

Minutes
Greater Pine Island Comprehensive Land Use Plan Implementation Committee
Saint John's Episcopal Church
November 12, 2003

Members present: Address, Buchanan, McLaughlin, Mantis and Stober
Members absent: Dubin

The meeting was called to order at 7:04 pm by Vice Chair Noel Address, in the absence of Chair Barbara Dubin. *Motion by Stober, second by Buchanan, to approve the minutes of the October 18th Comprehensive Land Use Plan Implementation Committee minutes. Motion carried on a voice vote.*

The topic for the evening was to review the revised and expanded drafts for the 810/910 rule and the Coastal Rural category. The meeting was turned over to planning consultant Bill Spikowski, who introduced traffic planner Mohsen Salehi.

Bill Spikowski thanked Saint John's Episcopal Church for allowing the use of their building. He reiterated the background of the Greater Pine Island Comprehensive Land Use Plan (CLUP), from 1984 to the present. Work on the current amendments to the plan began in 1999. They were approved by Lee County in 2003 after a series of public hearings. They have been adopted, but are not yet in effect because Florida state law allows affected parties to appeal, which is the case with this plan. The administrative hearing for the appeal is scheduled for February 2, 2004. Under state law, plans don't take effect until challenges to the plan have been resolved.

At the end of May 2003, the Lee County Commissioners approved the Greater Pine Island CLUP Implementation Committee, under the county sunshine rules with financial disclosure by all committee members. The Greater Pine Island Civic Association has a contract with Lee County for the committee to draft proposed implementation regulations for the plan within six months. If the plan changes, the implementation regulations will have to change. Bill Spikowski would like to meet the six month goal, but is doubtful of the reality of meeting the timeline.

Bill Spikowski noted two handouts available at the door: revised and expanded language for implementing regulations for the Greater Pine Island CLUP, and the "Proposal Ideas For discussion with the Pine Island Land Use Committee," submitted by eleven named land owners.

Bill Spikowski explained that the amendments to the regulations are better for large land owners as well as for the community as a whole. The new plan itself is a compromise; he gets an equal number of calls saying that the plan is too weak and a lost opportunity, and saying that it is too restrictive.

Control of future growth on Greater Pine Island is based in part on the traffic through Matlacha. The previous plan allowed no rezoning after the 810 traffic count was reached. The amended plan allows some exceptions, as detailed in Composite Code Changes to Implement Policy 14.2.2, paragraph (2). Paragraph (3) details the changes when 910 traffic count is reached. Paragraph (5) details the exception for legitimate ongoing developments, such as Cherry Estates.

There are many lots in Cherry Estates yet to be developed that have been approved by the county, although the Cherry Estates RV Park is not properly zoned for expansion. Bill Spikowski clarified that the key word “ongoing” should be emphasized, rather than the word “legitimate,” in response to a question by Matt Uhle.

Dan Stevens asked if this plan then only pertains to land over five acres. Bill Spikowski said no, the five-acre applies only in one specific situation. Dan Stevens stated that he had been paying high taxes on his property for over thirty years. Bill Spikowski reiterated that the 1989 plan allowed no rezoning after the 810 count was reached, while the new plan tries to create some flexibility. Dave Lukasek stated that residential property taxes were higher than agricultural property taxes.

Bob Glennon stated that 910 is not a strict number and will be changed. Bill Spikowski responded that the 810 and 910 numbers were declared by the county commissioners a dozen years ago as the best way to deal with the density problem.

Phil Buchanan stated that in the late 1980s the state insisted on precise thresholds being placed in the plan. What had been proposed was in terms of the level of service, not precise numbers. The state said that they were not going to leave it to the county to determine later the appropriate numbers that equate to levels of service. The proposition that the numbers are going to change would undermine the entire plan. 910 is not going to change.

Noel Andress explained that the Local Planning Agency (LPA) supported the plan and passed that recommendation to the county commissioners. Neither supported changing the 910 number. They had the discretion to change it but chose not to. Now, it would have to go to the state Department of Community Affairs (DCA) to approve another change.

Bob Glennon asked what the rate of growth is. Phil Buchanan responded that it has been about 1½% per year.

In response to a question by Jason Ryder, Mohsen Salehi explained that the traffic count station has been in place on the west end of Matlacha for over ten years. It counts traffic 24/7 and records it every 15 minutes. An average of traffic taken every day during the year is used to determine the “average annual daily trips.” About 8% of daily traffic is during the peak hour. Peak season is January through March. Off season is April through December. Further details on the method of counting traffic are found in the appendix to the amended CLUP, which is available in the Pine Island Library or online at www.spikowski.com.

Bill Spikowski pointed to two maps on easels; an “existing” future land use map and a proposed future land use map. On the latter, all rural land is shown to be redesignated as coastal rural. The latter map is the one that has been adopted by Lee County

Bob Glennon stated that there has been no rush on agricultural land being converted to housing. He wondered what to expect and when we would see the benefit? He thought most palm farmers were not planning to convert their land to housing. Bill Spikowski stated that we cannot foresee the future, but that the benefit of this plan will be mainly for the next generation, not ours.

Phil Buchanan stated that palm farms are only a small part of the rural land on Pine Island. There is also vacant land in pine and palmetto.

Dan Stevens stated that he had no intention of building on his property until he was told he couldn't. He said that landowners were being forced into considering development by this plan and the plan will just cause more problems.

Breese Glennon suggested that we should have a different category for land that is already in agricultural production.

Bill Spikowski said that this committee is charged with developing implementing regulations for the CLUP; that the committee was not asked to change the way the plan was written. Only the county commissioners can change the plan.

Noel Andress stated that the coastal rural designation is not going to have a big impact. Rather, the 810/910 rule is the one that will have a big impact. The coastal rural designation will be academic after we reach the 910 traffic count.

John Cammick asked how many acres the Calusa Land Trust and Conservation 20/20 own.

Phil Buchanan replied that they own about 2,500 acres, combined, with Calusa Land Trust owning mostly wetlands and 20/20 owning mostly uplands.

Matt Uhle asked what the criteria are for the restoration process.

Bill Spikowski replied that the method and the criteria are outlined in these regulations. He acknowledged that there is a period of a couple years between planting and when the restoration can be considered successful. The criteria for determining success of the restoration has not been determined. The plan is not looking for an immediate restoration, which would be cost-prohibitive. The plan would allow gradual restoration, with proper safeguards.

Breese Glennon asked if the responsibility for restoration could be placed on the new homeowner?

Phil Buchanan responded that it probably could not.

Bob Glennon asked if a land owner clustered to get density, how would he protect the homes from fire due to native vegetation? He stated that native vegetation is onerous on a neighborhood.

Bill Spikowski replied that it is common practice to include some development costs and certain continuing responsibilities as homeowner's association costs. County biologists are aware of selective thinning practices which reduce the risk of fires in native vegetation.

Bob Glennon asked if there is a mechanism for a variance for walls and gates to protect property.

Bill Spikowski stated that he didn't remember; that he would have to check on it. Variances cannot be granted to firm rules in the plan, but could be granted to implementing regulations.

Bill Spikowski stated that a new item for discussion tonight would give someone the opportunity to restore land in exchange for higher density on properties owned by others, similar to the wetlands restoration bank on Little Pine Island.

Bill Spikowski said that a fundamental issue of good planning is that it should be easy for the public to do what is recommended. If someone wants to cluster for higher density, it should be easy to go through the process with the county, rather than an ordeal.

In response to a question, Bill Spikowski replied that the county has a process called deviation, whereby a person may be granted a deviation if he/she can prove that the rule does not make sense on his/her land. However, the deviation cannot go against the (Lee County) Comprehensive Plan.

Noel Andress stated that on page 6 of 13, he thought the credits allowed for land uses in preserved habitat were not high enough.

Phil Buchanan stated that, after running the calculations, he thought they were.

Bill Spikowski recommended that at the next meeting, the topic of discussion might be a complete draft of the best ideas for all seven policies being implemented. The committee could review them and decide which parts are ready to send to the county and which need more work. The committee has not reviewed commercial design standards at all. He reiterated that there will be many public meetings downtown before adoption of the plan.

Noel Andress suggested that some of the suggestions from the palm growers be added to the agenda for discussion, acknowledging that some of the suggestions are separate from the purview of the implementation committee.

Phil Buchanan suggested that we hold a separate meeting to discuss those suggestions.

Motion by Buchanan, second by Andress, to devote the December 10th CLUP Implementation Committee meeting to an open discussion about the plan including the ideas submitted from the palm growers, and to devote the January 14th meeting to review a draft of the best implementation ideas for all seven policies. Motion carried on a voice vote.

The meeting was adjourned by Vice Chair Andress at 8:45pm.

Respectfully Submitted,

Chris Frost