



**FORT MYERS BEACH  
LOCAL PLANNING AGENCY (LPA)  
MINUTES  
Newton Park  
4610 Estero Boulevard  
Fort Myers Beach, Florida 33931  
Tuesday, May 12, 2015**

**I. CALL TO ORDER**

Meeting was called to order at 9:00 a.m. by Vice Chair Shamp. Members present: Chuck Bodenhafer, Al Durrett (excused early), John Kakatsch, Jane Plummer, Joanne Shamp and James Steele.

Excused: Chair Zuba

Town Attorney: Derek Rooney

Staff: Matt Noble and Megan Will.

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION**

**IV. MINUTES - April 14, 2015**

**MOTION:** Ms. Plummer moved to approve the minutes as amended; second by Mr. Kakatsch.

The meeting was held at Newton Park.

Mr. Steele had a site visit regarding the Public Hearing for the sign variance request for the Lani Kai Resort.

On page 2, modify/correct the following sentences: Mr. Noble read a comment in opposition from a couple at Tiki West as a result of the public hearing notice. Mr. Noble ~~He~~ recommended approval of the variances.

On page 3, Ms. ~~Mr.~~ Shamp.

**VOTE:** Motion approved; 6-0 (Chair Zuba excused).

**V. PUBLIC HEARING - SEZ014-0001-Convert Seasonal Parking Lot to Year Round Parking Lot**

Town Attorney Rooney swore in those providing testimony. Vice Chair Shamp requested ex parte communication. Ms. Plummer - two site visits; Mr. Kakatsch - none; Mr. Durrett - site visit; Vice Chair Shamp - site visit; Mr. Bodenhafer - site visit and Mr. Steele - site visit.

Mr. Noble reviewed the history of the parking lot and he noted that seasonal parking had been permitted at that location since the inception of the Town. He asked that the property owner or operator do a limited development order to get a site plan approved for the parking lot. Mr. Noble stated that he would request that four trash receptacles be located at the property and that the sign would be replaced. Ms. Plummer questioned the cost of the limited development order. Mr. Noble replied that he thought it was \$350.00. She questioned whether Mr. Noble checked with existing seasonal parking lots as to what effect another lot would have on them. Mr. Noble did not think it was relevant to the request.

Mr. Steele questioned #6 in the conditions regarding overnight parking. Mr. Noble responded that overnight parking would not be allowed as part of the condition.

Mr. Bodenhafer questioned the purpose of the fence in #5. Mr. Noble replied that the fence provided additional screening and controlled access for pedestrians.

Vice Chair Shamp questioned ADA accessibility. Mr. Noble stated that the plan would have to be approved. Vice Chair Shamp questioned whether a tree could be added per 10-416-2 in the code. Mr. Noble responded that the issue would be dealt with the LDL. Vice Chair Shamp questioned lighting. Mr. Noble replied that it would have to be lit. Vice Chair Shamp questioned whether existing fences on the property met standards. She commented that the fences could use maintenance.

David Gray stated that one of the fences in question was not his. Vice Chair Shamp agreed with Mr. Gray that she would rather see the base of a tree than a trash can. Mr. Steele questioned the number of trash receptacles currently on the property. Mr. Gray noted there were two.

Ms. Plummer questioned how trash was collected. Mr. Gray replied that he took care of it.

**Public Comment:**

Eric O’Gilvie, property owner on the gulf side of the parking lot, stated that the applicant did a great job of taking care of the trash and maintaining the lot. He did not have a negative thing to say and he felt it would be an asset to the area.

Christina McHugh stated that the applicant kept his lot clean and she did not feel that granting the request would take away from other parking lots.

Jeff Dawson, jet ski business owner, thought the lot would be beneficial to businesses in the area.

Mr. Noble indicated that he received one positive response from Lucinda Keller at 223 Caroline.

**MOTION:** Ms. Plummer moved to approve the variance subject to the conditions and considerations of the special exception under the LDC and with the recommended conditions 1-6, and require two trash cans; second by Mr. Kakatsch.

**VOTE:** Motion approved; 6-0 (Chair Zuba excused).

**VI. EAR DISCUSSION - Review of Elements**

Mr. Noble referred to the schedule and asked if elements needed to be moved around. Transpose June 2015 and July 2015 topics.

**Review Utilities**

Vice Chair Shamp questioned whether the comprehensive plan was too verbose. Mr. Noble replied in the affirmative. She confirmed that the goal was to eliminate descriptors and get down to goals and objectives. Mr. Noble noted that one had to read through descriptions before getting to the policies and it needed to be updated. Town Attorney Rooney discussed the legality of a verbose comp plan. He stated that a positive and negative vision list should be created before developing articulate goals. He revealed that a special work session with Town Council was scheduled for May 14, 2015 to discuss land development regulations. Ms. Plummer questioned the vision concerning regulating the view corridor. Vice Chair Shamp indicated they would cover the issue in July, 2015.

Vice Chair Shamp reviewed Goal 8 and questioned whether that was a good example of a well-written goal. Town Attorney Rooney replied that it was. He stated that goals should be ethereal and not numerical standards. Vice Chair Shamp referred to the Appendix in Goal 8 and questioned whether it should be included. Town Attorney Rooney indicated it should not be included and he remarked that Policy 8-1-7 was a good example of a policy that should be eliminated.

Mr. Noble stated he would eliminate the word **shall** throughout and replace with **will/may/must** as appropriate. He pointed out that the plan did not address electric service. He felt that Policy 8-F-3, sewer and water, should be part of the rate study and in 8-F-4 the water supply plan had been updated, so policy needed to be updated. He questioned whether irrigation rates should be addressed. Vice Chair Shamp questioned whether each LPA member should meet with Mr. Noble to review their elements. Town Attorney Rooney gave an example of how Objective 8-G, Levels of Service, should read: Maintain minimum acceptable levels of service for utilities.

Mr. Steele discussed #3 in Policy 8-F-5. He indicated that a separate irrigation charge was not created earlier, so low-volume irrigation users' cost decreased, while low-volume user residential rates increased. He suggested that water conservation be restructured, he suggested adding a #5 to address the bulk water policy with Lee County and he suggested that Lee County conduct a cost of service study.

Policy 8-G-1 - delete paragraph (b) and #3. Discussion was held concerning recycling.

Change Objective 8-H, Water Conservation - Encourage reasonable steps to conserve potable water supplies.

Discussion was held concerning Policies 8-H-1, 8-H-3 and 8-H-5. Mr. Durrett suggested adding best management practices for landscaping to Objective 8-H, Water Conservation. Town Attorney Rooney suggested deleting 8-H-1 and 8-H-2, combine 8-H-3 and 8-H-4 and add landscaping materials to 8-H-4.

Delete all policies except 8-I-4. Delete pages 7-11.

### **Review Stormwater Management Element**

Goal 9: To provide ~~optimal~~ flood protection...

Add through sound management programs to the end of Objective 9-A. Eliminate Policies 9-A-1, 9-A-2 and 9-A-3.

Eliminate Policy 9-B-1.

Objective 9-D, Levels of Service should match the Master Plan. Delete 9-D-3 and 9-D-4.

Eliminate Objective 9-E and all affiliated policies.

Objective 9-F should reflect the Master Plan.

Delete pages 6-9.

### **Review Public Schools Element**

Mr. Noble indicated that a decision had to be made by Town Council regarding changing the Interlocal agreement with the school district, but it could take a year to accomplish and it might be outside of the scope of the EAR to change it.

### **Envisioning Element and Community Design**

Mr. Bodenhafer noted that most of the recommendations in previous visions had been worked on or were in progress due to the Estero Blvd. project. He stated that the current construction would not improve traffic, but sidewalks would be installed on both sides of the street. Mr. Bodenhafer felt the concentration should be on crosswalks and lighting. His vision for traffic congestion was to develop a tram or monorail to transport people back and forth to the beach. He brought up charging for right-of-way parking and offering incentives to hotels to use shuttles to and from the airport and other venues. He stated that the Town needed to negotiate potable water rates with Lee County. Mr. Steele indicated that the Audit Committee would present three different levels of services for stormwater in June and look at funding options.

Mr. Bodenhafer stated that discharges needed to be cleaned up. He supported the historical designation program, suggested that businesses on the bay be green certified and add a licensing requirement to beach chair vendors. He discussed decibel levels. Town Attorney Rooney commented that a new standard was being presented at the first reading on the 18th for measuring at the property line of the noise source. Mr. Bodenhafer suggested that toilets be prohibited in residential areas or beach accesses. Town Attorney Rooney discussed the legalities of restrooms in public areas. Mr. Bodenhafer discussed development goals and he felt that developers should be embraced and worked with. Discussion was held regarding lighting and landscaping on Estero Blvd. Vice Chair Shamp commented that she would like to keep the quiet center.

Town Attorney Rooney stated that Envisioning and Community Design elements should be support documentation for a pared down set of objectives and policies. Discussion was held concerning the overall vision and image and how it related to the comp plan. Vice Chair Shamp suggested that Mr. Bodenhafer work with Mr. Noble.

## **VII. POST-DISASTER RECOVERY AND RECONSTRUCTION**

Vice Chair Shamp requested clarification of the factor provided by the property appraiser. She questioned whether there would be a specific impact on the CRS rating and flood insurance if the ordinance was amended. She requested copies of sample policies from local communities. Ms. Will responded that the factor varied from 1.3 to 1.35. She indicated the effect on the CRS would be positive. Discussion was held regarding criteria for property appraisals.

Adjourn as LPA and reconvene as Historic Preservation Board - 11:25 a.m.

**MOTION:** Mr. Bodenhafer moved to adjourn as LPA and reconvene as Historic Preservation Board; second by Mr. Kakatsch.

**VOTE:** Motion approved; 5-0 (Chair Zuba and Mr. Durrett excused).

Special Certificate of Appropriateness Application by the Mound House for installation of main site signage for the Mound House at 451 Connecticut St.

Town Attorney Rooney swore in those providing testimony. Vice Chair Shamp requested ex parte communication. Mr. Bodenhafer - none; Ms. Plummer - none; Mr. Kakatsch - none; Mr. Steele - none and Vice Chair Shamp - site visit.

Mr. Noble reviewed the application for the sign to identify the property. He stated the it met the requirements of the sign code. Ms. Plummer questioned the location of the sign. Alison Giesen, Museum Director, replied that it was 8' in from the roadway and 4' in from the end of the gravel driveway. Vice Chair Shamp commented that the parking sign was not very attractive. Ms. Giesen stated that she would like to move the parking sign in the event that parking at 216 Connecticut was approved.

**MOTION:** Mr. Bodenhafer moved to approve the application; second by Mr. Kakatsch.

**VOTE:** Motion approved; 5-0 (Chair Zuba and Mr. Durrett excused).

**MOTION:** Mr. Bodenhafer moved to adjourn as Historic Preservation Board and reconvene as LPA; second by Ms. Plummer.

**VOTE:** Motion approved; 5-0 (Chair Zuba and Mr. Durrett excused).

Adjourn as Historic Preservation Board and reconvene as LPA - 11:33 a.m.

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

Mr. Kakatsch questioned the status of the sign on the Fork Play building. Mr. Noble replied that the sign was inspected at night, it was in violation and notice was provided to the property owners. The message was not in violation. Mr. Kakatsch questioned Orlandini's pier. Mr. Noble stated that the pier was under discussion. The channel markers were reinstalled and additional work needed to be completed to replace markers and buoys in the mooring field. The Army Corp of Engineers withdrew their permit and the DEP permit was outstanding. Mr. Kakatsch questioned future construction on the property adjacent to Junkanoo. Mr. Noble replied that the owners would have to meet all requirements. Ms. Plummer questioned the status of the deck roof, lighting and size of the deck at Top O' Mast. Mr. Noble expected that they would obtain the DEP permit.

**IX. LPA ATTORNEY ITEMS - none**

**X. COMMUNITY DEVELOPMENT ITEMS - none**

**XI. LPA ACTION ITEM LIST REVIEW**

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

**XIII. PUBLIC COMMENT - none**

**XIV. ADJOURNMENT**

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

**VOTE:** Motion approved; 5-0 (Chair Zuba and Mr. Durrett excused).

Meeting adjourned at 11:46 p.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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