



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES
Town Hall
2525 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, January 12, 2016**

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 and Megan Will.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - November 17, 2015

Ms. Shamp reviewed unrecorded comments from the November 17, 2015 meeting. She verified that the correct number of current seasonal parking lots was two. Ms. Shamp did not recall the partial motion. Mr. Noble will clarify the cost of a permit.

Under the REORGANIZATION categories, add of the Local Planning Agency and Historic Preservation Board to distinguish between the two.

MOTION: Ms. Shamp moved to approve the minutes as amended, second by Mr. Steele.

VOTE: Motion approved; 7-0.

V. SEZ2015-0006

Obtain a special exception to operate a bed and breakfast inn on the subject property.

Town Attorney Lehnert swore in those providing testimony.

Chair Zuba requested ex parte communication. Mr. Butcher - site visit; Ms. Plummer - site visit; Mr. Durrett - site visit; Chair Zuba - site visit, he spoke to an employee (Gil) and he inspected one of the units; Ms. Shamp - site visit; Mr. Steele - site visit and Ms. Katt - site visit.

Ms. Will reviewed the request and she noted that staff found that it was consistent and supported many of the goals and objectives of the Comprehensive Plan. The applicant chose to restore the existing structures onsite rather than rebuild, they would physically revitalize a transitional neighborhood in the heart of the Island and the scale and design of the site fit with Goal 4 and it was very close to the beach and other amenities. She indicated that increasing commercial intensity on the site was a 0 sum game. There were currently seven legal rentals that could be rented on a weekly basis; as a Bed and Breakfast (BNB) it would have six legal weekly rentals because the owners would live in one of the units. The special exception request came as a result of operating without the correct use permit for a BNB. In order to have an office onsite, they had to be considered a BNB. In order to be considered a BNB, they had to request a commercial use permit.

Ms. Will reported that under special exception considerations, staff contended that improvements made to the property and neighborhood were evidence of changing conditions, which made the request appropriate. Staff found the request was compatible with the surrounding land uses, the closest adjacent single family home provided support for the request and the redevelopment renovation focused the activity inward, which provided a buffer from adjacent properties.

Ms. Will reviewed specific requirements BNBs were required to meet. Staff recommended approval with the conditions that all outdoor lighting would be fully shielded or use full cutoff fixtures to reduce glare and light trespass to adjacent properties and outdoor activities would be limited to the hours of 7 a.m. to 10 p.m. unless associated with a special event permit.

Ms. Plummer questioned why there was a limit (60 to 90 days) on how long guests were permitted to stay. Ms. Will responded that it was a Town regulation, but it could be changed. Ms. Plummer felt it was restrictive for a small business, especially in the summer.

Mr. Butcher questioned the difference between BNBs and hotels/motels. Ms. Will replied that Code differentiated between the two and hotels/motels were open to nightly rentals, unlike BNBs. Owners of BNBs were required to live onsite when guests were present.

Ms. Shamp questioned whether the school commented on the request. Ms. Will stated that she had not received comments. Ms. Plummer stated that Renee Malloy indicated that the school was pleased. Ms. Shamp questioned whether more buffering would be required to prevent a visual passage between the school and pool activity. Ms. Will remarked that the owner intended to increase the landscaping onsite. Ms. Shamp expressed concern regarding Consumption on Premises (COP) on the property. Ms. Will indicated that they would have the ability to request a COP in conjunction with special events under the RC zoning. Ms. Shamp questioned whether there was a way to limit the kind of special events in order to limit the impact to the school and the park. Ms. Will noted that staff recommended restrictions on outdoor activities.

Chair Zuba questioned whether there were pending code violations. Ms. Will replied that there was an outstanding code case on the property in relation to obtaining a permit for the fence, which had been obtained and was final. Some of the remodeling activities were pending completion. The CO had been issued for all units in the complex. If the special exception was approved, they would be allowed to make an application for the commercial use permit. Once the application was submitted and staff reviewed it, inspections by the fire department, code inspection and building inspection would have to be passed.

Roland Weinmann and Beverly Milligan thanked staff for the fantastic job they did. Ms. Milligan stated that it was a labor of love. Town Attorney Lehnert clarified that the approval was conditional on the site plan of six units and one residential unit. She suggested adding a condition to limit the number of units on the site in accordance to the site plan. Ms. Plummer was not in favor of adding the condition to limit expansion. Ms. Will clarified that there were seven legal units on the property. She reviewed the platted overlay for existing units, which allowed ten units per acre. The current zoning would allow seven units and the applicant requested the SEZ for seven units.

Mr. Butcher questioned whether the Mango Inn offered weekly or nightly rentals. Ms. Will thought they had a three night minimal rental; however, they were zoned RM. Mr. Butcher questioned whether the applicants intended to stay there year round. Ms. Milligan responded that they would be onsite when they had guests and if they couldn't be there, someone else would.

Ms. Shamp remarked that the applicants made a stunning transformation of the property. She questioned whether they would increase the landscaping along the fence facing the school. Ms. Milligan replied that they were working on it and landscaping was being planted on the inside of the fence. Ms. Shamp questioned whether they would object to conditioning special events and COP. Ms. Milligan responded that they would prefer not to have those conditions and that they would comply with the existing conditions. Their vision for the property was to market for reunions and they would like to do weddings. Ms. Katt thanked the applicants for improving the property. Chair Zuba agreed that it looked attractive and was an upgrade to the neighborhood. He questioned whether the 90 day limit influenced the applicants. Ms. Milligan stated that it would be nice to have flexibility.

Mr. Durrett questioned whether there was a way to renew a 90 day lease. Ms. Will replied that Code limited stays to 90 days at a time, but they could check-out and check back in. Ms. Shamp questioned whether there was something in the Code that prevented guests from bringing their own alcohol. Ms. Will stated that Code was silent on the topic.

MOTION: Ms. Shamp moved to approve SEZ2015-0006 with the conditions as stated with regard to lighting, outdoor activity hours and the addition of a third condition that approval was conditioned to the presented site plan of the existing seven units, which are six rental units and one residential unit; second by Ms. Plummer.

VOTE: Motion approved; 7-0.

VI. LPA MEMBER ITEMS AND REPORTS

Mr. Steele questioned Town Attorney Lehnert regarding whether LPA members could attend meetings concerning the proposed downtown project. Town Attorney Lehnert replied in the affirmative and she recommended keeping track of any meetings he attended. She reviewed Sunshine Laws.

Mr. Butcher questioned whether he could offer his opinion to anyone. Town Attorney Lehnert responded yes, but he might want to keep track of who he spoke to.

VII. LPA ATTORNEY ITEMS - no items.

VIII. COMMUNITY DEVELOPMENT ITEMS - no items.

IX. ITEMS FOR NEXT MONTH'S AGENDA - no items.

X. PUBLIC COMMENT

Anita Cereceda, Mayor, appreciated the work Mr. Weinmann and Ms. Milligan did on the property. She indicated that she would attend more meetings to better understand different points of view. She thanked the LPA in advance for the hard work they would be doing in the coming year.

Dean Kirkesner, owner of Rebel Water Sports, thanked the LPA for grandfathering in his business. He stated that he sent Ms. Will an email that would help the Town get rid of the riffraff. He indicated that Ms. Will went to Town Council and stated that the LPA's intent was to grandfather in the PWVL addresses only. He thought the LPA grandfathered the businesses, not the PWVL addresses. He requested that LPA tell staff, the Town Attorney and Council what their intent was when they grandfathered in businesses. Town Attorney Lehnert responded that a question was raised as to what they intended to grandfather. Some locations did not have a permit that was issued by the Town to substantiate the grandfathering. Staff redrafted the grandfathering provision to allow those property owners to substantiate the existence of their business, which required a tax certificate, business tax receipts, paid taxes on the furniture vending business and permission from the property owner on which the business was located. All of those requirements must be dated back prior to January 1, 2015.

Ms. Shamp clarified that her intent in the motion was to grandfather the business where they were currently operating. Ms. Plummer discussed the 10% side setback in relation to jet ski operators.

XI. ADJOURNMENT

MOTION: Mr. Steele moved to adjourn the meeting; second by Ms. Shamp.

VOTE: Motion approved; 7-0.

Meeting adjourned at 10:06 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

- End of document



A handwritten signature in cursive script, followed by the date "2-9-16" written in a simple, blocky font.