FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES
Town Hall
2525 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, September 15, 2015

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Chuck Bodenhafer, Al Durrett, Jane Plummer, Joanne Shamp, James Steele and Hank Zuba.
Excused: John Kakatsch
Town Attorney: Derek Rooney
Staff: Matt Noble

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - August 11, 2015

On page 4, the note from Town Clerk Mayher concerning Mr. Bodenhafer will be deleted from the minutes, per Town Attorney Rooney.
On page 1, Ms. Shamp moved to approve the June 9, 2015 minutes.
On page 4, under Capital Improvement Plan Fiscal Year 2015/2016, add the following sentences: Ms. Shamp questioned whether beach access restrooms were included in the CIP. Mr. Noble responded that they were not.

MOTION: Ms. Shamp moved to approve the August 11, 2015 minutes as amended; second by Mr. Bodenhafer.
VOTE: Motion approved; 6-0 (Mr. Kakatsch excused).

V. EAR DISCUSSION - Review of Elements Future Land Use Element and Housing Element

Chair Zuba commented on legal and illegal non-conforming apartments. He questioned whether or not there were safety issues, whether they impacted the National Flood Insurance status, whether there should be inspections and the fact that a certificate or document indicating the number of bedrooms in the unit was not being recorded at sale. Ms. Plummer responded that most properties with illegal space do not list the illegal space in the sale. Mr. Noble noted that illegal, non-conforming units had been a code enforcement issue. Ms. Shamp questioned whether there was a way to coordinate illegal apartments and legalize them if they were affordable housing. Town Attorney Rooney replied in the negative, due to FEMA and safety issues.

Chair Zuba asked Mr. Noble how many complaint-driven inspections have taken place in the last year in relation to illegal apartments, were there re-inspections after the fact and was there an additional penalty for non-compliance. Mr. Noble stated he would have the information by the next meeting. Mr. Durrett was not in favor of telling someone they couldn't do something to their house. He felt that if the homeowner wanted to take the risk, so be it. Discussion was held concerning insurance, safety issues, the blind-eye theory, the 50% rule and state and federal regulations. Town Attorney Rooney suggested that an inventory be taken so the LPA could think about policies and objectives to implement that may encourage redevelopment. Ms. Plummer questioned raising cement block homes and the lack of incentives. Chair Zuba stated that grade level homes were still being purchased with cash and no insurance to avoid elevation requirements. He was concerned that it would affect insurance for the entire Island.

Ms. Shamp referred to a 1997 report by Bill Spikowski concerning illegal apartments and she questioned whether he should make a presentation to the LPA and Town Council concerning choices of strategies and whether they could or could not do certain things. Mr. Noble stated that he would email the report link to LPA members. Mr. Bodenhafer felt that homeowners should be able to what they wanted within reason. He did not think that insurance was an issue.

Flood regulations and coastal construction line - Ms. Shamp did not think the regulations changed. Town Attorney Rooney suggested looking into other communities that were trying to maintain their older character. Mr. Noble indicated that adequate tools were in place to encourage good development, elevated development and creative development in relation to building downtown. Mr. Durrett questioned whether Florida had lobbyists against FEMA. Town Attorney Rooney responded that there were two main umbrella groups that represented local governments and some communities hired their own lobbyists for certain issues.

Ms. Shamp asked Mr. Durrett to reflect on the Santini Plaza section. Mr. Durrett supported Mr. Spikowski's concept of a walking district for the South end of the Island. Ms. Shamp noted that TDRs would have to be addressed. Town Attorney Rooney remarked that policy goals should be identified first and then structure the TDR program to meet those policy goals. Discussion was held concerning reducing and/or moving density and accessory structures.

Mr. Steele expressed concerns regarding developing the recreation area at Bay Beach. Mr. Durrett replied that Bay Beach would probably be the owner but the portion of property in question could not be developed. Mr. Steele felt that building heights and view corridors needed to be looked at because of stormwater issues. He thought TDRs should be looked at.

Ms. Shamp questioned whether easy walking access to the beach in Policy 4-A-4 should include access to the bay. She questioned the wording in Policy 4-C-8 and whether it was still needed. She discussed the affordable housing section and how Sanibel addressed the issue. Ms. Shamp felt that many items in the housing element needed to be discussed. Ms. Plummer discussed elevating and attaching houses,

side setbacks, building up and view corridors. Ms. Shamp was not sure that the concept of view corridors was realistic or fair. Ms. Plummer clarified that she was talking about air flow and water moving through view corridors. Mr. Noble stated that affordable housing and alternative housing should be identified and that the pre-disaster build back policy was not working. Ms. Plummer felt that rezoning some areas should be reviewed. Mr. Durrett commented that the Hideaway issue was a great example of an instance where only a permit should have been required to remodel the inside of the structure. Ms. Plummer discussed accessory apartment issues in the build back section. Town Attorney Rooney commented that accessory apartments should be highlighted for future review. Ms. Plummer felt that the area on Crescent Street might be a good location for affordable housing since it was conducive to walking. She remarked that incentives may work. (No audio from 1:32-1:37.) Ms. Plummer questioned future land use issues with Red Coconut. Mr. Noble stated that he would research the issue. Ms. Plummer commented on near town neighborhoods and she felt modifying regulations that have proven to be a barrier should be addressed. Discussion was held concerning Planned Development (PD) zoning and regulations. She questioned safety concerning the cottage design tradition. Mr. Noble stated that they needed to establish an adaptive reuse policy in the future land use element. He used the structure on the side of Hooters as an example.

Mr. Bodenhafer stated that #4 under Policy 12-B-4 should be removed. Ms. Plummer felt that #5 under Policy 12-B-4 and Objective 12-C should be reworded and 12-C-3 deleted. She did not agree with #4 under Policy 12-C-5. In Policy 12-D-3, there is no way to control the interest rate.

Mr. Bodenhafer indicated that percentages and/or numbers in the future land use element had to be eliminated. He felt that Policy 4-A-3 and Objective 4-B that referred to protecting residential neighborhoods from intrusive commercial activities should include toilets.

VI. LPA MEMBER ITEMS AND REPORTS

Ms. Shamp questioned why the special exception was separate from the zoning with 216 Connecticut St. Town Attorney Rooney explained that the special exception did not require two hearings. She asked that a joint meeting be scheduled with Town Council.

Ms. Plummer indicted that she would be out of town for the October meeting.

VII. LPA ATTORNEY ITEMS

Town Attorney Rooney stated that it had been a pleasure working with the LPA.

VIII. COMMUNITY DEVELOPMENT ITEMS - none

IX. ITEMS FOR NEXT MONTH'S AGENDA

X. PUBLIC COMMENT - none

XI. ADJOURNMENT

MOTION: Mr. Bodenhafer moved to adjourn the meeting; second by Mr. Steele.
VOTE: Motion approved; 6-0 (Mr. Kakatsch excused).

Meeting adjourned at 11:00 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

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