

**MINUTES REPORT
LOCAL PLANNING AGENCY
DECEMBER 8, 2025**

MEMBERS PRESENT:

Ray Blacksmith
Dawn Russell
Jennifer Sopen

Don Schrotenboer (Vice Chair)
Stan Stouder (Chair)
Henry Zuba

MEMBERS ABSENT:

Dustin Gardner

STAFF PRESENT:

Joe Adams, Asst. Cty. Atty.
Nathan Beals, Utilities
Kate Burgess, Principal Planner, Planning
Erika Compean Garcia, DCD Admin.

Brandon Dunn, Planning Manager
Lindsey Karczewski, Planning
Janet Miller, DCD Admin.
Anthony Rodriguez, Zoning Manager

REPRESENTATIVES

Ms. Nilgun Kamp, AICP, Public Finance Group Manager and Principal Associate with Benesch

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Stouder, Chair, called the meeting to order at 9:00 a.m.

Mr. Joe Adams, Assistant County Attorney, certified that the affidavit of publication for today's meeting was properly advertised.

Agenda Item 2 – Public Forum- None

Agenda Item 3 – Approval of Minutes – October 27, 2025

Mr. Schrotenboer made a motion to approve the October 27, 2025 meeting minutes. The motion was seconded by Mr. Blacksmith. The Chair called the motion, and it passed 6-0.

Agenda Item 4 – Land Development Code Amendments

A. Fire/EMS Impact Fee Amendments

Mr. Dunn stated there are three separate Land Development Code amendments for the Local Planning Agency's review today. The first item (Fire/EMS Impact Fee amendments) will be presented by a representative of Benesch (the consultant). The other two items (MPD Threshold and Floodplain Management and Building Code amendments) will be addressed by staff. Mr. Dunn stated that Section 34-115 of the Land Development Code provides that the LPA's role in reviewing amendments to the Land Development Code is to make recommendations to the Board of County Commissioners as to the consistency of the proposal with the adopted comprehensive plan.

Ms. Nilgun Kamp, AICP, Public Finance Group Manager and Principal Associate with Benesch gave an overview of the Fire/EMS Impact Fee amendments along with a PowerPoint presentation. At the end of

her presentation, she noted that on January 20, 2026, staff will ask the Board to direct the ordinance to public hearing. On February 3, 2026, it will be scheduled for the adoption hearing.

Mr. Blacksmith stated he felt these amendments were long overdue and he complimented Ms. Kamp on her presentation.

Mr. Stouder stated that retail seemed to be the most dramatically impacted/increased. He asked if there was a reason that retail is at more of an increase than other categories.

Ms. Kamp stated the increase for retail relates to the changes to the demand side. She explained they use data from the Institute of Transportation, Engineers Trip Generation Book, Hotel/Motel information, and visitor information, etc. Ms. Kamp stated that these variables change more in the case of retail. It is being kept at 50% of the current rate.

Mr. Stouder asked if there was a scientific reason that retail is dramatically increased compared to others.

Ms. Kamp stated it relates to how many people are at the retail sites compared to what the last study calculated. As the data gets updated, it shows that there are more people per square foot at the retail sites throughout the day.

Mr. Stouder asked what would happen to people that are already vested but have not pulled their building permit yet. When someone pulls their building permit, will they pay the old rate or the new amount?

Mr. Adams stated that during today's presentation, there was mention of a 90-day period for these impact fee increases before they are effective. If the ordinance is adopted, there will be 90 days before the impact fees become effective, so any building permits that are pulled now or for the first 90 days after the ordinance is adopted, would be the old rates before they are updated.

Mr. Stouder gave a scenario where someone has the zoning in place and they obtain their building permit before the 90 days, would they be locked in at the lower rate or exposed to the higher rate?

Ms. Kamp stated that impact fees cannot be collected any sooner than the building permit so if you are on the 89th day of that 90 day period, you will get charged at the current schedule, not the increased one. However, if you obtain your building permit after the 90 days, you will pay the higher amount.

Mr. Dunn stated that because the increases are 50%, they will be implemented over a four year period (essentially 12½% per year over a four year period).

Mr. Stouder referred to Table 2 of 3 that shows three separate columns for retail (1st column - 40,000 sf per 1,000 sq. ft., 2nd column - 50,000 sf per 1,000 sq. ft., and 3rd column - Greater than 150,000 sf per 1,000 sq. ft.). Even though there are three separate columns, Mr. Stouder noted the amounts are the same for all three sizes.

Ms. Kamp stated this is part of the new data. The data being received is tiered for retail. The reason for this is because in all cases the increase is more than 50%. Currently, there is only one retail number. All of the categories default back to 50% higher. It will end up that there will not be any tiers, but just a single category.

Mr. Stouder asked if we need three categories going forward or if it is just another level.

Ms. Kamp stated they are checking to make sure that none of the categories are lower than 50%. If one category is increasing 20%, then we do not necessarily want to automatically increase it to 50%. However, because they are all increasing more than that, in reality, the county will continue to have one single retail rate.

Mr. Stouder asked for clarification that having three categories might be beneficial if one category is not as dramatically impacted.

Ms. Kamp stated that is correct.

The LPA had no further questions and there was no public in attendance that wished to comment on these amendments, so the public comment portion was closed and the Chair called for a motion.

Mr. Blacksmith made a motion to find the Fire/EMS Impact Fee Amendments to be consistent with the Lee Plan. The motion was seconded by Mr. Zuba. The Chair called the motion, and it passed 6-0.

B. MPD Threshold Amendments

Mr. Rodriguez gave an overview of the MPD Threshold amendments.

Ms. Russell stated she was in support of removing the threshold as well as having the increased flexibility. However, she asked about the word “*may*” in the verbiage because it could be interpreted that multiple uses are not a requirement. Does this verbiage mean that an MPD could possibly be all residential?

Mr. Rodriguez stated that the Executive Regulatory Oversight Committee asked the same question. If the verbiage says “*may*,” there is no requirement to mix the uses; however, there are other planned development avenues whether it be a commercial planned development or a residential planned development. In a case where someone just wants residential, there is nothing that would preclude a developer or an applicant in a rezoning to request an MPD and propose only a residential planned development. From staff’s perspective, they do not see a reason for someone to do that. These amendments allow an initial entitlement to occur, whatever that development program looks like, and then the Land Development Code provides an administrative process for amending planned developments. One of the criteria an applicant must meet in this context is they are required to demonstrate that there is no increase in density or intensity. Mr. Rodriguez stated that “*intensity*” can be measured in a variety of different ways. If there is an instance with an MPD that proposes only residential and market demand dictates non-residential square footage, there is an opportunity for an applicant to amend their entitlements to introduce non-residential square footage as long as they can demonstrate that there is no intensity increase in terms of offsite impacts, trip generation, utility demands, etc.

Ms. Sopen gave a scenario where instead of mixed uses, someone wanted to do all commercial. If staff determines that it involves an intensity change that cannot be approved administratively, would it be reviewed by the Hearing Examiner or the Board of County Commissioners?

Mr. Rodriguez stated that it is tied to the intensity definition. The Hearing Examiner does not have the ability to approve intensity increases, much like staff. In instances where intensity is being increased, it must go before the Board of County Commissioners for approval. However, Mr. Rodriguez noted that there is an opportunity that is presented through these changes that allows an applicant to offset some of

the intensity increases through the analysis that is put forth as part of the support of an application of that nature.

The LPA had no further questions, so Mr. Stouder opened this item for public comment.

Mr. Alan Freeman stated the following: 1) His company develops property throughout Lee County mostly in the southern part of the county; 2) This amendment applies to some things they have been doing to amend Section 940 for the mixed use planned development issue; 3) When they come in for zoning, it may be a different market than when they actually effectuate the plan, which is the main reason they support these amendments; 4) At the time of zoning, all of the impacts including what land uses they propose as well as square footage limits, traffic impacts, and other impacts, are evaluated. His company is not asking to change any of that, and he gave an example of a project that is commercial and industrial where there will be less square footage causing less impact; and 5) They deal with customers as they come in and their proposals are consistent and compatible with what has been evaluated originally. Mr. Freeman stated he was in support of these amendments as they make things a bit simpler, yet they do not change evaluations of intensity and square footage, etc.

Ms. Amy Thibaut with Roetzel and Andress Law Firm stated the following: 1) She is here to speak in favor of the proposed amendments to the Land Development Code; 2) She concurred with comments made by Mr. Freeman and Mr. Rodriguez and added that when they work on MPD applications oftentimes they are coming in with a mix of uses, potentially commercial and industrial or commercial and residential. She noted that the market demand can change at any time. 3) The MPD still exists because market demand can shift again at another point in time, thus potentially encouraging a mix of uses down the road; 4) One question is “why are we not doing a single use planned development?” The answer is that a single use planned development is one element of it; 5) Another question asked by two other boards was “Is this going to eliminate the threshold altogether?” The answer is “no” because all planned developments will still be evaluated on a site specific basis, so to the extent that a new MPD does need some sort of threshold, that can be applied on a site specific basis. It is just not mandated by the Land Development Code; and 6) These amendments allow for more flexibility and give some of these existing improved MPDs a path forward to building out in terms of market demand without having to go back before the Board of County Commissioners.

No other members of the public wanted to comment, so the public portion segment was closed. The LPA had no further questions or comments, so the Chair called for a motion.

Ms. Russell made a motion to find the MPD Threshold amendments to be consistent with the Lee Plan. The motion was seconded by Mr. Schrottenboer. The Chair called the motion, and it passed 6-0.

C. Floodplain Management and Building Code Amendments

Mr. Rodriguez provided an overview of the Floodplain Management and Building Code amendments.

The LPA had no questions, so the Chair opened this item for public comment. No members of the public wished to comment so the public comment portion was closed.

Mr. Stouder stated he was in favor of removing barriers such as simplifying the mixed planned development, as well as other clean-up items. He complimented staff and the Board of County Commissioners for directing staff to do this.

Ms. Sopen stated she agreed that redundancies can cause issues because if verbiage in the Land Development Code is slightly different, it can be confusing.

Mr. Schrotenboer made a motion to find the Floodplain and Building Code amendments consistent with the Lee Plan. The motion was seconded by Mr. Blacksmith. The Chair called the motion, and it passed 6-0.

Agenda Item 5 – Other Business

Mr. Zuba made note that this would be Mr. Blacksmith's last meeting since he did not seek reappointment. He thanked Mr. Blacksmith for his opinions/input over the years and felt he always stayed on topic. Although he has not always agreed with Mr. Blacksmith's sentiments on intensity/density, he was appreciative of Mr. Blacksmith's service and support.

Mr. Blacksmith stated he has enjoyed being involved and has also enjoyed his time with the Local Planning Agency.

Mr. Stouder concurred with Mr. Zuba's comments and also stated that he appreciated Mr. Blacksmith's preparation and temerity when speaking on issues regardless of their popularity. He thanked Mr. Blacksmith for his service and stated he would be missed. Everyone gave him a round of applause.

Agenda Item 6 – Adjournment

The meeting adjourned at 9:32 a.m.