

MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, November 14, 2025
8:30 a.m.

Committee Members Present:

Stephen Coleman	Jarod Prentice
Randy Krise, Vice Chair	Jennifer Sopen
Jack Morris	Amy Thibaut, Chair

Excused / Absent:

Allie Beecher	Al Quattrone
Jay Johnson	Christopher Scott
Veronica Martin	Patrick Vanasse

Lee County Government Staff Present:

Joe Adams, Asst. County Atty.	Janet Miller, DCD Admin.
Brandon Dunn, Planning Manager	Anthony Rodriguez, Zoning Manager
Adam Mendez, Principal Planner, Zoning	

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

Ms. Thibaut, Chair, called the meeting to order at 8:35 a.m. in the Large First Floor CR 1B, Community Development/Public Works Building, 1500 Monroe Street, Fort Myers, Florida.

Mr. Joe Adams, Assistant County Attorney, reviewed the Affidavit of Posting and found it legally sufficient as to form and content.

Ms. Thibaut welcomed our newest member, Stephen Coleman, to the Land Development Code Advisory Committee. She noted there is also another new member, Allie Beecher, who could not attend today, but might be at our next meeting.

AGENDA ITEM 2 - APPROVAL OF MINUTES – August 8, 2025

Mr. Krise made a motion to approve the August 8, 2025 minutes. The motion was seconded by Ms. Sopen. The Chair called the motion, and it passed 6-0.

AGENDA ITEM 3 – LAND DEVELOPMENT CODE AMENDMENTS

A. Fire/EMS Impact Fee Amendments

Mr. Mendez provided an overview of the amendments and was available for questions.

Mr. Morris referred to Section 2-231(e) on Page 1 of 3 and noted it references the Florida State Statute, but it limits it to *“the maximum allowable fee increases.”* He stated that the Florida State Statute is comprised of much more related to this item beyond just the maximum allowable fee increases. He asked if there was a reason it was only limited to maximum allowable fee increases. For instance, was it staff’s intention to only highlight that particular item?

Mr. Mendez noted there was more mentioned regarding this item in (a) and (b).

Mr. Dunn stated the questions staff mainly receives from the public deals with the implementation and how it is broken down. For instance, if there is a 50% increase, will it be broken up over four years? Because of this, staff wanted to put something more specific in here to ensure everyone that staff will be following those regulations. Although Mr. Dunn did not see an issue with broadening this section, he noted the intent is to be in compliance with the statutes.

Mr. Morris stated that after hearing staff's explanation, it made sense. He referred to the study that was included in the packet and asked staff how much feedback they were looking for from this committee in regards to the accuracy or agreement with the actual cost increases. Mr. Morris stated he was only speaking for himself and noted that he had a limited amount of time to go through the study itself. If the intent of this is for the Committee to say they agree with everything in the methodology, then he would need more time because of the size of the study (196 pages).

Mr. Dunn stated staff always welcomes feedback from the Committee, but the fee increases that are identified in the study, including a couple of decreases, are based on the methodology that the county is required to go through. This means there is not much staff can do about these numbers. He noted staff did go through several rounds of discussions with the fire districts, EMS, and the County Attorney's office, but there is not much that can be done with these numbers because they are based on the methodology prescribed by the statutes.

Ms. Sapen referred to the table on (Page 2 of 3) and asked why the retail was split into three separate categories when it appears that all three categories are the same.

Ms. Thibaut stated she had the same question.

Mr. Dunn stated the additional columns were added because of the changes to the ITE manual, which is part of the methodology that goes into this. They are all the same because at one point we just had a general category for all of them, so they all started from the same starting point. However, they could be different over time.

Ms. Sapen stated she could see where it could be different. For instance, the "*per square footage*" requirement for one small restaurant versus one large center, will have a different impact.

Mr. Dunn stated that was correct, but for now they are all the same because they are based on the same starting point.

The Committee had no further questions or comments.

Ms. Thibaut opened this item to public comment. No members of the public wished to comment, so the public comment segment was closed.

Mr. Krise made a motion to approve the Fire and EMS Impact Fee Update amendments as presented. The motion was seconded by Ms. Sapen. The Chair called the motion, and it passed 6-0.

B. MPD Threshold Amendments

Ms. Thibaut announced that she has a voting conflict on this item and would abstain from participating and voting on this item. She submitted the required voting conflict form to DCD staff for their records.

Under the advisement of the county's legal counsel, Mr. Krise, Vice Chair, handled this item in lieu of Ms. Thibaut.

Mr. Krise stated he was in favor of this item because it seems to allow for more flexibility.

Ms. Sapen stated that although she loves to see flexibility, she could see situations where a developer might ask the consultant to push this as far as possible. Without any parameters, it is hard to guide them. She gave an example of a case that took place on Bonita Springs several years ago.

Mr. Rodriguez stated there is not a mandate, as the language is written, that someone has to have multiple uses. It says, "*a mixed-use planned development **may** contain multiple uses.*" This means that, theoretically, a mixed-use planned development could function as a residential planned development without a commercial or non-residential component. Although he did not see the benefit in doing that, it would be a possibility based on the fact that the thresholds are being eliminated.

Ms. Sapen stated the benefit would be that the particular buyer would not have to rezone it.

Mr. Adams stated that the compatibility, etc., will be analyzed through the zoning process.

Ms. Sapen stated that if there are commercial uses nearby, then it still follows that intent.

Mr. Morris stated he had a question along those lines. He referred to a developer that might want to do a residential planned development. Since they can put this in a mixed-use planned development instead because there are no minimum thresholds, he asked if there was a reason every potential applicant would not just opt to do a mixed-use planned development to get more flexibility. He asked if there were other areas in the code where it sets different requirements if it is a residential planned development or an industrial planned development that would limit it.

Mr. Rodriguez stated that generally when someone comes in to rezone their property to a mixed-use planned development, they have a specific schedule of uses. The schedule of uses are tied to a master concept plan, which delineates what use is permitted on a particular parcel. It can be amended through an administrative process as long as it meets the criteria for an administrative amendment. In this context, if someone has an existing mixed-use planned development, they are going to pivot substantially in terms of what was originally entitled versus what the actual development concept is under review today. Although they have an administrative avenue to do that, they are still going to be required to go through the impact analysis to demonstrate that the residential density and intensity or nonresidential intensity, which is a very broad definition, are not being increased. Therefore, there is greater flexibility when it comes to taking an existing mixed-use planned development and changing what was originally entitled and demonstrating that you could do it through an administrative process.

Mr. Morris stated that in the master concept plan requirements, it appears that someone will still need to interact with the open space requirements and traffic that forces them in the application process to say, “*what are we actually targeting whether it is percentage of commercial versus industrial and residential?*” If an applicant comes in with a project that is 100% industrial, they will normally seek an industrial planned development. Mr. Morris asked if there was a disadvantage to just deciding to do a mixed-use planned development instead.

Mr. Dunn stated there is a caveat when it comes to industrial planned developments because there are certain land use categories that require that if you are going to have industrial uses they be done through an industrial planned development. They will still need to demonstrate consistency with the Lee Plan and the remainder of the code. Mr. Dunn stated there might be certain cases where an applicant/developer will be required to do an industrial planned development because it is the only way you can get the industrial uses in the central urban future land use category.

Mr. Mendez stated there are still some uses in the industrial planned development category that are still exclusive to an industrial planned development, so it depends on what kind of industrial uses someone is looking for. It may not be permitted in the mixed-use planned development.

Ms. Sapen felt this was overall a good change. The 30,000 square foot requirement made sense when every commercial center was large, but now there are neighborhood commercial areas that are much smaller, so she was in favor of the new amendments.

The Committee had no further questions or comments.

Mr. Krise, Vice Chair, opened this item to public comment. No members of the public wished to comment, so the public comment segment was closed.

Mr. Prentice made a motion to approve Mixed-Use Planned Development (MPD) Thresholds amendments as presented. The motion was seconded by Mr. Morris. The Vice Chair called the motion, and it passed 5-0. Ms. Thibaut abstained.

The meeting was turned back over to Ms. Thibaut, Chair.

C. Floodplain Management and Building Code Amendments

Mr. Rodriguez provided an overview of the amendments and was available for questions. He noted this is largely a clean-up exercise. In reviewing Chapter 6 recently, staff identified a lot of outdated language, duplicative language, and incorrect references to how the department is currently structured. The package before the Committee today is intended to clean that up and make sure we are consistent with FEMA regulations, Florida Building Code, State Statute (where appropriate), and the structure of the department as it is currently laid out from a personnel standpoint.

Mr. Morris referred to Section 6-421 on Page 4 of 7 where it says, “*The Floodplain Administrator is a designated position in the Department of Community Development, by the County Manager.*” He noted “*by the County Manager*” is strikethrough language. He asked how the designation process worked. In other words, is it just a hire by DCD staff?

Mr. Rodriguez stated that is correct.

Mr. Morris asked if this was a substantial change.

Mr. Rodriguez stated it was not a substantial change because this is how the practice has been for several years. The current terminology was an old vestige of how things were at one time.

The Committee had no further questions or comments.

Ms. Thibaut opened this item to public comment. No members of the public wished to comment, so the public comment segment was closed.

Ms. Thibaut made a motion to approve the Floodplain Management and Building Code amendments as presented. The motion was seconded by Mr. Krise. The Chair called the motion, and it passed 6-0.

AGENDA ITEM 4 – ADJOURNMENT/NEXT MEETING DATE

There was no further discussion.

Ms. Thibaut asked staff if there would be a December meeting.

Mr. Rodriguez indicated there would not be a December meeting.

Ms. Thibaut noted the next meeting is tentatively scheduled for January 10, 2026, and she adjourned the meeting at 8:52 a.m.