

Greater Pine Island Land Use Plan Implementation Committee

Wednesday, October 8, 2003, 7:00 PM
St. John's Episcopal Church, 7771 Stringfellow, St. James City

1. Call to order (Chairperson Barbara Dubin)
2. Review of minutes from previous meetings:
 - a. April 9, 2003
 - b. June 11, 2003
 - c. August 13, 2003
3. Implementation of Policy 14.2.2 — 810/910 Traffic Rules
4. Implementation of Policies 1.4.7 & 14.1.8 — Coastal Rural
5. Remaining steps toward implementation
 - a. Restoration standards for “Coastal Rural” land use category
 - b. Commercial building design standards
6. Set date and time for next meeting (7:00 PM on November 12 or on December 10)
7. Adjournment

Greater Pine Island Land Use Plan Implementation Committee
April 9, 2003 Meeting Minutes

The meeting began at 7:10 p.m. Barbara Dubin introduced Jim Mudd, the Lee County Planner who will be attending all of the meetings. She then introduced Mohsen Salehi, the GPI Plan's Traffic Expert, followed by Bill Spikowski, our Professional Planner. The meeting was then turned over to Bill Spikowski.

Mr. Spikowski stated that now the plan was approved by both the County and the Dept. of Community Affairs, the plan must be implemented by members of the Committee coming up with appropriate language which must be adopted into the Lee County Land Use Codes. He explained the numerous steps through which the new GPICA Land Use Plan had to proceed. The last steps were approval by the DCA and a time period thereafter of 21 days for any legal challenge to be filed. An challenge was filed by Russell Seti, on March 30, 2003, who basically objects to the whole plan including building heights, the 50' buffer and sections against gated communities. Mr. Seti will get an Administrative Hearing, but both the state and the county are supportive of the plan. The Plan will not go into effect until this challenge is settled.

Mr. Spikowski stated that we received grants of \$10,000 from the DCA, \$20,000 from the Elizabeth Ordway Dunn Foundation and \$5,000 in seed money from the Lee County Board of County Commissioners. We are presently seeking \$20,000 from the county in order to implement the 7 following points (included in more detail in the attachment):

Coastal Rural – 1 unit/10 acres or 10 units/10 acres if 70% preserved;
50' buffer from preserves, also create new process for Agriculture.

Traffic Count & rules – can't be vague.

Height limitations – does it include towers or not?

Walled communities

Architectural standards for commercial bldgs.

Sign regulations.

Other programs which should be addressed if money and time permit are unusable and bad zoning; historic site survey with help from the Historic Society and a state grant; and a grant funded septic tank program.

Noel Andress said paving of roads should be prioritized and Elaine McLaughlin brought up opportunities for public parks. However, Bill Spikowski stated these points could be part of the next round of amendments in the land use plan.

Mohsen then gave his traffic report which stated that we have surpassed 810 round trips, peak hour, peak day and are nearing 910. We have reached 872. We could throw out 3 mos from last year and add 3 mos from this year or stick to the yearly report as is. There is no distinction between cars and 18-wheelers. Should trucks be counted differently? Noel brought up the point that the rules should be in the land use codes when we reach 910. These rules must be specific including the application dates of development orders, so we can set a definite cut-off date.

Other questions raised by an islander were how many dump trucks can Matlacha bridge handle; weight within limits?; law enforcement; speed on Stringfellow. Mohsen said State checked bridges on a regular basis. Noel asked about pavement management. Mohsen said paving is done on a prioritized basis.

Bill Spikowski asked if we should stick to DOT tried and true methods? Mohsen said stick with it or otherwise objections from DOT. Bill Spikowski said maybe we should acknowledge flaws but, it is basically okay. Noel suggested we clearly delineate what we used in adopting the 810-910 Rule. Phil Buchanan said we should not tinker with the 810-910 rule or DOT methodology.

Jim Mudd suggested that we might want to add more members to the Committee.

Stuart Winston was interested in how he could divide his 10 coastal rural acres and get 3 units. Noel stated that any subdivision must have 100' frontage on a Class D County Road, can't access through another small residential lot or street. Bill Spikowski said that in a coastal rural area preservation must be guaranteed. One way of doing this was by a conservation easement.

Bill Spikowski then discussed posting the appropriate notices for meetings and posting drafts of subjects of the up-coming meetings at the Pine Island Library, one location in Matlacha and on Bill's web site.

Bill Spikowski then conducted the election of the Chair of the Committee. Barbara Dubin was nominated by Noel Andress, seconded by Phil Buchanan and unanimously elected.

Barbara Dubin took over the meeting and asked for nominations for Vice Chairman. Elaine McLaughlin nominated Noel Andress, seconded by Phil Buchanan and unanimously elected.

The meeting was adjourned at 8:05 p.m.

**GPI Land Use Plan Implementation Committee Meeting Minutes
June 11,2003**

The meeting was called to order by Chairperson Barbara Dubin at 7:05 P.M. at St. John's Episcopal Church in St. James City. The meeting was immediately turned over to Bill Spikowsky, our Principal Planner.

On May 27, 2003, the Lee County Board of County Commissioners unanimously approved a county grant of \$20,000 to be used for implementation of the newly approved GPI Land Use Plan.

A legal challenge by Russell Setti, concerning our newly approved Land Use Plan, has been filed against the FL Dept. of Community Affairs (DCA). Lee County is presently negotiating with Mr. Setti. An Administrative Hearing, which was set for June 10, 11 and 12, has been postponed. The new Administrative Hearing date will be picked by a judge and the hearing will be very legalistic. Setti must prove that he is correct. The DCA must also prove that they were correct in approving the plan. The Plan will not be in effect until the legal challenge is resolved.

As long as you comply with the previous plan, you can get a permit. However, in matters of rezoning the Commissioners can use the fact that there is a new plan. The County refused to renew Village Link's development order. However, Villages of Pine Island was approved before there were time limits put on development orders. At the June 10 BOCC meeting, the Commissioners stated that a Hearing Examiner must take public input. After it is heard by the Hearing Examiner, can it be appealed to BOCC? That decision will be made shortly.

There is now a move not to change Land Development codes so often. They want to change them every 1½ years. However, an exception is being made for our community plan.

Policy 14.3.3 Building Heights. There should be a format for changing policy. Changes should be cross- referenced to make sure rules are understood. They must be clear and concise. Some previous loopholes no longer apply. Do we want communication towers included in height limitations? Our plan presently states that heights pertain to industrial as well as residential development. Recent County tower regulations gave the barrier islands a 25' height limitation for towers. P.I. was not included. We need to work on the issue of communication tower heights. Put PI's tower regulations in Sect. 34-1441 et seq.

Policy 14.3.5 Neighborhood Connectivity (Walled Developments). Must connect roads, but not create a raceway through the neighborhood next door.

The only reason for roads not connecting is where there are physical barriers such as canals or wetlands. There should be special rules in the codes for PI Developments. There should be no high walls or gates between developments or along the road. Kim Trebatowski says there may be a problem in some instances (such as next to or behind commercial development which presently require walls). There should be no gates or walls which interfere with movement of cars between developments/neighborhoods. This issue needs work. A solution could be the number of residences or blocks.

The topics for the next meeting will be Directional Signs and the "Coastal Rural" land use category.

We must come up with the best possible solution for directional signs, or Lee County DOT will throw this section of the plan out. They are not happy to have to mow around the signs and are worried about liability.

Coastal Rural needs a great deal of work. We must consider design standards for roads (county road regulations recently increased width of all roads). Restoration is an issue. People are concerned about the cost. The solutions need to work and be reasonable. We shall get biological and other special help. We need to define what we mean by restoration. The standards should not be punitive or else we will be faced with a Bert Harris suit. We need a standard to work from. What does this plan for restoration mean? Who owns the preserved land? All homeowners within the development with a conservation easement? Who will monitor the conservation easement? Phil Buchanan says the county is not monitoring conservation easements. Bill Spikowski intends to confer with Mr. Anderson, Kevin Erwin and Dick Workman for help. Conservation easements will need constant monitoring.

The new 810-910 rule cuts density to 1/3 rather than the old rule's no new developments at all when traffic reaches 910. People are assuming the worst.

The Bert Harris suit by the mining industry was discussed. Did they ever get permission for the mine in the first place? They can presently mine to a lesser depth than the 90 foot depth that they want. Courts won't probably enforce in the most punitive way. If it is punitively enforced, the laws will probably be changed.

It was decided to hold the next GPI Land Use Implementation Committee meeting at 7:00 P.M. on Wed., August 13, 2003 at St. John's Episcopal Church.

The meeting was adjourned at 8:30 P.M.

The attached material was given all in attendance.

Minutes

Greater Pine Island Land Use Plan Implementation Committee

Saint John's Episcopal Church

August 13, 2003

The meeting was called to order at 7pm by Vice Chair Noel Andress, in the absence of Chair Barbara Dubin. The topic for the evening was Wetland Buffers and Business Signs. The meeting was turned over to Consultant Bill Spikowski.

Mr. Spikowski distributed a packet of information on Wetland Buffers and Business Signs, which also included Docket Sheet 03-1275 Russell M. Setti & Eagles Landing at Pine Island, Inc. vs. Lee County and Department of Community Affairs. Mr. Spikowski stated that he expects the hearing will be in September or October in Fort Myers. All parties will be represented by Lawyers. The issue is: Did Lee County act properly in adopting this plan? Is there a sound basis for the plan? Is it based on data and analysis?

Composite Code Changes to Implement Policy 14.1.5: Agricultural Buffers

Mr. Spikowski walked through the changes and asked, Is this version right for us? Does it make sense to implement it? What does this mean for agriculture? An agricultural buffer is the last opportunity to purify the water by stopping the flow of pesticides and herbicides. If the water management district requires riparian buffers, then this section will not be necessary. Any new or expanded operation will be required to meet the rules of the code. Existing operations will not.

It was suggested that we need a clear definition of associated wetlands and of native tree cover. It was clarified that one cannot get an agricultural exemption unless the land is under a bona fide agricultural operation. There was much discussion about clearing and agricultural exemptions where the agricultural operation covers only a portion of the property.

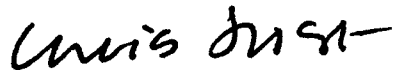
Implementing Policy 14.4.4: Business Signs

Mr. Spikowski explained that there are two types of business signs; one on a business and one on a right of way for the purpose of directing customers to a business. Currently, the latter signs are not allowed. This change would allow small directional signs for businesses that meet certain criteria. There are about ten places on the island where businesses meet the criteria and signs could be placed. A single business could have a sign if located on a single site. One sign would list all the businesses in a shopping center. A maximum size of 48 square feet was taken from the guidelines of the City of Cape Coral. It was agreed that this size needs to be refined.

There was a discussion of the illegal signs and billboards on the island, for which there is no enforcement. If this change is implemented, then enforcement would require the illegal signs to be removed.

The next Land Use Committee Meeting will be held on October 8th at 7pm at St. John's Episcopal Church. The topic will be The Coastal-Rural Land Use Category and the 810/910 Traffic Rules and how they interrelate with the Coastal-Rural category.

Respectfully Submitted,

A handwritten signature in black ink that reads "Chris Trost". The signature is written in a cursive, slightly slanted style.

Chris Trost