

Minutes of January 14, 2004
Greater Pine Island Land Use Implementation Committee Meeting

The meeting was called to order by Chairperson Barbara Dubin at 7:02 P.M. at St. John's Episcopal Church in St. James City. Attendees pledged allegiance to the flag. There were 61 attendees.

A roll call of all committee members was taken. Five members (Andress, Buchanan, Mantis, Stober, Dubin) were present. Elaine McLaughlin was absent (teaching a course at FGCU).

The December minutes were then discussed. Phil Buchanan asked for two changes to be made:

- Page 2, paragraph 5, lines 6 & 7, change "round trip, peak hour, peak day traffic count" to "annual average peak hour both directions traffic count."
- Page 3, line 2, change "state rule for wetlands" to "county rule for wetlands."

Noel Andress asked for the following change:

- Page 2, paragraph 8, lines 2 & 3 change "Class D or better county road" to "county-approved road."

Noel Andress then made a motion to approve the Minutes with these corrections, which was seconded by Phil Buchanan and unanimously approved by the five committee members in attendance.

The meeting was then turned over to Bill Spikowski, who stated that tonight we would be looking at the final drafts of 5 of the 7 policies in the Greater Pine Island plan update. He stated that the final decision on adopting these regulations lies in the county's hands.

POLICY 14.1.5 — BUFFERING

Bill Spikowski stated that the definition of "aquatic preserves" is given on page 2. This rule applies to agriculture and new development orders near aquatic preserves, excluding man-made canals and water more than ½ mile from an aquatic preserve.

Ken Keller asked if only "approved" man-made canals should be included. Bill Spikowski stated that man-made canals are excluded because most lots alongside canals are too shallow to provide the extra buffer. Few records exist to indicate which canals were approved and which were not.

Dan Stevens asked about a canal that had been on his property for 30 years. Bill Spikowski stated that this 50' buffer rule would not apply to man-made canals, only to natural waterways.

Phil Buchanan asked if a grandfather clause was needed. Bill Spikowski stated that this new rule would only apply to new Ag and that an extra sentence could be added if needed to clarify this further.

Honey Seidler asked about mosquito canals. Bill Spikowski said this does not apply to any canals, even for mosquito canals/ditches.

Noel Address brought up understory plantings. Bill Spikowski said that the design criteria are on page 6.

Matt Uhle asked if anything in this draft was inconsistent with state statutes. Bill Spikowski said he didn't think anything was inconsistent, but if a judge or county attorney reads it differently, their decision would control. Phil Buchanan agreed that this language does not interfere with the Right to Farm Act. Noel Address said that if you have 10 acres consisting of 8 acres improved and 2 acres in natives, then you must still get a clearing permit.

Jack Gaddy brought up sheet flow and how the existing ditches along the roads run pollutants directly into canals. Bill Spikowski said that existing problems can be fixed with retrofitting, which is beyond the scope of these regulations; it could be the focus of future land use amendments.

John Brugger asked if this buffering applied to existing lots and development orders already approved through the life of the development order. Bill Spikowski said that this applies only for new development orders, and to existing development orders only if they expire without having been used.

Phil Buchanan asked why an Ag property with a self-contained water management system should provide a 50' buffer. Bill Spikowski said that even self-contained water management systems have overflow points.

Phil Buchanan made a motion to approve the language for Policy 14.1.5 as presented, seconded by Anna Stober. The motion carried 5-0.

POLICY 14.2.2 — TRAFFIC (810-910 RULES)

Bill Spikowski introduced the proposed language, which applies to all of Matlacha as well as Pine Island. On page 2, (2) b. states that when applying the 810/910 rule, traffic flow in the busiest direction is what's important. However, the triggering of the 810/910 rule is based on traffic in both directions.

On Pages 3 & 4, under Sec. 2-50, the annual concurrency inventory must be reviewed and approved by the Board of County Commissioners before the 910 rule goes into effect. On page 3, under (4) c., an applicant has 6 months from the submittal date of a complete application for a development order for resubmittal of supplemental or corrected application documents. Page 2, (2) a. discusses minor rezonings; and page 2, (2) c. encompasses rezonings of small enterprises that promote the natural features or cultural heritage of Greater Pine Island.

Matt Uhle stated that he represents the Glennons and Soaring Eagle. He does not support losing 2/3 of the density upon reaching 910. Bill Spikowski noted that under the old rule there is no further residential development allowed once 910 is reached; under the new rule there is only up to a 2/3 reduction. Phil Buchanan stated that this was not a density reduction.

Noel Address brought up the minimum use determination on page 3, under (4)c.

Bill Spikowski described three types of permitting: a full development order for new subdivisions; a limited-review development order for subdividing up to four lots; and the minimum use determination, which says that if it was legal to build one house on a lot before the land use plan, you can still build one now.

Noel Andress didn't think the Limited Review Development Order was administered by the County in this way. Bill said he understood it differently than Noel. Phil Buchanan said that under a Minimum Use Determination, you pay a fee of \$150 and can pass the approval on to a future lot owner (it doesn't expire).

Dan Stevens does not want to lose 2/3 density. He's tired of a few people telling him what he can do. Bob Glennon asked why 1/3 density was chosen. Bill Spikowski said it was chosen to be less restrictive than no residential development under the old Plan, but still to recognize the limited road capacity to Pine Island.

Bob Glennon asked about the use of the 1965 Traffic Manual. Bill Spikowski explained the policy reasons for that method having been retained.

Dave Lukasek said that no density is being taken. He asked why there is such a window of time between 910 being reached and when it goes into effect? Bill Spikowski said that development orders are complicated and expensive to rush through.

Brian Green said it seems that we are trying to appease Ag owners. How many dwellings on Ag land can be built besides the 6,500 lots already platted on the island? Bill Spikowski said no one had calculated the potential number of units on Ag land, but that road capacity is in big trouble even without counting future units on Ag land.

Jack Brugger said there is inadequate supporting data behind this plan. Phil Buchanan replied that the data supporting this plan is in the document itself.

Phil Buchanan made a motion to approve the language for Policy 14.2.2, which was seconded by Barbara Dubin and approved by a 5-0 committee vote.

POLICY 14.3.5 — WALLS AND GATES

Page 4, e. now clarifies the previous statement that entrance gates or gatehouses can be used to control access to only a single block. This rule would apply to both public and private streets. Streets in a new development must connect to existing streets.

Bob Glennon says he may want to enclose an area of private streets, and asked why this plan supports gridded streets over curving streets. Bill Spikowski replied that nothing here says that new streets must be straight or gridded. New streets can be curved, but they must be connected. Only a single block could be gated, not a whole development.

Bill Mantis said that there is a practical benefit to connectivity, which is that there will be less traffic forced out onto Stringfellow Road.

Honey Seidler asked if this is only for future development. Bill Spikowski said this rule was not retroactive, it would apply only to future development.

Dan Stevens said he doesn't like this rule or the others proposed here and he doesn't see why a few people should tell him what he can and cannot do. Phil Buchanan said that this plan was developed by a multitude of people spending thousands of hours in its development. Anna Stober said that large groups of people from various segments of the population participated in the planning process, and that everyone was invited to participate.

Barb Dubin then made a motion to approve the language for Policy 14.3.5, which was seconded by Bill Mantis and approved by the committee by a 5-0 vote.

POLICY 14.3.3 — HEIGHT RESTRICTIONS

Bill Spikowski said that cell tower restrictions are covered on pages 1 and 2 and basically follows the new county rules for barrier islands: use "stealth" (concealed) techniques for any antenna over 35', rather than building new towers. Stealth antennas can be in church steeples or concealed as flag poles. Another good approach, but not suitable for Pine Island, is to put antennas in or on high buildings instead of on separate towers.

The criteria is covered on page 4 in (5) a. which states that exceptions may only apply where it is necessary to maintain or improve the health, safety, or welfare of the general public.

Noel Andress suggested that page 1, (b) (1) should include industrial zoning along with Ag. Bill Spikowski clarified that (b)(1) applied to broadcast antennas, not cell phone towers.

Bob Glennon asked about ham radio antennas. Bill Spikowski said that ham radio antenna are sometimes 50-75 feet high. Bill also stated that 35' is somewhat low for ham radio antennas.

Mike Dorsey stated that in Australia, cell phone antennas were on top of traffic lights.

John Brugger said flood elevations were raised from 8 feet to 9 feet. With a 38-foot height limitation on Pine Island it would be difficult for him to build a multi-story house with a pitched roof. He would have to use flat roofs. He wants to change the rule to 38' above flood elevation.

Bill Spikowski said that the county is the agency that adopts the federal flood regulations. As far as he knows the regulations haven't changed the heights for Pine Island since 1984.

Phil Buchanan sees no problems with 38' height regulation for buildings. However, cell phone service in Bokeelia is not good and a large tower may be needed. He suggested it is a safety issue. Bill Spikowski suggested that the applicant for the tower could use stealth techniques or seek a variance.

Dave Lukasek suggested that a 35' tower near the shore would provide line-of-sight communications since you can see 32 miles to the horizon.

Phil Buchanan stated that some people have VHF marine or ham radio antennas on their roofs but apparently the existing rules are not being enforced. He then stated that there were some safety issues that should be addressed and suggested that we hold off on approval of Policy 14.3.3 pending further review.

POLICY 14.4.4 — SIGNS

Pages 7 & 8 deal with new limits on the size of business signs, and also encourages signs for businesses not visible from the main road by allowing discreet small signs in the right-of-way. County DOT has helped draft the regulations but they have been opposed to the concept. It will be up to the county whether they will approve these new sign ordinances.

Phil Buchanan made a motion to approve the wording for Policy 14.4.4, which was seconded by Noel Andress and approved by the committee by a vote of 5-0.

OTHER BUSINESS

Bill Spikowski said that included in the packet for this meeting are formal responses to four questions asked at the last meeting about the GPICA settlement proposal.

Phil Buchanan said he didn't think that abandonment of a farm is a real problem, since it can always be leased for a different Ag purpose.

Bill Spikowski stated that we needed to discuss these issues; if a settlement is reached, the answers might end up in a paragraph in the coastal rural description in the land use plan.

John Brugger stated that with the free trade agreement with Mexico, the same thing may happen to palm trees as has happened with tomatoes and oranges.

Dave Lukasek said that the land use plan can be changed if Ag disappears from Pine Island.

NEXT MEETING

The next meeting of the Greater Pine Island Land Use Implementation Committee was announced for 7:00 P.M. on Thursday, March 4, 2004 at St. John's Episcopal Church.

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Barbara K. Dubin