

MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, May 12, 2023
8:30 a.m.

Committee Members Present:

Jeremy Frantz	Veronica Martin
Jay Johnson	Paula McMichael, Chair
Randy Krise	Jack Morris
Tom Lehnert	

Excused / Absent:

Jarod Prentice	Christopher Scott
Bill Prysi	Linda Stewart
Al Quattrone	Amy Thibaut, Vice Chair
Jennifer Sapan	Patrick Vanasse

Lee County Government Staff Present:

Dirk Daniley, Jr., Zoning	Anthony Rodriguez, Zoning Manager
Adam Mendez, Zoning	Amanda Swindle, Deputy County Attorney
Janet Miller, DCD Admin.	

AGENDA ITEM 1 - CALL TO ORDER/REVIEW OF AFFIDAVIT OF PUBLICATION

Ms. McMichael, Chair, called the meeting to order at 8:30 a.m. in the Large First Floor CR 1B, Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida.

Ms. Amanda Swindle, Assistant County Attorney, reviewed the Affidavit of Publication and found it legally sufficient as to form and content.

AGENDA ITEM 2 - APPROVAL OF MINUTES – April 14, 2023

Mr. Jay Johnson made a motion to approve the April 14, 2023 minutes. Mr. Tom Lehnert seconded. The motion was called and carried.

AGENDA ITEM 3 – LDC AMENDMENTS – BUILDING HEIGHT AND RESILIENCY, SOUTH SEAS ISLAND RESORT, DEFINITIONS, APPLICATION REQUIREMENTS FOR ZONING ACTIONS, HOTELS AND MOTELS, PARKING FOR EXISTING DEVELOPMENTS, PERMITTED SETBACK ENCROACHMENTS

Mr. Anthony Rodriguez, Zoning Manager, gave an overview of the amendments.

The Board had no questions on pages 1 through 6.

Page 7

Mr. Lehnert referred to item (b) under Section 34-2011. Applicability of division. He asked if (1) conflicted with (2) because (2) reads, “*Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the total floor area in accordance with this division.*” However, his interpretation of (1) is that if someone builds it back and adds square footage, they only have to provide proportionately for the new square footage in accordance with the regulations. He liked the idea that if someone adds 1,000 square feet, they must comply with the current regulations, but their existing square footage is grandfathered in. He suggested staff might want to clarify this language.

Mr. Rodriguez staff would review this section further and modify it accordingly.

Page 8

Mr. Lehnert referred to Section 34-2171. Measurement where it references 12 inches. He asked how staff derived at 12 inches when typically grade is 12 -18 inches above.

Mr. Rodriguez stated it was an established standard in Chapter 6 of the Building Code. It is merely a cross reference. In the staff note highlighted in red, there is a reference to that code (LDC Section 6-514).

The Board had no questions on Pages 9 and 10.

Page 11

Mr. Lehnert referred to (5) Greater Pine Island and asked how staff came up with the difference in height from 38 feet to 33 feet (5 foot difference).

Mr. Rodriguez stated it ties into the Lee Plan and also past decisions by the Hearing Examiner regarding building height. He explained that the recognition is Pine Island's community plan and its implementing regulations. They are intended to have Pine Island be the area where the building height in Lee County is the lowest. In recognition of that fact, staff is changing the way the building height is measured causing it to be lowered by 5 feet. It is currently measured from grade to the peak of the roof. However, now it is being measured from flood to the midpoint of the roof (especially if it is a pitched roof).

The Board had no questions on Pages 12 through 14.

Page 15

Ms. McMichael noted staff had added an exception for exterior stairways. If someone wanted to add an elevator, she asked it that would be covered by the equipment pad platforms.

Mr. Rodriguez stated staff would most likely make that interpretation. For means of access, staff would allow either an elevator or staircase to encroach. He also noted that staff may further review this section because there are several instances occurring where homes are being elevated to where the principal entrance is at the front of the building and the stairs are coming straight perpendicular to the front elevation of the building meaning they are coming out into the setback. Therefore, staff may need to make further adjustments to this section to allow for that without any sort of administrative approval.

Mr. Lehnert stated he had spoken to Mr. Danley about a project in St. James City where they had stairs on the rear of the structure. He believed Mr. Danley stated the stairs were considered part of the structure. Item (6) on Page 15 allows for a three foot encroachment. However, his client had stairs that are not elongated. They come up and down so they are actually six feet. If they wanted to do something outside of the hurricane, would they need a variance? Mr. Lehnert stated he had difficulty understanding why stairs are treated as being part of the principal structure on the setback. Although he could see how staff might consider stairs in the front being part of the principal structure, he did not understand it applying to stairs in the rear.

Mr. Rodriguez understood Mr. Lehnert's comments and stated that may be the direction staff takes because staff is receiving several applications that are not just 1 or 2 feet into the setback, but 7 to 8 feet into the setback. This week alone staff has received approximately three requests for administrative variances for that configuration. Mr. Rodriguez stated staff realizes they need to look into this further and may exempt access all together.

It was determined that the Board did not need to review the remaining pages because they are only legal descriptions.

Mr. Lehnert made a motion to approve the LDC amendments. Ms. Veronica Martin seconded. The motion was called and carried.

There was no further discussion. Ms. McMichael adjourned the meeting at 8:43 a.m.