

Minutes of Dec. 10, 2003

Greater Pine Island Land Use Implementation Committee Meeting

The meeting was called to order by the Vice Chair, Noel Andress, at 7:05 P.M. at St. John's Episcopal Church near St. James City. Attendees were asked to pledge to the flag.

A roll call of all committee members was taken. All six Greater Pine Island Land Use Implementation Committee members were present (Andress, Buchanan, McLaughlin, Mantis, Stober, Dubin). There were 102 people in attendance. The meeting was then turned over to Bill Spikowski.

The first topic of the evening was Implementing Policy 14.4.3 (pages 32-36) – a new policy on Commercial Design Standards. It was left to Pine Islanders to draw up potential design standards; the county will adopt the standards if they are found acceptable. The first 4 pages consist of Lee County's current design standards and guidelines for commercial buildings, including illustrations. Page 5 is a first draft for Greater Pine Island, which would add one new section to the standards. Two subsections are not completed yet, but hope to have them done by the January meeting.

Mike Shevlin – Will this involve specific styles such as Spanish or Mediterranean? Bill Spikowski – No definite style, just things like metal roofs that are often used on Pine Island.

M. McCoy – Is this a new Policy in the PI Plan? Bill Spikowski -- Yes it is new. We could enforce these with an Architectural Review Board or just write the rules and have county staff enforce them; he suggested we keep it simple and just write the rules.

Elaine McLaughlin asked about size of parking lots. How does this effect the new plan? Bill Spikowski said it would encourage redevelopment and fixing up. Balance size of business with parking lots.

Mike Shevlin asked about material used for parking lots. Bill Spikowski stated that the county should encourage the use of shell and gravel for percolation but no new rules are being proposed here.

Bill Spikowski suggested using lots of glass and metal roofs and otherwise allowing considerable variety.

Dave Lukasek asked if we want a certain look or not. Bill Spikowski said we should work into it slowly. PI is more eclectic than somewhere with a specific architectural style.

Ed Anderson mentioned Sun Trust & Dairy Queen. Bill Spikowski said we should avoid standardized buildings. Subway did a good job of fitting in and not using their usual standardized building design.

M. McCoy – Who would enforce the rules? Bill Spikowski stated that the county would enforce the rules, and that height restrictions are the same for both commercial and residential buildings.

Jack Brugger – With respect to the Century 21 building on the corner of PI and Stringfellow Roads, what is considered as the “front”? Bill Spikowski said he would study the current definitions of “front” and consider whether a change was needed for Greater Pine Island .

Breese Glennon – If someone wants to make changes to these regulations, how would that be handled? Bill Spikowski – Someone can request a variance or deviation. Variances are heard by the Hearing Examiner, deviations are ruled on by both the Hearing Examiner and the County Commissioners as part of a rezoning.

Noel Andress asked for a motion to approve the Minutes of the November 12, 2003 GPI Comprehensive Land Use Plan Implementation Committee Meeting. There were no changes to the minutes. A motion was made to approve by Phil Buchanan, seconded by Bill Mantis and the motion carried by a voice vote.

Phil Buchanan then gave a history of Pine Island. In the 1960's there were no regulations. Zoning began on PI around 1962, but it was not effective. 2 years ago there were 6,675 platted lots and hundreds of unusable commercial acres. The land use plan can't take away the right to build one house on a platted lot.

In 1980 the state passed a Growth Management Act. In the mid 1980s PI tried to control growth and the first real Greater Pine Island Land Use Plan was approved in 1989 based on the capacity of Pine Island Road. Originally the language referred to 80% and 90% of the road capacity. However, the Dept. of Community Affairs asked for actual numbers and these percentages were translated to 810 and 910. We reached 810 (annual average, round trip, peak hour traffic count) in 1998. Under the 1989 Plan, once 810 was reached there could be no rezoning. We expect to reach 910 by February of 2004. Under the 1989 plan that means no new residential developments, once the 910 traffic count has been reached.

The Bert Harris Act was passed in 1995. The 810-910 traffic rule was part of the Greater PI Land Use Plan, which was approved in 1989. Therefore the Bert Harris Act does not apply to the 810-910 Rule. However, in the new Greater PI Land Use Plan, which was unanimously approved by the Commissioners on Jan. 9, 03, the 810-910 regulations were eased. Under the new Plan, once 810 is reached in-fill is allowed in the urban area and once 910 is reached a developer can build 1/3 of the density instead of no new residential development orders under the old 910 rule.

Under the old rule if you had 100 acres of Ag land you could get 1 unit/acre. Under the new rule, if you cluster your development on 30% of the land and preserve or restore the other 70%, you can still get your 1 unit per acre.

Noel Andress stated that if you divided your property into 5 or more lots you would have to get a development order and that each lot must be on a county-approved road.

Mohsen Salehi, transportation consultant, stated that everything was based on the Level of Service of Pine Island Road in Matlacha. Level of Service A is free flow. Level of Service F is standing still. Road capacity starts with the number of lanes. PI Road has two lanes. Another factor is the more driveways, the less the capacity of the road. Hurricane evacuation is an important factor for Greater Pine Island.

John Lauderdale asked if someone could combine his wetlands with uplands to get more density. Phil Buchanan stated that he could get 1 unit per acre if he clustered

and preserved or restored part of his land. However, wetlands are a totally different category. The county rule for wetlands is 1 unit per 20 acres.

Phil stated that the Dept. of Community Affairs intended to approve the Greater Pine Island Land Use Plan. However, Mr. Setti intervened within the required period and we now have an Administrative Hearing scheduled for February. Mr. Setti wants four more villages on PI, some in the mangroves.

Phil stated that there are now 3 settlement agreements on the table. One is from Mr. Setti, a second is from the growers who suggested that the new land use plan be rescinded and reexamined. The third has been submitted by the Greater Pine Island Civic Assoc.

The GPICA proposal is a response to local landowners. Farming is important and that we would like to protect it. On the attached "Proposed Revision to Policy 1.4.7" there are two columns of densities, one for preservation and restoration; the other for continued agricultural uses. Farming is desirable, but not as much as preservation/restoration. The preservation/restoration chart requires a conservation easement and the farming chart requires a farm easement – the land must remain in farming forever. Since the roads are dirt on farms the density under the old plan was mostly 1 unit per 2.5 acres.

Dave Lukasek asked if Ag land could be developed. Noel Address stated that single family residences could be built on property zoned AG-1, AG-2 and AG-3.

OPEN FORUM

The next part of the meeting was an open forum about planning in Greater Pine Island.

Matt Uhle had 3 questions. What density would result under the proposed formulas if a landowner had both natural lands and farmland that he would be willing to place under a conservation easement and a farm easement respectively? Would the proposed farm easement compel a landowner to continue farming the property if he no longer wishes to do so, or does it merely restrict future development rights on that part of the property? How would the sliding scale work for a landowner who agreed to preserve or farm a percentage of the property between the percentages listed in the chart in Policy 1.4.7 – would the resulting density be interpolated, or rounded down, or rounded up? Bill Spikowski agreed to examine these questions and respond to Matt Uhle's questions.

Dan Stevens won't force his kids to farm. He doesn't like clustering and would prefer to develop estates. Bill Spikowski stated that with a farm easement he could sell to someone who wants to farm, the land would not be restricted to his family.

Mike Shevlin – what is clustering? Bill Spikowski stated that it is single family residences on 1/3 acre lots, like in other areas of Pine Island. If someone wants condos, they will need to rezone. Under the preservation option, the owner gives a conservation easement over the preserved area.

Bob Glennon – There are many small groves of 5 acres or less. One extra unit would mean a lot. He spoke about giving rewards for clustering, especially greater density.

R. Owens – Can you get credit if you have a lake? Bill Spikowski – may or may not get credit for lake or part of it. If someone could buy a number of smaller parcels around Pine Island, they could be combined to create a new village. Our objectives are to reduce build-out population; discourage clearing; protect aquatic preserves; discourage more sprawling large lot subdivisions; and maintain the rural character of Pine Island. It's hard to meet all these objectives at once.

John Lauderdale asked about small Ag lots. Bill Spikowski said that if someone had a 2 or 5 acre lot before the new land use plan, they can still build one house just like they could under the old plan.

Jack Brugger spoke about South Florida Water Management District requirements. He said 45% of 100 acre would go to water management and parking and roads. If you had to preserve 70%, the number of units would be halved. Also federal flood elevations were raised in Naples and may be raised here too, which would make it difficult to build within our current rules of 38' or 45' above mean high tide. He also stated that we are taking away the land of Mr. Dean. Bill Spikowski stated that no one is trying to take anyone's land and very little parking is needed for single-family lots, just a driveway.

Dave Lukasek stated that it looked as if they wanted to put as many units on the land as they possibly could. Bill Spikowski stated that it depends on 810/910, zoning, etc.

Matt Uhle asked whether the LDC road requirements would be on the whole parcel or on the part being developed. Bill Spikowski agreed to look into this question and respond to Matt Uhle later.

Breese Glennon asked who was required to maintain the conservation area. Bill Spikowski said that the landowner could retain ownership or deed it to a homeowners association, but one or the other would be responsible for maintaining the land. The recipient of the conservation easement is responsible for ensuring through inspections that the easement terms are met.

Another attendee asked why the lots couldn't be one acre lots with the individual homeowner being responsible for preserving 70% of their lot. Bill Spikowski stated that dealing with individual homeowners is not practical through a conservation easement, some owners may try to fudge the rules and it would be impossible to constantly monitor every homeowner.

Noel Andress stated that when you divide into 1-4 lots you must have survey. If subdivided into 5 or more lots you must have a development order which must be approved by the county.

Tom Grabowski asked about tax incentives? Phil Buchanan stated that in order to get a tax incentive you must freely donate property. There would be no tax deduction for an easement donated due to a legal requirement. However, using 70% of the land for farming should give the owner lower real estate taxes because that land could never be developed.

Honey Seidler talked about preserving land others have farmed. There should be taxes and a special bank to buy farm land.

Samantha Andress brought up a 100 acre farm and what the old and new 810/910 rules would mean. Bill Spikowski said that under the old 810 rule there would be no rezoning allowed. The new 810 rule is more lenient and allows some in-fill rezonings in

urban areas. Under the old 910 rule, when you reach the 910 there could be no further residential development orders. Under the new 910 Rule, you could lose only 2/3 of what you could have developed before reaching 910, but you will not be denied all residential orders.

Jack Brugger stated that he was an attorney with lots of time and could hold the plan up in court. He stated that credits should be allocated to property owners, that the plan was taking away value and penalizing property owners. He again brought up the idea of new flood elevations and how the height regulations should anticipate this change.

Bill Spikowski stated that he was getting the help of a forester to finish the standards for preservation. The land owner should be subject to inspection for a period of time to make sure the plants are becoming established. When plants reach a certain stage of maturity, they should be okay. There will be certain criteria that must still be met, one of which is periodic removal of exotic vegetation.

Tom Munz said that in most clustered developments, the land around the clusters of houses is used for parks and playgrounds. Bill Spikowski stated that clustering is often used that way, but the Greater Pine Island cluster regulations would mainly preserve native habitats.

Barbara Dubin mentioned that she had lived in a clustered community in Connecticut. Many people who come to Pine Island are ready to retire and don't want large parcels of land to take care. The clustered community she lived in was surrounded by native trees, plants, hiking trails and a large pond. There was an abundance of wildlife including all kinds of birds, fox, deer and bobcats, a beautiful place to live.

Dan Stevens was worried about the danger of fires on the property. Bill Spikowski spoke about the need for planned periodic burns or mechanical methods of reducing fuel loads in pine forests.

Bill Spikowski said conservation subdivisions and clustering were common in the northeast, the question here is what conservation subdivisions would do for Pine Island.

Bob Glennon said unmanaged conservation area will be a mess with exotics taking over. Bill Spikowski agreed that conservation areas must be managed so that exotic vegetation cannot ruin them.

The next GPI Land Use Implementation Meeting will be held at 7:00 P.M. on Wednesday, January 14, 2004 at St. John's Episcopal Church.

A motion to adjourn the meeting was made by Bill Mantis and seconded by Anna Stober and the meeting was adjourned at 9:15 P.M.

Respectfully submitted,

Barbara K. Dubin