

Minutes of Oct. 8, 2003
Greater Pine Island Land Use Implementation Committee Meeting

The meeting was called to order by the Chairperson, Barbara Dubin at 7:05 P.M. at St John's Episcopal Church in St. James City. Attendees were reminded that this meeting was being held in a sanctuary and that people should conduct themselves accordingly. A rollcall of all committee members was then taken. Present were Noel Andress, Phil Buchanan, Bill Mantis and Barbara Dubin. Elaine McLaughlin and Anna Stober were absent. Bill Spikowski, Mohsen Salehi and Jim Mudd were introduced.

The Chairperson then asked for motions to approve the minutes of the previous meetings of April 9, June 11 and August 13, 2003. Phil Buchanan stated that Mr. Setti's name was misspelled in the second paragraph of the April 9 Minutes, and should be corrected. He then made a motion to approve the April 9 minutes, which was seconded by Bill Mantis and approved by the attendees. In the June 11 Minutes Phil asked for removal of the sentence "The DCA must also prove that they were correct in approving the plan." He then made a motion to approve the June 11 Minutes, which were seconded by Noel Andress and approved by the attendees. Mr. Buchanan, in the August 13 Minutes asked for removal of the sentence "It was clarified that one cannot get an agricultural exemption unless the land is under a bona fide agricultural operation." He then made a motion for approval of the August 13 Minutes, seconded by Bill Mantis and approved by the attendees. It was suggested that all future Minutes be signed.

The meeting was then turned over to Bill Spikowski. He gave a short history of Planning on Pine Island. The first time Pine Island was an entity in the Lee County Land Use Plan was in 1984. The first large Pine Island Land Use Plan was approved in 1989 with amendments around 1992, 1993 or 1994. An update was begun in 1999 by the Greater Pine Island Civic Association and other Pine Islanders. It was adopted by the Local Planning Agency, forwarded to the Fl. Dept. of Community Affairs by the Lee County Commissioners and then unanimously approved by the Lee County Commissioners. Since the new plan has been "challenged", it is not presently in effect. There will be an Administrative Hearing between Feb 2-6, 2004. The Administrative Hearing Judge will give his opinion and, if approved, the new plan will go into effect shortly thereafter. Now we are drafting detailed rules for the Plan even though it is not in effect, and may even need to make changes and amendments.

Dan Stevens, a nursery owner who has lived on PI for 31 years totally disagrees with the plan. He never reads the Eagle and did not attend the meetings. In response Phil Buchanan stated that the new plan makes changes to ease up the stringent rules of the 1989 Plan.

Abby Martinez bought 40 acres next to Island Acres and wants to build houses with picket fences, but now "His dreams are gone." Noel Andress stated that he could still divide land into homesites, if he clusters his housing, which is more economically feasible. Buckingham is now considering adopting ideas similar to those in the Pine Island Plan.

Bill Spikowski stated that we got grants from Florida DCA for \$10,000, Ordway-Dunn Foundation for \$20,000 and from Lee County for \$5,000. When we come up with the proposed rules, there will be several public meetings. There are 7 parts to the plan. Tonight we will discuss Traffic (3 pages) and Coastal Rural (10 pages).

TRAFFIC - POLICY 14.2.2 (attached, pages 1-3)

A traffic counter is located in the road next to the Sandy Hook restaurant in Matlacha. The 1989 Plan said the road through Matlacha was already crowded, but not at capacity. There are already 6,000 approved lots and some development orders that have been approved and are active. The new plan will not effect them. The 1989 Plan stated upon reaching 910 there would be no new residential developments (too strict). The new Plan states that in the worst case development should be reduced to 1/3 of the previous density.

Page 1 shows County approved provisions. The 1989 plan stated that there could be no rezonings once the 810 threshold was reached. We surpassed that threshold in 1998. Page 2, (2) a, b, & c show exceptions to the 810 rule under the new Land Use Plan, changes made to ease up on the stringent rules of the 1989 Plan. Do we need to make it more specific or keep it general? Keeping track of peak hour, peak direction traffic count.

Phil Morrison asked if hurricane traffic is important. Bill Spikowski said that we are already in trouble in a hurricane based on peak hour traffic.

Dan Foote asked what 910 peak hour meant. Mohsen Salehi explained the formula for estimating round trip/peak hour traffic and his studies also included peak direction. We reached 810 in 1998 which went into effect in 1999 (upon publication of the traffic count report by Lee County DOT) and will surpass 910 in 2003 by the time the 2003 traffic count report is published (roughly on or about the end of March 2004).

Noel Andress: If subdividing property into more than 4 lots, you must get a development order under standard county rules.

Earl Scott asked if you divide property, what are the implications? Bill Spikowski stated that he would lose his Ag exemption, must put in a new road and would increase his taxes.

Page 3 explains traffic rules. (5) on Page 3 explains the already platted lots on 2 parcels in Cherry Estates. No new lots can be added.

Page 2 (3) a and b discuss how the 910 rule effects Coastal Rural.

Deb Lytle was concerned about wildlife on undeveloped lot/lots in middle of small development. Bill stated that the county was willing to buy wildlife habitat under Conservation 2020.

Dave Lukasek stated that there could be Public Hearings and Rezonings. There was a discussion on rezoning and what is minor? Bill Spikowski said that these regulations could define what minor means.

Matt Uhle asked why the 1/3 density rule was left at the most restrictive level.

Noel Andress stated that if one had 40 acres to divide into 1 acre lots you would need paved streets. Not feasible today – cost prohibitive.

Sally Tapager questioned where traffic counter should be. It is next to Sandy Hook restaurant. Bill explained it has always been there but the new rules would apply to all of Matlacha as well as Pine Island, not just west of the traffic counter.

Bill Spikowski explained “Concurrency”. The rules under (2) on page 2 explain exceptions under the new plan, further easing the old 1989 Plan (810 Traffic Rule).

Dan Foote asked about the traffic at the east side of Matlacha. It is not counted by the traffic counter at the Sandy Hook. Mohsen Salehi said the traffic restrictions would probably be more severe if the Matlacha traffic were counted.

COASTAL RURAL POLICIES 1.4.7 & 14.1.8 (attached pages 1-10)

All previously designated rural land plus 157 acres north of Pink Citrus were designated “Coastal Rural” in the new Land Use Plan. Trying for a balance between land owners rights and overall rights of everyone. Can farm and clear. Density will be 1 unit/10 acres. If you restore the land, you can attain 1 unit/acre maximum if you preserve or restore 70% of the land (other attainable densities are on chart on Page 1). Real estate agents say things have changed – land prices have increased since the plan was adopted. It is also costly for sewers.

Noel Andress stated that LDC Code Restoration Amendments have not been formulated. What is included in open space – wooded/natural areas of golf courses, retention ponds, etc.? Most successful development has created open space.

Coastal Rural is a new designation and is only on Pine Island. However, North Fort Myers in some areas and southeast Lee County has a density of 1/10 acres.

Page 2 contains a legal description of Greater Pine Island.

Page 3, footnote (6) John Cammick stated that the date should be changed to the effective date of the new Land Use Plan. There was a consensus to make this change.

Page 4 (b) refers to Table 34-655. More land preserved/restored, more units allowed.

Page 4 – Table. Option A cuts density by 2/3. Options B, C, and D are more lenient.

Under old 910 Rule (10 acres) no new development. Under the new 910 (10 acres) can build at 1/3 density.

Bob Glennon had a question about creating open space. If they preserve the land does it have to have bike paths and preserve areas open to the public? Bill Spikowski stated that it was not public and could be under the homeowners’ association. Phil Buchanan talked about a conservation easement. Make sure the terms of the easement are followed.

Noel Andress stated that the IRS does not recognize conservation easements for tax breaks unless a donation is completely voluntary. However, there probably would be a tax reduction by the Lee County tax assessor for the land included in the easement.

Page 6. What happens to land preserved? Can part be a tree farm? At present it must be preserved as native habitat. Restoration can be expensive. Can part of the land be used for farming? This will be discussed next month.

Sherrie Philips asked about wetlands. Bill stated that the density of wetlands was 1 unit/20 acres in 1994, and this density is still in effect.

Phil Buchanan stated that Corps of Engineers wetlands are sometimes uplands. Non-contiguous pieces should be considered.

John Cammick suggested transfers and putting development near the road.

People shouldn't be allowed to transfer melaleuca swamps as if they were natural land.

Bob Glennon said that traffic is growing faster than development. Many people are sightseers. Bill Spikowski stated that inland lots are now more costly. He also said that the Census Bureau does surveys on seasonal use, but the numbers are not reliable. There is no good data on seasonal use.

Phil Buchanan said that better growth figures come from electrical and water hook-ups.

Noel stated that an average of 100 houses have been built per year.

Ed Anderson said that the new Burnt Store extension has brought more people to western Cape Coral and the Pine Island area. "Build a road and they will come."

Sally Tapager said that we could expect the population of Cape Coral to be 200,000 within the next 10 years. We can expect more people on Pine Island too.

In Coastal Rural – single family or multi-family? Bill Spikowski said most is zoned single family.

Noel Andress said the Burnt Store Road will be 4 or 6 laned. There are already large new developments planned for along Burnt Store Road. We must act now to preserve our quality of life.

Deb Lytle asked about the Pine Island Water Company providing water for these developments and about the prospect that all unincorporated areas of Lee County must become incorporated. Bill Spikowski stated that Lee County Commissioners have never shown any interest in incorporating all unincorporated areas and that Greater Pine Island residents own the water company.

Noel Andress pointed out that there is no more capacity at the sewer plant at the present time, but the plant can be expanded if injection wells are completed.

If you have an existing lot that can be built on under the 1989 Plan, it can be built on under the new plan.

Phil Buchanan related that alternatives A&D on the chart on Page 4 are bad. A is too harsh and D is too lenient. The alternative should be B or C.

Bob Glennon asked how the area for Coastal Rural was selected. Bill stated that all rural designated land was selected plus 157 acres north of Pink Citrus because most of it is farm land. Also, there are no active development orders on this land.

Noel Andress stated that the maximum number of people in Lee County under the growth rules will be approximately 1.5 million. There is a maximum of growth and allocation for each county.

Bob Glennon asked about changing the 910 number and how would it effect the density. Bill Spikowski stated that the County's and the Commissioners' credibility would be affected if you change the 910 Rule. When you reach a certain threshold, you can't just raise the number or nobody would believe that the plan will ever be serious.

Noel Andress stated that there is a quota for building in the Florida Keys which is accomplished by a lottery. We didn't want this on Pine Island. Everyone in the planning process is trying to be fair.

The next GPI Land Use Implementation Meeting will be held at 7:00 P.M. on November 12, 2003 at St. John's Episcopal Church. The topic will be conservation/preservation requirements.

The meeting was adjourned at 9:07 P.M. There were 91 people in attendance.

Respectfully submitted,

Barbara K. Dubin