FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES
Town Hall
2525 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, November 17, 2015

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Bruce Butcher, Al Durrett, Suzanne Katt, Jane Plummer, Joanne Shamp, James Steele and Hank Zuba.
Town Attorney: Dawn Lehnert
Staff: Matt Noble

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - September 15, 2015 and October 13, 2015

MOTION: Ms. Shamp moved to approve the September 15, 2015 minutes; second by Mr. Durrett.
VOTE: Motion approved; 5-0 with Mr. Butcher and Ms. Katt abstaining.

MOTION: Mr. Steele moved to approve the October 13, 2015 minutes; second by Ms. Plummer.
VOTE: Motion approved; 5-0 with Mr. Butcher and Ms. Katt abstaining.

V. LDC AMENDMENT: Delete section 34-2022 - Seasonal Parking Lots

Mr. Steele questioned whether the seasonal parking lot owners were notified of the change. Mr. Noble replied in the affirmative. Mr. Steele questioned the cost of a seasonal parking lot permit versus the cost of a permanent parking lot permit. Mr. Noble was not sure. Town Attorney Lehnert stated that the permanent lots were ultimately less because the owners would not have to come back each year. Mr. Noble explained Town Council's rationale for eliminating seasonal lots. He discussed consistency, buffering, landscaping, safety, treatment of the parking lots and signage.

Ms. Plummer questioned eliminating seasonal parking lots overnight. Ms. Shamp questioned whether it was a good time to eliminate parking.

MOTION: Ms. Shamp moved to delete the provision (recording stopped at 2:26:46)

VI. RE2015-0002 & SEZ2015-0004 & VAR2015-0005

Town Attorney Lehnert swore in those providing testimony.
Chair Zuba requested ex-parte communication. Mr. Butcher - site visit; Ms. Plumber - site visit and discussion with John Richard; Mr. Durrett - site visit; Chair Zuba - site visit and conversation with Mr. Stuart; Ms. Shamp - site visit and conversation with Mr. Richard; Mr. Steele - site visit; Ms. Katt - site visit.
Greg Stuart stated that he intended to transition from a temporary parking lot to a permanent parking lot with 50 spaces and eliminate the split zoning by rezoning residential multi-family (RM) to Downtown. He brought up conventional rezoning from RM to Downtown, special exceptions and variances. He stated that the site was vacant with no environmental issues and the project was consistent with the Town's plan. He referred to the staff report and policies in the comp plan to support his project. He disagreed with the neighbors who objected to light and sound impacts. Mr. Stuart distributed a brief that identified the comprehensive policy and he discussed split zoning and eliminating non-conforming uses. He pointed out that 120 people supported the project and 7 were Primo Street residents.
Mr. Stuart remarked that the variances were important to the project and they met de minimus standards. No variances were requested for the canal side, a buffer would be provided and he would condition a special exception to the buffer on the exhibit. The buffer would be planted at 3 feet minimum and maintained at 4 feet along with the cluster palm trees. He compared the parking lot to a multi-family building. He reviewed the variances. Crescent street right of way - 1 foot buffer with a picket fence; allow for an 8 foot wall instead of a 6 foot wall; a landscaped median for every 11 spaces as opposed to 10 and a variance request on Ray's Pizza side of the building for commercial with an accessory residential use. He reiterated that there were no impacts with the project.
John Richard distributed signatures of 120 people who approved the project and he read sections of the Old San Carlos Blvd./Crescent Street Master Plan from February of 1999 that supported additional parking. He indicated he was willing to increase the buffers and install a 6 foot wall instead of an 8 foot wall, which would eliminate the second variance.
Mr. Steele asked Mr. Richard to reveal the question he posed to people that elicited a favorable response. Mr. Richard replied that he handed out the brief in conjunction with the question. Mr. Steele questioned whether Alton Ford was a person or a corporation. Mr. Richard responded that Alton Ford was a person.
Ms. Shamp questioned whether there were handicapped spots and Mr. Stuart responded that a parking lot of that size did not require handicapped spots. She questioned whether a walkway and gate would be installed in an area to keep people safe. Mr. Stuart indicated that they would work with staff and install a sidewalk and a gate on the west island of the entrance. Ms. Shamp expressed concern regarding crowning in the center. Mr. Stuart replied that the property would be graded, refilled and discharged to the Crescent Street right of way. She questioned the width of the center strip and mentioned installing palm trees in that space. Mr. Stuart stated that they could plant vegetation. Ms. Shamp questioned how to keep vehicles out of the canal. Mr. Stuart felt that tire stops, hedges, and lighting should be sufficient,

but they could investigate installing bollards. Ms. Shamp stated that the lots on Crescent Street were all about the same size as the property in question. Mr. Stuart noted that it was 50 foot wide lot.
Mr. Butcher thought the picket fence was tacky. Mr. Richard replied that he was open to making the space beautiful and appealing as possible. Mr. Butcher suggested adding parallel parking on the Crescent side to provide more of a buffer area. He questioned the low-turnover lot.
Matt Noble, Principal Planner, referred to Exhibit D when discussing the buffer zones.
Ms. Plummer mentioned restricting it to a parking lot for a certain period of time to ease the neighbors' fears of future development. Mr. Richard was not opposed to the idea.
Ms. Katt questioned the timeline. Mr. Richard replied that the option to purchase was up in two years and he would probably purchase it at the end of the option. She questioned how many people who supported the project lived within a two block radius of the parking lot. Mr. Richard replied approximately 30%.
Chair Zuba questioned whether rezoning was a contingency on his purchase contract. Mr. Richard responded that it was at his discretion. Chair Zuba noted that some of the objections were whether something else would be built on the property if it were to be rezoned. Mr. Richard replied that he lived next door and he would be a good neighbor to himself. Chair Zuba questioned whether a phase one environmental study was a contingency in his contract. Mr. Richard replied in the negative.
Mr. Noble stated that the Old San Carlos Blvd./Crescent St. Master Plan was not a regulatory document. He discussed changes to the area and ambiguity of the location of the zoning line. He agreed with the non-conformity issue and he stated that Council was moving seasonal parking lots into permanent status and Mr. Richard's application would legitimize a permanent shared parking use. Mr. Noble was not adverse to including installation of a minimum of a 3 foot buffer in condition 1 and pedestrian walkways would be provided.
Mr. Steele questioned the existence of a 90 degree angle in Exhibit D. Mr. Noble responded that it was a 90 degree angle when it hit the right of way. Mr. Steele commented that it would be nice to have a sidewalk on the Crescent Street side and he questioned the lack of visibility with an 8 foot wall. Mr. Noble responded that the visibility triangle would have to be adhered to.
Ms. Shamp questioned ADA compliance. Mr. Noble stated that the lot did not require a handicapped parking space according to Code, but Lee County would review it for ADA accessibility. Ms. Shamp questioned whether they could approve the parking lot without rezoning to protect the people across the way. She brought up the possibility of adding a special exception to the RM. She was not in favor of rezoning.
Ms. Plummer pointed out that the goal was to improve the area and they had to look at zoning versus property owners' rights. She indicated that she would like a sidewalk in front of the lot.
Mr. Durrett questioned whether a boat dock could be constructed. Mr. Noble replied that it could.
Mr. Butcher supported the sidewalk and he questioned the surface of the lot. Mr. Noble noted that Mr. Richard indicated that it would be a paved lot.
Chair Zuba questioned whether the rezoning was required because the lot was split and whether the lot was originally part of the Downtown zoning parcel. Mr. Noble replied that it was not required, but it removed a non-conformity. He noted that it was consistent with the Comp Plan and he felt it would clearly delineate where the edge of Downtown zoning was located.
Mr. Stuart emphasized the size of the lot regarding future plans. He agreed with interconnecting walkways, safety bollards along the canal, landscaping the center parcel strip and the parking lot would be ADA compliant if required. He requested 24 months instead of 180 days and he did not agree with

limiting operating hours from 7 a.m. to 11 p.m. due to the operating hours of surrounding businesses. He felt the buffering would prevent light and noise from filtering across the canal.
Ms. Katt questioned the 24 month timeline and Mr. Noble replied that code allowed 3 years.
Mr. Steele asked whether operating hours were restricted at any other parking lot. Mr. Noble replied in the negative but he stated that he added that condition due to the location of the lot.
Ms. Shamp was not in favor of rezoning, but she felt that it would be a great parking lot. She was concerned regarding the hours and people gathering at the lot. She did not believe the rezoning was a de minimus request.
Mr. Butcher stated that Mr. Stuart made the case that the parking lot would be a high-turnover parking lot. He supported the parking lot, but not rezoning.
Ms. Plummer did not think that the operating hours should be restricted. She supported making the lot conforming.
Mr. Durrett supported rezoning. He stated changes were inevitable and he would rather see something good become of that area than have it sit the way it is for the next 20 years. He felt the parking lot should be open all night.
Chair Zuba complimented Mr. Richard for past projects. He stated rezoning was not needed in this circumstance and there had been and was a continued use for parking. Mr. Noble stated that the permanent shared parking lot had to be rezoned to a planned development or through a special exception process. The existing use of the property was a seasonal parking lot, but seasonal lots were not longer allowed. Ms. Shamp stated that the request was the special exception to change it from seasonal parking to permanent parking. Mr. Noble questioned whether the applicant would find the parking lot financially feasible if it was not rezoned. Mr. Noble stated that the parking lot could not be created without rezoning. Ms. Shamp questioned whether the special exception and variances across the whole property could be passed without approving the rezoning request. Mr. Noble replied in the affirmative, but he stated that the RM zoning district would not accommodate the parking lot and they could not approve a special exception for a parking lot in the RM zoning district.

MOTION: Chair Zuba moved to support rezoning request 2015-0002 for Lot 7 from RM to Downtown and include this part on the property in the special exception request; second by Ms. Plummer.

VOTE: Motion approved; 5-2.

MOTION: Ms. Shamp moved to approve SEZ 2015-0004 with the conditions of approval as listed including #2 the LDO will address the walkway and ADA if required, add landscape in the center, consider design of protective stops on the spots that face the canal for parking, leave restrictions on the operating hours, install the buffer at a minimum of 3 feet and maintain it at a minimum of 4 feet and add the word paved to condition #2; second by Ms. Plummer.

Ms. Plummer questioned enforcing the operating hours. Mr. Butcher suggested that the lot be paved due to the high-turnover status. Mr. Richard stated that he intended to pave it. Mr. Noble noted that they could add the word paved to condition #2. Mr. Durrett discussed pervious and impervious parking lots and he felt that Mr. Richard should have a choice. Ms. Shamp and Ms. Plummer agreed with amending the motion and second.

VOTE: Motion failed; 5-2.

Mr. Durrett disagreed with limiting hours. Chair Zuba and Mr. Durrett did not agree with requiring that the lot had to be the paved.

MOTION: Mr. Durrett moved to approve Ms. Shamp's motion except that paving the parking lot should be the owner's choice or the county's regulation and the operating hours needed to be at the owner's discretion; second by Ms. Plummer.
VOTE: Motion approved; 5-2.

MOTION: Chair Zuba moved to approve variances LDC section 10-416(d)(2) requiring Type "D" buffer, LDC 34-1744 fence requirement, LDC section 10-416(c)(2) requiring internal landscaping and LDC 10-416(d)(2) requiring Type "C" buffer; second by Mr. Steele.

Mr. Butcher thought the picket fence was not a good barrier for the parking lot. Ms. Shamp agreed the existing picket fence was not the most beautiful fence but she liked the visibility and the grouping of the trees. She questioned whether there was room for shrubs along the front edge. Mr. Butcher supported landscaping in lieu of a picket fence.

VOTE: Motion approved, 7-0.

VII. REORGANIZATION

MOTION: Ms. Shamp moved to nominate Chair Zuba as Chair; second by Mr. Steele.
VOTE: Motion approved; 7-0.

MOTION: Mr. Durrett moved to nominate Ms. Shamp as Vice Chair; second by Mr. Steele.
VOTE: Motion approved; 7-0.

MOTION: Ms. Shamp moved to adjourn as LPA and reconvene as HSB; second by Ms. Plummer.
VOTE: Motion approved; 7-0.

REORGANIZATION

MOTION: Ms. Plummer moved to nominate Ms. Shamp as Chair; second by Mr. Steele.
VOTE: Motion approved; 7-0.

MOTION: Chair Shamp moved to nominate Ms. Plummer as Vice Chair; second by Mr. Durrett.
VOTE: Motion approved; 7-0.

MOTION: Mr. Zuba moved to adjourn as HPB and reconvene as LPA; second by Mr. Durrett.
VOTE: Motion approved; 7-0.

VIII. EAR DISCUSSION

Review Procedures and Monitoring, Mapping

IX. LPA MEMBER ITEMS AND REPORTS - November 10, 2015

Ms. Plummer commented that it would be helpful to put educational signs or banners up so people would stop before each street to allow motorists to turn left.
Ms. Shamp asked Mr. Noble to include the Women's Club hearing on the HPB agenda in December.
Mr. Steele commented on the bus schedule and asked for clarification of the advertising procedure.

X. LPA ATTORNEY ITEMS

XI. COMMUNITY DEVELOPMENT ITEMS

XII. ITEMS FOR NEXT MONTH'S AGENDA

XIII. PUBLIC COMMENT - November 10, 2015 & November 17, 2015

November 10, 2015:
Tracey Gore, Primo Drive, stated that residents were not anti-development, they were supporting the Land Development Code and Comprehensive Plan. She stated that property owners were not against the parking lot, but they were against rezoning it from residential multi-family to Downtown. She distributed a handout regarding the Old San Carlos Blvd. Master Plan.
Francis Santini, Primo Drive, was against rezoning any property on Crescent St. from residential multi-family to Downtown.
Christine Patton, Primo Drive, was in favor of the parking lot but not in favor of changing the zoning. She read three letters for the record from neighbors who objected to rezoning.
Dave Ennis, Primo Drive, did not have a problem with the parking lot, but he did not approve rezoning the property.
Jo List, Crescent Street, approved the parking lot; however, she did not have enough information to render an opinion on rezoning. She discussed mitigating light and sound.

November 17, 2015:
Christine Patton, Primo Drive, expressed concern regarding rezoning and she discussed adding docks. She was against rezoning for commercial.
Dick Swenson, Primo Drive, stated that they did not need a zoning change to park cars. He was concerned about the Downtown area chipping away at residential areas.
Dave Ennis, Primo Drive, repeated his comment from November 10. He thought that whenever a rezoning issue came up, it had to be zoned as the least intrusive to the neighborhood. He felt that there was a plan for the property and rezoning to commercial would make the property more valuable.
A woman, Primo Drive, was worried that the area would turn into a little Miami and she wouldn't be able to sell her property.
Ed Scott, Harbor Court, discussed illegal parking at SOB. He stated that Mr. Noble's testimony was bogus. He agreed that Mr. Richard operated his parking lots well and he did not object to another lot. He stated that the lack of sidewalks was an issue especially at SOB and on Third Street.

XIV. ADJOURNMENT

MOTION: M. moved to adjourn the meeting; second by M.
VOTE: Motion approved;

Meeting adjourned at

Adopted _____ With/Without changes. Motion by _____

Vote: _____

- End of document