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October 10, 2003

Barbara Dubin, Chairperson  
Greater Pine Island Land Use Plan Implementation Committee  
16185 Bowline Street  
Bokeelia, Florida 33922

Dear Barbara:

I have had several requests for clarification of the statements I made at the Greater Pine Island meeting on October 8 that the new plan update, once it becomes effective, would be more favorable to many landowners than the plan that is currently in effect. I would like to explain more fully in this letter.

The 1989 Lee Plan established the 810/910 traffic thresholds for Pine Island Road through Matlacha. The 810 threshold was surpassed beginning in 1998 and since that time has forbidden any rezonings "...which would increase traffic on Pine Island Road." The new plan update, once it becomes effective, would moderate that strict position by allowing several categories of exceptions to this ban on rezonings: "... 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 ... rezonings for small enterprises that promote the nature and heritage of Greater Pine Island." (SOURCE: Amended Policy 14.2.2) This clearly is more lenient than the current plan.

We expect the 910 threshold to be surpassed either this coming February or the following February. Once that occurs, the existing plan does not permit any further residential development orders, without which new subdivisions cannot be created. This applies to all of Greater Pine Island, not just the rural areas. The new plan update, once it becomes effective, eliminates the ban on residential development orders and replaces it a density reduction that cannot "...be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property." (SOURCE: Amended Policy 14.2.2) Again, while still quite restrictive, this is clearly more lenient than the current plan.

In addition to these new allowances, there are some totally new rules in the plan update. Some, like the restrictions on gating new subdivisions or the new commercial design standards, have not been controversial even with most affected landowners. The one new rule that has become quite controversial is the establishment of the "Coastal Rural" land use category for all of the land that had previously been designated "Rural" plus 157 acres of farmland just south of Bokeelia.

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The existing "Rural" category limits density to 1 dwelling unit (DU) per acre, which under current agricultural zoning requires 1-acre cookie-cutter lots on paved roads, or 2.5-acre lots on unpaved roads, neither of which are very desirable forms of development. Pine Island already has quite a surplus of large vacant lots without amenities!

For large landowners, perhaps the best news about the new plan is that clustering future residential units on smaller lots would now be possible without even rezoning the land. The bad news is that landowners who don't want to cluster future residential units and would prefer to build on larger lots (and thus consume more land) can build fewer total units under the new plan.

The new clustering allowance is a win for the environment by not converting so much land into residential lots; a win for landowners because development costs for smaller lots are lower than for 1-acre lots; and a win for Pine Islanders who are concerned about traffic on Pine Island Road because some landowners will choose not to cluster and will accept the lower density that would now result from that decision.

Many landowners agree with me that the new "Coastal Rural" rules are on the balance more favorable to them than the previous "Rural" rules and their large-lot agricultural zoning. It is possible that some other landowners have taken the opposite position because the wording I wrote for the new plan describes these rules in negative terms, without articulating the benefits to landowners. The plan states that under "Coastal Rural," the base density is reduced to 1 DU per 10 acres, but landowners have the option to preserve (or restore) various percentages of their land in exchange for the right to increase their density and put their homes on lots that are smaller than a full acre. In exchange for maximum preservation (or restoration) of 70% of their land, a landowner can recover his previous density of 1 DU per acre but place those homes on smaller lots on the remaining 30% of their land.

A real fly in the ointment here, however, is what happens in "Coastal Rural" after the 910 threshold is surpassed. A literal reading of the plan yields the strictest possible interpretation: the sliding scale for preservation/restoration remains, but the scale itself slides, on the low end, from 1 DU per 30 acres (1 per 10 times 1/3) to, on the high end, 1 DU per 3 acres (1 per 1 times 1/3). I believe that the result of this interpretation is too restrictive on "Coastal Rural" landowners. On October 8 I proposed three other potential interpretations that could be placed into Lee County's land development code. None of us know yet which interpretation will be recommended by the Greater Pine Island Land Use Plan Implementation Committee or which will ultimately be adopted by the Lee County Commission, but I hope we find a moderate position on this issue and also on the thorny issue of restoration standards for land that has already been cleared.

Please circulate this letter to anyone who may find it of interest.

Sincerely,

Bill Spikowski

cc: Members of Land Use Plan Implementation Committee