



Meeting Minutes - Draft
Planning Commission

Tuesday, July 9, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

1. Call To Order

The meeting convened at 9:03 a.m.

2. Pledge of Allegiance (Commissioner Colter)

Commissioner Colter led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chairperson Roger Grogman, Vice Chair Eric Pfeifer, Commissioner Ken Colter,
Commissioner Paul Nichols, Commissioner Kate Sergeant, and Commissioner Erika Steiner
Absent: 1 - Commissioner Lyman Welch

a. Motion to excuse absent member(s): Commissioner Welch

Commissioner Nichols moved, seconded by Vice Chair Pfeifer, to excuse absent Commissioner Welch. The motion carried.

Excused: 1 - Commissioner Lyman Welch

4. Public Comments on Items Not Appearing on the Agenda

There were no public comments from the audience.

5. City Council Liaison Report

Vice Mayor Miller provided the following report:

June 4th meeting -

- Second reading and adoption of an ordinance sun-setting the Contractor Review Board
- Scheduled second reading and public hearing of the Bailey's Shopping Center Planned Unit Development (PUD)
- Enacted a resolution allowing temporary signage on commercial properties announcing approved redevelopment plans
- Held first reading of an ordinance regarding automated speed detection devices for the school zone
- Approved letter of support for Captiva Community Association for the administrative hearing challenge to Lee County code changes for intensity and density at South Seas, hearing scheduled for August 16
- Items for shared use path (SUP)

- Received report for path use counts
- Accepted SUP master plan update
- Approved hiring of 5 Rangers for SUP
- E-bikes discussion sent back to Parks and Recreation Advisory Committee (PARC) for review and consideration

Mr. Miller spoke to the process for receiving property tax valuations from the Lee County Property Appraiser.

6. Consent Agenda

- a. Adoption of Minutes: May 28, 2024

Commissioner Nichols moved, seconded by Vice Chair Pfeifer, to adopt the May 28, 2024 minutes. The motion carried.

Excused: 1 - Commissioner Lyman Welch

7. 9:05 - Public Hearings:

- a. MOTION TO CONTINUE Consideration of an application filed pursuant to Land Development Code Chapter 82, Article III, Division 3, Subdivision II - Variances, Section 82-138 - Application and hearing, requesting variances from Section 126-454(g) Coverage and Section 126-454(h) Vegetation removal and developed area, to allow an 84.5-square footage increase in maximum allowed impermeable coverage and a 27-square footage increase in the maximum allowed vegetation removal and developed area at 690 Birdie View Point - tax parcel (STRAP) no. 30-46-23-T1-0020B.0040. The application is submitted by Windward Construction on behalf of the property owners, Robert E. and Paula L. Hult. **Application No. VAR-2024-000230.**

Planning Director Paula McMichael read into record the description of Application VAR-2024-000230. Discussion ensued regarding the process for continuation.

Commissioner Nichols moved, seconded by Vice Chair Pfeifer, to continue the hearing to the July 23, 2024 meeting. The motion carried by a vote of 6-0, with Commissioner Welch excused.

Excused: 1 - Commissioner Lyman Welch

- b. Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to adjust height limitations within the Resort Housing District, amending Subpart B Land Development Code, Chapter 86 - Development Standards, Article III. - Residential, Division 3. - Unified Residential Housing (Cluster Housing) and Multifamily Housing, Subdivision III. - Multifamily Housing, Section 86-169. Architectural design standards and examples, and Chapter 126 - Zoning, Article XII. - Resort Housing District, Sec. 126-637. Development and redevelopment regulations, and Article XIV. - Supplementary District Regulations, Sec. 126-932. Height exceptions, for the purpose of land development code regulations.

Planning Director McMichael read into record the description of the hearing, advising

this is a continuation of an item from 2023.

Discussion ensued regarding allowing 9-foot ceilings for rebuilding/build back. Vice Chair Pfeifer spoke to a handout that demonstrates the recommendation for 37 feet instead of 35 feet for height, allowing for 9.5-foot ceiling heights. The handout will be added to the record. Discussion ensued regarding the 4-foot increase being consistent with the changes made for residential construction.

Discussion ensued regarding any unintended consequences, possibility of allowing 37-feet for 3 living levels only, and relevance of 9 foot or 9.5-foot ceilings allowances.

Public Comment:

- Joyce Owens - Architecture Joyce Owens, LLC - spoke to the background for the diagram provided regarding ceiling height options.
- Mike Miller - Sanibel Resident - need to account for air conditioner units on the roof top.

Discussion ensued regarding leaving at 36 feet, allowing 8 feet for an elevator to reach roof top recreational areas. Ms. McMichael spoke to the previous amendments being for build-back regulations, not for redevelopment. Discussion ensued regarding the A/C units being included in the overall height, and that they are required to be screened.

Commission inquired if the 36-foot limit included areas for the A/C units. Ms. Owens spoke to the common practice of building platforms at the first living level to accommodate the air conditioning units as opposed to placing on the roof. Commission inquired if the mechanical equipment could be excluded from roof height if it did not extend more than 5-feet. Ms. McMichael spoke to the need for shielding the equipment which would add additional footage.

Further discussion ensued regarding the historical practice of counting mechanical in height, 37-foot heights allowing for options, possibility for changes to flood levels in the future, height consideration only applying to redevelopment of 3-story buildings, and not having more than three-stories while adjusting for height.

Commission inquired what Staff opposed with the exclusion of the A/C units. Ms. McMichael responded that concerns for exempting the mechanical units on roof tops as has never been the practice, there being a requirement for shielding the roof top units, and there being other options for placement. Attorney Agnew spoke to concerns for allowing an exception for HVAC units on roof tops, specifically for buildings with multiple units. Ms. Owens spoke to the units always being visible from somewhere and volume being an issue if the buildings are allowed to use maximum setbacks with the mechanical units on the roof.

Ms. McMichael spoke to staff supporting the recommendation for 37-foot heights but not the exception for the mechanical units.

Public Comments:

- Javon Millet - Architecture Joyce Owens - spoke to placing mechanical units under the building above FEMA flood levels, noting there are many options for locations of the mechanical units.

Continued discussion ensued regarding an exception for mechanical units on the roof and concerns for increased mass of buildings.

Commissioner Steiner moved, seconded by Commissioner Sergeant, to adopt Resolution 24-07, changing 35-feet to 37-feet and forwarding to City Council for consideration. The motion carried by a vote of 5-1, with Commissioner Colter opposed and Commissioner Welch excused.

Opposed: 1 - Commissioner Ken Colter

Excused: 1 - Commissioner Lyman Welch

- c. Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to reduce nonresidential minimum parking requirements, amending Subpart B Land Development Code, Chapter 126 - Zoning, Article XIV. - Supplementary District Regulations, Division 2. - Accessory Structures, Subdivision I. - In General, Sec. 126-855. - Inter- and Intra-connectivity; Division 5. - Commercial and Institutional Uses Generally, Sec. 126-1023. - Economic and traffic impacts; Division 10. - Home Occupations, Sec. 126-1176. - Generally; Article XV. - Off-Street Parking and Loading, Division 2. - Off-street Parking, Subdivision III. - Nonresidential Uses, Sec. 126-1361. - Required parking spaces, Sec. 126-1362. - Required spaces for other non-residential uses, and Sec. 126-1364. - Combined parking requirements.

Director McMichael read into record the description of the hearing. Deputy Planning Director Craig Chandler provided a brief PowerPoint presentation, to be added to the record.

Discussion ensued regarding the definition of "local roads" to which Mr. Chandler provided a description. Discussion turned to the difference between parking analysis and traffic studies and their costs. Commission inquired as to the strikethrough on Section 126-855(a) on the resolution. Mr. Chandler spoke to the reasoning being for cleaning up language in the code.

Further discussion ensued regarding shared parking and clarification of intra-connectivity driveway requirement. Mr. Chandler advised if it were one large parking area it would be a unified development, if separate parking the intra-connectivity would be to assist with keeping cars off the roads.

Mr. Chandler spoke to comments provided via email by Commissioner Welch

regarding including a guide for how to calculate bike parking. Mr. Chandler spoke to the City having a gold rating for being a bike friendly community, noting the application spoke to reduced parking standards over the past few years.

Commission inquired if passing this amendment would help any applications currently in process.

Commission inquired if streets were barriers for contiguous properties. Mr. Chandler replied that streets were considered barriers, contiguous being a shared property line. Commission inquired if shared parking allowed for other uses to be included. Mr. Chandler responded that this amendment would exempt the interconnectivity driveways.

Commission enquired if shared parking could allow for increased floor area, to which Mr. Chandler responded could be possible if a property were already under utilizing the floor area ratio.

Commissioner Nichols moved, seconded by Vice Chair Pfeifer, to adopt Resolution 24-08 as written and forward to City Council for consideration. The motion carried by a vote of 6-0, with Commissioner Welch excused.

Excused: 1 - Commissioner Lyman Welch

8. Old Business

a. Discussion of proposed LDC amendment priorities

Planning Director McMichael summarized the purpose for the discussion and the order proposed by Staff.

Discussion ensued regarding including Section 126-334 - Angle of Light be moved up on the list.

Commissioner Colter stepped out of the meeting at 10:51 a.m. and returned at 10:54 a.m.

Ms. McMichael noted updating the list to include the new priority and bringing back at next meeting under department reports.

9. Report from Planning Department

a. Upcoming meeting dates:

- i. Planning Commission - Tuesday, July 23, 2024
- ii. Report to City Council - Tuesday, July 16, 2024- Chair Grogman

iii. LDC Subcommittee- Tuesday, August 13, 2024,- Following Planning Commission

Ms. McMichael spoke to the next meeting date being July 23rd and advising items for discussion, Chair Grogman being scheduled to provide the report to Council on July 16th, and the Land Development Code (LDC) Review Subcommittee meeting on August 13, 2024, following Planning Commission. LDC Chair Nichols advised he would be unavailable to attend on August 13th and requested either Commissioner Grogman or Commissioner Pfeifer fill in as Chair.

Discussion ensued regarding scheduling the Permit Process Review Subcommittee meeting.

b. Planning Reports

- i. Planning Permit Review Report
- ii. Planning Priority Tasks and Project Matrix
- iii. Plan Application Status Report
- iv. Resort Housing 2 Stories

Ms. McMichael spoke to the attached reports, noting a new one regarding the 2-story Resort Housing buildings.

Discussion ensued regarding the upcoming Department of Environmental Protection (DEP) Recovery and Resiliency Partnership Project (R2P2 grant program) public participation workshops. Ms. McMichael spoke to the topics being addressed during the workshops, advising the upcoming schedule, and noting the grant being specifically for the information gathering process.

Discussion ensued regarding the possible discussions regarding seawalls. Mr. Chandler spoke to the Consultant advising it would be a presentation of environmental enhancements forward of the seawall. He further spoke to the upcoming stakeholder meetings as well as community input sessions and open design studios.

10. Report from Commission Members

Commissioner Steiner complimented Staff for the joint Council-Commission workshop.

Vice Chair Pfeifer concurred and complimented Staff, noting the progress being made.

Chair Grogman echoed the comments with the progress being made and looking forward to future joint workshops.

11. Public Comment

No public comments from the audience.

Attorney Agnew advised he would be participating remotely for the next meeting.

12. Adjournment

There being no further business, the meeting adjourned at 11:11 a.m.