

Draft Minutes of March 4, 2004

Greater Pine Island Land Use Implementation Committee Meeting

The meeting was called to order by Chairperson Barbara Dubin at 7:04 P.M. at St. John's Episcopal Church in St. James City. Attendees pledged allegiance to the flag. There were 37 attendees. All attendees were asked to please sign the attendance sheets.

A roll call of all committee members was taken. Four members (Buchanan, Mantis, McLaughlin and Dubin) were present. Andress and Stober were not present.

Phil Buchanan asked for the term "round trip" to be replaced by "both directions" in two places in the traffic discussion of 810 and 910 on page 2 of the December minutes.

A motion was requested to approve the minutes of the January 14, 2004 meeting with that correction. This motion was made by Bill Mantis and seconded by Elaine McLaughlin and unanimously approved by the four committee members in attendance.

The meeting was then turned over to Bill Spikowski who stated that implementing language for 4 of the 7 Policies had been approved in January and that the other 3 would be covered this evening.

Edd Dean asked if Noel Andress had resigned from the Implementation Committee. Bill Spikowski stated not that he knew. The Implementation Committee is governed by county rules not by GPICA.

POLICY 14.3.3 — HEIGHT RESTRICTIONS

Building height regulations were adopted in 1978. In January questions were raised about how these rules might affect broadcast towers and ham radio antennae. In fact both are under separate codes and are also addressed on pages 1 and 2 in (a) Permissible and (b) Exceptions. Page 4 gives a definition of Greater Pine Island and (5) c. discusses allowed heights of buildings without roofs.

Bill Mantis – Are residential and commercial heights the same?

Bill Spikowski – Yes.

Mr. Brugger was worried last month about possible changes to the flood elevations and how that might affect the height of buildings. Can an amendment to the plan be filed if the Federal flood rules change?

Bob Glennon – What is the lag time for such an amendment?

Bill Spikowski – The feds are slow when adopting new flood levels, there would be plenty of time if changes are in the works.

Bob Glennon – Shouldn't we put something in the plan to automatically raise the height

limitations whenever new federal flood elevations are adopted?

Bill Spikowski – Much of the county is regulated this way and it has caused much higher buildings especially along the coastline.

Bill Mantis – A plan amendment only takes a year.

Bill Spikowski – Maybe two years altogether.

Dave Lukasek – Where is height measured from?

Bill Spikowski – Average grade is used for Pine Island

Phil Buchanan – Height and density rules were adopted in 1978?

Bill Spikowski – Yes. Density has changed since then, but not height.

Sally Tapager – We're at 38', that seems high enough.

Bill Mantis made a motion to approve the implementing language for Policy 14.3.3, which was seconded by Elaine McLaughlin and unanimously approved by the four committee members in attendance.

POLICY 14.4.3 — DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS

Bill Spikowski – Two sections have been added since last time, on pages 5 and 6. Page 5, (d) discusses buildings larger than 10,000 sq. ft. The only building of this size on the island right now is the Winn Dixie shopping center. We only have a couple of 8,000 sq. ft. buildings (one housing the P.I. Eagle and the other housing the P.I. Pharmacy). Can't foresee many more 10,000 sq. ft. buildings, but they would be handled on a case by case basis or through deviation.

Bill Spikowski – (e) on pages 5 and 6 deals with windows. We need large windows, not blank walls, for stores and businesses.

Bob Glennon – What about vandalism? Security could be a big problem.

Elaine McLaughlin – Police often ask for glass with no impediments so they can see in.

Phil Buchanan – Baltimore codes require large windows.

Bob Glennon – If businesses are robbed they will put up grilles.

Dave Lukasek – The Florida Building Code require shutters or impact resistant glass.

Bill Spikowski – Businesses will often choose impact-resistant windows over shutters. (e) also includes the required percentage of glass, where the glass is and the height of the glass above the

floor.

Elaine McLaughlin – questioned whether metal roofs should be required.

Bill Spikowski – Metal roofs are encouraged on commercial buildings in the plan, based on a look at the nicest commercial buildings across the island – a matter of Pine Island aesthetics.

Ed Anderson – Does it have to be metal or are “look-alikes” allowed?

Bill Spikowski – There is a new recycled plastic roof which looks like metal. Will it hold up to the weather? If so the codes can be tweaked.

Sally Tapager – (f) on page 6. Why was “Except in Matlacha” put in?

Bill Spikowski – Matlacha has flat roofs on many of its historic buildings.

Sally Tapager – Then “Matlacha” should be replaced by “in historic districts.”

Bob Glennon – Why not use “Florida look” instead of specifying metal roofs?

Bill Spikowski – “Florida look” is too subjective for a code. Maybe we should say “historic buildings” so it will include historic buildings not in historic districts. Or maybe (f) should read “Except in Matlacha --and other -- historic districts, sloping roofs must use metal for all finished surfaces.”

A motion was then made by Bill Mantis to approve the language for Policy 14.4.3 including the above change on historic buildings. This motion was seconded by Phil Buchanan and unanimously approved by the four committee members in attendance.

POLICIES 1.4.7 and 14.1.8 — COASTAL RURAL

Bill Spikowski – (5) c. on page 7 describes what is allowed under the acceptable forest management practices including prescribed burning, selective thinning and replanting. The key is that the habitat is preserved.

Sally Tapager – Who is in charge of management plan?

Bill Spikowski – It is the landowners’ plan. Wording to this effect can be put in at the bottom of page 5, 2nd column.

Bob Glennon – What are the criteria for restoration?

Bill Spikowski – Criteria for success are that there will be monitoring for 3 years and plantings must be 80% successful.

Bob Glennon – Must a landowner post a bond?

John Cammick – Can we build right away?

Bill Spikowski – Someone can post a bond and build right away, or restore first and then build.

John Cammick – Why can't Conservation 20/20 or Calusa Land Trust, who have both restored property, find out the cost?

Bill Spikowski – Calusa Land Trust uses volunteers and 20/20 is mainly clearing exotics, not restoring land.

Edd Dean – Agricultural land is being treated differently than those preserving land.

Bill Spikowski – Under a recent GPICA proposal people could continue farming and still cluster. We can talk more about the details but no one has shown much interest.

Bill Spikowski – There will be a need for monitoring after replanting because some plants always die. The county can give partial releases, it doesn't have to be all or nothing, that can be made clearer.

Matt Uhle had several comments and questions. He stated that the real issue was density and the 810/910 traffic rule. Under (6) Ownership on page 7, Matt is worried about bonding in perpetuity. Page 7 (e) (2) b. Restored Native Habitats - what is the size of trees required? And what is the timing - a promise to do restoration or be able to start development right away? What about the cost? Also worried about clustering and property development regulations on page 9.

Bill Spikowski – County staff is not fond of clustering without rezoning. Proposed code language is part of AG-2 regs. Can make it clearer yet if need be.

Bill Spikowski said costs of restoration need to be explored by county or some other source.

Bill Spikowski – As to tree size - use state seedlings which are very inexpensive. Cost of restoring land - use industrialized reforestation techniques. Regarding the density of trees, you can plant extra to cover normal mortality. The cost of maintenance in perpetuity - the only local example is Little Pine Island where Mariner endowed a fund for perpetual maintenance.

Breese Glennon asked if larger percentages could be used on page 6, under (1) b. 1, 2, and 3 and asked about preservation taking a different form under (4) d. on page 6.

Bill Spikowski said that many people will probably choose to rezone the land even though it is not required because deviations are easier to get than variances - a different way of accomplishing the same thing, but only possible if you rezone.

Breese Glennon asked if long term maintenance must be fully funded.

Bill Spikowski stated it must be funded to maintain the preserved state of the land. We will probably need to rewrite this language after 5 years of actual experience.

Breese Glennon – do other areas do anything similar?

Bill Spikowski – Eastern Collier County rewards restoration of farmland, allows transfer of density to other parts of the site or even off-site.

Bill Mantis – Should a maximum cost for restoring and maintenance be stipulated?

Elaine McLaughlin has a concern regarding maintenance. How about farm aid programs of the federal government like those used in interior Florida?

Bill Spikowski – Some federal programs help with cost if a landowner applies. The programs come and go, there's no guarantee they'll always be there. We do not want to make this onerous and are erring on the mild side with these restoration standards.

Elaine McLaughlin – Can preserved land be transferred to a homeowners association?

Bill Spikowski – Yes. There are many ways, the land can be transferred to homeowners, or retained, or given or sold to a third party.

Phil Buchanan – If you transfer it to homeowners' association before restoration, the restoration won't get done.

Bob Glennon – It comes down to dollars and cents. These regulations are onerous and there are many problems. Let's change this when we get better numbers.

Bill Spikowski – A decision was made to write these drafts now even though things may change. This is merely a proposal for now. As far as cost, we needed something on the table in order to cost it out.

Bob Glennon – There are no suggestions of the farmers in here. Just because we are here at this meeting doesn't mean we agree.

Bill Spikowski – We understand about that. We don't agree that more density should be given to pay for preservation when the island is already on the way to being overdeveloped.

Edd Dean – GPICA did this plan not the community.

Bill Spikowski – The County Commission adopted the plan, they accepted the amendment that was proposed. This was a community plan, not a GPICA plan.

Bob Glennon wanted to talk about the litigation.

Bill Spikowski said that we are still trying to settle the litigation.

Edd Dean said that the President of the GPICA told him that we were not going to negotiate any further.

Bill Spikowski and Phil Buchanan said that is not true, further negotiations are expected.

Phil Buchanan – The scope of this committee is to implement the rules of the plan as adopted.

Elaine McLaughlin – Getting back to the issue at hand: how onerous is maintenance to the landowner?

Bill Spikowski – These rules could be much more specific, we may need to do that. Landowners might propose something different.

Elaine McLaughlin – Can maintenance be ignored here, can this code be silent?

Bill Spikowski – This code should set up criteria at least, or it could be more specific than that, but cannot be silent on maintenance, exotic plants will take over.

Elaine McLaughlin – Bonds are posted for roads, can that be done for maintenance?

Bill Spikowski – Yes, as long as there is a source of funding.

Dave Lukasek – Why not let Conservation 20/20 take over the restored land and maintain it?

Bill Spikowski – If they're willing, that could work.

Edd Dean talked about surface water management on his farmland. He took the Dubins on a tour, but they did not listen.

Bill Spikowski said GPICA had proposed a settlement offer that allowed continued farming in place of restoration, but the density wouldn't be as high.

Edd Dean stated that proposal was preposterous. What if you can't farm it any more?

Bill Spikowski – You could still restore the land or switch to different crops.

Breese Glennon asked about the up to 10% commercial on page 6, under (1) b. 3.

Bill Spikowski – stated that they that was intended more for community gardens than serious agriculture.

Bob Glennon – If projects don't pencil with these standards, there are problems. Edd's water system will have to be managed by someone. We need to make this plan achievable.

Bill Spikowski – The purpose of this plan was never to get rid of farms. If restoration ends up being too expensive, this plan could have the effect of encouraging natural lands to be developed rather than farmland.

Edd Dean – Can you differentiate between farm and native land?

Breese Glennon – Why not just eliminate restoration for existing farm land?

Phil Buchanan – A cost study is needed for restoration and maintenance costs.

Bob Glennon – A cost study should be performed by neutral parties, not Pine Island people.

Edd Dean – What about the effect of having combined STRAP numbers? I'm worried that the right to build on old lots could be lost.

Bill Spikowski – Combining lot numbers does not affect the right to build under any county regulations I could find, but the county has been finicky about minimum use determinations lately.

Matt Uhle — STRAP numbers shouldn't matter according to the regulations, but in practice they still seem to matter.

Phil Buchanan – All lots platted as of mid-1980s are grandfathered.

Bill Spikowski – The county has gotten stricter about roads, making it difficult to build in some remote spots. Kreamers was redesignated urban in the late 1980s but some blocks were overlooked and those lot owners now are told they must put in minimal roads.

Larry Rhoda questioned the origin of the Coastal Rural designation.

Matt Uhle doesn't like one unit per 2.5 acres after reaching 910, and objects to new density rules.

Phil Buchanan – Cost analyses needed, especially for the restoration standards.

Phil Buchanan – We can reschedule meetings as needed until this committee is dissolved. Talks need to continue but a committee that meets in the Sunshine can't negotiate.

A motion was suggested to send Policies 1.4.7 & 14.1.8 to the County.

Bill Mantis asked about caps and Bob Glennon still questioned the cost of preservation.

Bill Mantis asked Bob Glennon if his only concern was the Coastal Rural designation.

Bob Glennon stated that he didn't like the density.

Bill Dubin stated that the opponents to the plan should have attended the meetings and taken part in the planning process.

Bob Glennon – apologized for not attending the earlier meetings.

Bill Mantis asked Edd Dean how long he had been on Pine Island.

Edd Dean said he had been on the island for over 60 years.

Bill Mantis asked Edd and other landowners present, that since they owned land for years on this island and are familiar with the traffic problems, why they shouldn't abide by the present traffic and population caps?

Edd Dean said they were ridiculous.

Phil Buchanan then made a motion to share the tentative language for implementing Policies 1.4.7 and 14.1.8 with Lee County with the suggestion that an independent evaluation be done by the County or another agency of the costs of restoration and maintenance.

The motion was seconded by Elaine McLaughlin and all committee members in attendance approved the motion.

A motion was made by Bill Mantis to adjourn the meeting, seconded by Phil Buchanan and approved by all committee members in attendance.

The meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Barbara K. Dubin