FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES

Newton

~~Town Hall~~ – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, April 14, 2015

I. CALL TO ORDER

Meeting was called to order at 9:10 a.m. by Chair Zuba. Members present: Chuck Bodenhafer, Al Durrett, John Kakatsch, Jane Plummer, Joanne Shamp, James Steele, and Hank Zuba.
Town Attorney: Thomas Cloud.
Staff: Matt Noble, Megan Will, Taylor Callies.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - March 10, 2015

MOTION: Mr. Kakatsch moved to approve the minutes; second by Ms. Shamp.
VOTE: Motion approved; 7-0.

V. PUBLIC HEARING - VAR2014-0002 - Sign Variance Request for the Lani Kai Resort

steele - site visit

Chair Zuba requested ex parte communications. Ms. Plummer - none; Mr. Bodenhafer - site visit; Mr. Durrett - site visit; Mr. Kakatsch - site visit; Ms. Shamp - site visit; Chair Zuba - site visit.
Mr. Noble reviewed the request involving four signs and he referred to the site aerial to identify locations. He stated the applicant requested that the signs be larger than 5 feet, closer to the right of way, one internally lit sign with black, blocked out lettering, a larger base for the signs and an increase the total square footage of signs.
Mr. Noble discussed the developed property, surrounding sign heights, obstructing vision in the right of way, past variances, surrounding landscape blocked signs, moving a sign from the parking lot closer to 7-Eleven and setbacks. Bob Burandt, Attorney, stated that the infrastructure at the site was in place to

move the signs. He indicated that moving the signs elsewhere would affect traffic and endanger pedestrians using the crosswalk. He stated the signs should stay at the ends of the driveway for safety. He reviewed compromises he made with Mr. Noble. Mr. Burandt indicated that increasing the base height by 12 inches was still within 32 square feet and the size of the sign complied with the ordinance. He stated the signs met the criteria for minimum variance. He questioned why internally lit signs were prohibited and he noted his signs would not affect turtles. Mr. Burandt pointed out that internally lit signs were already on Estero.

Mr. Steele questioned inconsistencies with sign sizes in the packet. Mr. Burandt clarified the differences.

Ms. Shamp verified that the application included three separate lots and she asked for a description of the independent businesses currently in the Lani Kai. Mr. Burandt produced a list of the businesses.

Ms. Plummer asked if the independent businesses had signs. Mr. Burandt replied that was one of the reasons they requested removable letters.

Mr. Bodenhafer questioned whether the changes would adversely affect changes on Estero. Mr. Burandt responded in the negative.

Mr. Steele questioned whether the reduced fee had been resolved. Mr. Burandt responded that the fee was $4,000.00 and Mr. Noble confirmed.

Mr. Kakatsch asked Mr. Burandt to consider a barrier and shrubs around the property to make it look better and to prevent pedestrians from using the street. Mr. Burandt replied that he could not commit to anything that may interfere with parking. He discussed liability issues and he conveyed that he was willing to work with Mr. Kakatsch. Chair Zuba pointed out that it was a condition for approval. Mr. Kakatsch revealed that he would withdraw his support if they couldn't work something out.

Chair Zuba questioned Mr. Noble concerning setting a precedent. Mr. Noble replied that the Lani Kai was fairly unique and he provided copies of resolutions with sign variances for several other businesses.

Mr. Steele questioned the total square footage of the signs. Mr. Noble replied that the number was included in the staff report. Mr. Steele verified the total square feet increased from 272 to 304.

Ms. Shamp questioned why they didn't recommend 32 square feet total on the base. Mr. Noble replied that the applicant was approved for a sign height of 9'7". She questioned whether 32 square feet included both sides. Mr. Noble replied 32 feet was for one side.

Andrea Turner, Silver Sands, stated she had to comply with the 32 square feet regulation and the Lani Kai should too. She felt that it was an unfair of them to ask for a variance.

0 positio

Norm Primeau, owner of the parking lot across the street, commented on his signs and others.

Mr. Noble read a comment from a couple at Tiki West as a result of the public hearing notice.

He recommended approval of the variances including the setback to the right of way, the additional height for the bases, the additional height for the signs, to allow Lani Kai to internally light the signs with block out lettering and additional square footage.

Mr. Steele questioned whether a mistake was made when the LPA approved the variance in 2013. Town Attorney Rooney confirmed that the drawing presented to the LPA was the wrong size.

Ms. Shamp remarked that the applicant was not eligible for an illuminated sign and the size of the building was irrelevant to the size of the monument sign. She noted that the only interference with the south sign was their own landscaping, which they could change and not elevate the base. She questioned signage at the parking lot and she was not inclined to give more than 32 square feet for any sign. Ms. Shamp did not support the variance.

Mr. Steele did not support an increase in the sign size and he agreed with Mr. Shamp concerning the sign at the south end. He supported signs #3 and #4, but he would not approve the application as submitted.
Ms. Plummer agreed with Ms. Shamp. She did not think a sign at the entrance was justified and she felt the size of the sign should be the same as other businesses
Mr. Bodenhafer commented that a precedent was set when the condominiums had to replace their signs to meet the 32 square feet requirement. He was against the variance.
Chair Zuba did not support the variance because of the landscaping issue, the sign height, and it wasn't a minimal request. Mr. Kakatsch supported Chair Zuba and he felt that the property was an eyesore and it needed to be landscaped.

MOTION: Ms. Plummer moved to deny the request; second by Mr. Bodenhafer.

Discussion was held concerning recommendations, resolutions and amending the motion. Ms. Plummer and Mr. Bodenhafer agreed to amend the motion with additions by Ms. Shamp.

AMENDED MOTION: Ms. Plummer moved to deny the request based on that it did not previously qualify for a historically significant sign under LDC section 30-57, that it was not eligible for illuminated sign per LDC section 34-154(a), the commercial design standards per LDC section 99-1 and 99-2, no commercial message would be allowed according to LDC section 30-2 but because of the visibility triangle, the LPA did support the change in setback; second by Mr. Bodenhafer.

VOTE: Motion approved; 7-0

VI. DISCUSSION

A. Evaluation and Appraisal Report

Mr. Steele had meetings with Public Works Director Scott Baker, Mr. Kakatsch and Mr. Noble to discuss stormwater utilities and related elements. He reviewed the Executive Summary Stormwater Master Plan. He cited three problem areas and discussed levels of service, pollutants, residential impervious limits, total projected capital costs, and operating and maintenance costs.
Mr. Steele reviewed the Town of Fort Myers Beach Stormwater Assessment Program. He discussed nearby stormwater programs, preliminary stormwater roll development, impervious area fieldwork, budget scenarios summary, equivalent stormwater unit (ESU), rate classes, single family residential tiers, calculations, parcel counts, rates scenarios, long term debt and assessment methodology. Discussion was held concerning putting it on the tax bill versus the utility bill, user charge, uniform collection act, tenants and landlords, administrative charges and credits. Mr. Steele reviewed the results of a 2011 questionnaire conducted by the Town. Mr. Steele indicated that the Audit Committee would discuss stormwater at the next meeting and they would propose a work session with Town Council to review funding sources. He revealed that the bulk rate charge to the Town of Fort Myers Beach was higher than what an individual residential customer paid in Fort Myers. Chair Zuba suggested postponing the public schools element discussion until the next meeting.

B. Post-Disaster Recovery and Reconstruction

The meeting with Town Council was postponed due to construction at Town Hall. Ms. Shamp recommended that the LPA send a letter to the Town Manager requesting a specific written policy from the Community Development Department on the building value basis for the 50% rule. Ms. Shamp agreed to draft the letter to Town Manager Stilwell, with a copy to Town Attorney Rooney, 14 days ahead of the next LPA meeting.

VII. LPA MEMBER ITEMS AND REPORTS

Mr. Kakatsch expressed concern regarding the new business at the old McDonald's location. He felt the sign was inappropriate.
Ms. Plummer questioned the lot split on Palermo.
Ms. Shamp questioned allowing duplexes. Ms. Will explained the calculation process.
Chair Zuba thanked Mr. Durrett for his charity and thanked Mr. Kakatsch for volunteering to serve on the Public Safety Committee.

VIII. LPA ATTORNEY ITEMS - none

IX. COMMUNITY DEVELOPMENT ITEMS - none

X. LPA ACTION ITEM LIST REVIEW - none

XI. ITEMS FOR NEXT MONTH'S AGENDA

XII. PUBLIC COMMENT

No public comment.

XIII. ADJOURNMENT

MOTION: Mr. Kakatsch moved to adjourn the meeting; second by Mr. Durrett.
VOTE: Motion approved; 7-0.

Meeting adjourned at 11:21 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

- End of document

Jeanne K. Shamp