74 square miles of land, mostly east of I-75 and south of SR 82 but also some land along the Charlotte County line near SR 31. Most of the remaining land within two miles of the Charlotte County line have been reduced to a density of 1 DU/5 acres.

In those cases the density reductions were made by the county to resolve a legal challenge by the state land planning agency against Lee County's comprehensive plan. Although much of the motive for the reduction was to prevent further urban sprawl, in those cases the lands were selected based on proximity to shallow underground water sources that can be contaminated by urban development. Land values did not plummet after the reduction, as many landowners had claimed they would. Values were maintained because there were other viable purchasers for this land, including fill-dirt and limerock mines; the citrus and tomato industries; government purchases of wildlife habitat and environmentally sensitive lands; and land speculators who anticipate fewer restrictions at some point in the future.

Although there are no comparable groundwater resource issues on Pine Island, there is an obvious public purpose to reducing densities that cannot be supported by adequate infrastructure (in Pine Island's case, limited road access to the mainland). This distinction could be reflected by naming this new land-use category "Coastal Rural."

Positive features of this density-reduction approach are its simplicity and the local experience with this obvious method of controlling urban development where it does not belong. This approach furthers the important planning objective of clearly separating urban and rural uses, as called for in the state comprehensive plan and the state's rules governing local comprehensive plans. This approach could result in subdividing rural land into, say, five-acre homesites, which would avoid agricultural clear-cutting (although it would still result in considerable clearing of native pines and palmettos for yard space).

A significant negative feature is that it would not interfere with further habitat destruction that occurs when undisturbed lands are converted completely to agriculture. Also, it might be seen as overly harsh by large landowners, who also might characterize it as an unfair attempt to lower their land values to benefit future conservation purchasers of large tracts.

3. Cluster development

Under current regulations, "Rural" lands are limited to 1 DU/acre, but there is no prohibition on requesting a rezoning that would allow the same number of dwelling units arranged differently, for instance with houses "clustered" on smaller lots surrounding a golf course. Such arrangements are voluntary on the part of the landowner and subject to approval through the formal rezoning process.

Clustering as currently practiced rarely preserves significant native habitats. In fact it is an inducement to develop the predominant Florida real estate form of the last two decades, country club communities surrounding golf courses, a development form that hardly matches the stated purpose of the "Rural" category.

The concept of clustering could, however, be modified to suit Pine Island conditions. For instance, clustering could be mandatory rather than voluntary, with fixed percentages of native habitats being retained within new developments. On very large tracts, houses might still be allowed around golf courses or fill-dirt lakes if the percentage of native habitat that must be retained was fairly low, such as 30%. Higher percentages, such as 70%, would preclude recreational facilities such as golf courses that consume large amounts of land, and thus could preserve more of the natural landscape.

The best feature of a modified clustering approach could be preservation of native habitats without outright purchase. Lee County's considerable experience with clustered development and its flexible zoning categories can be used to accomplish this goal. Clustering is unlikely to trigger any claims under the Bert Harris Act, and would be prized by Pine Islanders (present and future) who place a high value on proximity to natural preserves.

Some negative features are that many tracts, especially those that have been farmed, have no native habitat remaining. Although habitat can be restored, restoration is more costly than preserving existing habitats. Also, protected habitats may end up being fragmented, which reduces their value to wildlife (compared to preservation purchases of entire large tracts).

4. Transferable development rights

The rights to develop a parcel of land can be permanently severed from that parcel and transferred to another parcel. This concept is called transferable development rights (TDR).

Lee County has had a TDR program for fifteen years. Wetlands are allowed only 1 DU/20 acres, but wetland owners who agree *never* to develop not only can transfer those development rights, but they actually get to multiply their density by a factor of four; they are allowed to sell the wetland development rights at a ratio of 1 DU/5 acres of wetlands. The development rights can be used at certain other locations in Lee County. The market value of these development rights is set by the private market; Lee County is not involved in the actual sale, only in approving the "receiving" locations, which are planned urban areas on the mainland.

Lee County's first TDRs were created on Pine Island in the late 1980s. The undeveloped wetlands in the St. Jude Harbor subdivision were converted by the landowners into 436 TDR units. (In that single instance, the number of TDRs wasn't based on acreage, but rather on the number of lots that the landowner had been trying to sell from that property.) However, to date the landowners have only been able to sell about a fourth of

these TDRs, at an average price of around \$3,000 each.

TDR programs tend to be popular with the public and with elected officials because of their inherent sense of fairness, and the seeming ability to avoid creating winners and losers in the land-use planning process. They are less popular with landowners, who often fear they will be unable to sell them. The reason is that TDRs are valuable to buyers only when development rights are a scarce commodity, typically when local governments have strict regulations on development. Lee County's regulations have never been very strict; consequently, TDRs have had only very limited success locally. (Some governments offer to buy and stockpile TDRs at some fixed price to create a minimum value for TDRs.)

A new TDR program for Pine Island would need to identify receiving locations other than those currently in use; otherwise the new TDRs would further flood the same market as the current TDR program and therefore be unsaleable or saleable only at relatively low prices. TDRs would be quite valuable if they could be used to allow greater development on the barrier islands, but all of Lee County's islands suffer the same transportation constraints as Pine Island. TDRs would also be valuable in the areas where Lee County has restricted density levels to 1 DU/10 acres, but again those restrictions were placed for a purpose and it would be difficult to justify swapping unwanted development rights to another unsuitable location.

5. Rate-of-growth control

Some communities establish a cap on the number of residential building permits that can be issued in each quarter or each year. A similar cap on commercial permits could be established so that commercial development does not outpace residential growth.

A side benefit of this approach in some communities is to allow a comparison of the quality of development applications and approve only those that best comply with community standards. On Pine Island, objective criteria could be established to measure the cumulative impact on Pine Island's environment, on hurricane evacuation plans, on availability of utilities and supporting infrastructure, and on overall conformance with the goals of the comprehensive plan. Permits could be issued at the end of each quarter to the highest scoring applicants until the quota for that quarter, perhaps 25 dwelling units, has been met.

Rate-of-growth ordinances are usually established during periods of runaway growth to allow the government time to provide the needed roads and utilities.

The city of Sanibel adopted a rate-of-growth ordinance in the late 1970s. It was imposed through a citizen referendum during a period of very high growth shortly after the city's incorporation, with a limitation on building permits of 180 dwelling units per year. Every four months, all permit applications were compared, and up to 60 were issued. Preference was given to below-market-rate housing, single-family homes, and smaller condominium buildings. A "grading" scheme was used to reward quality development proposals, although this had only mixed results. The Sanibel ordinance was repealed when permit requests fell below the cap for several years in a row.

On a practical level, a positive feature of this approach for Pine Island is that it isn't really essential right now. Growth rates have been relatively slow during the past decade, so an annual cap that is suitable for the long term would probably be painless in the beginning, allowing refinement of the criteria before they result in rejection of applications.

Negative features are that this approach might be more difficult to defend in the absence of a runaway growth crisis and in the absence of specific infrastructure shortfalls that Lee County is in the process of correcting. Rate-of-growth ordinances are usually controversial and difficult to administer, and cause delays in the

processing of even routine building permits. They tend to spur speculative building and can discourage individual lot owners who wish to build a home for themselves. Perhaps the biggest negative is that, in the absence of the other approaches suggested above, an annual growth cap would lead Pine Island to the same place as the current system, with the arrival time merely delayed.

6. Dual-classification with clustering

These five techniques need not be applied in isolation. In fact, two hybrid solutions offer more promise than any single technique. The first hybrid, dual-classification with clustering, would create two new categories for the existing "Rural" lands:

- Disturbed lands, which have been farmed or otherwise cleared of native vegetation, or which have advanced infestation of exotic trees. On these lands, agriculture would be allowed and encouraged. Residential densities would be lowered to 1 DU/10 acres. Given the strong local evidence that lands suitable for agriculture are worth more than their development value, Bert Harris Act claims would be unlikely to succeed. A later increase in residential density could be provided for, if cleared lands were restored to native habitats through planting of native pines and palmettos; on tracts with hundreds of acres, such habitat restoration might be combined with a golf course, all built on previously disturbed lands.
- <u>Undisturbed upland habitats</u>, such as native slash pine and palmetto habitats. Agriculture and golf courses would be prohibited here. Residential density might stay at present levels, but new regulations would require development areas to be clustered to protect a high percentage, perhaps 70%, of natural upland habitats. Future conservation purchases would also be focused on these lands.

The positive features of this first hybrid approach are that it would encourage continued agricultural use on disturbed lands while diminishing the potential for residential development on those lands in the future. It would prohibit the destruction of undisturbed habitats where they still exist, while offsetting any resulting diminution of land value by maintaining current density levels there. Any actual development on undisturbed habitats would disturb far less land than would occur today by allowing today's number of dwelling units to be placed on smaller lots. Public purchases of entire tracts for preservation would still be highly desirable and encouraged, but if those purchases do not take place, this alternate plan would ensure far more preservation than current regulations.

Some negative features are the complexity of the classification process and the need to establish two new land-use categories in the comprehensive plan instead of one (or none). It will seem counterintuitive to many to allow higher densities on natural habitats than on disturbed lands (although this serves as an incentive *not* to clear native habitats). This approach might be seen as overly harsh by owners of large disturbed tracts whose expectations are for urban development rather than agriculture.

7. Conservation clustering with incentives

The second hybrid technique, conservation clustering with incentives, is similar to the first but would require only one new category for existing "Rural" lands. The new category would attempt to maintain most of the benefits of the first hybrid, but in this case using a sliding scale of density rewards to encourage (rather than *require*) conservation of undisturbed habitats.

For instance, a tract with undisturbed native habitats might maintain today's density of 1 DU/acre density if 70% of the undisturbed uplands were preserved. Those dwelling units would be placed on the remaining 30% of the land, which would be possible by using lots that are smaller than today's

one-acre standard. (Table B-1 shows that the resulting developed area, including its streets and stormwater detention areas, would use about 0.3 acres per lot, similar to many existing single-family neighborhoods on Pine Island.) If *less than* 70% of the uplands were preserved, the allowable density would decrease, as shown in the table. If no undisturbed uplands were preserved, the residential density would drop to 1 DU/10 acres.

TABLE B-1

Assume %		RESULTS ON 100 ACRES WOULD BE:				
of native land saved or restored	Would then be assigned this gross density:	# of DUs	acres used per lot	total acres preserved	total acres	
0%	1 DU per10 acres	10	10.0 acres	0	100	
5%	1 DU per 9 acres	11	8.6 acres	5	95	
10%	1 DU per 8 acres	13	7.2 acres	10	90	
15%	1 DU per 7 acres	14	6.0 acres	15	85	
20%	1 DU per 6 acres	17	4.8 acres	20	80	
30%	1 DU per 5 acres	20	3.5 acres	30	70	
40%	1 DU per 4 acres	25	2.4 acres	40	60	
50%	1 DU per 3 acres	33	1.5 acres	50	50	
60%	1 DU per 2 acres	50	0.8 acres	60	40	
70%	1 DU per 1 acre	100	0.3 acres	70	30	

Table B-2 shows another variation which would require preservation of 85% of native lands in order to maintain today's density of 1 DU/acre. Under this scenario, the resulting developed areas would be limited to the remaining 15% of the land, whose developed area, including its streets and stormwater detention areas, would use about 0.15 acres per dwelling unit. At this density, the dwelling units might be in the form of townhouses or garden apartments.

TABLE B-2

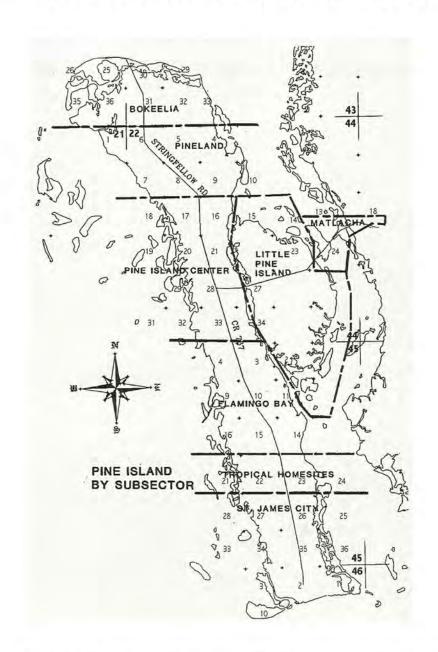
Assume %	Action to	RESULTS ON 100 ACRES WOULD BE:			
of native land saved or restored	Would then be assigned this gross density:	# of DUs	acres used per lot	total acres preserved	total acres
0%	1 DU per 10 acres	10	10.00 acres	0	100
5%	1 DU per 9 acres	11	8.55 acres	5	95
15%	1 DU per 8 acres	13	6.80 acres	15	85
25%	1 DU per 7 acres	14	5.25 acres	25	75
35%	1 DU per 6 acres	17	3.90 acres	35	65
45%	1 DU per 5 acres	20	2.75 acres	45	55
55%	1 DU per 4 acres	25	1.80 acres	55	45
65%	1 DU per 3 acres	33	1.05 acres	65	35
75%	1 DU per 2 acres	50	0.50 acres	75	25
85%	1 DU per 1 acre	100	0.15 acres	85	15

This technique would also allow credits for restoration of native habitats on previously disturbed lands. The same benefits would be granted to restored land as to preserved land, using the same sliding scale.

The positive features of conservation clustering with incentives are that it diminishes the potential for residential development on agricultural land, while rewarding landowners who protect (or restore) their land's natural habitats. As with the first hybrid, actual development on undisturbed habitats would disturb far less land than would occur today by either allowing today's number of dwelling units to be placed on smaller lots, or by reducing the number of lots that are allowable. Public purchases of entire tracts for preservation would still be desirable, but regardless, this plan would encourage more preservation than current regulations.

As with the dual-classification hybrid, it will seem counterintuitive to many to allow higher densities on natural habitats than on disturbed lands (although this serves as an incentive *not* to clear native habitats). This approach might be seen as overly harsh by owners of large disturbed tracts whose expectations are for urban development rather than agriculture. Also, since clearing of native habitats would not be prohibited, if landowners don't find the density rewards to be sufficiently valuable, the result might be the loss of remaining undisturbed lands on Pine Island.

APPENDIX C: EXISTING AND APPROVED LOTS



Section	Town ship	Range	Existing Dwelling Units	Total Platted Lots	Additional Units
Bokeelia s	ector:				
26	43	21	0	2	2
25	43	21	158	163	5
30	43	22	459	607	148
29	43	22	0	2	2
35	43	21	2	4	2
36	43	21	6	20	14
31	43	22	252	526	274
32	43	22	37	407	370
33	43	22	0	4	4
		subtotals:	914	1,735	821
Pineland s	sector:				
1	44	21	0	4	4
6	44	22	167	665	498
5	44	22	23	313	290
4	44	22	0	8	8
7	44	22	62	312	250
8	44	22	42	475	433
9	44	22	27	244	217
10	44	22	1	1	0
	ineland	subtotals:	322	2,022	1,700
Pine Islan	d Center	r sector:			
18	44	22	0	0	0
17	44	22	35	138	103
16	44	22	180	502	322
15	44	22	0	0	0
19	44	22	0	0	0
20	44	22	2	23	21
21	44	22	363	838	475
29	44	22	0	10	10
28	44	22	288	686	398
27	44	22	0	6	6
31	44	22	0	0	0
32	44	22	2	2	0
33	44	22	3	42	39
34	44	22	0	22	22
	. Center	subtotals:	873	2,269	1,396

Matlacha	sector:				
14	44	22	66	67	1
13	44	22	41	77	36
18	44	23	109	151	42
23	44	22	24	40	16
24	44	22	455	694	239
1	Matlacha	subtotals:	695	1,029	334
Flamingo	Ray sec	or:			
4	45	22	31	245	214
3	45	22	82	219	137
2	45	22	0	2	2
9	45	22	240	240	0
10	45	22	490	492	2
11	45	22	0	11	11
16	45	22	0	5	5
15	45	22	26	92	66
10					
14	45	22	0	24	
14	45	22 subtotals:		1,330	24 461
14 Flami	ngo Bay	subtotals:	0		24
14 Flami Tropical	45 ingo Bay Homesite	subtotals:	0 869	1,330	24 461
14 Flami Tropical 21	45 Ingo Bay Homesite 45	subtotals: es sector: 22	0 869 0	1,330	24 461 0
14 Flami Tropical 21 22	45 ingo Bay Homesite 45 45	subtotals: es sector: 22 22	0 869 0 26	1,330 0 68	24 461 0 42
Flami Tropical 21 22 23	45 Ingo Bay Homesite 45 45 45 45	subtotals: es sector: 22 22 22	0 869 0 26 233	1,330 0 68 645	24 461 0 42 412
14 Flami Tropical 21 22 23 24	45 Ingo Bay Homesite 45 45 45 45 45	subtotals: es sector: 22 22	0 869 0 26	1,330 0 68	24 461 0 42
Tropical 21 22 23 24 Tropical	Homesite 45 45 45 45 45 Homesites	subtotals: 22 22 22 22 subtotals:	0 869 0 26 233 0	1,330 0 68 645 0	24 461 0 42 412 0
Tropical 21 22 23 24 Tropical St. James	Homesite 45 45 45 45 45 Homesites	subtotals: 22 22 22 22 subtotals:	0 869 0 26 233 0 259	1,330 0 68 645 0 713	24 461 0 42 412 0 454
Tropical 21 22 23 24 Tropical St. James	Homesites 45 45 45 45 45 Homesites City sec 45	subtotals: 22 22 22 22 22 subtotals: tor: 22	0 869 0 26 233 0 259	1,330 0 68 645 0 713	24 461 0 42 412 0 454
Tropical 21 22 23 24 Tropical St. James 28 27	Homesites 45 45 45 45 45 Homesites City sec 45 45	subtotals: 22 22 22 22 subtotals: tor: 22 22	0 869 0 26 233 0 259	1,330 0 68 645 0 713	24 461 0 42 412 0 454
Tropical 21 22 23 24 Tropical St. James 28 27 26	Homesites 45 45 45 45 Homesites City sec 45 45 45	subtotals: 22 22 22 22 subtotals: tor: 22 22 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259	1,330 0 68 645 0 713	24 461 0 42 412 0 454
14 Flami Tropical 21 22 23 24 Tropical St. James 28 27 26 25	45 Ingo Bay Homesite 45 45 45 45 Homesites City sec 45 45 45 45 45	es sector: 22 22 22 22 subtotals: tor: 22 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259 0 1 12 0	1,330 0 68 645 0 713 0 5 58 0	24 461 0 42 412 0 454 0 454
Tropical 21 22 23 24 Tropical St. James 28 27 26	Homesites 45 45 45 45 Homesites City sec 45 45 45	subtotals: 22 22 22 22 subtotals: tor: 22 22 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259	1,330 0 68 645 0 713	24 461 0 42 412 0 454 0 4 46 0 0
14 Flami Tropical 21 22 23 24 Tropical St. James 28 27 26 25 33	45 Ingo Bay Homesite 45 45 45 45 Homesites 45 45 45 45 45 45 45 45 45	subtotals: 22 22 22 22 subtotals: tor: 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259 0 1 12 0 1	1,330 0 68 645 0 713 0 5 58 0 1	24 461 0 42 412 0 454 0 454
14 Flami Tropical 21 22 23 24 Tropical St. James 28 27 26 25 33 34	45 Ingo Bay Homesite 45 45 45 45 Homesites 45 45 45 45 45 45 45 45 45 45	subtotals: 22 22 22 22 subtotals: tor: 22 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259 0 1 12 0 1	1,330 0 68 645 0 713 0 5 58 0 1 111	24 461 0 42 412 0 454 0 4 46 0 0
14 Flami Flami Tropical 21 22 23 24 Tropical St. James 28 27 26 25 33 34 35	45 Ingo Bay Homesite 45 45 45 45 Homesites 45 45 45 45 45 45 45 45 45 45 45 45 45	subtotals: 22 22 22 22 subtotals: 22 22 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259 0 1 12 0 1 11 323	1,330 0 68 645 0 713 0 5 58 0 1 111 859	24 461 0 42 412 0 454 0 46 0 0 100 536
Tropical 21 22 23 24 Tropical St. James 28 27 26 25 33 34 35 36	45 Ingo Bay Homesite 45 45 45 45 Homesites 45 45 45 45 45 45 45 45 45 45 45 45 45	subtotals: 22 22 22 22 subtotals: 22 22 22 22 22 22 22 22 22 22 22	0 869 0 26 233 0 259 0 1 12 0 1 11 323 0	1,330 0 68 645 0 713 0 5 58 0 1 111 859 0	24 461 0 42 412 0 454 0 454 0 0 0 100 536 0

Section	Town ship	Range	Existing Dwelling Units	Total Platted Lots	Additional Units
10	46	22	0	0	0
St. Jar	nes City	subtotals:	1,705	3,213	1,508
Greater	Pine Isla	and totals:	5,637	12,311	6,674

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

INTRODUCTION TO THIS PLAN UPDATE Page 1	THE ENVIRONMENT Page 34
Pine Island – the Place and the People Page 2	Protecting the Aquatic Preserves from Runoff Page 34
Existing Private Property Rights Page 4	Septic Tanks Along Canals Page 36
	Jet-skis and Air Boats Page 38
TRANSPORTATION ISSUES Page 5	
Hurricane Evacuation Page 5	APPENDIX A: TRANSPORTATION DATA AND ANALYSIS
Road Constraints	A - 1
Constraints on access to Pine Island Page 7	Constraints on access to Pine Island
Physical alternatives that could improve access Page 8	The 810/910 rule in Lee Plan Policy 14.2.2
Transportation policy alternatives Page 9	Origin of Policy 14.2.2
Transportation policy atternatives	Physical changes to Pine Island Road since 1989 A - 2
POPULATION AND LAND USE Page 11	Current traffic conditions on Pine Island Road
Town and Country on Pine Island Page 11	Changes since 1989 in methods of analyzing capacity A - 4
Town (willage) boundaries Page 11	
Town (village) boundaries	Physical alternatives to improve access to Pine Island A - 5
The future of rural Pine Island Page 12	Within the existing right-of-way
Population Summary Page 18	With a wider right-of-way
Greater Pine Island's Boundary Page 19	New bridge bypassing Matlacha
COLD CHARLES COLD IN C	Entirely new bridge and entrance road
COMMUNITY CHARACTER Page 20	Transportation policy alternatives A - 8
Design of Commercial Buildings Page 20	
Bike Paths Page 22	APPENDIX B: RURAL LAND-USE ALTERNATIVES B - 1
Fences and Walls Page 24	Conservation land purchases
Historic Buildings Page 26	Larger lots in rural areas B - 1
Cap on Building Heights Page 28	Cluster development
Business Signs Page 30	Transferable development rights
County-initiated Rezonings Page 31	Rate-of-growth control
Pine Island – a Vision for 2020 Page 32	Dual-classification with clustering B - 4
Municipal Incorporation Page 33	Conservation clustering with incentives B - 5
	APPENDIX C: EXISTING AND APPROVED LOTS C - 1
	AFFENDIA C. EXISTING AND AFFROVED LOTS C - I



DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH Governor STEVEN M. SEIBERT Secretary

July 2, 2001

Mr. Paul O'Connor, AICP Director of Planning-Community Development Lee County 1500 Monroe Street Fort Myers, Florida 33901 CEE COUNTY
OF JUL -5 PH 1: 31
PUN WIND CHTR
ECONOMINATION
FUN WIND CHTR
ECONOMINATION
FUN WIND CHTR

Re: Contract Number 01-DR-15-09-46-01-024

Dear Mr. O'Connor:

Enclosed is an original executed contract between the Department of Community Affairs and Lee County which covers the funding you will receive under the Technical Assistance Program during the current fiscal year.

Please note that this contract expires on November 1, 2001. All work products specified in this contract must be received by the Department of Community Affairs by the above date for release of the funds under this contract. It is very important that these items be received by this date.

If you intend to subcontract the work authorized by this program, please note Section 13 on page 11 of this contract. Your contract with the subcontractor must bind the subcontractor by the terms and conditions of this contract with the Department and must hold the Department and the grant recipient harmless against all claims arising out of the subcontractor's performance. Additionally, you must send the Department a copy of the executed subcontract before any work products under this contract are submitted to the Department.

Mr. Paul O'Connor July 2, 2001 Page Two

If you have any questions, please contact me at (850) 922-1752 or facsimile number (850) 488-3309.

Sincerely, Leth Grost

Beth Frost

Senior Management Analyst I

Enclosures

AGREEMENT

THIS AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Department"), and Lee County, (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

- A. WHEREAS, the Recipient represents that it is fully qualified, possesses the requisite skills, knowledge, qualifications and experience to provide the services identified herein, and does offer to perform such services, and
- B. WHEREAS, the Department has a need for such services and does hereby accept the offer of the Recipient upon the terms and conditions hereinafter set forth, and
- C. WHEREAS, the Department has authority pursuant to Florida law to disburse the funds under this Agreement, and

NOW, THEREFORE, the Department and the Recipient do mutually agree as follows:

(1) SCOPE OF WORK.

The Recipient shall fully perform the obligations in accordance with the Scope of Work and Schedule of Deliverables, Attachment A of this Agreement.

(2) INCORPORATION OF LAWS, RULES, REGULATIONS AND POLICIES.

Both the Recipient and the Department shall be governed by applicable State and Federal laws, rules and regulations.

(3) PERIOD OF AGREEMENT.

This Agreement shall begin upon execution by both parties and shall end November 1, 2001, unless terminated earlier in accordance with the provisions of paragraph (9) of this Agreement.

(4) MODIFICATION OF CONTRACT; REPAYMENTS

Either party may request modification of the provisions of this Agreement. Changes which are mutually agreed upon shall be valid only when reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement.

All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of "Department of Community Affairs", and mailed directly to the Department at the following address:

Department of Community Affairs Cashier Finance and Accounting 2555 Shumard Oak Boulevard Tallahassee FL 32399-2100

In accordance with § 215.34(2), Fla. Stat., if a check or other draft is returned to the Department for collection, the Department must add to the amount of the check or draft a service fee of Fifteen Dollars (\$15.00) or Five Percent (5%) of the face amount of the check or draft.

(5) RECORDKEEPING

- (a) All original records pertinent to this Agreement shall be retained by the Recipient for three years following the date of termination of this Agreement or of submission of the final close-out report, whichever is later, with the following exceptions:
- If any litigation, claim or audit is started before the expiration of the three year period and extends beyond the three year period, the records will be maintained until all litigation, claims or audit findings involving the records have been resolved.
- Records for the disposition of non-expendable personal property valued at
 \$5,000 or more at the time of acquisition shall be retained for three years after final disposition.
- Records relating to real property acquisition shall be retained for three years after closing of title.

- (b) All records, including supporting documentation of all program costs, shall be sufficient to determine compliance with the requirements and objectives of the Scope of Work and Schedule of Deliverables - Attachment A - and all other applicable laws and regulations.
- (c) The Recipient, its employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to the Department, its employees, and agents. "Reasonable" shall be construed according to the circumstances but ordinarily shall mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the Department.

(6) REPORTS

- (a) At a minimum, the Recipient shall provide the Department with quarterly reports, and with a close-out report.
- (b) Quarterly reports are due to be received by the Department no later than 30 days after the end of each quarter of the program year and shall continue to be submitted each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 30, June 30, September 30 and December 31.
- (c) The close-out report is due 60 days after termination of this Agreement or upon completion of the activities contained in this Agreement.
- (d) If all required reports and copies, prescribed above, are not sent to the Department or are not completed in a manner acceptable to the Department, the Department may withhold further payments until they are completed or may take such other action as set forth in paragraph (9). The Department may terminate the Agreement with a Recipient if reports are not received within 30 days after written notice by the Department. "Acceptable to the Department" means that the work product was completed in accordance with generally accepted principles and is consistent with the Scope of Work and Schedule of Deliverables.
- (e) Upon reasonable notice, the Recipient shall provide such additional program updates or Information as may be required by the Department.

(7) MONITORING.

The Recipient shall constantly monitor its performance under this Agreement to ensure that time schedules are being met, the Scope of Work and Schedule of Deliverables is being accomplished within specified time periods, and other performance goals are being achieved. Such review shall be made for each function or activity set forth in Attachment A to this Agreement.

(8) LIABILITY.

- (a) Unless Recipient is a State agency or subdivision, the Recipient shall be solely responsible to parties with whom it shall deal in carrying out the terms of this agreement, and shall save the Department harmless against all claims of whatever nature by third parties arising out of the performance of work under this agreement. For purposes of this agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor.
- (b) Any Recipient who is a state agency or subdivision, as defined in Section 768.28,

 Fla. Stat., agrees to be fully responsible for its negligent acts or omissions or tortious acts which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(9) DEFAULT; REMEDIES; TERMINATION.

(a) If the necessary funds are not available to fund this agreement as a result of action by Congress, the state Legislature, the Office of the Comptroller or the Office of Management and Budgeting, or if any of the following events occur ("Events of Default"), all obligations on the part of the Department to make any further payment of funds hereunder shall, if the Department so elects, terminate and the Department may, at its option, exercise any of its remedies set forth herein, but the Department may make any payments or parts of payments after the happening of any Events of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment:

- 1. If any warranty or representation made by the Recipient in this Agreement or any previous Agreement with the Department shall at any time be false or misleading in any respect, or if the Recipient shall fail to keep, observe or perform any of the terms or covenants contained in this Agreement or any previous agreement with the Department and has not cured such in timely fashion, or is unable or unwilling to meet its obligations thereunder;
- 2. If any material adverse change shall occur in the financial condition of the Recipient at any time during the term of this Agreement from the financial condition revealed in any reports filed or to be filed with the Department, and the Recipient fails to cure said material adverse change within thirty (30) days from the time the date written notice is sent by the Department.
- If any reports required by this Agreement have not been submitted to the
 Department or have been submitted with incorrect, incomplete or insufficient information;
- 4. If the Recipient has failed to perform and complete in timely fashion any of the services required under the Scope of Work and Schedule of Deliverables attached hereto as Attachment A.
- (b) Upon the happening of an Event of Default, then the Department may, at its option, upon written notice to the Recipient and upon the Recipient's failure to timely cure, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of the following remedies shall not preclude the Department from pursuing any other remedies contained herein or otherwise provided at law or in equity:
- Terminate this Agreement, provided that the Recipient is given at least thirty
 (30) days prior written notice of such termination. The notice shall be effective when placed in the
 United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth in paragraph (10) herein;
- Commence an appropriate legal or equitable action to enforce performance of this Agreement;
 - 3. Withhold or suspend payment of all or any part of a request for payment;

- 4. Exercise any corrective or remedial actions, to include but not be limited to, requesting additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Recipient to reimburse the Department for the amount of costs incurred for any items determined to be ineligible;
- Exercise any other rights or remedies which may be otherwise available under law;
- (c) The Department may terminate this Agreement for cause upon such written notice as is reasonable under the circumstances. Cause shall include, but not be limited to, misuse of funds; fraud; lack of compliance with applicable rules, laws and regulations; failure to perform in a timely manner; and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Fla. Stat., as amended.
- (d) Suspension or termination constitutes final agency action under Chapter 120, Fla.

 Stat., as amended. Notification of suspension or termination shall include notice of administrative hearing rights and time frames.
- (e) The Recipient shall return funds to the Department if found in non-compliance with laws, rules, regulations governing the use of the funds or this Agreement.
 - (f) This Agreement may be terminated by the written mutual consent of the parties.
- (g) Notwithstanding the above, the Recipient shall not be relieved of liability to the Department by virtue of any breach of Agreement by the Recipient. The Department may, to the extent authorized by law, withhold any payments to the Recipient for purpose of set-off until such time as the exact amount of damages due the Department from the Recipient is determined.

(10) NOTICE AND CONTACT.

(a) All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the representative identified below at the address set forth below and said notification attached to the original of this Agreement. (b) The name and address of the Department contract manager for this Agreement is:

Beth Frost, Senior Management Analyst I Division of Community Planning Department of Community Affairs 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100 Telephone: (850) 922-1752 Fax: (850) 488-3309

Email: beth.frost@dca.state.fl.us

(c) The name and address of the Representative of the Recipient responsible for the administration of this Agreement is:

Paul O'Connor, AICP
Director of Planning-Community Development
1500 Monroe Street
Fort Myers, FL 33901
Telephone: (941) 479-8309
Fax: (941) 479-8319
Email: oconnops@leegov.com

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be rendered as provided in (10)(a) above.

(11) OTHER PROVISIONS.

- (a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any subsequent submission or response to Department request, or in any submission or response to fulfill the requirements of this Agreement, and such information, representations, and materials are incorporated by reference. The lack of accuracy thereof or any material changes shall, at the option of the Department and with thirty (30) days written notice to the Recipient, cause the termination of this Agreement and the release of the Department from all its obligations to the Recipient.
- (b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict, and shall be deemed severable, but shall not invalidate any other provision of this Agreement.

- (c) No waiver by the Department of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of the Department hereunder, or affect the subsequent exercise of the same right or remedy by the Department for any further or subsequent default by the Recipient. Any power of approval or disapproval granted to the Department under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.
- (d) The Agreement may be executed in any number of counterparts, any one of which may be taken as an original.
- (e) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

¥

- (f) A person or affiliate who has been placed on the convicted vendor list or discriminatory vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of \$\bar{3}6\$ months from the date of being placed on the convicted vendor or discriminatory vendor list.
- (g) With respect to any Recipient which is not a local government or state agency, and which receives funds under this agreement from the federal government, the Recipient certifies, to the best of its knowledge and belief, that it and its principals:
- are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
- have not, within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in

connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 11(g)2. of this certification; and
- have not within a three-year period preceding this agreement had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Recipient is unable to certify to any of the statements in this certification, such Recipient shall attach an explanation to this agreement.

(12) AUDIT REQUIREMENTS.

- (a) The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement.
- (b) These records shall be available at all reasonable times for inspection, review, or audit by state personnel and other personnel duly authorized by the Department. "Reasonable" shall be construed according to circumstances, but ordinarily shall mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.
- (c) The Recipient shall also provide the Department with the records, reports or financial statements upon request for the purposes of auditing and monitoring the funds awarded under this Agreement.
- (d) In the event that the Recipient expends a total amount of State awards (i.e., State financial assistance provided to recipient to carry out a State project) from all state sources equal to or in excess of \$300,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 216.3491, Florida Statutes;

applicable rules of the Executive Office of the Governor and the Comptroller, and Chapter 10.600, Rules of the Auditor General.

In determining the State awards expended in its fiscal year, the Recipient shall consider all sources of State awards, including State funds received from the Department, except that State awards received by a nonstate entity for Federal program matching requirements shall be excluded from consideration. The funding for this Agreement was received by the Department as a Grant and Aio appropriation.

- The annual financial audit report shall include all management letters and the Recipient's response to all findings, including corrective actions to be taken.
- The annual financial audit report shall include a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and Agreement number.
- The complete financial audit report, including all items specified in (12)(d) 1
 and 2 above, shall be sent directly to:

Department of Community Affairs Office of Audit Services 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

and

State of Florida Auditor General Attn: Ted J Sauerbeck Room 574, Claude Pepper Building 111 West Madison Street Tallahassee, Florida 32302-1450

4. In connection with the audit requirements addressed in (d) above, the

Recipient shall ensure that the audit complies with the requirements of Section 216.3491(7), Florida Statutes. This includes submission of a reporting package as defined by Section 216.3491(2)(d), Florida Statutes, and Chapter 10.600, Rules of the Auditor General.

5. If the Recipient expends less than \$300,000 in State awards in its fiscal year, an audit conducted in accordance with the provisions of Section 216.3491, Florida Statutes, is not required. In the event that the Recipient expends less than \$300,000 in State awards in its fiscal year

and elects to have an audit conducted in accordance with the provisions of Section 216.3491, Florida Statutes, the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than State entities).

- (e) In the event the audit shows that the entire funds disbursed hereunder, or any portion thereof, were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Department of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty (30) days after the Department has notified the Recipient of such non-compliance.
- (f) The Recipient shall retain all financial records, supporting documents, statistical records, and any other documents pertinent to this contract for a period of three years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the three-year period, the records shall be retained until the litigation or audit findings have been resolved.
- (g) The Recipient shall have all audits completed in accordance with 216.3491, Fla.

 Stat. by an independent certified public accountant (IPA) who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

(13) SUBCONTRACTS.

(a) If the Recipient subcontracts any or all of the work required under this Agreement, a copy of the executed subcontract must be forwarded to the Department within thirty (30) days after execution of the subcontract. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by all applicable state and federal laws and regulations, and (ii) the subcontractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

(14) TERMS AND CONDITIONS.

The Agreement contains all the terms and conditions agreed upon by the parties.

(15) ATTACHMENTS.

- (a) All attachments to this Agreement are incorporated as if set out fully herein.
- (b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments hereto, the language of such attachments shall be controlling, but only to the extent of such conflict or inconsistency.
 - (c) This Agreement has the following attachments:

Attachment A - Scope of Work and Schedule of Deliverables

(16) FUNDING/CONSIDERATION

(a) This is a fixed fee agreement. As consideration for performance of work rendered under this Agreement, the Department agrees to pay a fixed fee of up to \$10,000.00. Payment will be made in accordance with the provisions of Attachment A, Scope of Work and Schedule of Deliverables.

(17) STANDARD CONDITIONS.

The Recipient agrees to be bound by the following standard conditions:

- (a) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, <u>Fla. Stat.</u> or the Florida Constitution.
- (b) If otherwise allowed under this Agreement, the Agreement may be renewed on a yearly basis for a period of up to two (2) years after the initial agreement or for a period no longer than the term of the original agreement, whichever period is longer, specifying the terms under which the cost may change as determined in the invitation to bid, request for proposals, or pertinent statutes or regulations.
- (c) All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.
- (d) If otherwise allowed under this Agreement, all bills for any travel expenses shall be submitted in accordance with s. 112.061, Fla. Stat.
- (e) The Department of Community Affairs reserves the right to unilaterally cancel this Agreement for refusal by the Recipient to allow public access to all documents, papers, letters or other

material subject to the provisions of Chapter 119, Fla. Stat., and made or received by the Recipient in conjunction with this Agreement.

- (f) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Department or be applied against the Department's obligation to pay the contract amount.
- (g) The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Department.
- (18) <u>STATE LOBBYING PROHIBITION.</u> No funds or other resources received from the Department in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

(19) COPYRIGHT, PATENT AND TRADEMARK

If applicable to this Agreement, refer to Attachment B for terms and conditions relating to copyrights, patents and trademarks.

(20) LEGAL AUTHORIZATION.

The Recipient certifies with respect to this Agreement that it possesses the legal authority to receive the funds to be provided under this Agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this Agreement with all covenants and assurances contained herein. The Recipient also certifies that the undersigned possesses the authority to legally execute and bind Recipient to the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their undersigned officials as duly authorized.

LEE COUNTY:		
BY: Working		
Name and title:Douglas	St. Cerny, Chairman	APPROVED AS TO FORM
Date: 5/29/01		1
SAMAS#	FID# 59-6000702	OFFICE OF COUNTY ATTOR
STATE OF FLORIDA		
DEPARTMENT OF COMMUN	IITY AFFAIRS	
BY: J- Shaw		
Name and Title: J. Thomas	5 Beck, Director, Communit	ty Planning
Date: 6-07-81	A CHARLES AND AND AND ADDRESS OF THE PARTY O	2

Attachment A

Scope of Work and Schedule of Deliverables

Scope of Work

- Review future land uses under current zoning, the current future land use map, and issued development orders in the Greater Pine Island area.
- Review the existing transportation and hurricane evacuation data for the area.
- Review the Calusa Land Trust's environmental inventory, and analyze the effects of distinguishing between native uplands and disturbed uplands on the future land use map.
- Analyze the possibility of a new "Coastal Rural" land use designation providing maximums for residential density, recreational uses, commercial uses and agricultural uses.
- Analyze the possibility of a new "Rate of Growth" provision specifically for the Greater Pine Island area.
- analyze strengthening existing policies concerning traffic on Pine Island Road, primarily through the Matlacha community.
- Evaluate down planning some of the "Outlying Suburban" future land use designations.
- Analyze additional limitations on commercial development orders in the Greater Pine Island area.
- Assess stronger tree protection provisions.
- Analyze the possibility of clustering on Greater Pine Islands area lands.
- Consider transferable development rights.
- Evaluate minor Future Land Use Map boundary adjustments.
- Consider county initiated rezonings in the area.

Schedule of Deliverables

	<u>Deliverable</u>	Payment Amount	Due Date
1.	Draft of completed plan	\$5,000 (50%)	July 31, 2001
2.	Completed plan and proposed amendments	\$5,000 (50%)	November 1, 2001

CSFA	N/A
CFDA	52.004
Contract No.	
Funding Source:	General Fund

LEE COUNTY DEPARTMENT OF HUMAN SERVICES STANDARD PROVIDER CONTRACT

CONTRACT BETWEEN THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS And GREATER PINE ISLAND CIVIC ASSOCIATION, INC.

THIS CONTRACT entered this 29th day of May, 2001, between the Board of County Commissioners hereinafter referred to as "COUNTY" and Greater Pine Island Civic Association, Inc., hereinafter referred to as "PROVIDER".

NOW THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, COUNTY and the PROVIDER agree as follows:

ARTICLE I SCOPE OF SERVICES

The PROVIDER is responsible for implementing the scope of work and schedule of deliverables set forth in the Technical Assistance Grant attached as Exhibit A to this contract.

ARTICLE II TERM OF CONTRACT

This contract begins June 1, 2001 and ends June 30, 2002, unless terminated as specified in Article VIII, Suspension/Termination.

ARTICLE III COMPENSATION AND METHOD OF PAYMENT

A. Contract Payment

Payments will be made by the COUNTY to the PROVIDER and the PROVIDER agrees to accept as full compensation the total amount not to exceed \$10,000.00 during the term of this contract, subject to the provisions of Article III.D. Return of Funds, and Article VIII, Suspension/Termination.

Expenditure of funds will be made only on items set forth in the scope of work and schedule of deliverables set forth in the Technical Assistance Grant Agreement attached hereto as Exhibit A.

B. Required Reports For Service Contracts

1. Payment Report

Payments will be made on a monthly basis upon receipt and approval by the COUNTY of a completed Payment Request Report. If the PROVIDER fails to submit a Payment Request Report, payment will be delayed until receipt of the report. The COUNTY reserves the right to approve or disapprove payment requests.

Copies of supporting documentation, for example, must be attached to the Payment Request Report. The COUNTY may require additional supporting documentation.

Eligible expenses incurred during the contract term but not previously billed may be submitted on a separate Payment Request Report, accompanied by support documentation and written justification.

2. Performance Outcome Report

Performance Outcome Reports will be submitted on a quarterly basis. Outcome Reports are due within 20 calendar days after the end of the respective quarter. If the PROVIDER fails to submit the Performance Outcome Report by the stated deadline, payments will be delayed until receipt of the report.

C. Return of Funds

The **PROVIDER** agrees to return to the **COUNTY** overpayments due to funds disallowed pursuant to the terms of this contract. Such funds will be considered county funds and must be refunded to the **COUNTY** within thirty (30) calendar days 0 of receiving written notice from the **COUNTY** in regarding the overpayment. If repayment is not made in a timely manner, the **COUNTY** will charge interest of one (1) percent per month compounded on the outstanding balance after forty (40) calendar days after the date of notification or discovery.

D. Unsupported/Unallowable Costs

It is at the option of the COUNTY to defer payment to the PROVIDER during the period of a county audit or monitoring due to questionable items. If as a result of the audit or monitoring, unallowable or unsupported costs are found, no further payments will be made until the full amount of overpayment is remitted to Lee County or a repayment agreement is accepted by Lee County.

ARTICLE IV AUDITS, MONITORING, AND RECORDS

A. Monitoring

The PROVIDER agrees to permit employees duly authorized by the COUNTY to inspect all records, papers, and documents of the PROVIDER to be assured of satisfactory performance of the terms and conditions of this contract to the extent permitted by the law after giving the PROVIDER reasonable notice. The monitoring is a limited scope review of the contract and agency management and does not relieve the PROVIDER of its obligation to manage the grant in accordance with applicable rules and sound management practices.

Following this monitoring, the COUNTY may deliver to the PROVIDER a written report regarding the status of compliance with the terms and conditions of the contract. The PROVIDER will rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the COUNTY with a reasonable and acceptable justification for not correcting the noted shortcomings. The PROVIDER'S failure to correct or justify the deficiencies within the time specified by the COUNTY may result in the withholding of payments, being deemed in noncompliance, or termination of this contract.

B. Audit and Inspections

The PROVIDER will make all records referenced in Article IV. C., and all items included on financial statements available for audit or inspection purposes during normal business hours and as often as COUNTY deems necessary.

The Clerk of Courts Internal Audit division, State grantor agency, Lee County employees, or duly authorized representatives have the right of timely and unrestricted access to books, documents, papers, or other records of PROVIDER that are pertinent to the contract in order to make audits, examinations, excerpts, transcripts and copies of those documents. If contract non-compliance is noted, the COUNTY has the right to unlimited access to records during an audit or inspection. This includes timely and reasonable access to a PROVIDER'S personnel for the purpose of interview and discussion related to those documents.

C. Records

The PROVIDER must retain all financial, supporting documentation, and other records necessary to document service provision, and expenditures during the term of this contract and five (5) years from the date of contract expiration. If any litigation, claim, negotiation, audit, or other action involving the records has been initiated before the expiration of the 5-year period, the records must be retained for one (1) year after the final resolution of the action and final resolution of all Issues that arise from such action.

ARTICLE V MODIFICATIONS

No modifications will be allowed under this contract.

ARTICLE VI CONTRACTOR STATUS

A. Independent Contractor

It is mutually agreed that the PROVIDER is an independent contractor and not an agent or employee of the COUNTY.

B. Subcontracts

The PROVIDER must ensure any subcontractor conforms to the terms and conditions of this contract and must be subject to indemnification as stated in Article VII.

ARTICLE VII RISK MANAGEMENT

A. Indemnification

The PROVIDER will defend, hold harmless, and indemnify the COUNTY from and against all liability, loss, claims, damages, costs, attorneys' fees, and expenses of whatever kind or nature that the COUNTY may sustain, incur, or be required to pay either by reason of the loss or improper use of monies disbursed or to be disbursed hereunder including but not limited to fraud, embezzlement, or dishonesty on the part of any person represented or employed by the PROVIDER, or by reason of the intentional or negligent act of the PROVIDER or its agents, representatives or employees.

The PROVIDER further agrees that it will, at its own expense, defend all claims, actions, suits, or proceedings that may be brought against the COUNTY in connection with the above and satisfy, pay, and discharge any and all judgments or other resolution of claims that may be entered against the COUNTY in any action or proceedings.

The PROVIDER further agrees that it is responsible for all claims arising from the hiring of individuals relating to activities provided under the contract. All individuals hired are employees of the PROVIDER and not of the COUNTY.

The PROVIDER will hold the Florida Department of Community Affairs harmless against all claims arising out of the PROVIDER'S performance of work under this contract to the extent allowed and required by law.

ARTICLE VIII SUSPENSION/TERMINATION

A. Suspension

The COUNTY reserves the right to suspend funding for failure to comply with the requirements of this contract.

If PROVIDER ceases operation for any reason or files for protection from creditors under bankruptcy law, the remaining unpaid portion of this contract, less funds for expenditures already incurred, will be retained by the COUNTY and the COUNTY will have no further funding obligation to the PROVIDER with regard to those unpaid funds.

B. <u>Termination by County</u>

The COUNTY may cancel this contract by giving twenty-four (24) hours written notice to the PROVIDER by certified mail following a determination by the Board of COUNTY Commissioners that cancellation is in the best interest of the people of the COUNTY. From the date of cancellation, neither party will have any further obligation unless specified in the termination notice.

C. Termination by PROVIDER

The PROVIDER may cancel this contract by giving seventy-two (72) hours prior written notice to the COUNTY by certified mail of such and specifying the effective date.

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

> telephone: (941) 334-8866 fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com LEE COUNTY RECEIVED

01 JUN 11 AM 10: 18

COMM. DEV/ PUB. WRKS. CNTR. SECOND FLOOR

June 1, 2001

Greater Pine Island Civic Association c/o Barbara Dubin 16185 Bowline Street Bokeelia, Florida 33922

INVOICE FOR PROFESSIONAL PLANNING SERVICES — MAY 2001

Date	Activity	Hours
5/2/01	Discuss tourism issues with Elaine McLaughlin.	0.25
5/3/01	Review questionnaires mailed and faxed in; discuss finances with Barbara Dubin; prepare tabulations of all past expenses and mail to Barbara for verification.	1.00
5/8/01	Review and tabulate responses to questionnaires; drive to/from Pine Island; participate in land-use committee meeting.	4.75
5/9/01	Add latest public responses to tabulation; update tabulation of all expenses; begin reviewing documents submitted by Ralf Brookes.	1.50
5/10/01	Finish reviewing documents from Ralf Brookes.	0.25
5/30/01	Review Lee County contract; discuss same with Phil Buchanan and Barbara Dubin; inquire about urgency with Matt Noble.	0.50
	TOTAL HOURS:	8.25

	7	OTAL CHARGE	S DUE:	
-	<u>Name</u>	Total Hours	Rate	Total
1	Bill Spikowski	8.25	\$85.00 / hour	\$701.25

COUNTY'S obligation to make any payments under this contract will cease on the effective date of termination.

ARTICLE IX ASSURANCE, CERTIFICATIONS, AND COMPLIANCE

The PROVIDER agrees that compliance with these assurances and certifications constitutes a condition of continued receipt of or benefit from funds provided through this contract, and that it is binding upon the PROVIDER for the period during which services are provided. The PROVIDER further assures that all contractors, subcontractors, or others with whom it arranges to provide services or benefits to participants or employees in connection with the scope of work are not discriminating against those participants or employees in violation of statutes, regulations, guidelines and standards. By acceptance of this funding, the PROVIDER assures and certifies the following:

- It will comply with all applicable laws, ordinances and regulations of the United States, the State of Florida, and the COUNTY, In entering into this contract, the COUNTY does not waive the requirements of county or local ordinances or the requirements of obtaining permits or licenses normally required to conduct business or activity contemplated by the PROVIDER.
- It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in B. employment on the basis of race, color, national origin, sex, religion, disability or marital status.
- C. Products or materials purchased with contract funds must be procured in accordance with the provisions of Chapter 403.7065, Florida Statues, which refers to the procurement of products or materials with recycled content.
- It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the D. basis of disability and requires reasonable accommodation for persons with disabilities.
- E. It will comply with Chapter 216.347, Florida Statutes, which prohibits the expenditure of contract funds for the purpose of lobbying the Legislature, State or County agencies.
- F. It will notify the COUNTY immediately of any funding source changes or additions from other sources that are different from that shown in the PROVIDER'S proposal. This notification must include a statement as to how this change in funding affects provision of service as well as the use of and continued need for county funds.
- G. It will acknowledge support for programs funded by Lee County.
- H. It will notify the COUNTY of any SIGNIFICANT changes to the PROVIDER organization to include articles of incorporation and bylaws within ten (10) working days of the effective date.
- It will comply with the record keeping and reporting requirements set forth in Paragraphs 5 and 6 of the County's ١. Technical Assistance Grant Agreement with the Florida Department of Community Affairs attached hereto as Exhibit
- J. It will not use the funds received from the County in connection with the Technical Assistance Grant Agreement directly or indirectly to influence legislation or any other official action by the Florida Legislature or any State agency.

ARTICLE X NOTICES

Official notices concerning this contract shall be directed to the following authorized representatives:

COUNTY:

ATTN: Paul O'Connor, Director of Planning Lee County Department of Community Development

P.O. Box 398 1500 Monroe Street Fort Myers, Florida 33902 Telephone: 941-479-8585 PROVIDER

Name:

Agency: Greater Pine Island Civic Association, Inc.

Address ?

Telephone:

The signatures of the persons shown belc are design	ated and authorized to sign all licable reports:
BARBARA K. Dubin OR R	Name (printed/typed)
Barbara K. Dufin	Elea Caswell
Signature PECTOR TR	Signature GPICA Title
In the event that different representatives are designate and address of the new representative will be rendered	d by either party after execution of this contract, notice of the name in writing by authorized officer of PROVIDER to the COUNTY.
IN WITNESS THEREOF, PROVIDER and COUNTY has as duly authorized.	ve caused this contract to be executed by their undersigned officials
PROVIDER: Greater Pine Island Civic Association, Inc.	COUNTY: LEE COUNTY
By BARBARA K. Dubin Name (print)	By: Douglas St/Cerny
Stgnature of authorized officer.	Signature & authorized officer
Title Disector	Chairman, Board of County Commissioners Title
May 31, 2001	5/29/01 Date
STATE OF FLORIDA COUNTY OF LEE	ATTEST GLERK OF CIRCUIT COURT
The foregoing instrument was acknowledged before me this 31 day of May , 2001	By Christanic aller
by Barbara Dubin Rhea Caswell.	ATTEST: CLERK OF CIRCUIT COURT
in their capacity of <u>Director</u> / <u>Treesurer</u> of the Greater Pine Island Civic Association, Inc., who is	By: Swad Pronce
personally known to me or who has produced	Deputy Clark
as identification and who did (did not) take an oath.	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
NOTARY: By:	JANET MILLER MY COMMISSION # CC 801217 EXPIRES: January 11, 2003 Bonded Thru Notary Public Underwriters
Exhibit A: Technical Assistance Grant Agreemer Lee County	nt between State of Florida, Department of Community Affairs and
	APPROVED AS TO FORM
	By: Marie Collins Assistant County Attorney



LEE COUNTY RECEIVED

DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH Governor

STEVEN M. SEIBERT Secretary

April 3, 2001

Mr. Paul O'Connor, AICP Lee County Post Office Box 398 Fort Myers, Florida 33902-0398

Re:

Technical Assistance Grant

Dear Mr. O'Connor:

In order to assist local governments that may not have adequate resources to address growth management-related issues, the Department requested and received a limited amount of technical assistance funds for this purpose. We are now in the process of making these funds available to local governments and, based on the request submitted by your community, the Department has decided to award a portion of those funds to Lee County.

Attached are two copies of a contract to be executed between Lee County and the Department of Community Affairs (DCA). Please review the contracts, have them executed by the Chairman of the County Commission (or other County Administrator authorized by ordinance) and return both originals to me at DCA. Upon final execution, one original will be returned to you.

If you have any questions related to this process, please call me at (850) 922-1752.

Sincerely,

Beth Frost

Senior Management Analyst I

th Grout

Attachments

2555 SHUMARD OAK BOULEVARD * TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: http://www.state.fl.us/comaff/

Contract Number:	

AGREEMENT

THIS AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Department"), and Lee County, (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

- A. WHEREAS, the Recipient represents that it is fully qualified, possesses the requisite skills, knowledge, qualifications and experience to provide the services identified herein, and does offer to perform such services, and
- B. WHEREAS, the Department has a need for such services and does hereby accept the offer of the Recipient upon the terms and conditions hereinafter set forth, and
- C. WHEREAS, the Department has authority pursuant to Florida law to disburse the funds under this Agreement, and

NOW, THEREFORE, the Department and the Recipient do mutually agree as follows:

(1) SCOPE OF WORK.

The Recipient shall fully perform the obligations in accordance with the Scope of Work and Schedule of Deliverables, Attachment A of this Agreement.

(2) INCORPORATION OF LAWS, RULES, REGULATIONS AND POLICIES.

Both the Recipient and the Department shall be governed by applicable State and Federal laws, rules and regulations.

(3) PERIOD OF AGREEMENT.

This Agreement shall begin upon execution by both parties and shall end November 1, 2001, unless terminated earlier in accordance with the provisions of paragraph (9) of this Agreement.

(4) MODIFICATION OF CONTRACT; REPAYMENTS

Either party may request modification of the provisions of this Agreement. Changes which are mutually agreed upon shall be valid only when reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement.

All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of "Department of Community Affairs", and mailed directly to the Department at the following address:

Department of Community Affairs
Cashier
Finance and Accounting
2555 Shumard Oak Boulevard
Tallahassee FL 32399-2100

In accordance with § 215.34(2), Fla. Stat., if a check or other draft is returned to the Department for collection, the Department must add to the amount of the check or draft a service fee of Fifteen Dollars (\$15.00) or Five Percent (5%) of the face amount of the check or draft.

(5) RECORDKEEPING

- (a) All original records pertinent to this Agreement shall be retained by the Recipient for three years following the date of termination of this Agreement or of submission of the final close-out report, whichever is later, with the following exceptions:
- If any litigation, claim or audit is started before the expiration of the three year period and extends beyond the three year period, the records will be maintained until all litigation, claims or audit findings involving the records have been resolved.
- Records for the disposition of non-expendable personal property valued at \$5,000 or more at the time of acquisition shall be retained for three years after final disposition.
- Records relating to real property acquisition shall be retained for three years after closing of title.

- (b) All records, including supporting documentation of all program costs, shall be sufficient to determine compliance with the requirements and objectives of the Scope of Work and Schedule of Deliverables - Attachment A - and all other applicable laws and regulations.
- (c) The Recipient, its employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to the Department, its employees, and agents. "Reasonable" shall be construed according to the circumstances but ordinarily shall mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the Department.

(6) REPORTS

- (a) At a minimum, the Recipient shall provide the Department with quarterly reports, and with a close-out report.
- (b) Quarterly reports are due to be received by the Department no later than 30 days after the end of each quarter of the program year and shall continue to be submitted each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 30, June 30, September 30 and December 31.
- (c) The close-out report is due 60 days after termination of this Agreement or upon completion of the activities contained in this Agreement.
- (d) If all required reports and copies, prescribed above, are not sent to the Department or are not completed in a manner acceptable to the Department, the Department may withhold further payments until they are completed or may take such other action as set forth in paragraph (9). The Department may terminate the Agreement with a Recipient if reports are not received within 30 days after written notice by the Department. "Acceptable to the Department" means that the work product was completed in accordance with generally accepted principles and is consistent with the Scope of Work and Schedule of Deliverables.
- (e) Upon reasonable notice, the Recipient shall provide such additional program updates or information as may be required by the Department.

(7) MONITORING.

The Recipient shall constantly monitor its performance under this Agreement to ensure that time schedules are being met, the Scope of Work and Schedule of Deliverables is being accomplished within specified time periods, and other performance goals are being achieved. Such review shall be made for each function or activity set forth in Attachment A to this Agreement.

(8) LIABILITY.

- (a) Unless Recipient is a State agency or subdivision, the Recipient shall be solely responsible to parties with whom it shall deal in carrying out the terms of this agreement, and shall save the Department harmless against all claims of whatever nature by third parties arising out of the performance of work under this agreement. For purposes of this agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor.
- (b) Any Recipient who is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., agrees to be fully responsible for its negligent acts or omissions or tortious acts which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(9) DEFAULT; REMEDIES; TERMINATION.

(a) If the necessary funds are not available to fund this agreement as a result of action by Congress, the state Legislature, the Office of the Comptroller or the Office of Management and Budgeting, or if any of the following events occur ("Events of Default"), all obligations on the part of the Department to make any further payment of funds hereunder shall, if the Department so elects, terminate and the Department may, at its option, exercise any of its remedies set forth herein, but the Department may make any payments or parts of payments after the happening of any Events of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment:

- 1. If any warranty or representation made by the Recipient in this Agreement or any previous Agreement with the Department shall at any time be false or misleading in any respect, or if the Recipient shall fail to keep, observe or perform any of the terms or covenants contained in this Agreement or any previous agreement with the Department and has not cured such in timely fashion, or is unable or unwilling to meet its obligations thereunder;
- 2. If any material adverse change shall occur in the financial condition of the Recipient at any time during the term of this Agreement from the financial condition revealed in any reports filed or to be filed with the Department, and the Recipient fails to cure said material adverse change within thirty (30) days from the time the date written notice is sent by the Department.
- If any reports required by this Agreement have not been submitted to the
 Department or have been submitted with incorrect, incomplete or insufficient information;
- 4. If the Recipient has failed to perform and complete in timely fashion any of the services required under the Scope of Work and Schedule of Deliverables attached hereto as Attachment A.
- (b) Upon the happening of an Event of Default, then the Department may, at its option, upon written notice to the Recipient and upon the Recipient's failure to timely cure, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of the following remedies shall not preclude the Department from pursuing any other remedies contained herein or otherwise provided at law or in equity:
- Terminate this Agreement, provided that the Recipient is given at least thirty
 (30) days prior written notice of such termination. The notice shall be effective when placed in the
 United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt
 requested, to the address set forth in paragraph (10) herein;
- Commence an appropriate legal or equitable action to enforce performance of this Agreement;
 - 3. Withhold or suspend payment of all or any part of a request for payment;

- 4. Exercise any corrective or remedial actions, to include but not be limited to, requesting additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Recipient to reimburse the Department for the amount of costs incurred for any items determined to be ineligible;
- Exercise any other rights or remedies which may be otherwise available under law;
- (c) The Department may terminate this Agreement for cause upon such written notice as is reasonable under the circumstances. Cause shall include, but not be limited to, misuse of funds; fraud; lack of compliance with applicable rules, laws and regulations; failure to perform in a timely manner; and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Fla. Stat., as amended.
- (d) Suspension or termination constitutes final agency action under Chapter 120, Fla.
 <u>Stat.</u>, as amended. Notification of suspension or termination shall include notice of administrative hearing rights and time frames.
- (e) The Recipient shall return funds to the Department if found in non-compliance with laws, rules, regulations governing the use of the funds or this Agreement.
 - (f) This Agreement may be terminated by the written mutual consent of the parties.
- (g) Notwithstanding the above, the Recipient shall not be relieved of liability to the Department by virtue of any breach of Agreement by the Recipient. The Department may, to the extent authorized by law, withhold any payments to the Recipient for purpose of set-off until such time as the exact amount of damages due the Department from the Recipient is determined.

(10) NOTICE AND CONTACT.

(a) All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the representative identified below at the address set forth below and said notification attached to the original of this Agreement. (b) The name and address of the Department contract manager for this Agreement is:

Beth Frost, Senior Management Analyst I Division of Community Planning Department of Community Affairs 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100 Telephone: (850) 922-1752 Fax: (850) 488-3309

Email: beth.frost@dca.state.fl.us

(c) The name and ad	ldress of the Representative of the Recipient responsible for the
administration of this Agreement is:	
	Totalessa
	Telephone:
	Fax:
	A CONTRACTOR OF THE CONTRACTOR

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be rendered as provided in (10)(a) above.

(11) OTHER PROVISIONS.

- (a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any subsequent submission or response to Department request, or in any submission or response to fulfill the requirements of this Agreement, and such information, representations, and materials are incorporated by reference. The lack of accuracy thereof or any material changes shall, at the option of the Department and with thirty (30) days written notice to the Recipient, cause the termination of this Agreement and the release of the Department from all its obligations to the Recipient.
- (b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict, and shall be deemed severable, but shall not invalidate any other provision of this Agreement.

- (c) No waiver by the Department of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of the Department hereunder, or affect the subsequent exercise of the same right or remedy by the Department for any further or subsequent default by the Recipient. Any power of approval or disapproval granted to the Department under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.
- (d) The Agreement may be executed in any number of counterparts, any one of which may be taken as an original.
- (e) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.
- (f) A person or affiliate who has been placed on the convicted vendor list or discriminatory vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor or discriminatory vendor list.
- (g) With respect to any Recipient which is not a local government or state agency, and which receives funds under this agreement from the federal government, the Recipient certifies, to the best of its knowledge and belief, that it and its principals:
- are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
- have not, within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in

connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 11(g)2. of this certification; and
- have not within a three-year period preceding this agreement had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Recipient is unable to certify to any of the statements in this certification, such Recipient shall attach an explanation to this agreement.

(12) AUDIT REQUIREMENTS.

- (a) The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement.
- (b) These records shall be available at all reasonable times for inspection, review, or audit by state personnel and other personnel duly authorized by the Department. "Reasonable" shall be construed according to circumstances, but ordinarily shall mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.
- (c) The Recipient shall also provide the Department with the records, reports or financial statements upon request for the purposes of auditing and monitoring the funds awarded under this Agreement.
- (d) In the event that the Recipient expends a total amount of State awards (i.e., State financial assistance provided to recipient to carry out a State project) from all state sources equal to or in excess of \$300,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 216.3491, Florida Statutes;

applicable rules of the Executive Office of the Governor and the Comptroller, and Chapter 10.600, Rules of the Auditor General.

In determining the State awards expended in its fiscal year, the Recipient shall consider all sources of State awards, including State funds received from the Department, except that State awards received by a nonstate entity for Federal program matching requirements shall be excluded from consideration. The funding for this Agreement was received by the Department as a Grant and Aid appropriation.

- The annual financial audit report shall include all management letters and the Recipient's response to all findings, including corrective actions to be taken.
- The annual financial audit report shall include a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and Agreement number.
- The complete financial audit report, including all items specified in (12)(d) 1
 and 2 above, shall be sent directly to:

Department of Community Affairs Office of Audit Services 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

and

State of Florida Auditor General Attn: Ted J Sauerbeck Room 574, Claude Pepper Building 111 West Madison Street Tallahassee, Florida 32302-1450

4. In connection with the audit requirements addressed in (d) above, the

- Recipient shall ensure that the audit complies with the requirements of Section 216.3491(7), Florida Statutes. This includes submission of a reporting package as defined by Section 216.3491(2)(d), Florida Statutes, and Chapter 10.600, Rules of the Auditor General.
- 5. If the Recipient expends less than \$300,000 in State awards in its fiscal year, an audit conducted in accordance with the provisions of Section 216.3491, Florida Statutes, is not required. In the event that the Recipient expends less than \$300,000 in State awards in its fiscal year

and elects to have an audit conducted in accordance with the provisions of Section 216.3491, Florida Statutes, the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than State entities).

- (e) In the event the audit shows that the entire funds disbursed hereunder, or any portion thereof, were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Department of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty (30) days after the Department has notified the Recipient of such non-compliance.
- (f) The Recipient shall retain all financial records, supporting documents, statistical records, and any other documents pertinent to this contract for a period of three years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the three-year period, the records shall be retained until the litigation or audit findings have been resolved.
- (g) The Recipient shall have all audits completed in accordance with 216.3491, Fla.

 Stat. by an independent certified public accountant (IPA) who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

(13) SUBCONTRACTS.

(a) If the Recipient subcontracts any or all of the work required under this Agreement, a copy of the executed subcontract must be forwarded to the Department within thirty (30) days after execution of the subcontract. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by all applicable state and federal laws and regulations, and (ii) the subcontractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

(14) TERMS AND CONDITIONS.

The Agreement contains all the terms and conditions agreed upon by the parties.

(15) ATTACHMENTS.

- (a) All attachments to this Agreement are incorporated as if set out fully herein.
- (b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments hereto, the language of such attachments shall be controlling, but only to the extent of such conflict or inconsistency.
 - (c) This Agreement has the following attachments:

Attachment A - Scope of Work and Schedule of Deliverables

(16) FUNDING/CONSIDERATION

(a) This is a fixed fee agreement. As consideration for performance of work rendered under this Agreement, the Department agrees to pay a fixed fee of up to \$10,000.00. Payment will be made in accordance with the provisions of Attachment A, Scope of Work and Schedule of Deliverables.

(17) STANDARD CONDITIONS.

The Recipient agrees to be bound by the following standard conditions:

- (a) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, Fla. Stat. or the Florida Constitution.
- (b) If otherwise allowed under this Agreement, the Agreement may be renewed on a yearly basis for a period of up to two (2) years after the initial agreement or for a period no longer than the term of the original agreement, whichever period is longer, specifying the terms under which the cost may change as determined in the invitation to bid, request for proposals, or pertinent statutes or regulations.
- (c) All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.
- (d) If otherwise allowed under this Agreement, all bills for any travel expenses shall be submitted in accordance with s. 112.061, Fla. Stat.
- (e) The Department of Community Affairs reserves the right to unilaterally cancel this Agreement for refusal by the Recipient to allow public access to all documents, papers, letters or other

material subject to the provisions of Chapter 119, Fla. Stat., and made or received by the Recipient in conjunction with this Agreement.

- (f) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Department or be applied against the Department's obligation to pay the contract amount.
- (g) The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Department.
- (18) <u>STATE LOBBYING PROHIBITION.</u> No funds or other resources received from the Department in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

(19) COPYRIGHT, PATENT AND TRADEMARK

If applicable to this Agreement, refer to Attachment B for terms and conditions relating to copyrights, patents and trademarks.

(20) LEGAL AUTHORIZATION.

The Recipient certifies with respect to this Agreement that it possesses the legal authority to receive the funds to be provided under this Agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this Agreement with all covenants and assurances contained herein. The Recipient also certifies that the undersigned possesses the authority to legally execute and bind Recipient to the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their undersigned officials as duly authorized.

LEE COUNTY:		
BY:		
Name and title:		
Date:		
SAMAS #	FID#	-
STATE OF FLORIDA		
DEPARTMENT OF COMMU	NITY AFFAIRS	
BY:	+	
Name and Title:		

Attachment A

Scope of Work and Schedule of Deliverables

Scope of Work

- Review future land uses under current zoning, the current future land use map, and issued development orders in the Greater Pine Island area.
- Review the existing transportation and hurricane evacuation data for the area.
- Review the Calusa Land Trust's environmental inventory, and analyze the effects of distinguishing between native uplands and disturbed uplands on the future land use map.
- Analyze the possibility of a new "Coastal Rural" land use designation providing maximums for residential density, recreational uses, commercial uses and agricultural uses.
- Analyze the possibility of a new "Rate of Growth" provision specifically for the Greater Pine Island area.
- analyze strengthening existing policies concerning traffic on Pine Island Road, primarily through the Matlacha community.
- 7. Evaluate down planning some of the "Outlying Suburban" future land use designations.
- Analyze additional limitations on commercial development orders in the Greater Pine Island area.
- Assess stronger tree protection provisions.
- Analyze the possibility of clustering on Greater Pine Islands area lands.
- Consider transferable development rights.
- 12. Evaluate minor Future Land Use Map boundary adjustments.
- Consider county initiated rezonings in the area.

Schedule of Deliverables

	<u>Deliverable</u>	Payment Amount	<u>Due Date</u>
1.	Draft of completed plan	\$5,000 (50%)	July 31, 2001
2.	Completed plan and proposed amendments	\$5,000 (50%)	November 1, 2001

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

telephone: (941) 334-8866 fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

April 2, 2001

Greater Pine Island Civic Association c/o Barbara Dubin 16185 Bowline Street Bokeelia, Florida 33922

INVOICE FOR PROFESSIONAL PLANNING SERVICES — MARCH 2001

teleti photos ibi report don samo, ind ingon into repeit destraciós, menses implició el narritalistros consinerrias brigas genecificos estra la r when the cine could be decreased to sade flower and the city

Date	<u>Activity</u>	Hours
3/7/01	Discuss schedule for April public meeting with Barbara Dubin; revise community planning administrative code for Matt Noble.	0.75
3/8/01	Follow up with FWF attorneys on wetland buffer research.	0.25
3/13/01	Discuss project with Barbara Dubin; drive to/from Pine Island; attend committee meeting and make comments on commercial design, subdivision boundaries, and upcoming public meeting.	3.50
3/15/01	Interview with Jeff Cull of the News-Press; discuss transportation with Mohsen Salehi.	0.50
3/26/01	Prepare list of all steps needed to finish plan; incorporate editing suggestion of Mohsen Salehi & Stan Tracy; incorporated updated traffic chart; incorporate new photographs; develop format for present recommendations in report.	3.75
3/27/01	Prepare maps of Matlacha and Bokeelia historic districts and insert into report; create data table for destruction of pine flatwoods and insert into report.	3.00
3/28/01	Discuss discrepancies on evacuation data with Dan Trescott; drive to/from Pine Island; take photographs of commercial buildings and bike paths; select photos for report, edit same, and import into report document; prepare outline of narratives for commercial design guidelines and bike paths.	8.00

3/29/01	Discuss April meetings with Barbara Dubin; coordinate efforts with Dan Trescott and Steve Boutelle; draft text for commercial design guidelines; begin text for walls/fences and historic districts; select and import photographs for walls/fences.	4.50
3/30/01	Draft evacuation text; review data supplied by Peter Ordway and forward questions to him; review new census data; interview with Don Ruane of the News-Press; discuss transportation issues with Mohsen Salehi; draft "guiding principles" for new plan.	6.25

TOTAL HOURS: 30.50

TOTAL CHARGES DUE:			
<u>Name</u>	Total Hours	Rate	Total
Bill Spikowski	30.50	\$85.00 / hour	\$2,592.50
Reimbursable expenses			\$0.00
		TOTAL DUE:	\$2,592.50

AGENDA

LAND USE COMMITTEE of the GREATER PINE ISLAND COMMUNITY PLAN UPDATE

Tuesday, March 13, 2001 7pm Saint John's Episcopal Church

1. Additions to the agenda 7pm

additions may be placed at the end of the agenda and discussed if time allows, or placed on the next agenda, at the discretion of the Chairperson

Water Quality Issues from the February 13th meeting

Keith Kibbey, The Environmental Lab

Terry Bengtsson, Hydrologist, South Florida Water Management

How can we best determine if we have a water quality problem on Pine Island?

from septic systems?

from agricultural runoff?

What tests are available and commonly used?

How will we benefit from the results of these tests?

Who oversees the permitting process for these tests?

What are the estimated costs of these tests?

Community Design and Character

Matt Noble, Principal Planner, Lee County

Bill Spikowski, Planning Consultant, GPI Community Plan Update

commercial design guidelines

subdivision boundaries, i.e. walls

protecting Pine Island's trees

noise pollution

airboats, personal watercraft, motors without mufflers

dogs (off-leash)

completion of the bike path

Old Business

Communication Towers

New Business

Public Hearing tentatively scheduled for April 24, 2000

6. Adjourn 8:45pm

Proposal to Preserve Pine Island Farms and Help Prevent Unplanned Development

Background

The selling price of Pine Island uplands, particularly farmlands, has been increasing at an alarming pace. This indicates that speculators are buying Pine Island farmlands with a view as to later development. Florida and Lee County promote the preservation of farms by tax exemptions for actively farmed lands, a policy with great merit. However, these exemptions are subject to abuse by long-term speculators who use the exemption to bide time and avoid taxes until market conditions favor additional housing or commercial development. The Lee County Land Use Plan, Pine Island Section (now under revision), permits the construction of one dwelling unit per acre on both agricultural and non-agricultural rural parcels, so the would-be developers feel confident that intensive development would be legally permissible "when the right moment arrives."

Pine Island farmers, primarily palm and tropical fruit growers, have in the last few decades become a mainstay of the Pine Island economy. They live and work on the farms they own, and they share with the rest of Pine Islanders a tremendous appreciation for our coastal rural subtropical way of life. They tend to be solid citizens with a vested interest in the preservation of Pine Island.

The Calusa Land Trust has very active programs for the preservation of environmentally sensitive habitats on and around Pine Island. The Greater Pine Island Civic Association is very active in responsible land use and growth management on Pine Island. Neither, however, has addressed the issue of farmlands being replaced by large or piecemeal developments.

Proposal

I propose that the Calusa Land Trust establish a program to promote Pine Island Farmland Conservation Easements, a program which should be run separate and distinct from the Trust environmental programs. Under this program, the Trust would accept donated farmland conservation easements from willing Pine Island farmers. The farmers would agree to surrender all development rights on their property. The Trust, in turn, would agree to enforce those restrictions in perpetuity against that owner and all future owners of the property. The farmer would be entitled to an income tax deduction for the fair market value of the development rights the farmer surrendered to the Calusa Land Trust (the Trust is an IRS Section 501(c)(3) charitable organization). The value of the deduction would be the appraised market value of the property before the easement minus the appraised market value after the easement. In many cases, the deduction would be substantial and could be used to

significantly reduce or eliminate income taxes for up to five years. It is thus expected that this program would be of very substantial benefit and interest to Pine Island farmers.

Because the Calusa Land Trust would be assuming a potentially large financial obligation in enforcing the terms of the easement in perpetuity, a flat fee of \$3,000 would be charged to each farmer who participates in the program. The fee in its entirety would go into a special account which would be drawn upon solely to enforce Pine Island area farmland conservation easements (in effect, a revolving self-insurance fund), The mere existence of such a fund to support enforcement action is usually sufficient to dissuade potential violators. Donations to the enforcement account over and above the \$3,000 flat fee would be solicited in large transactions, and the fee could be waived in special circumstances (such as hardship of the donor). The \$3,000 flat fee will also serve to dissuade hobby farmers and backyard gardeners (who would not qualify for the deduction under IRS regulations) from attempting to abuse the program.

To support this program, and to dissuade the piecemeal development of Pine Island areas now being farmed, the Greater Pine Island Civic Association could also consider revising some portions of the Pine Island section of the Lee County Land Use Plan. Changing the rural category from one dwelling unit per acre to one dwelling unit per ten acres or even twenty acres would help considerably to promote this program (of course, all present and future lotowners would continue to be grandfathered in their right to built a single family residence on their lot regardless of acreage, so long as minimum setbacks were observed—the restriction would apply only to subdivisions and developments). Clustering of housing units and minimum green spaces could also be required. These actions are not essential to the success of the proposal, but would greatly complement the program. The Calusa Land Trust by policy defers on regulatory issues to our local civic associations and governments, and thus offers the foregoing comments solely for their discretionary review.

Discussion

The United States Internal Revenue Code, Section 170(h)(4)(A) sets forth the criteria for a federal income tax deduction for a conservation easement. Deductions are allowed for five categories. Category two, which is "relatively natural habitat", is the category relied upon by the Calusa Land Trust in all conservation easements to date; however, in my view, actively farmed cropland cannot qualify as "natural habitat". Categories one, which is "land areas for outdoor recreation by, or the education of, the general public", and two, which is "historically important land area or certified historic structure" are likewise not normally here pertinent. Category three, which is "open space......for the scenic enjoyment of the general public" can arguably be applied, but requires something of a stretch for palm plantations and tropical row crops in remote parts of Pine

Island. The forth, and sole remaining category, is "the preservation of open space (including farmland and forest land) where such preservation is.....pursuant to a clearly delineated Federal, State, or local governmental conservation policy".

The fourth category, in my view, fully applies to farmlands on Pine Island, including palm plantations, tropical or subtropical row crops, conventional truck crops, and cattle grazing. To meet the criteria, one has to point to "clearly delineated" governmental policies. There are many Federal Government farm support programs--how many of them apply directly to Pine Island farms in not within the expertise of this author; however, it is very easy to point to Florida and Lee County programs which specifically and favorably apply to Pine Island farmers. Most directly on point is Florida Statutes, Chapter 704, which establishes the state criteria for easements. Section 704.06, which authorizes conservation easements, specifically lists agricultural areas as property suitable for protection by a conservation easement. The statute goes on to authorize charitable conservation corporations or trusts such as the Calusa Land Trust to acquire such easements for, among other purposes, assuring "availability for agricultural use." Florida Statures, Section 193.461 provides a special class of property for agricultural lands and sets forth special privileges for farmers as regards assessments for tax purposes. United States Treasury Regulation 1.170A-14(d)(4)(iii)(A) lists "preferential tax assessment" as constituting "a significant commitment by the government" indicating "clearly delineated government policy". The Treasury Regulation completes the logic circle, and thus in Florida, farmlands clearly qualify for conservation easement income tax deductions. Other Florida State programs undoubtedly also apply, as do Lee County programs such as preferential tax assessments, but further enumeration of them is not necessary to the analysis.

The Articles of Incorporation of the Calusa Land Trust do not specifically refer to conservation of farmlands, as it does in the instances of environmentally sensitive, archeological, and historical lands. The articles do however contain very broad language which easily covers farmland conservation, to include the authority "to own and hold real and personal property for the use and benefit of the general public", and "to perform all other matters and acts authorized pursuant to the laws of the State of Florida for corporations not for profit". The Trust Bylaws refer to the purpose of the organization as "to conserve the natural resources of this area", which would of course include farmlands. In any event, the charter of the Calusa Land Trust should be interpreted to include those authorities granted to charitable conservation land trusts by the Florida State Statues, which as noted above, include farmland conservation easements.

Actions Required

Informal review, comments, and revisions of this proposal by officers and members of the Calusa Land Trust, Greater Pine Island Civic Association Land Use Committee, Pine Island farmers, Lee County Planning Division, Lee Soil and Water Conservation District, Southwest Florida Regional Planning Council, and other interested parties.

Formal approval by the Calusa Land Trust Board of Directors.

Referral of suggested complementary revisions of the Pine Island Section of the Lee Land Use Plan to the Greater Pine Island Civic Association Land Use Committee for such action as they deem appropriate.

Drafted by Phil Buchanan, Chair, Acquisition Committee, Calusa Land Trust, 283-4067, email coolcherokee@hotmail.com

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

	ENVIRONMENTAL ISSUES Page 17
INTRODUCTION TO THIS PLAN UPDATE Page 1	Water quality in canal system
	Stormwater runoff
PINE ISLAND - THE PLACE AND THE PEOPLE Page 2	Seagrass beds
	Loss of biological diversity
EXISTING PRIVATE PROPERTY RIGHTS Page 4	
	COMMUNITY DESIGN AND CHARACTER Page 17
POTENTIAL NEW DEVELOPMENT RIGHTS Page 4	Protecting Pine Island's trees
	Historic districts
TRANSPORTATION CONSTRAINTS Page 5	Commercial design guidelines
Constraints on access to Pine Island	Subdivision edges [no walls etc.]
The 810/910 rule in Lee Plan Policy 14.2.2 Page 5	Pine Island – A vision for 2020
The 810/910 rule in Lee Plan Policy 14.2.2	A STATE
Physical changes to Pine Island Road since 1989	PLAN IMPLEMENTATION Page 17
Current traffic conditions on Pine Island Road	County-initiated rezonings
Changes since 1989 in methods of analyzing road capacity	
	[others] J
Physical alternatives to improve access to Pine Island Page 8	CUMPLEARY OF RECOMMENDATIONS
Within the existing right-of-way	SUMMARY OF RECOMMENDATIONS Page 17
With a wider right-of-way Page 8	Lee Plan text and map changes
New bridge bypassing Matlacha	
Entirely new bridge and entrance road Page 8	APPENDIX A: EXISTING LOTS (DEVELOPED AND VACANT)
Policy alternatives for Policy 14.2.2	Page 18
HURRICANE EVACUATION Page 8	APPENDIX B: TRANSPORTATION DATA & ANALYSIS Page 20
	Introduction
TOWN AND COUNTRY ON PINE ISLAND Page 9	Corridor description (physical and operational) Page 20
Town (village) boundaries	Recent traffic counts on SR 78
The future of rural Pine Island	Capacity of Pine Island Road through Matlacha Page 20
Conservation land purchases	1985 HCM tables
Lower rural densities	1990 Lee Plan tables
	1998 FDOT tables Page 20
Clustering of development	
Transferable development rights	*-TAB spreadsheet
Controlling the rate of growth	Typical road improvement costs
Hybrid technique #1 Page 14	Road costs Page 20
Hybrid technique #2 Page 15	Bridge costs Page 20
Recommended option for rural lands	Access management strategies

GREATER PINE ISLAND COMMUNITY PLAN UPDATE

INTRODUCTION TO THIS PLAN UPDATE

Pine Island, Little Pine Island, and Matlacha share many characteristics and are collectively called Greater Pine Island, or simply Pine Island. These islands are located west of Cape Coral and mainland Lee County but are inside the string of barrier islands.

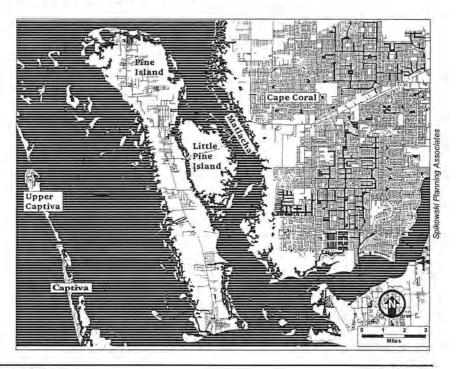
While geographically separate, Pine Island is part of unincorporated Lee County and is governed by its board of county commissioners. Although without legal self-determination, Pine Islanders have always been vocal about public affairs, especially planning and zoning. Pine Islanders formulated the original "future land use map" for Pine Island that was adopted by Lee County into its 1984 comprehensive plan (the original Lee Plan). Five years later, a community plan prepared by the Greater Pine Island Civic Association was the basis for a complete section of the Lee Plan (under Goal 14) dedicated to the future of Pine Island.

The opening statement of that plan explains its purpose:

GOAL 14: To manage future growth on and around Greater Pine Island so as to maintain the island's unique natural resources and character and to insure that island residents and visitors have a reasonable opportunity to evacuate when a hurricane strike is imminent.

Over ten years have passed since Goal 14 and its supporting policies and maps were adopted. Many of those policies are still pertinent; a few still need to be implemented fully. However, due to the passage of time, new factors have arisen that require an overall examination of the plan. The explosion of agricultural activity on the northern half of Pine Island was not anticipated. Residential growth has been slightly slower than expected. And traffic on Pine Island's only link to the mainland has increased, reaching target levels that were set in the 1989 plan to indicate the imminent overloading of the road system.

This current plan update begins with a general description of Greater Pine Island and its residents, past and present. Each major planning issue is then discussed in detail: traffic, hurricane evacuation, town and country boundaries, environment, and community design. This plan update concludes with specific recommendations to Lee County for changes to the Lee Plan and the land development code.



Pine Island, and that is what they value most.

Life on Pine Island mixes country living with the wonders of being surrounded by water, a fragile combination in coastal Florida. Without attention, the treasures of this unique place may be obliterated.

Looking east from the bridges at Matlacha, Pine Islanders see a vast expanse of sameness, a development form that suits the needs of others but that seems alien and a threat to Pine Islanders' vision of their own future.

Pine Island has two traffic problems resulting from the near-impossibility of widening Pine Island Road through Matlacha without destroying its historic district. This road is nearing its capacity for meeting the daily travel needs of Pine Islanders and local and out-of-town visitors, and it can barely handle the demand for evacuation of its low-lying areas in case of tropical storms and hurricanes.



Matlacha historic district, bisected by Pine Island Rd.

Photo courtesy of Mohsen Salehi & Bill Dubin

"Places like Matlacha are rare in this state, not just for its historical interest, but because the locals thrive by protecting the place. They like where they live and don't want to change it. Tourists respond by coming just to hang out on the bridges yakking with fisherfolk, then staying to buy local crafts and eat the fish they've seen caught. They come because they want to feel part of a real place, a place that doesn't put on mouse ears to pull them in."

- Florida writer Herb Hiller

The main mechanism currently protecting Pine Island from overdevelopment that would worsen the existing congestion and evacuation hazard has been Policy 14.2.2 (formerly 16.2.2), found in the Lee Plan as follows:

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800 additional dwelling units, the county shall consider for adoption development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. The effect of these regulations would be to appropriately reduce certain types of approvals at established thresholds prior to the adopted level-of-service standard being reached, as follows:

 When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezonings which would increase traffic on Pine Island Road.

• When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips, the regulations shall provide restrictions on the further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted level of service, until

TRANSPORTATION CONSTRAINTS

Access to Pine Island was strictly by boat until 1926 when the causeway carrying Pine Island Road was built through the mangrove islands that became Matlacha. With road access, modern development became practical.

For many decades, this two-lane road was sufficient to meet all demands placed upon it. Although there have been occasional discussions about a second bridge to Pine Island, the hurdles facing such a plan have always been insurmountable.

Constraints on access to Pine Island

As the years progressed, traffic on Pine Island Road has been continually increased. By city standards, the congestion would warrant plans to widen this road to four lanes, and funds to do so would be found by juggling Lee County's capital improvements budget. In fact, this widening would be forced by Lee County's road planning priorities, which require that all development and building permits be stopped once traffic on any road exceeds a congestion level known at "Level of Service E," where traffic would be only about __% greater than today. (The LOS grading system is described in Appendix B.)

However, Lee County has formally designated certain roads that cannot (or should not) be widened as "constrained." According to Lee Plan Objective 22.3: "Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental and aesthetic character of the community." The Matlacha section of Pine Island Road has been designated as "constrained" since 1989. Since that time, Lee County has designated the heart of Matlacha as a historic district, further protecting the community

from road widening that would damage its character.

The 810/910 rule in Lee Plan Policy 14.2.2

Origin of Policy 14.2.2

In 1989, Lee County was negotiating with the state over details of its new comprehensive plan, including the concept of constrained roads. Much of the controversy centered around another constrained (but much more heavily congested) road, Estero Boulevard at Fort Myers Beach. Community sentiment there strongly favored enduring the road congestion rather than widening Estero to four lanes, in part because the congestion was limited to the winter season when there was no hurricane evacuation threat. To reflect that sentiment, Lee County decided to sanction very extreme levels of congestion on constrained roads.²

For most of Lee County's islands, a "constrained" designation on their access road caused few or no problems. At Fort Myers Beach, nearly all land was already developed, and the existing traffic congestion was accepted as the price of a prosperous tourist economy. Bonita Beach, Captiva, and Boca Grande were nearly at buildout and under strict growth controls, so traffic congestion would not be caused by loosening the road standards. Sanibel, as its own city, would not be affected at all.

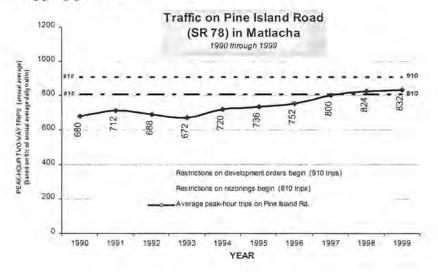
Only on Pine Island could the constrained designation have had tragic consequences. On Pine Island, vast tracts of land were still undeveloped; and the seasonal population extremes, while significant, weren't as great as the other island communities, leaving a larger percentage of Pine Island's population subject to summertime evacuations.

To avoid these effects on Pine Island, Lee County needed to

¹ Pine Island Road from Shoreview Drive west to Little Pine Island, according to Lee Plan Table 2(b)

² Specifically, 85% more traffic than the roads were designed to handle would (theoretically) be allowed.

These significant traffic increases occurred during a decade where there was relatively little new subdivision or condominium development on Pine Island. Population increases resulted mostly from the construction of new homes on pre-existing vacant lots. Other traffic increases may have resulted from difficult-to-quantify changes in tourism, commuting, or shopping patterns.



Changes since 1989 in methods of analyzing road capacity

In 1990 Lee County began using a different method for determining the capacity of roads, using the 1985 *Highway Capacity Manual* instead of the earlier 1965 *Highway Capacity Manual*. Lee County decided to base the 810/910/1010 figures for Pine Island Road on the earlier method for determining capacity, to keep future technical changes in analytical methods from changing their policy decision on how to manage growth

on Pine Island.

The earlier method was based primarily on physical characteristics of the road, such as the number of lanes, the width of the lanes, and lateral clearance from obstructions such as parked cars or pedestrians. Pine Island Road west of Burnt Store Road was designated as a major collector road in a "type 5" rural area. (If Pine Island Road through Matlacha had been a standard arterial road, rather than a collector road, its theoretical capacity would have increased 45%, to 1,460 vehicles per hour.)

The remainder of the Lee Plan used the newer method, which determined capacity on arterial roads about equally by the number of lanes and by the length of delays caused by intersections. For most urban roads, delays at traffic signals are the major cause of delays, so the number and timing of traffic signals became a major factor for determining road capacity. The newer method also assumes that left turn bays are provided and are adequate to prevent a following vehicle from having to slow down or stop.

Under the newer method, there is no straightforward reduction in capacity for collector road characteristics; the reductions must be computed through a more sophisticated traffic analysis than Lee County has ever attempted for Pine Island Road. Matlacha has no traffic signals and no major crossing streets, making the new method inaccurate without these sophisticated adjustments.

In order for the new method to accurately forecast the capacity of Pine Island Road, it must be carefully adjusted to factor back in the various obstructions to free-flowing traffic through Matlacha (no left-turn bays or passing lanes; reduced speed limit; cars backing into the road from parking spaces; frequent driveways; presence of pedestrians; etc.). These adjustments require much more data than is currently available; however, Appendix B shows the application of the new method with the

⁷ Since that time, further modifications have been made in a 1994 Highway Capacity Manual and a 1997 Highway Capacity Manual Update, all published by the Institute of Transportation Engineers.

TOWN AND COUNTRY ON PINE ISLAND

The essential character of Pine Island has always been the contrast among its three key parts. Surrounded by harbors and bays of unparalled beauty, Pine Islanders live in a series of low-key settlements or "villages" that are separated by rural land. With dense mangrove forests creating barriers between most land and the water, the seven residential villages have formed in the locations with best access to the water (Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical Homesites/Manatee Bay, and St. James City). Only the "town center" at Pine Island Center is built away from the water, in favor of the only crossroads location on Pine Island. Between these villages there has always been the sharp contrast of rural lands, dominated by slash pine/palmetto habitats and some farming operations.

Pine Island has almost no beaches, few city services, and limited employment and shopping — yet it remains a highly desirable and relatively low-cost alternative to the formless "new communities" that have obliterated the natural landscape throughout coastal Florida.

The current Pine Island plan has been fairly successful in maintaining the distinct villages by defining their boundaries on a future land-use map. Only a single ten-acre amendment has been approved since 1989. However, the boundaries have not been reexamined for reasonableness during that period, so that effort has been undertaken as part of this plan update, as described in the next section.

Town (village) boundaries

The freestanding villages on Pine Island have been given one of three "future urban area" designations, with densities and total acreages summarized in the following table.

"Future Urban" designations on future land-use map	Residential density range	Actual acres in Greater Pine Island
Urban Community	1 DU/acre to 6 DU/acre	1350 acres
Suburban	1 DU/acre to 6 DU/acre	1427 acres
Outlying Suburban	1 DU/acre to 3 DU/acre	1557 acres

"Urban Community" areas can have considerable concentrations of commercial uses, and thus were assigned to Pine Island Center and Matlacha, the commercial centers for all of Greater Pine Island.



Pine Island Center, looking south

Photo courtesy of Mohsen Salehi & Bill Dubin

"Suburban" areas are allowed similar densities for residential development, but with fewer commercial uses. This designation has been assigned to most of Bokeelia and St. James City, and smaller areas around the Pink Citrus, Flamingo Bay, and Pinewood Cove mobile home parks.

Harris, Jr. Private Property Rights Protection Act. This act established a new standard for preventing overly strict regulations on land — any regulation that is determined to place an "inordinate burden" on a landowner may now require compensation, even though it isn't a "taking" of all property rights. This act does not mean that land-use regulations cannot be made stricter, even if they lower the market value of land; but as a practical matter it will mean closer scrutiny of strict regulations, especially their potential to "inordinately burden" landowners even if the court decides that a particular regulation is valid and in the overall public interest.

Whether a new regulation places an "inordinate burden" on a landowner will be determined by the courts on a case-by-case basis. It is clear that the *amount* that the market value of land is lowered after a regulation is imposed will be a very important factor in this decision.

On Pine Island today, there is little market demand for residential development at densities of 1 DU/acre. A single new subdivision has been created at this density (Island Acres just south of the water treatment plant), and it has experienced little building activity even though its lots surround an attractive lake. The actual real estate market for large tracts of Pine Island land has three major types of buyers:

- D. Intensive agriculture users, who are planting tropical fruits, ornamental palms, and some vegetables;
- E. Land speculators, who often anticipate selling at a profit to a developer who would build dwelling units around a golf course; and
- F. New players in this market are public agencies, at present primarily Lee County's "Conservation 2020" program which buys and preserves natural habitats.

These three types of buyers will establish the market value for large tracts on Pine Island in the absence of substantial demand for one-acre homesites.

The following sections consider five growth management techniques for Pine Island and two hybrid techniques. Any of these techniques could become part of the new comprehensive plan and its future land use map and would be implemented through subsequent changes to other county regulations. (Existing lots would presumably be "grandfathered in" even if they are now vacant.)

1. Conservation land purchases

Local citizens have a strong interest in preserving portions of the native landscape. In 1996, Lee County voters initiated the Conservation 2020 program and funded it with a half-mill property tax for seven years. In the past year Lee County has begun negotiating the purchase of several large Pine Island tracts for preservation under this program. The state of Florida also has a major land acquisition program; in fact they were equal partners with Lee County in purchasing a 103-acre preserve near St. James City in 1993 that provides a nesting habitat for bald eagles. The federal government is also increasing its role in environmental land acquisitions in southwest Florida.

Through their combined efforts, these programs could purchase major portions of Pine Island's upland habitats over the next ten years. At present, about 2,800 acres of undeveloped native upland habitat remains, excluding that found on fragmented subdivision parcels. Almost all of this habitat is located in Pine Island's "Rural" areas. Removing any or all of these tracts from the private land market would make their treatment under the comprehensive plan moot. This update to the comprehensive plan could help these agencies identify the most valuable native lands remaining on Pine Island and demonstrate a consensus of Pine Islanders that such purchases would be welcomed.

The positive features of this approach would be taking advantage of existing governmental priorities on habitat preservation and, as a fortunate byproduct, helping maintain the character of the rural portions of Pine Island and precluding residential dominant real estate form of the last two decades, country club communities surrounding golf courses, a development form that hardly matches the stated purpose of the "Rural" category.

The concept of clustering could, however, be modified to suit Pine Island conditions. For instance, clustering could be mandatory rather than voluntary, with fixed percentages of native habitats being retained within new developments. On very large tracts, houses might still be allowed around golf courses or fill-dirt lakes if the percentage of native habitat retained was fairly low, such as 30%. Higher percentages, such as 70%, would preclude recreational facilities such as golf courses that consume large amounts of land, and thus could preserve more of the natural landscape.

The best feature of a modified clustering approach could be preservation of native habitats without outright purchase. Lee County's considerable experience with clustered development and its flexible zoning categories can be used to accomplish this goal. Clustering is unlikely to trigger any claims under the Bert Harris Act, and would be prized by Pine Islanders (present and future) who place a high value on proximity to natural preserves.

Some negative features are that many tracts, especially those that have been farmed, have no native habitat remaining. Although habitat restoration is possible, it is more costly than preserving existing habitats. Also, protected habitats may end up being fragmented, which reduces their value to wildlife (compared to preservation purchases of entire large tracts).

4. Transferable development rights

The rights to develop a parcel of land can be permanently severed from that parcel and transferred to another parcel. This concept is called transferable development rights (TDR).

Lee County has had a TDR program for fifteen years. Wetlands

are allowed only 1 DU/20 acres, but wetland owners who agree *never* to develop not only can transfer those development rights, but they actually get to multiply their density by a factor of four; they are allowed to sell the wetland development rights at a ratio of 1 DU/5 acres of wetlands. The development rights can be used at certain other locations in Lee County. The market value of these development rights is set by the private market; Lee County is not involved in the actual sale, only in approving the "receiving" locations, which are planned urban areas on the mainland.

Lee County's first TDRs were created on Pine Island in the late 1980s. The undeveloped wetlands in the St. Jude Harbor subdivision were converted by the landowners into 436 TDR units. (In that single instance, the number of TDRs wasn't based on acreage, but rather on the number of lots that the landowner had been trying to sell from that property.) However, to date the landowners have only been able to sell about a fourth of these TDRs, at an average price of around \$3,000 each.

TDR programs tend to be popular with the public and with elected officials because of their inherent sense of fairness, and the seeming ability to avoid creating winners and losers in the land-use planning process. They are less popular with landowners, who often fear they will be unable to sell them. The reason is that TDRs are valuable to buyers only when development rights are a scarce commodity, typically when local governments have strict regulations on development. Lee County's regulations have never been very strict; consequently, TDRs have had only very limited success locally. (Some governments offer to buy and stockpile TDRs at some fixed price to create a minimum value for TDRs.)

A new TDR program for Pine Island would need to identify receiving locations other than those currently in use; otherwise the new TDRs would further flood the same market as the current TDR program and therefore be unsaleable or saleable two hybrid solutions offer more promise than any single technique. The first hybrid would create two new categories for the existing "Rural" lands:

- Disturbed lands, which have been farmed or otherwise cleared of native vegetation, or which have advanced infestation of exotic trees. On these lands, agriculture would be allowed and encouraged. Residential densities would be lowered to 1 DU/10 acres. Given the strong local evidence that lands suitable for agriculture are worth more than their development value, Bert Harris Act claims would be unlikely to succeed. A later increase in residential density could be provided for if cleared lands were restored to native habitats through planting of native pines and palmettos; on tracts with hundreds of acres, such habitat restoration might be combined with a golf course, all built on previously disturbed lands.
- <u>Undisturbed habitats</u>, such as native slash pine and palmetto habitats. Agriculture and golf courses would be prohibited here. Residential density might stay at present levels, but new regulations would require development areas to be clustered to protect a high percentage, perhaps 70%, of natural habitats. Future conservation purchases would also be focused on these lands.

The positive features of this first hybrid approach are that it would encourage continued agricultural use on already-disturbed lands while diminishing the potential for residential development on those lands in the future. It would prohibit the destruction of undisturbed habitats where they still exist, while offsetting any resulting diminution of land value by maintaining current density levels there. Any actual development on undisturbed habitats would disturb far less land than would occur today by allowing today's number of dwelling units to be placed on smaller lots. Public purchases of entire tracts for preservation would still be highly desirable and encouraged, but if those

purchases do not take place, this alternate plan would ensure far more preservation than current regulations.

Some negative features are the complexity of the classification process and the need to establish two new land-use categories in the comprehensive plan instead of one (or none). It will seem counterintuitive to many to allow higher densities on natural habitats than on disturbed lands (although this serves as an incentive *not* to clear native habitats). This approach might be seen as overly harsh by owners of large disturbed tracts whose expectations are for urban development rather than agriculture.

7. Hybrid technique #2

The second hybrid technique is similar to the first but would require only one new category for existing "Rural" lands. The new category would attempt to maintain most of the benefits of the first hybrid, but in this case using a sliding scale of density rewards to *encourage* (rather than *require*) conservation of undisturbed habitats.

For instance, a tract with undisturbed native habitats might maintain today's density of 1 DU/acre density if 70% of the undisturbed lands were preserved. Those dwelling units would be placed on the remaining 30% of the land, which would be possible by using lots that are smaller than today's one-acre standard. (Table 1 shows that the resulting developed area, including its streets and stormwater detention areas, would use about 1/3 acre per lot, similar to many existing single-family neighborhoods on Pine Island.) If *less than* 70% of the lands were preserved, the allowable density would decrease, as shown in the table. If no undisturbed lands were preserved, the residential density would drop to 1 DU/10 acres.

native habitats would not be prohibited, if landowners don't find the density rewards to be sufficiently valuable, the result might be the loss of remaining undisturbed lands on Pine Island.

Recommended option for rural lands

[to be decided]

ENVIRONMENTAL ISSUES

Water quality in canal system Stormwater runoff Seagrass beds Loss of biological diversity [to be written]

COMMUNITY DESIGN AND CHARACTER

Protecting Pine Island's trees
Historic districts
Commercial design guidelines
Subdivision edges [no walls etc.]
Pine Island – A vision for 2020
Jetski rentals
Communication towers
[to be written]

PLAN IMPLEMENTATION

County-initiated rezonings [others] [to be written]

SUMMARY OF RECOMMENDATIONS

Lee Plan text and map changes [to be written]

	1go Bay		869	1,330	461	
14	45	22	0	24	66 24	
15	45	22 22	26	92	5	
11 16	45 45	22	0	11 5	11	
10	45	22	490	492	2	
9	45	22	240	240	0	
2	45	22	0	2	2	
3	45	22	82	219	137	
4	45	22	31	245	214	
	o Bay se		-	4.15		
N	fatlacha :	subtotals:	651	1,032	306	
24	44	22	455	694	239	
23	44	22	24	40	16	
18	44	23	106	156	50	
13	44	22	= =	75		
14	44	22	66	67	1	
Tatlach	a sector:					
P,I	Center:	subtotals:	873	2,269	1,396	
34	44	22	0	22	22	
33	44	22	3	42	39	
32	44	22	2	2	0	
31	44	22	0	0	0	
27	44	22	0	6	6	
28	44	22	288	686	398	
29	44	22	0	10	10	

Section	Town ship	Range	Existing Dwelling Units	Total Platted Lots	Additional Units
Tropical	Homesi	ites sector	:		
21	45	22	0	0	0
22	45	22	26	68	42
23	45	22	233	645	412
24	45	22	0	0	.0
Tropical F	Iomesites	subtotals:	259	713	454
St. Jame	s City se	ector:			
28	45	22	0	0	0
27	45	22	1	5	4
26	45	22	12	58	46
25 45 22		0	0	0	
33 45 22		1	1	0	
34	45	22	11	111	100
35 45 22		323	859	536	
36	45	22	0	0	0
3	46	22	0	0 3	
2	46	22	1,163	1,877	714
1	46	22	194	299	105
10	46	22	0	0	0
St. James City subtotals:			1,705	3,213	1,508
Greater	Pine Isla	nd totals:	5,593	12,314	6,646

From:

Bill Spikowski <bill@spikowski.com>

To:

Brandy Ambrose < AMBROSBL@leegov.com>

Date:

2/12/01 6:00PM

Subject:

Re: Greater Pine Island Community Plan Update

Brandy Ambrose wrote:

>

- > Staff has heard that the plan amendment will not
- > be completed in this amendment cycle (00/01), but
- > will be completed for the next cycle (01/02).

>

- > If this is in fact true would it be possible for
- > the planning division to be notified in writing.
- > This would allow staff to add the amendment to
- > this month's LPA agenda as an item to be continued.

>

- > We will be putting together our ad and agenda over
- > the next few days. Thanks for your help.

>

- > Brandy Ambrose
- > Planner DCD
- > ambrosbl@leegov.com
- > Phone: 941-479-8316
- > FAX: 941-479-8319

Brandy, you are correct that the community plan update for Greater Pine Island will not be ready for consideration during the current amendment cycle (00/01).

Please request that the LPA continue this amendment for consideration in the next cycle (01/02). Thank you.

Bill Spikowski Spikowski Planning Associates 1617 Hendry Street, Suite 416 Fort Myers, Florida 33901 941-334-8866 phone 941-334-8878 fax http://www.spikowski.com

CC:

Barbara Dubin <babil@worldnet.att.net>



FILE COPY

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes District One

December 5, 2000

Douglas R. St. Cerny District Two

Ray Judah

Beth Frost, Senior Management Analyst I Florida Department of Community Affairs

Andrew W. Coy District Four Division of Community Planning 2555 Shumard Oak Boulevard

John E. Albion District Five Tallahassee, FL 32399-2100

Donald D. Stilwell County Manager

Re: Technical Assistance Grants for the Pine Island Community

James G. Yaeger County Attorney

Dear Ms. Frost:

Diana M. Parker County Hearing Examiner

Thank you for your notification of the awarded grant. Citizen volunteers have been working on updating the Lee Plan, the Lee County Comprehensive Plan, for the Greater Pine Island area since last year and have found a need for more detailed land use planning addressing issues such as growth, safety and future land use. Attached is a list providing you with the necessary information for accessing the funds outlined in your correspondence dated September 28, 2000.

If you have any questions, or if I can be of further assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,

DEPT. OF COMMUNITY DEVELOPMENT Division of Planning

Paul O'Connor, AICP

Pal Ocon

Director

cc: Bob Cambric, Growth Management Administrator

Scope of Work

- Review future land uses under current zoning, the current future land use map, and issued development orders in the Greater Pine Island area.
- Review the existing transportation and hurricane evacuation data for the area.
- Review the Calusa Land Trust's environmental inventory, and analyze the effects of distinguishing between native uplands and disturbed uplands on the future land use map.
- Analyze the possibility of a new "Coastal Rural" land use designation providing maximums for residential density, recreational uses, commercial uses and agricultural uses.
- Analyze the possibility of a new "Rate of Growth" provision specifically for the Greater Pine Island Area.
- Analyze strengthening existing policies concerning traffic on Pine Island Road, primarily through the Matlacha community.
- Evaluate down planning some of the "Outlying Suburban" future land use designations.
- Analyze additional limitations on commercial development orders in the Greater Pine Island area.
- Assess stronger tree protection provisions.
- Analyze the possibility of clustering on Greater Pine Island Area lands.
- Consider transferable development rights.
- Evaluate minor Future Land Use Map boundary adjustments.
- Consider county initiated rezonings in the area.

Deliverables and Timetable for the Scope of Work

Outreach by Greater Pine Island Civic Association to other Pine Island organizations	Beginning late 1999
Seven subcommittees formed and begin to meet (legal, land use, traffic, environment, Matlacha/historic, grants, ambassadors)	January 2000
Monthly steering committee meeting	First Tuesday of month
Initial "Coastal Rural" draft circulated by land-use subcommittee	April 2000
Public presentation on agricultural issues (by Lee Co. Extension agent)	May 2000
First draft of environment report (from environment subcommittee)	June 2000
First draft of land use text circulated to land use subcommittee	July 2000
Preliminary land use presentation to land use subcommittee	August 2000
First draft of land use maps presented to land use subcommittee	September 2000
Initial transportation presentation to land use subcommittee	September 2000
Follow up land use presentation to land use subcommittee	September 2000
First draft of transportation text circulated to subcommittees	December 2000
Preliminary land use text and transportation draft circulated to public	January 2001
First public meeting to respond to land use and transportation draft	February 2001
Second public meeting to respond to land use and transportation revisions	March or April 2001
Advanced draft of completed plan circulated to public	July 2001
Third public meeting to respond to complete draft of plan	July or August 2001
Submit completed plan and proposed amendments to Lee County	September 2001
Submit documents to DCA (in accordance with grant conditions)	November 1, 2001
Public hearing before Lee County Local Planning Agency to consider proposed plan amendments	November or December 2001
First public hearing before Lee County Commission to consider proposed plan amendments	January or February 2002
Respond to DCA's ORC report with revisions as needed	2002
Final public hearing to adopt plan amendments	2002

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number

(941)479-8570

John E. Manning District One

August 25, 2000

Douglas R. St. Cerny

Mr. R. Max Burge 501 South Park Boulevard Venice, FL 34285

Ray Judah District Three

District Two

Andrew W. Coy District Four

John E. Albion District Five

Donald D. Stilwell County Manager

James G. Yaeger County Attorney

Diana M. Parker County Hearing Examiner

Airstrip Expansion Project, Pine Island, Florida: RE:

DSO Informal #PRE2000-00191 STRAP#09-44-22-00-00017-0030

Dear Mr. Burge:

As a follow up from yesterday's informal meeting to discuss your proposed project, I have further researched the issue of private aircraft landing strips and ancillary uses and structures. As was stated vesterday, your project at first glance appears to be a private airstrip. However, after discussing the matter further with staff and reviewing Section 34-1231 of the Land Development Code, it is our opinion that the scope of your project goes beyond the intent of the ordinance. Therefore, due to the size and scope of the hangars proposed for the site, and the inferred increase in use of the strip beyond the intent of the ordinance, it has been determined that a Special Exception must be requested and approved prior to proceeding with site development review.

The intent of the private air strip was to serve an immediate residential use. Section 34-1231 states that privately owned hangars on individual lots adjacent to existing aircraft landing strips must comply with setback regulations for accessory structures and that no hangars may be constructed prior to construction of a principal structure on the lot. Based on the discussion of yesterday, it appears that you are proposing a commercial air strip with a more intense use than was anticipated when originally approved.

The impact of your proposed improvements to the subject site will undoubtedly impact the adjacent properties more so than the present use of the property. Therefore, it has been determined that a public hearing with proper notice to adjacent property owners is warranted.

At such time that you are prepared to proceed with your request, an application for Special Exception may be obtained at our building located at 1500 Monroe Street on the first floor. Please contact me should you have any questions or require further assistance.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Services Division

Jeffrey R. Jenkins, AICP

Senior Planner

Mary Gibbs, Director, Community Development Department Walter McCarthy, Director, Development Services Division Paul O'Connor, Director, Planning Division

S:\CASES\200008\PRE20000.019\1\LETTERFO.WPD

MATT

SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416 Fort Myers, Florida 33901-2947

telephone; (941) 334-8866

fax: (941) 334-8878

e-mail: bill@spikowski.com web site: www.spikowski.com

June 14, 2000

Greater Pine Island Civic Association c/o Barbara Dubin 16185 Bowline Street Bokeelia, Florida 33922



Dear Barbara:

I am following up on my suggestions to the Civic Association on June 6. That evening I passed out an outline of the various ways that I could help the association pull together a first-rate comprehensive plan (see attached copy).

I cannot start the first and second items on the outline until you and Mohsen Salehi complete your current projects. The fourth item, however, is tremendously important and may be the hardest upon which to develop a consensus. Therefore I have drafted a preliminary analysis of the "big-picture" alternatives for the future land-use map, which I am forwarding to you with this letter.

Please circulate this analysis for consideration and debate by your committees. In its final form, this analysis would become one of the most important parts of our comprehensive plan. At this point, it should be an internal document whose purpose is to stimulate a discussion among Pine Islanders.

Sincerely,

Bill Spikowski

- 1. Review the future land-use inventory that the Dubins are working on:
 - a. Predict how many more homes can be built under current zoning and development orders;
 - b. Predict how many more homes on the remainder of our land (with or without new zoning?); and
 - Summarize the results of this work in convincing tables to justify corrective measures we may be proposing.
- Review the transportation work being done by Mohsen Salehi and also the latest hurricane evacuation data; then draft new Lee Plan policies regarding traffic through Matlacha (update of 810-910 rule in Policy 14.2.2)
- Study the Lee Plan's Future Land Use Map (FLUM) and determine where minor boundary adjustments on Pine Island might be warranted.
- 4. Evaluate bigger-picture alternatives for FLUM:
 - a. New "coastal-rural" category? Should it disallow golf courses? Respond how to agriculture?
 - b. Should the density levels of any existing categories be adjusted?
 - c. Review the Calusa Land Trust's environmental inventory and consider the rationales and effects of distinguishing between native uplands and disturbed uplands on the FLUM.
- 5. Evaluate other recommendations from committees:
 - a. County-initiated rezonings (especially the excess of commercial land)
 - b. Various recommendations of environment subcommittee
 - c. Transfer-of-development-rights (TDR) proposals to off-island locations
 - d. Rate-of-growth proposal (from Phil Buchanan)
 - e. Better tree-protection regulations
 - f. Neighborhoods to be buffered by vegetation instead of perimeter walls?
 - g. etc.
- 6. Summarize the results of our work in a brief report to Lee County:
 - a. Summary of current conditions
 - b. Identify factors that limit growth on large coastal islands
 - c. Discuss problems with unchecked growth (even with no further expansion in zoning)
 - d. Summarize transportation data from Mohsen Salehi
 - e. Evaluate the various measures that might respond to our situation
 - f. Close with our recommended changes to Lee Plan policies and FLUM (also include a short "vision statement" (200–250 words) to go into the opening chapter of the Lee Plan).

THE CHARACTER OF PINE ISLAND'S COMMUNITIES

The essential character of Pine Island has always been the contrast among its three key parts. Surrounded by harbors and bays of unparalled beauty, Pine Islanders live in a series of low-key "villages" that are separated by rural land. With dense mangrove forests creating barriers between most land and the water, the seven residential villages have formed in the locations with best access to the water (Bokeelia, Pineland, Matlacha, Flamingo Bay, Tropical Homesites/Manatee Bay, and St. James City). Only the "town center" at Pine Island Center is built away from the water, in favor of the only crossroads location on Pine Island. Between these villages there has always been the sharp contrast of rural lands, dominated by slash pine/palmetto habitats and some farming operations.

Pine Island has almost no beaches, few city services, and limited employment and shopping — yet it remains a highly desirable and relatively low-cost alternative to the formless "new communities" that have obliterated the natural landscape throughout coastal Florida

The current Pine Island plan has been successful in maintaining the distinct villages by defining their boundaries on a future land-use map. Outside those boundaries, land has been designated in a "Rural" category, where residential development is limited to one dwelling unit per acre (1 DU/acre). But over the past ten years, much of the "Rural" land between the villages has been rapidly converted to farmland, a trend that is continuing even today. This conversion has destroyed __% of the remaining pine-and-palmetto habitat during the past decade, a period in which farming has been the most popular and economic use of rural land on Pine Island.

This increase in farmland is sometimes seen as preferable to more residential subdivisions, which cannot be supported by Pine Island's limited road connections to the mainland. However, farmland can be converted to residential land very easily; the current comprehensive plan actually seems to encourage this by allowing residential development on one-acre lots without rezoning even on active farmland. Most planning professionals agree that one-acre lots are too small to maintain the countryside and too large to create villages; yet that is the predominant residential density on Pine Island today.

THE LEGAL OUTLOOK

Pine Islanders need to carefully consider alternative growth-management techniques to replace the 1 DU/acre "Rural" category on Pine Island. Many techniques have already been suggested by the public during this planning process. While considering the alternatives, an awareness of the current regulatory climate is important.

Regulations that are so strict as to essentially "take away" all rights to private property rights are illegal; such "takings" must be fully compensated to the landowner, an enormously expensive undertaking.

In addition, in 1995 the Florida legislature passed the Bert J. Harris, Jr. Private Property Rights Protection Act. This act established a new standard for preventing overly strict regulations on land — any regulation that is determined to place an "inordinate burden" on a landowner may now require compensation, even though it isn't a "taking" of all property rights. This act does not mean that land-use regulations cannot be made stricter, even it they lower the market value of land; but as a practical matter it will mean closer scrutiny of strict regulations, especially their potential to "inordinately burden" landowners even if the court decides that a particular regulation is valid and in the overall public interest.

Whether a new regulation places an "inordinate burden" on a landowner will be determined by the courts on a case-by-case basis. It is clear that the *amount* that the market value of land is lowered after a regulation is imposed will be a very important factor in this decision.

On Pine Island today, there is little market demand for residential development at densities of 1 DU/acre. A single new subdivision has been created at this density (Island Acres just south of the new water plant), and it has experienced little building activity even though its lots surround an attractive lake. The actual real estate market for large tracts of Pine Island land has been dominated by intensive agriculture users who are planting ornamental palms and tropical fruits (plus some row crops). Competing with agricultural uses have been land speculators, who often anticipate selling at a profit to a developer who would build dwelling units around a golf course. New players in this market are public agencies, at present primarily Lee County's "Conservation 2020" program which buys and preserves natural habitats. These three types of purchasers will establish the market value for large tracts on Pine Island in the absence of substantial demand for one-acre homesites.

The following sections consider five growth-management techniques for Pine Island and a sixth hybrid technique.

1. CONSERVATION LAND PURCHASES

Local citizens have a strong interest in preserving portions of the native landscape. In 1996, Lee County voters initiated the Conservation 2020 program and funded it with a half-mill property tax for seven years. In the past year Lee County has targeted a number of large Pine Island tracts for purchase and preservation under this program. The state of Florida also has a major land acquisition program; in fact they were equal partners with Lee County in purchasing a 103-acre preserve near St. James City in 1993 that provides a nesting habitat for bald eagles. The federal government is also increasing its role in environmental land acquisitions in southwest Florida.

Through their combined efforts, these programs could purchase major portions of Pine Island's upland habitats over the next ten years. Removing these tracts from the private land market would make their treatment under the comprehensive plan moot. This update to the comprehensive plan could help these agencies identify the most valuable native lands remaining on Pine Island and demonstrate a consensus of Pine Islanders that such purchases would be welcomed.

The positive features of this approach would be taking advantage of existing governmental priorities on habitat preservation and, as a fortunate byproduct, helping maintain the character of the rural portions of Pine Island. Extensive research on the physical characteristics of large tracts has been carried out recently by the non-profit Calusa Land Trust; that data could be used to help guide this effort. There would be no negative effects on large landowners because these acquisitions have historically been voluntary transactions with willing sellers.

Some negative features are the reliance on outside agencies that might decide to spend their acquisition funds outside Pine Island, or that might not complete their Pine Island purchases until such time as many natural habitats have been cleared for farming or have become overrun by invasive exotic vegetation.

2. LOWER RURAL DENSITIES

An obvious alternative to the current "Rural" designation on Pine Island is to simply lower its allowable density for residential development, to either 1 DU/10 acres or 1 DU/5 acres. There is ample local precedent for this action; in 1990, Lee County made the same change on about 20% of the county's land mass. The county reclassified most land east of I-75 and south of State Road 82 (Immokalee Road) to a new "Density Reduction/Groundwater Resource" category, where density is limited to 1 DU/10 acres. After years of litigation, about 20 square miles of land north of Cape Coral was lowered to a density of 1 DU/5 acres.

In both cases the density reductions were made by the county to resolve a legal challenge by the state land planning agency against Lee County's comprehensive plan. Although much of the motive for the reduction was to prevent further urban sprawl, in those cases the lands were selected based on proximity to shallow underground water resources which can become contaminated by urban development. Land values did not plummet after the reduction, as many landowners had claimed they would. Values were maintained because there were other viable purchasers for this land, including fill-dirt and limerock mines; the citrus and tomato industry; government purchases of wildlife habitat and environmentally sensitive lands; and land speculators who anticipate fewer restrictions at some point in the future.

Although there are no comparable groundwater-resource issues on Pine Island, there is an obvious public purpose to reducing densities that cannot be supported by adequate infrastructure (in Pine Island's case, limited road access to the mainland). This distinction would be made by naming this new land-use designation "Coastal Rural."

The positive features of this density-reduction approach are its simplicity and the local experience with this obvious method of controlling urban development where it does not belong.

An important negative feature is that it wouldn't do anything to interfere with further habitat destruction that occurs when native lands are converted to agriculture. Also, it might be seen as overly harsh by large landowners, who also might characterize it as an unfair attempt to lower their land values to benefit future conservation purchasers of large tracts.

3. CLUSTERING OF DEVELOPMENT

Under current regulations, "Rural" lands are limited to 1 DU/acre, but there is no prohibition on requesting a rezoning that would allow the same number of dwelling units arranged differently, for instance with houses "clustered" on smaller lots surrounding a golf course. Such arrangements are voluntary on the part of the landowner and subject to approval through the formal rezoning process.

Clustering as currently practiced rarely preserves significant native habitats. In fact it is an inducement to develop the predominant real estate form of the last two decades, country club communities surrounding golf courses, a development form that hardly matches the stated purpose of the "Rural" designation on land.

The concept of clustering could, however, be modified to suit Pine Island conditions. For instance, clustering could be mandatory rather than voluntary, with fixed percentages of native habitats being retained within new developments. On very large tracts, houses might

still be allowed around golf courses or fill-dirt lakes if the native habitat percentages were fairly low, such as 30% or 40%. Higher percentages would preclude recreational facilities such as golf courses that require large amounts of land, and thus could preserve more of the natural landscape.

The best feature of a modified clustering approach would be preservation of native habitats without outright purchase; Lee County's considerable experience with clustered development and its flexible zoning categories can be used to accomplish this goal. Clustering is unlikely to cause any challenges under the Bert Harris Act and might be popular with Pine Islanders (present and future), who place a high value on proximity to natural preserves.

Some negative features are that many tracts, especially those that have been farmed, have no native habits remaining; although habitat restoration is possible, it is far more costly than maintaining existing habitats. Also, protected habitats would tend to be fragmented, which reduces their value to wildlife (compared to preservation purchases of entire large tracts).

4. TRANSFERABLE DEVELOPMENT RIGHTS

The rights to develop a parcel of land can actually be permanently severed from that parcel and transferred to another parcel. This concept is called transferable development rights (TDR).

Lee County has had a TDR program for fifteen years. Wetlands can only have one home on 20 acres, but wetland owners who agree *never* to develop not only can transfer those development rights, but they actually get to multiply their density by a factor of four; they are allowed to sell the wetland development rights at a ratio of 1 DU/5 acres of wetlands. The development rights can be used at certain other locations in Lee County. The market value of these development rights is set by the private market; Lee County is not involved in the actual sale, only in approving the "receiving" locations, which are planned urban areas on the mainland.

Lee County's first TDRs were created on Pine Island in the late 1980s. The unfilled wetlands in the St. Jude Harbor subdivision were converted by the landowners into 436 TDR units. (In that single instance, the number of TDRs wasn't based on acreage, but rather on the number of lots that the landowner had been trying to sell from that property.) However, to date the landowners have only been able to sell about a fourth of these TDRs, at an average price of around \$3,000 each.

TDR programs tend to be popular with the public and with elected officials because of their inherent sense of fairness, and the seeming ability to avoid creating winners and losers in the land-use planning process. They are less popular with landowners who often fear they will be unable to sell them. The reason is that TDRs are valuable to buyers only when development rights are a scarce commodity, typically when local governments have strict regulations on development. Lee County's regulations have never been very strict; consequently, TDRs have had only very limited success locally. (Some governments offer to buy and stockpile TDRs at some fixed price to create a minimum value for TDRs.)

A new TDR program for Pine Island would need to identify receiving locations other than those currently in use; otherwise the new TDRs would further flood the same market as the current TDR program and therefore be relatively unsaleable, or saleable only at relatively low prices. TDRs would be quite valuable if they could be used to allow greater development on the barrier islands, but all of Lee County's islands suffer the same transportation constraints as Pine Island. TDRs would also be valuable in the areas where Lee County has restricted density levels to 1 DU/10 acres, but again those restrictions were placed for a purpose and it would be difficult to justify swapping unwanted development rights to another unsuitable location.

The most promising concept to make TDRs work on Pine Island would be to allow the new TDRs to be used in the existing villages on Pine Island. This approach would reinforce the current separation of urban and rural uses on Pine Island and would avoid competition with the existing TDR program, while not burdening any other part of Lee County with solving a Pine Island problem.

5. RATE-OF-GROWTH ORDINANCE

Some communities establish a cap on the number of residential building permits that can be issued in each quarter or each year. A similar cap of commercial permits could be established so that commercial development does not outpace residential growth.

A side benefit of this approach in some communities is to allow a comparison of the quality of development applications and approve only those that best comply with community standards. On Pine Island, objective criteria could be established to measure the impact on the Pine Island environment, on hurricane evacuation plans, on availability of utilities and supporting infrastructure, and overall conformance with the goals of the comprehensive plan. Permits could be issued at the end of each quarter to the highest scoring applicants until the quota for that quarter, perhaps 25 dwelling units, has been used up.

Rate-of-growth ordinances are usually established during periods of runaway growth to allow the government time to provide the needed roads and utilities.

The city of Sanibel adopted a rate-of-growth ordinance in the late 1970s. It was imposed through a citizen referendum during a period of very high growth shortly after the city's incorporation, with a limitation on building permits of 180 dwelling units per year. Every four months, all permit applications were compared and up to 60 were issued. Preference was given to below-market-rate housing, single-family homes, and smaller condominium buildings. A "grading" scheme was used to reward quality development proposals, although this had only mixed results. The Sanibel ordinance was repealed when permit requests fell below the cap for several years in a row.

On a practical level, a positive feature of this approach for Pine Island is that it isn't really essential right now. Growth rates have been relatively slow during the past decade, so an annual cap that is suitable for the long term would probably be painless in the beginning, allowing refinement of the criteria before they result in denial of applications.

Negative features are that this approach might be more difficult to defend in the absence of a runaway growth crisis and in the absence of specific infrastructure shortfalls that Lee County is in the process of correcting. Rate-of-growth ordinances are usually controversial and difficult to administer, and cause delays in the processing of even routine building permits. They tend to spur speculative building and can discourage individual lot owners who wish to build a home for themselves. Perhaps the biggest negative is that, in the

absence of the other approaches suggested above, an annual growth cap would lead Pine Island to the same place as the current system, with only the arrival time changed.

6. A HYBRID TECHNIQUE

These five techniques need not be applied in isolation. In fact, this analysis has led me to propose the following hybrid for Pine Islanders to consider. In this scenario, the existing "Rural" lands would be divided into two major categories:

- <u>Disturbed lands</u>, which have been farmed or otherwise cleared of native vegetation, or which have advanced infestation of exotic trees. On these lands, agriculture would be allowed and encouraged. Residential densities would be lowered to 1 DU/10 acres. Given the strong local evidence that lands suitable for agriculture are worth more than their development value, Bert Harris Act claims would be unlikely to succeed. A later increase in residential density could be made if cleared lands were restored to native habitats through planting of native pines and palmettos; on extremely large tracts, such habitat restoration might be combined with a golf course, all built on disturbed lands.
- Undisturbed habitats, such as native slash pine and palmetto habitats. Agriculture and golf courses would be discouraged or prohibited here. Residential density might stay at present levels, but new regulations would require development areas to be clustered to protect a high percentage, perhaps 75% or more, of natural habitats. Future conservation purchases would also be focused on these lands.

The positive features of this hybrid approach are that it would encourage continued agricultural use on already-disturbed lands while diminishing the potential for residential development on those lands in the future. At the same time it would ensure that any residential development on undisturbed habitats would protect a substantial portion of that habitat. Public purchases of entire tracts for preservation would still be highly desirable and encouraged, but if those purchases do not take place, this alternate plan would ensure far more preservation than current regulations.

Some negative features are the complexity of the classification process and the need to establish two new land-use designations in the comprehensive plan instead of one (or none). It will seem counterintuitive to many to allow higher densities on natural habitats than on disturbed lands (although it would serve as an incentive *not* to clear native habitats). This approach might be seen as overly harsh by owners of large disturbed tracts whose expectations are for urban development rather than agriculture.

Any of the new concepts described above would become part of the new comprehensive plan and its future land use map, and would be implemented through subsequent changes to other county regulations. Existing lots would be "grandfathered in."

THE NEXT STEP

A next step in the Pine Island planning process is to circulate this document to those who have agreed to serve on planning committees. Additional techniques might be recommended for consideration in a later version of this document, or other advantages and disadvantages of these techniques might be identified. New hybrids of these techniques might be proposed. The discussion over these alternatives will be an important part of developing a consensus on the best approach(es) to be recommended to the Lee County Commission.





CEE COUNTY RECENTED COMMITSO AN 8: 25

FUB TIMES CHIR.

Fax: (352) 392-7188 Fax: (352) 392-3698

E-mail: bilmarq@flmnh.ufl.edu

Florida Museum of Natural History William H. Marquardt, Curator in Archaeology

106 Dickinson Hall PO Box 117800 Gainesville, FL 32611-7800 USA

May 24, 2000

The Honorable John Albion, Chair Board of County Commissioners Lee County PO Box 398 Fort Myers Florida 33902-0398

Dear Commissioner Albion:

I want to provide a brief update on our progress at the Randell Research Center at Pineland, and to ask that the County retain and consider adjusting upward if necessary, budget line items for purchase of property for an off-site parking area for use by the Randell Research Center.

The Florida Museum of Natural History is committed to establishing the Randell Research Center at Pineland. The Center is named in honor of Donald and Patricia Randell, who gave 53 acres of the Pineland Site Complex so that a center for Florida heritage and environmental education could be established there. The Center's programs in environmental and heritage education are already serving school children, university students, and both the resident and touring public, though on a limited basis. The Randell Center will open regularly to the public as soon as we have raised enough funds to hire a permanent site director and property manager.

Phase I development is already underway. Work accomplished includes ensuring public safety, assessing resources, and removal of exotic and invasive vegetation. Weekly educational tours are given Saturday mornings at the site at the present time, and an archaeological field school is being offered for Florida Gulf Coast University students. A teaching pavilion, public restrooms, a parking area, and the first phase of a walking trail with interpretive signage will be constructed within the next 15 months, paid for by private funds of \$141,000 matched by \$141,000 in State funds.

Phase II (within 10 years) calls for development of a visitor center, additional exhibits, and expanded public programs, including renewed archaeological excavations and learning partnerships with museums, nature centers, and Florida Gulf Coast University.

As part of our long-term planning, we envision an off-site parking area where visitors would park, perhaps view some interpretive exhibits about local environment and history, and then take a shuttle bus to the Pineland site. This would diminish the amount of vehicular traffic coming to and from the site, yet provide easy access for tourists interested in heritage and ecotourism, and would even provide some interpretation for those who did not have time to visit the site or take a tour. We asked Lee County to help our efforts by budgeting for purchase of property to serve this off-site parking function, and the County responded favorably by placing a line items of \$7,500 (1999-2000) and \$75,000 (2000-2001) earmarked for this purpose in its budget.

I am writing to request that the County retain these budgeted items and carry them over into next year's budget. Although we are not yet ready to site the parking lot, we will be ready within 1 to 2 years. Mr. Jim Lavender of the Department of Construction Services informed me that the County Commission reviews the budget annually about this time, and advised me to write to you. I want to assure you that the Randell Research Center at Pineland is a viable project and that the need for the budget items is current. County investment in the property will help us in the development of tourism possibilities in the Pineland area while not increasing traffic to the Pineland community. We are very grateful for the County's partnership with the Florida Museum of Natural History's Randell Research Center in helping to provide entertaining and valuable learning experiences for Lee County citizens and visitors.

Thank you for your consideration.

Sincerely,

William H. Marquardt, Ph.D. Curator in Archaeology

cc: Elaine McLaughlin (Executive Director, Lee Island Coast Visitor and Convention Bureau)
Jim Lavender (Director, Lee County Division of Planning and Construction)

Proposal to Preserve Pine Island Farms and Help Prevent Unplanned Development

Background

The selling price of Pine Island uplands, particularly farmlands, has been increasing at an alarming pace. This indicates that speculators are buying Pine Island farmlands with a view as to later development. Florida and Lee County promote the preservation of farms by tax exemptions for actively farmed lands, a policy with great merit. However, these exemptions are subject to abuse by long-term speculators who use the exemption to bide time and avoid taxes until market conditions favor additional housing or commercial development. The Lee County Land Use Plan, Pine Island Section (now under revision), permits the construction of one dwelling unit per acre on both agricultural and non-agricultural rural parcels, so the would-be developers feel confident that intensive development would be legally permissible "when the right moment arrives."

Pine Island farmers, primarily palm and tropical fruit growers, have in the last few decades become a mainstay of the Pine Island economy. They live and work on the farms they own, and they share with the rest of Pine Islanders a tremendous appreciation for our coastal rural subtropical way of life. They tend to be solid citizens with a vested interest in the preservation of Pine Island.

The Calusa Land Trust has very active programs for the preservation of environmentally sensitive habitats on and around Pine Island. The Greater Pine Island Civic Association is very active in responsible land use and growth management on Pine Island. Neither, however, has addressed the issue of farmlands being replaced by large or piecemeal developments.

Proposal

I propose that the Calusa Land Trust establish a program to promote Pine Island Farmland Conservation Easements, a program which should be run separate and distinct from the Trust environmental programs. Under this program, the Trust would accept donated farmland conservation easements from willing Pine Island farmers. The farmers would agree to surrender all development rights on their property. The Trust, in turn, would agree to enforce those restrictions in perpetuity against that owner and all future owners of the property. The farmer would be entitled to an income tax deduction for the fair market value of the development rights the farmer surrendered to the Calusa Land Trust (the Trust is an IRS Section 501(c)(3) charitable organization). The value of the deduction would be the appraised market value of the property before the easement minus the appraised market value after the easement. In many cases, the deduction would be substantial and could be used to

significantly reduce or eliminate income taxes for up to five years. It is thus expected that this program would be of very substantial benefit and interest to Pine Island farmers.

Because the Calusa Land Trust would be assuming a potentially large financial obligation in enforcing the terms of the easement in perpetuity, a flat fee of \$3,000 would be charged to each farmer who participates in the program. The fee in its entirety would go into a special account which would be drawn upon solely to enforce Pine Island area farmland conservation easements (in effect, a revolving self-insurance fund), The mere existence of such a fund to support enforcement action is usually sufficient to dissuade potential violators. Donations to the enforcement account over and above the \$3,000 flat fee would be solicited in large transactions, and the fee could be waived in special circumstances (such as hardship of the donor). The \$3,000 flat fee will also serve to dissuade hobby farmers and backyard gardeners (who would not qualify for the deduction under IRS regulations) from attempting to abuse the program.

To support this program, and to dissuade the piecemeal development of Pine Island areas now being farmed, the Greater Pine Island Civic Association could also consider revising some portions of the Pine Island section of the Lee County Land Use Plan. Changing the rural category from one dwelling unit per acre to one dwelling unit per ten acres or even twenty acres would help considerably to promote this program (of course, all present and future lotowners would continue to be grandfathered in their right to built a single family residence on their lot regardless of acreage, so long as minimum setbacks were observed—the restriction would apply only to subdivisions and developments). Clustering of housing units and minimum green spaces could also be required. These actions are not essential to the success of the proposal, but would greatly complement the program. The Calusa Land Trust by policy defers on regulatory issues to our local civic associations and governments, and thus offers the foregoing comments solely for their discretionary review.

Discussion

The United States Internal Revenue Code, Section 170(h)(4)(A) sets forth the criteria for a federal income tax deduction for a conservation easement. Deductions are allowed for five categories. Category two, which is "relatively natural habitat", is the category relied upon by the Calusa Land Trust in all conservation easements to date; however, in my view, actively farmed cropland cannot qualify as "natural habitat". Categories one, which is "land areas for outdoor recreation by, or the education of, the general public", and two, which is "historically important land area or certified historic structure" are likewise not normally here pertinent. Category three, which is "open space......for the scenic enjoyment of the general public" can arguably be applied, but requires something of a stretch for palm plantations and tropical row crops in remote parts of Pine

Island. The forth, and sole remaining category, is "the preservation of open space (including farmland and forest land) where such preservation is.....pursuant to a clearly delineated Federal, State, or local governmental conservation policy".

The fourth category, in my view, fully applies to farmlands on Pine Island, including palm plantations, tropical or subtropical row crops, conventional truck crops, and cattle grazing. To meet the criteria, one has to point to "clearly delineated" governmental policies. There are many Federal Government farm support programs--how many of them apply directly to Pine Island farms in not within the expertise of this author; however, it is very easy to point to Florida and Lee County programs which specifically and favorably apply to Pine Island farmers. Most directly on point is Florida Statutes, Chapter 704, which establishes the state criteria for easements. Section 704.06, which authorizes conservation easements, specifically lists agricultural areas as property suitable for protection by a conservation easement. The statute goes on to authorize charitable conservation corporations or trusts such as the Calusa Land Trust to acquire such easements for, among other purposes, assuring "availability for agricultural use." Florida Statures, Section 193.461 provides a special class of property for agricultural lands and sets forth special privileges for farmers as regards assessments for tax purposes. United States Treasury Regulation 1.170A-14(d)(4)(iii)(A) lists "preferential tax assessment" as constituting "a significant commitment by the government" indicating "clearly delineated government policy". The Treasury Regulation completes the logic circle, and thus in Florida, farmlands clearly qualify for conservation easement income tax deductions. Other Florida State programs undoubtedly also apply, as do Lee County programs such as preferential tax assessments, but further enumeration of them is not necessary to the analysis.

The Articles of Incorporation of the Calusa Land Trust do not specifically refer to conservation of farmlands, as it does in the instances of environmentally sensitive, archeological, and historical lands. The articles do however contain very broad language which easily covers farmland conservation, to include the authority "to own and hold real and personal property for the use and benefit of the general public", and "to perform all other matters and acts authorized pursuant to the laws of the State of Florida for corporations not for profit". The Trust Bylaws refer to the purpose of the organization as "to conserve the natural resources of this area", which would of course include farmlands. In any event, the charter of the Calusa Land Trust should be interpreted to include those authorities granted to charitable conservation land trusts by the Florida State Statues, which as noted above, include farmland conservation easements.

Actions Required

Informal review, comments, and revisions of this proposal by officers and members of the Calusa Land Trust, Greater Pine Island Civic Association Land Use Committee, Pine Island farmers, Lee County Planning Division, Lee Soil and Water Conservation District, Southwest Florida Regional Planning Council, and other interested parties.

Formal approval by the Calusa Land Trust Board of Directors.

Referral of suggested complementary revisions of the Pine Island Section of the Lee Land Use Plan to the Greater Pine Island Civic Association Land Use Committee for such action as they deem appropriate.

Drafted by Phil Buchanan, Chair, Acquisition Committee, Calusa Land Trust, 283-4067, email coolcherokee@hotmail.com

SETTING THE COURSE:	Strongly Agree	Neutral	Disagree	Strongly Disagree	COMMENTS
Even with <i>no</i> additional development, Pine Island exceeds regional standards for the time needed to evacuate when a hurricane approaches. Planned road improvements through Cape Coral should help in the short run, but those gains will probably be overcome as that city grows to its planned population of 350,000 people. Lee County should pursue all possible measures to improve evacuation times and must avoid unnecessary rezonings and other development approvals that would exacerbate this situation.					
Lee County made a sound decision in 1989 to slow development on Pine Island as the capacity of Pine Island Road is reached. This system must be maintained because no practical method of increasing road capacity has been identified. The specific regulations that govern this slowing should be clarified so that small-scale infill development isn't prohibited, while ensuring that additional large-scale development rights are not granted where there is no ability to provide basic services such as minimal evacuation capabilities.					
The culture of community-making demonstrated by Pine Island's pioneers should be continued by enhancing its seven freestanding communities and keeping them from sprawling into rural areas. Pine Island's rural areas should be placed into a new Coastal Rural category on the future land use map. This category would have a sliding density scale that would reward landowners who preserve native upland habitats, but would not prevent them from pursuing agriculture or creating standard ten-acre homesites if they choose. However, without major habitat preservation, smaller homesites would not be allowed in Coastal Rural areas. (Existing legal lots in rural areas would not be affected.)					
Lee County's new architectural standards are a major step forward but should be supplemented with specific standards for Pine Island. These standards should favor rehabilitation over demolition; small rather than large buildings; parking to the side and rear; large windows and no blank walls; and metal roofs and other features of traditional "Old Florida" styles.					
Lee County is to be congratulated for its success in building a bike path along Stringfellow Road. Completing this path across the entire length of Pine Island should continue to be a very high priority of all Pine Islanders.					
Isolated gated communities and walled compounds are not consistent with the traditional neighborhood character of Pine Island. Any new neighborhoods should be connected to their surroundings at several points rather than being isolated. Perimeter fences, walls, and gates, if allowed at all, should be limited to individual blocks or small portions of neighborhoods.					
The historic districts in Matlacha and Bokeelia have successfully protected the strong sense of place in both communities. Lee County should expand this program to include individual sites and concentrations of historic buildings in St. James City and Pineland.					



JOIN YOUR NEIGHBORS for this second session to learn more about the community plan update for Greater Pine Island!



Guiding The Future of Greater Pine Island: The Next Steps

Tuesday evening, April 24, 2001, at 7:00 P.M. at the Fishers of Men Lutheran Church 10360 Stringfellow Road (1/4 mile south of Pine Island Road)

Presenter: Bill Spikowski

(Spikowski Planning Associates, Fort Myers)

BACKGROUND: During the past fourteen months, the Greater Pine Island Civic Association has been coordinating a comprehensive review of Lee County's plans and development rules for Pine Island.

An initial public presentation on this plan was held in February. This second session will update Pine Islanders on the most recent progress on this plan, including new ideas on rural land uses, the design of commercial buildings, Pine Island's bike path, historic buildings, and fences & walls. At this session the public will have a chance to comment publicly on these ideas or respond to a written questionnaire.

IF YOU CANNOT ATTEND: Read about the progress on this plan to date by picking up a free copy of the April 12th draft at the Pine Island Library, or at Realty World in Matlacha, or download a copy from http://www.spikowski.com/pineisland.htm

Presentation hosted by the Greater Pine Island Civic Association P.O. Box 478 St. James City, Florida 33956

Dwelling Unit Increase 1985 - 2000							
Community Name	Upland acres	1985 Dwelling Units	2000 Dwelling Units	15 year increase	Buildout Dwelling Units	Additional Dwelling Units	
Bokeelia	1612	393	914	521	1735	821	
Pineland	2672	128	322	249	2022	1700	
P.I. Center	2690	485	873	388	2269	1396	
Matlacha	224	632	651	19	1032	306	
Flamingo Bay	2451	717	869	452	1330	461	
Tropical Homesites	792	117	259	142	713	454	
St. James City	1630	1182	1705	523	3213	1508	
TOTALS	12071	3654	5593	2294	12314	6646	

Upland Land Use							
Community Name	1981 Pine Flatwood acres	1996 Pine Flatwood acres	15 year decrease acres	1996 Agriculture acres			
Bokeelia	144	40	-104	464			
Pineland	373	230	-143	1336			
P.I. Center	859	743	-116	365			
Matlacha	0	0	0	0			
Flamingo Bay	1360	1044	-316	444			
Tropical Homesites	581	400	-181	12			
St. James City	420	300	-120	142			
TOTALS	3737	2757	-980	2763			

Water Wells					
County Permitted Wells	g.p.m. yield				
19	950				
118	6095				
81	3850				
0	0				
37	2105				
11	415				
17	590				
283	14005				

Save Pine Island

By DOC PROSSER :

When we sat down to prepare signage for our "Watch Out" Celebration, to be held on 4-29, 2000, the slogan adopted was "Save Pine Island" - a mite strong, I thought. But, then I began thinking, "Save Pine Island" is the perfect phraseology. It may sound like hyperbole, but let's examine these three little words.

Save Pine Island - from the unscrupulous landgrabber who wants only to line his pockets with green. This person usually, is fairly easy to spot. He uses a "slab-fisted" approach to gain his goals and makes no pretense about his motives. Money drives this type and they use their green money to rape our green land and environment. Save Pine Island from a more devious type speculator. This person is much more difficult to ferret out. He spends his money behind the scenes becomes politically connected - buys a chunk of land and proclaims loudly that he wants to protect his adopted island, but he can't hide behind this facade too

long; his greed starts to take over. In keeping with his persona,he begins - shall we say - "adjusting" his land to meet his own ends.

However, in so doing, this person does not obtain the proper permits, and his adjustments do not comply with our Comprehensive Plan, he proclaims once again, "It's for the good of Pine Island" or "I'm only trying to beautify my place." If anyone or any organization asks, "What are you doing?", his reply is "It's for your own good" where, oh where have you heard that statement before - from recent memory, the Lee County Sales Tax Issue comes to mind.

Save Pine Island - from the most devious type of speculator - your neighbor. Here we have a person who has lived on Pine Island, for perhaps many years. He/she may own a business or over the years, has purchased island lands, in hopes of cashing in on rising real estate values. nothing wrong here, right! The wrong comes when the neighbor decides to buy property and states the reason as, "I'm buying this

land so no outsider can sully our island" - bravos are heard round the island. But wait - an organization like the Greater Pine Island Civic Association (who regularly checks with Lee County Planning about permits and such issued on Pine Island) finds that our neighbor has applied for all sorts of zoning changes, rezoning, and zoning variances connected with the referenced property. Had we been somewhat more astute, we would have realized that our friends did not spend beaucoup bucks out of an eleemosynary mind set. There are more variations on the aforestated themes, but you get the picture. Please support the GPICA in its efforts to implement a new and revised Comprehensive Plan for our Island; help keep any group that has a nefarious idealogy, from our shores. Growth is inevitable but smart, controlled growth will - "Save Pine Island."

Help make our "Watch Out" at the Elks Club on April 29 from 1-4 pm a huge success, so we can continue in our efforts to protect and "Save Pine Island" - we ask you to buy our raffle tickets and sup-

port our bake sale.

DISTRIBUTIO LIST FOR NEWSPAPER CL PINGS

COMMISSIONER ALBION

COMMISSIONER COY

COMMISSIONER JUDAH

COMMISSIONER MANNING

COMMISSIONER ST. CERNY

DONALD STILWELL, COUNTY MANAGER

MARY GIBBS, COMMUNITY DEVELOPMENT

KAREN FORSYTH, COUNTY LANDS

JANET SHEEHAN, PURCHASING

JOHN YARBROUGH, PARKS & RECREATION

DIANA PARKER, HEARING EXAMINER

JOHN MYERS, TRANSIT

JOHN WILSON, PUBLIC SAFETY

KAREN HAWES, HUMAN SERVICES

ECONOMIC DEVELOPMENT/COMMUNITY REDEVELOPMENT AGENCY

TIM JONES, COUNTY ATTORNEY'S OFFICE

DAVID OWEN, COUNTY ATTORNEY'S OFFICE

SENATOR TOM ROSSIN

REPRESENTATIVE BRUCE KYLE

LARRY JOHNSON, ENVIRONMENTAL SERVICES

SCOTT GILBERTSON, DEPARTMENT OF TRANSPORTATION

CYNTHIA COBB, LIBRARY

PETE WINTON, COUNTY ADMINISTRATION

PUBLIC RESOURCES DIVISION

KURT SPITZER
P.O. BOX 867
TALLAHASSEE FL 32302
(CONSULTANT FOR THE CHARTER REVIEW COMMITTEE)



L Glovia L Rich L Matt - Bob - Peter - Ben

_Brand.



GREATER PINE ISLAND COMPREHENSIVE LAND USE PLAN COMMITTEE P. O. BOX 478, ST. JAMES CITY, FL 33956



Dr. P.M. "Doc" Prosser,

Chairman

Darryl R. Mahan,

Vice-Chairman

Carolynn Littleton,

Secretary

Subcommittees:

Joseph Ainsworth.

Legal Chair

Dr. Philip G. Buchanan,

Land Use Chair

Barbara Dubin,

Traffic Chair

Peter Ordway.

Environmental Chair

Susan Mohr,

Grants Chair

Alda Prosser,

Ambassador's Chair

Cari Caudill,

Matlacha & Historical Chair

Bill Adams,

Of Counsel

April 11, 2000

Thomas Beck

Florida Department of Community Affairs Division of Resource Planning and Management Bureau of Local Planning, Plan Processing Team 2555 Shumard Oak Boulevard Tallahassee. FL 32399-2100

Re: Visionary statement concerning the revision of the Greater Pine Island Comprehensive Land Use Plan

Dear Mr. Beck,

Due to facts learned from our recent telephone conversation, I re-submit this request for a grant from your department when more funds are available in July 2000. The \$10,000 grant we request is to fund the referenced project under Florida Statute Chapter 11, 163.3167.

The Greater Pine Island Civic Association and its affiliate, the Greater Pine Island Comprehensive Land Use Committee, are in the process of updating Pine Island's Comprehensive Land Use Plan, which is titled "Goal 14" of the overarching Lee Plan. The Board of County Commissioners charged us with this revision task and we accepted the challenge. However, we need funding for the sections of our plan that require professional expertise (i.e. Traffic and Land Use Planning).

The aforementioned Comprehensive Committee has been working now for over three months and has garnered enough data to move to the next plateau, which will require capital outlay.

The Lee County Planning Department will need to know of your approval of the grant and they will administer the funds upon arrival.

Please let us know if we need to take any further steps. We thank you in advance and await your reply.

Sincerely,

Susan mohr

Susan Mohr, Grants, Sub-Committee Chair

5403 Serenity Cove Bokeelia, FL 33922

941-283-1351

Cc: Paul O'Connor, Lee Co. Department of Community Development Matt Noble

news-press.com >-

news - spoi - marketplace - real estate - entertainment - jous - cars - apts - customer service

news-press.com

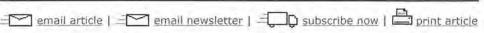
Southwest Florida's Most Read Information Source



Customer Service

Subscribe, Submit Info, Past Issues, NIE, Advertise, Photo Reprints, About Us, FAQs, Jobs at The News-Press

•back to local news



News

Local, Bonita, Cape, Lehigh, Sports, Business, Opinion, 7 Day Archive, Communities, Obituaries

Weather

Local Forecast, Hurricane 2002

Entertainment

Dining, Movies, Calendar, Music, Golf, Shops & Services, Youth page, Crossword, Contests, More...

Employment

Local Jobs, National Jobs, Post Resume, Resources

Marketplace

Classifieds, Legal Notices, Wheels, Waves, Coupons, Services Listing

Real Estate

Apartments, New Homes, Resale Homes, BonitaHomeSeeker CapeHomeSeeker FortMyersHomeSeeker

Technology

e tech, Space

Features

Health Source, Census 2000, more...

Gannett Co.

Gannett Co. , Gannett Jobs, Gannett Foundation, USA Today, USA Weekend, Baseball Weekly

Pine Island plan gets go-ahead Plan will eventually help regulate growth

By CHARLES RUNNELLS, crunnells@news-press.com

County commissioners gave an initial nod to the Pine Island area's community plan Thursday and sent it on its way to Tallahassee bureaucrats for further fine-tuning.

If all goes smoothly, the plan to help regulate Pine Island's growth could be passed by commissioners within six months, said chief planner Bill Spikowski, hired by the Greater Pine Island Civic Association for the project.

Commissioners looked at the plan for the first time Thursday and bantered on several issues before passing it with no major changes.

"We've been working on this for 2€ years," Spikowski said later, "and we're pleased that they recognized that."

One of the main issues involves allowing small directional signs on Stringfellow Road. The signs would point consumers to businesses not visible from the road.

Commissioners worried that allowing such signs could lead to other communities asking for the same. In Lee County, such signs are usually allowed only for subdivisions and nonprofit groups, Spikowski said.

In the end, commissioners amended the plan, stating that they'd consider allowing the signs based on the island's unique needs.

Another issue involved how to regulate growth on the island based on the number of cars passing through Matlacha — a number that directly affects how fast residents can escape the island in the event of a hurricane.

The plan submitted to the commission Thursday stuck to the threshold set by the county in 1989-810 trips counted during peak-hour driving time (counting traffic in both directions). Anything more than that would bring about more restrictions on growth and traffic.

That threshold was surpassed in 1998, Spikowski said.

The county Department of Transportation suggested changing the threshold to 768 trips (counting traffic going in just one direction). That would put it in line with other parts of Lee County.

Phil Buchanan, a Pine Island resident, urged commissioners to stick to the original threshold. "A plan that resets the threshold every time it needs to is not a plan at all," he said.

Before deciding to send the plan to the Florida Department of Community Affairs, the commission heard more than an hour's worth of public comment.

OWNER	STRAP #	PARCEL SIZE
BREESE COUSINS 16168 BOWLINE ST. BOKEELIA, FL 33922	10-45-22-00-00001.0040	22.75 ACRES
BREESE RUSK GLENNON 16168 BOWLINE ST. BOKEELIA, FL 33922	15-45-22-00-00001.2000 15-45-22-00-00001.2020	27.20 ACRES 6.78 ACRES
D. WAYNE KELLY, TR. 20750 6L'S FARM RD. ESTERO, FL 33928	10-45-22-00-00001.0000 22-45-22-00-00001.0000 23-45-22-00-01000.0000	381.00 ACRES 320.00 ACRES 18.30 ACRES
SOARING EAGLE CORP. 7321 HOWARD RD. BOKEELIA, FL 33922	31-43-22-00-00013.0000 31-43-22-00-00034.0000 31-43-22-00-00039.0000	12.00 ACRES 19.50 ACRES 9.17 ACRES
TROPICAL FRUIT ASSOCIATES 7373 VANDERBILT BEACH RD. EXT. NAPLES, FL 34119	04-44-22-00-00006.0000 32-43-22-00-00004.0010 32-43-22-00-00004.0140 32-43-22-00-00004.0150 32-43-22-00-00004.0150 32-43-22-00-00004.0160 32-43-22-00-00004.0170 32-43-22-00-00004.0190 32-43-22-00-00004.0200 32-43-22-00-00004.0210 32-43-22-00-00004.0210 32-43-22-00-00004.0220 32-43-22-00-00004.0230 32-43-22-00-00004.0250 32-43-22-00-00004.0250 32-43-22-00-00004.0260 32-43-22-00-00004.0260 32-43-22-00-00004.0270 32-43-22-00-00004.0290 33-43-22-00-00004.0290 33-43-22-00-00004.0290 03-44-22-00-00002.0010 05-44-22-01-00010.0010 05-44-22-01-00014-0010 05-44-22-01-00015.0020 05-44-22-01-00015.0020 05-44-22-01-00016.001B 05-44-22-01-00016.001B 05-44-22-01-00016.001B 05-44-22-01-00016.004B 05-44-22-01-00016.004B 05-44-22-01-00016.004B 05-44-22-01-00017.0030 05-44-22-01-00017.0030 05-44-22-01-00017.0030 05-44-22-01-00017.0030 05-44-22-01-00017.0030 05-44-22-01-00017.5000 05-44-22-01-00017.5000 05-44-22-01-00017.5000 05-44-22-01-00017.5000 05-44-22-01-00017.5000 05-44-22-01-00017.5000	10.00 ACRES 5.00 ACRES 45.00 ACRES 2.50 ACRES 10.00 ACRES 10

kwiktag* 022 562 370

CPA 2001-18 BACKUP COMP PLAN DRAWER

