



**FORT MYERS BEACH  
LOCAL PLANNING AGENCY (LPA)  
MINUTES**

Town Hall – Council Chambers  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33931  
**Tuesday, October 14, 2014**

**I. CALL TO ORDER**

Meeting was called to order at 9:00 a.m. by Chair Zuba; other members present:

Chuck Bodenhafer, John Kakatsch, Jane Plummer, Joanne Shamp, James Steele, and Hank Zuba.

Excused: Al Durrett

LPA Attorney: Derek Rooney

Staff Present: Josh Overmyer, Principal Planner, Belinda Smith, Development Services Manager, and Ken Miller, Building Safety Services Coordinator.

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION - Chair Zuba**

**IV. APPOINTMENT OF CHAIR & VICE CHAIR**

**MOTION:** Vice Chair Shamp moved to nominate Mr. Hank Zuba as Chairman; second by Mr. Steele.

**VOTE:** Motion approved; 6-0.

**MOTION:** Mr. Kakatsch moved to nominate Vice Chair Shamp as Chairman. Vice Chair Shamp declined the nomination.

**MOTION:** Ms. Plummer moved to nominate Vice Chair Shamp as Vice Chair; second by Chair Zuba.

**VOTE:** Motion approved; 6-0.

**V. SET HEARING DATE FOR NOVEMBER (TOWN HALL CLOSED VETERAN'S DAY)**

The next hearing was set for Friday, November 14, 2014 at 9:00 a.m.

**VI. MINUTES - September 9, 2014**

**MOTION:** Vice Chair Shamp moved to approve the minutes; second by Mr. Kakatsch.

**VOTE:** Motion approved; 6-0.

**VII. PUBLIC HEARING**

**A. Update on Olde Seaport CPD (to be heard in November)**

**B. Ordinance 14-xx, Permitting Survey Requirements (continued)**

Town Attorney Rooney noted that the discussion would include waivers for existing surveys. Mr. Steele questioned if a boundary survey was required for building a fence. Town Attorney Rooney replied in the affirmative. Mr. Steele questioned the cost of various surveys. Ken Miller, Building Safety Services Coordinator, replied that the boundary survey was the cheapest survey, but the cost varied depending on the survey company and elements added to the survey. He stated a full survey of an existing lot with a structure on it could run between \$750-\$1,200 for single-family residential. Mr. Steele questioned the cost of elevation surveys. Mr. Miller stated two elevation certificates were required at a cost of approximately \$350 each.

Vice Chair Shamp questioned the existence of regulations by Lee County for surveys. Mr. Miller stated that Lee County did not require a survey for any activity.

Vice Chair Shamp questioned Mr. Miller concerning his opinion on *de minimus* regulations. Mr. Miller suggested that if the Town were to implement required surveys that they also require a zoning inspection at the end.

Town Attorney Rooney reviewed points where surveys would be required in Section A, which included a boundary survey at the time of permit application, a foundation survey, and a final as-built survey. Discussion was held regarding removing the as-built survey requirement. Ms. Plummer questioned the costs of surveys and brought up the idea of an in-house surveyor to keep the price down. Town Attorney Rooney stated he would speak with town administration.

Mr. Kakatsch discussed regulations and recommended a threshold for a certain dollar amount. Vice Chair Shamp noted there could be a lack of accuracy with surveys. Discussion was held

concerning missing surveys and elevation certificates, living fences, and unapproved changes to existing structures.

Town Attorney Rooney reviewed consensus for the following survey requirements: Provision for accuracy; exemption for improvements under \$2,500; allow existing surveys at the discretion of staff; and an elevation certificate on new construction prior to the roof construction. Zoning verification after the survey would be determined later. He indicated he would research costs related to an in-house surveyor. Mr. Miller explained fill permits.

Mr. Bodenhafer disagreed with hiring an in-house surveyor.

**MOTION:** Vice Chair Shamp moved that LPA nominate Mr. Zuba, Chair of LPA, to be the representative on the ad hoc downtown redevelopment committee established by Town Council; second by Ms. Plummer.

**VOTE:** Motion approved; 6-0.

Vice Chair Shamp agreed to fill in for Chair Zuba in the event of his absence.

Chair Zuba requested that the Charter be available to LPA members for the November meeting.

### **C. Post-disaster Recovery and Reconstruction Workshop**

Mr. Bodenhafer pointed out that there was no mention of CERT. Chair Zuba noticed that fire and police were not mentioned. Mr. Overmyer replied that those areas were covered under the Emergency Operations Plan (EOP) that Council Member Hosafros was working on.

Vice Chair Shamp discussed the comp plan on 4-C-8 and the concept of density transfers. She pointed out the following items: terminology in the EOP would be integrated into Post-disaster Recovery and Reconstruction Plan; an LPA member should be the automatic designee to the Disaster Recovery Organization (DRO); the definitions in the plan didn't match Lee County's definitions; setting replacement values; and allowing mitigations and owners back as soon as basic services are on. She stated she agreed with the one-stop center for permitting; listing important documents for homeowners on the Town's website; stating the purpose of the plan; and most of Longboat Key's moratorium.

Vice Chair Shamp did not agree with the following items: an emergency board or director can modify lot areas, setbacks, and lot coverage; repetitive loss of \$1,000 since 1978; determination of damage; and the owner of affected property has 10 days to file a notice.

Vice Chair Shamp questioned: tie-in with the comp plan vision; standards for an elevated downtown; would assessed value affect insurance payments for loss; non-conforming lots; and review build back policies. Vice Chair Shamp indicated she would email her notes to Mr. Overmyer for distribution to members.

Discussion was held regarding the lack of communication and coordination between state, county, and local agencies.

Vice Chair Shamp suggested a joint LPA - Town Council Meeting. Mr. Overmyer stated that he would schedule a meeting in January.

Mr. Overmyer revealed that the Town amended the repetitive loss rule last year.

Mr. Bodenhafer stated he would like a timeline for completion of the plan.

Ms. Plummer expressed concern regarding the lack of communication to residents after the hurricane.

### **VIII. LPA MEMBER ITEMS AND REPORTS**

Mr. Steele - thanked council members for reappointing him.

Vice Chair Shamp - thanked council members for reappointing her. She suggested adding the pre-disaster build- back provision to the agenda.

Chair Zuba - thanked members and staff for their hard work.

**MOTION:** Vice Chair Shamp moved to adjourn as the LPA and reconvene as the Historic Preservation Board LPA; second by Mr. Bodenhafer.

**VOTE:** Motion approved; 6-0.

#### **Adjourn as LPA and reconvene as Historic Preservation Board - 10:31 a.m.**

**MOTION:** Ms. Plummer moved to nominate Ms. Shamp as Chair; second by Mr. Bodenhafer.

**VOTE:** Motion approved; 6-0.

**MOTION:** Ms. Plummer moved to nominate Mr. Kakatsch as Vice Chair; second by Mr. Steele.

**VOTE:** Motion approved; 6-0.

**MOTION:** Chair Shamp moved to adjourn as the as the Historic Preservation Board and reconvene as the LPA; second by Ms. Plummer.

**VOTE:** Motion approved; 6-0.

Mr. Kakatsch commented on property rights in the Town. He reminded members to be mindful of issues. Ms. Plummer remarked that rules and regulations needed to be respected and there were consequences for breaking them. She stated the Agency had a responsibility to play by the rules.

## **IX. LPA ATTORNEY ITEMS**

Town Attorney Rooney stated that it was important to look at the Code and change it when the intent had moved.

## **X. COMMUNITY DEVELOPMENT ITEMS**

No items.

## **XI. LPA ACTION ITEM LIST REVIEW**

Mr. Overmyer noted the Olde Seaport CPD would be heard in November and the Rowe RPD Extension was remanded back to the LPA.

## **XII. ITEMS FOR NEXT MONTH'S AGENDA**

Ideas for Council on the Nov. or Dec. agenda and the pre-disaster build- back provision.

## **XIII. PUBLIC COMMENT**

No public comment.

## **XIV. ADJOURNMENT**

**MOTION:** Mr. Bodenhafer moved to adjourn the meeting; second by Mr. Kakatsch.

**VOTE:** Motion approved; 6-0.

Meeting adjourned at 10:47 a.m.

Adopted November 14, 2014. With/~~Without~~ changes. Motion by Shamp. Second by Bodenhafer.

Vote: 5-0, Durrett and Kakatsch excused.

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