



SPIKOWSKI PLANNING ASSOCIATES

MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: September 7, 2006
SUBJECT: Additional Issue for Public Hearing on LDC Amendments on September 12, 2006

In July 2006, Andrew DeSalvo suggested to the Local Planning Agency that the land development code be amended to allow larger buildings on gulf-front lots zoned "RC." He later submitted a letter dated July 21 documenting this request (copy attached).

I have reviewed the July 21st letter and a set of construction plans prepared for Mr. DeSalvo for a new duplex building at 3060 Estero Boulevard, the first gulf-front residential lot past Anthony's. I have also looked at the permitting comments on those plans that were prepared by county staff.

Mr. DeSalvo's proposal would increase the current 40% "building coverage" limitation in the RC zone to 60%. I recommend that the Local Planning Agency consider my analysis below and decline to support this request.

"Building coverage" is defined by the LDC as follows:

Sec. 34-634. Intensity and building coverage.

Another measure of building intensity used in this code is building coverage, which means the horizontal area of all principal and accessory buildings on a site divided by the site's lot area.

- (1) For purposes of this section, horizontal area means the area within the surrounding exterior walls (whether the walls are solid or screened). The term "horizontal area" does not include any area occupied by unroofed structures such as driveways, sidewalks, patios, outside stairways, or open swimming pools, and does not include any area whose roof is screened rather than solid such as swimming pool enclosures.
- (2) For purposes of this section, a site's lot area includes the gross square footage within the site's private property line, minus wetlands, canals, or other water bodies, and minus any land designated "Recreation" on the Comprehensive Plan's future land use map.

Maximum allowable building coverage has been set by Table 34-3 of the LDC only for the RS and RC zoning districts – 40% in each zone.

According to the plans, the size of Mr. DeSalvo's lot, excluding the "Recreation" district (the sandy beach), is about 10,818 square feet. The building coverage cap of 40% allows 4,327 square feet to be covered by the building (this cap does not restrict additional floor space on upper floors).

Mr. DeSalvo's plan does not provide any justification for changing the LDC to increase the 40% building coverage requirement. Looking at this quite large proposed duplex as a fair test case: it abuts the 7.5' side setback lines on both sides, it abuts the 25' front setback line, and is 17+/- feet from the 1978 coastal construction control line. At least for this lot, the 40% building coverage could not be increased to 60% without this building also needing variances from several if not every required setback.

A large duplex similar to what is proposed by Mr. DeSalvo can be placed on this lot, although it will need to be reduced slightly in size from the plans submitted in order to meet the 40% requirement (reduced by 245.5 square feet according to county staff calculations, although I have not confirmed that figure).

Mr. DeSalvo has also suggested allowing increased building heights where state coastal regulations require the lowest floor to be elevated higher than the FEMA base flood elevations. That suggestion is a good one and it is included in the proposed amendments to Chapter 34 that are the subject of the September 12 public hearing (see Exhibit B, page 1 of 2).

Regarding the foyar issue raised in the July 21 letter, I understand the difficulty that the current floodplain regulations cause to Mr. DeSalvo and many others in his situation. The proposed amendments to Chapter 6 provide an alternative to the current regulations (see Exhibit A, alternative 4-b on page 5 of 8) regarding partitions below base flood elevation which would modify the current strict rule slightly but still stay within NFIP regulations.

July 21, 2006

Town of Ft. Myers Beach
Mr. Jerry Murphy
2523 Estero Blvd.
Ft. Myers Beach. FL 33931

Re: DeSalvo Beach Villas

Jerry,

I have attached as requested a copy of the set of building plans recently submitted for review to both the State and Lee County. I would appreciate Bill Spikowski's recommendations regarding the issue I presented to the LPA this week, a proposed footnote amendment to Table 34-3 increasing the footprint allowed for Gulf front RC zoned lots from 40% of the lot area (as defined) to 60%.

I would also appreciate his recommendations regarding changes to Section 34-631 as it relates to measurement of building heights in the V zone. My suggestion is the measurement of height on properties in the V zone remain as currently stated, (25 feet from the FEMA requirement), but that additional language be added, " plus any additional height as established by the State as stipulated in their permit".

It is my understanding that recently staff has interpreted that Section 6-472 (7) j. does not allow the enclosure and partitioning of a foyer area underneath an elevated building. My understanding is; that 6-474 (7) j. ties in with 6-474 (5) b.3 which specifically allows it, and therefore the enclosure and partitioning of the foyer area is a permitted action. A clarification of this point by you or Bill is appreciated.

Thank you for your time and consideration regarding these matters. I am available should you want any further input. I would appreciate a copy of Bill's recommendations as soon as they are available by the public.

Thanks again,

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