



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)**

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Florida
April 10, 2012

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Joanne Shamp; other members present:

Dan Andre
Al Durrett
John Kakatsch
Jane Plummer – arrived at 9:02 a.m.
Alan Smith
Hank Zuba

LPA Attorney, Marilyn Miller
Staff Present: Walter Fluegel, Community Development Director
Leslee Chapman, Zoning Coordinator
Josh Overmyer, Planning Coordinator

II. PLEDGE OF ALLEGIANCE

III. INVOCATION – Hank Zuba

IV. MINUTES

A. Minutes of February 13, 2012

MOTION: Mr. Kakatsch moved to approve the February 14, 2012 minutes; second by Mr. Durrett.

Mr. Zuba noted a typographical error on page 6: Ms. Zuba to Mr. Zuba.

VOTE: Motion passed 7-0.

V. PUBLIC HEARING

A. FMBDCI2012-0001 Eagle Equity Capital CPD

Ms. Shamp opened the hearing at 9:06 a.m.

Zoning Coordinator Chapman entered the Affidavit of Publication into the record.

Ms. Shamp asked the LPA Attorney to swear in the witnesses; and LPA Attorney Miller swore in the witnesses.

Ms. Shamp asked if any LPA Member had ex-parte communication regarding this item. Mr. Smith – reported he visited the subject property to compare the drawings with the existing conditions; Mr. Zuba – none; Mr. Durrett – none; Ms. Shamp – stated she conducted a site visit; Ms. Plummer – stated she had ex-parte communications, that she had been in attendance at the prior case in 2006, and noted she lived within close proximity of the subject site and had established a relationship with the tenant in the existing building; Mr. Kakatsch – stated he owned property on Fairweather Lane and conducted a site visit; and Mr. Andre – noted the close proximity of the subject site to his inn and had established a relationship with the tenant in the existing building.

Ms. Alexis Crespo of Waldrop Engineering representing Eagle Equity Capital distributed a copy of the applicant's updated landscape plan.

Mr. Zuba questioned if staff had reviewed the landscape plan that was distributed.

Ms. Chapman responded in the negative; however, she noted it was not part of the zoning request and Ms. Crespo offered it to assist with the applicant's description of their intent.

Ms. Crespo presented comments for FMBDCI2012-0001 on behalf of the applicant Eagle Equity Capital (CPD). She reviewed the applicant's request to expand the existing CPD, formerly known as Big John's Board Walk Eatery that had been approved in 2006 per Resolution 06-30 which allowed for required parking on-site for the existing restaurant uses, in addition to stormwater management, and landscape buffers. The amendment would add in an additional 4.43 acres which were currently zoned Commercial Boulevard and Residential Multi-Family. She explained the purpose of the CPD expansion was to allow for supportive parking for the restaurant uses, in addition to stormwater management, and landscape buffers. She used a PowerPoint presentation to review and describe the current and proposed boundaries of the subject property; existing zoning locations; site of the subject property, existing parking conditions; vacant land that was intended for inclusion of CPD amendment and surrounding properties; and the existing uses of the surrounding properties. She reported the applicant was unable to attend today since Mr. Bell was out-of-state, but noted the investment he had made in the Town, as well as the improvements made to the restaurant by the tenant. She continued her presentation with an overview of the project's history and the proposed amendment which included but was not limited to zoning, land use, the previous CPD application in 2006 which had been denied largely due to the lack of on-site parking which resulted in the applicant's appeal to the denial using the Florida Land Use and

Environmental Dispute Resolution Act and eventual approval with conditions; and the approved Master Concept Plan as of today. She pointed out that the subject property would not be a 'vehicle generator'. She stated the applicant intended to develop the site in a pedestrian-friendly manner to allow near-by residents to access the property by foot and bicycle. She mentioned that compatibility and intrusion was addressed in the original CPD regarding the hours of operation. Ms. Crespo summarized that the applicant obtained the property in 2011, acquired the three adjacent properties along Mango Street in 2010 as part of his Neptune Inn purchase, and that the applicant now wanted to address the past parking issues since he now owned the additional properties. She explained that within the proposed Master Concept Plan:

- The 4,000 square foot building was not proposed for expansion, and there were no additional structures to house restaurant uses
- The most significant change was the addition of a parking lot area which would remove the 'back-out' parking from Estero Boulevard and allow for ingress/egress on Mango Street
- Thirty-four (34) spaces were proposed
- Type D buffers along all adjacent rights-of-way along Estero Boulevard, Mango Street, and Fairweather Lane (5 feet in width)
- Type C buffers on the north abutting single-family residential uses
- On-site retention area was significantly increased over the proposed CPD

Ms. Crespo continued her presentation with a description of the proposed pedestrian orientation improvements such as:

- A five foot wide sidewalk along the frontage
- Sidewalk entrance directly to the building
- Bicycle rack
- Relocation of the trolley stop to the Fairweather Lane/Estero Boulevard corner; she noted staff's concern on this proposal and that the applicant was amenable to making a change to the Master Concept Plan to keep the trolley stop at the existing location of Mango Street/Estero Boulevard

Ms. Crespo then highlighted the improvement to safety issues by eliminating the 'back-out' parking, and the environmental benefits from the enhanced stormwater management and landscape buffers. She reported the applicant was amenable to reducing the outdoor dining square footage to 1,000 square feet in the Master Concept Plan, and to provide some type of gating or landscape area to insure COP was contained within the designated area. She reviewed the Schedule of Uses requested in accordance with Resolution 06-30:

- The 4,000 square foot building was not proposed for expansion.
- There was a slight increase to the outdoor seating area from 1,000 to 1,859 square feet,
- The COP was reformatted in the Schedule of Uses and the applicant was requesting both indoor and outdoor COP which was limited to wine and beer only, in conjunction with a meal.

Ms. Crespo next reviewed the deviations and noted that many were required due to the existing building which was constructed prior to land development codes being in place:

- Deviation #1 – she noted the fence had already been installed by the applicant; and Type C buffering where the parking area abuts the single-family use along Mango Street the applicant proposed a buffer ranging from 14-17 feet with type C plantings; and the applicant was requesting to eliminate the wall due to maintenance issues and the fact that there was no buffer

today, and what was proposed would significantly screen the residences from the proposed parking.

- Deviation #2 – applicant was seeking a 5 foot Type D buffer due to the infill nature of the site.
- Deviations #3, #4, & #5 – were previously approved by Resolution 06-30 and requested continuation of the deviations based upon the existing nature of the site.
- Deviation #6 – noting the deviation requested was in line with the Commercial Design Standards, she asked for continuance since the existing building had a primary façade of six feet based upon the significant renovations that have not impacted the Town’s health, safety, and welfare.
- Deviation #7 – the existing building was located 48.5 feet from the intersection.
- Deviation #8 – applicant was seeking approval to allow a reduction from 47 required parking spaces to 34 parking spaces; she noted a vast majority of patrons arrived by bicycle or by foot.
- Deviation #9 – applicant requested crushed shell or a limerock surface instead of a paved surface which would be consistent with the character of the beach.
- Deviation #10 – applicant requested a 96 foot \pm connection separation along Mango Street.
- Deviation #11 – applicant requested a 5 foot wide sidewalk instead of an 8 foot wide sidewalk along Estero Boulevard frontage which would be similar to the sidewalks constructed on adjacent properties.

Ms. Crespo continued her presentation noting that staff had recommended approval of the deviations and asked for the LPA’s approval as well. She stated the applicant had received availability letters for potable water and sanitary sewer from the appropriate authorities. She addressed the TIS waiver, and noted the applicant was not seeking additional intensity and how the site was not generating vehicles from out of the area (i.e. Bonita Springs). In order to mitigate any traffic concerns, she pointed out that the proposed improvements would make the site more pedestrian-friendly. She requested the LPA approve the request to reduce the outdoor seating square footage to what was approved today and allow the applicant to move forward through the process without the TIS requirement. Ms. Crespo briefly discussed Comprehensive Plan Compliance for the CPD amendment such as but not limited to the FAR (Floor Area Ratio), the mixed residential use category along Mango Street and buffering, parking, and the trolley stop. She addressed the application’s compliance with the land development code with respect to staff’s concerns regarding ‘errors and ambiguity’, Chapter 34, location standards, natural resource protection, compatibility and protection of health safety and welfare, and public infrastructure. She stated that staff had recommended approval of the application and all deviations and six conditions. She reported the applicant was in general approval with staff’s recommendation; however, the applicant would like Condition #6a to move forward to reduce down the square footage to what was currently approved in the CPD.

Mr. Bryan, owner of the restaurant, reported the surrounding neighborhood was in support of his business.

Ms. Shamp asked for clarification regarding Resolution 06-30 and that the hours of operation would not change.

Ms. Crespo responded in the affirmative.

Mr. Andre questioned if the proposed bicycle rack held 4-6 bicycle.

Ms. Crespo responded in the affirmative; and stated the applicant was amenable to increasing the number of racks.

Mr. Andre questioned if the proposed trolley stop would sacrifice parking spaces.

Ms. Crespo responded in the affirmative; and stated it would utilize approximately four spaces and that the handicapped spaces would also be impacted.

Discussion was held regarding the proposed relocation of the trolley stop from Mango Street to Fairweather Lane.

Ms. Plummer discussed her concerns regarding some of the plantings proposed for buffering (i.e. Gumbo Limbo).

Ms. Crespo stated the applicant was not 'tied' to any specific vegetation, but the applicant did want to use 100% Florida native plants/trees. She explained she would work with the applicant regarding the concerns about the vegetation.

Ms. Shamp noted that shade trees were important on the Island. She questioned the height from the deck to the ground.

Ms. Crespo stated that they now intended to use brick pavers instead of a deck, and they would have to show a barrier within the Development Order plans.

Ms. Shamp questioned if there should be a time limit on the parking lot surface to be paved so as to coincide with the improvements to Estero Boulevard in the 5-Year CIP.

Community Development Director Fluegel reported the LPA could include a condition that within a certain number of years the parking lot would have to be paved; however, he added that those types of conditions seem to get lost over time.

Ms. Crespo explained that the cost to pave versus crushed shell or lime rock was considerably higher.

Ms. Shamp questioned if the resident that abuts the subject property was happy with the stockade fence and buffering.

Ms. Crespo stated it was her understanding from Mr. Bell that the resident was acceptable to the fence and buffering.

Ms. Shamp discussed her views on expanding the sidewalk from five to eight feet, if the reduction in parking was approved.

Mr. Zuba questioned the rationale for the deviation requests concerning the setbacks.

Ms. Crespo explained they were previously approved in Resolution 06-30.

Mr. Zuba questioned the intersection right-of-way lines.

Community Development Director Fluegel explained the separation (Mango Street) staff felt was the greater good instead of the 'back-out' parking onto Estero Boulevard, and that stacking should not be that much of an issue.

Mr. Zuba asked why the applicant felt the amendment would create more pedestrian traffic and less vehicular.

Ms. Crespo explained was based upon the close proximity of the hotels and residences; and noted that during the past six weeks during peak season that the current nine parking spaces were never all full. She reported the restaurant owner had been recording his patrons' transportation and he believed that 80% of his customers were pedestrian or bicycle.

Discussion was held regarding the surface parking lot spaces and problems with delineating spaces on crushed shell.

Ms. Crespo stated the handicapped spaces would be paved, and bumper stops would be installed on the crushed shell or limerock area to indicate spaces.

Mr. Zuba concurred with Ms. Shamp's recommendation regarding an eight foot sidewalk instead of five.

Mr. Kakatsch stated he did not oppose shell or gravel parking. He questioned where delivery trucks would unload.

Mr. Bryan stated usually the trucks would stop short of the residential property and back-up to the fence. He said he was working to not impact the neighborhood.

Discussion was held regarding the pitch in the front of the property.

Mr. Durrett discussed his experience with using gravel in the parking area and how it allowed the water to flow better.

Discussion was held concerning the proposed bumper stops in the parking lot, the width of the proposed sidewalk, and the width of the surrounding sidewalks.

Zoning Coordinator Chapman presented comments for FMBDCI2012-0001, Eagle Equity Capital CPD, on behalf of the Town of Fort Myers Beach. She read into the record an email she received as a result of the notification mailing associated with FMBDCI2012-0001. The email was from the property owner adjacent to the subject site, Mr. Gary Dye:

-----Original Message-----

From: gdye001@wi.rr.com [mailto:gdye001@wi.rr.com]

Sent: Monday, April 09, 2012 11:12 PM

To: Leslee Chapman

Subject: Case Number FMBDC12012-0001

Hello Leslee,

Per my telephone conversation, these are some concerns I have regarding my property at 110 Fairweather Lane.

- 1) Providing screening across the back yard of my property where anticipated parking lot will be. I am concerned about providing an adequate block for car lights and noise.
- 2) Rear elevated walk across the back of the building which is along side of my property. Concerned about employees using this for break area/smoking area as they will be visible over 8 foot fence and will be able to look into back yard and house windows. I do not want this area used for deliveries or Garbage storage/removal. This area should be kept clean from debris. This area should only be used for emergency exit to protect our privacy.
- 3) These same concerns were addressed and resolved regarding Big John's Board Walk Eatery and should be in those previous minutes.

Please contact me with any questions.

Sincerely,

Gary Dye, owner
110 Fairweather Lane
Fort Myers Beach, FL

Phone: 262-968-3222 (Evenings)

Cell: 262-470-9799

She complimented Ms. Crespo for her presentation and stated she would try to address concerns or questions that she believed the LPA noted during the previous presentation. She highlighted again the key features of the Master Concept Plan which staff felt were critical in reviewing the request:

- Elimination of the 'back-out' parking along the front was a positive change as it pertained to public safety
- Applicant's proposed on-site water management was an improvement
- Improved residential screening and buffering was an improvement
- Providing the sidewalk along Estero Boulevard was an improvement regardless of width
- Crushed shell or pervious surface in the parking lot was an improvement
- Landscaping materials and outdoor seating for two restaurants was an important feature; and the outdoor seating did include COP

Zoning Coordinator Chapman addressed deviations and where they applied on the Master Concept Plan, and reviewed the basis for staff's recommendation for approval for each of the 11 deviations. She reviewed each of the recommended Conditions of Approval:

1. If the principal building on the subject property (2301 parcel) is removed or replaced for any reason, deviations 3, 4, 5, 6, and 7 will become null and void. Any new buildings replaced on the subject property must comply with required setbacks and any other regulations in effect at the time of permitting.
2. That the trolley stop concrete bench as shown on the southwest corner of the subject property, generally at the intersection of Fairweather Street and Estero Boulevard, be moved to the southeast corner of the subject property, generally near the intersection of Mango Street and Estero Boulevard.
3. Any changes or fracturing of ownership of the four parcels within the subject property will require, at a minimum, an administrative amendment to the Master Concept Plan to reflect the change in ownership, which will include recorded unified control documentation.
4. The parking lot must be stabilized in accordance with the provisions in Section 34-2017(b)(1).

Community Development Director explained in detail the basis for recommended Conditions #5 and #6.

5. A local development order is required prior to any expansion of the existing restaurant or any use of the second restaurant bay in accordance with this planned development approval. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order, including payment of additional impact fees.
6. Should the Town Council determined that the Traffic Impact Waiver is not warranted and the application may place an undue burden on road facilities, based upon staff analysis, then Town Council should consider the following conditions to mitigate those impacts, including a Traffic Impact Statement:
 - a. Require the applicant to amend the Master Concept Plan to reduce the outdoor dining square footage to 1,000 square feet, consistent with the prior approval in Resolution 06-30 and maintain Condition 5, as worded above; and/or
 - b. Require the applicant to provide a Traffic Impact Statement that demonstrates the proposed CPD amendment meets concurrency for review and approval by Town Council. In the event the Traffic Impact Statement demonstrates that the proposed CPD amendment does not meet concurrency standards, the applicant shall provide a Traffic Impact Mitigation Plan to assess mitigation strategies, including the feasibility of providing an easement on the subject property for a future trolley stop and shelter, as a mitigation strategy. The Traffic Impact Mitigation Plan and any requisite amendments to the Master Concept Plan would then require review by the Local Planning Agency and approval by Town Council to effectuate the rezoning.

Zoning Coordinator Chapman continued her presentation on behalf of the Town noting the applicant was amenable to increasing the number of bicycle racks and staff would be supportive of additional racks; discussed the trolley stop bench; the quantity of the plantings which were code required numbers, and indicated staff could work with the applicant regarding the type of plantings and spacing; and the connection/separation on Mango Street.

Mr. Kakatsch discussed his belief to support five foot sidewalks. He recommended Community Development Director Fluegel investigate a five foot sidewalk and a bicycle lane at the time when the County performed the improvements to Estero Boulevard.

Discussion was held concerning an easement for a future trolley stop and shelter as a mitigation strategy; and potential concurrency issues and Traffic Impact Statement.

Ms. Crespo stated the applicant believed they could demonstrate through the DO process that the trip generation was minimal and there would not be a concurrency issue.

Discussion continued regarding the trolley stop and pull-off.

Ms. Shamp asked if the design for Estero Boulevard indicated a separate bicycle lane.

Community Development Director Fluegel responded in the affirmative.

Discussion was held concerning how to increase the number of bicycle racks; using Condition 6a or 6b; using Chapel-by-the-Sea as a trolley stop; the current trolley stop location; plantings in the trolley stop area; the differences between Condition 6a and 6b; and the additional parking at the subject site.

Public Comment opened.

Nancy Lynn Van Oyen, resident, discussed the basis of why she approved of the proposed improvements. She stated the subject site had been an eyesore to the neighborhood and attracted vagrants. She requested the LPA approve the requested amendment. She explained why she did not believe the proposed trolley pull-off was appropriate and discussed other potential locations for a trolley stop along Estero Boulevard. She also discussed her opinion regarding sidewalks and the sidewalk width.

Public Comment closed.

Mr. Andre questioned what was required of the seasonal parking lot across Mango Street.

Community Development Director Fluegel stated seasonal parking lots were not required to do traffic studies since there was no building or use on the property to generate traffic.

Discussion was held concerning elements or conditions that could be included in a motion for Resolution No. 2012-005.

Ms. Shamp noted the inclusion from Resolution 06-30, *the general schedule of uses of the subject property is hereby limited to provide that the hours of operation of any business on the subject property must not commence earlier than 6:00 a.m. and must terminate not later than 10:00 p.m. the hours of operation for the restaurants are limited from 7:00 a.m. to 10:00 p.m., Sunday through Thursday and*

11:00 p.m., Friday and Saturday. She noted Resolution 06-30 also prohibited outdoor entertainment on the subject property.

Mr. Zuba discussed why he believed Condition #6 should not be mentioned or be included as a condition.

Ms. Shamp offered a counter opinion to Mr. Zuba's comment.

Ms. Shamp asked for a show of hands for recommended Condition #6, a or b – 3.5 members indicated in favor. She asked the same for Mr. Zuba's recommendation to eliminate Condition #6 - 3.5 members indicated in favor.

Discussion ensued regarding the impact to the applicant selecting Condition #6 a, #6b or removing Condition #6; and the cost of a traffic impact fees at Development Order (DO); and the benefit or detriment to the applicant depending upon if Condition #6a or #6b was selected.

Ms. Shamp asked for a show of hands for leaving out Condition #6 completely – 2 members; for leaving in Condition #6a – 4 members and 1 undecided; for leaving in Condition #6b – no members.

Discussion was held concerning mitigation and the trolley stop, and the Development Order process.

Mr. Bryan asked if there was someone in the Town or County who could waive a Traffic Impact Study.

LPA Attorney Miller reviewed Section 10-286 regarding the traffic impact study.

Discussion was held regarding waivers, and the definition of a traffic impact statement and traffic impact study.

Community Development Director Fluegel reviewed the criteria and definition of a traffic impact statement in a Development Order. He noted in Section 10-152 that *the Director may waive the requirement for any submittal item which he deemed unnecessary for an adequate review of the proposed development.* He pointed out another section in the Code that allowed him to make a determination that there would be no impacts on the public infrastructure above and beyond what existed.

Ms. Shamp questioned if the Director could waive the Traffic Impact Statement based upon the Section 10-152.

Community Development Director Fluegel pointed out that particular deviation had not been requested or advertised.

Discussion was held regarding the Traffic Impact Statement; and the ability to appeal the Director's decisions to Council.

LPA Attorney Miller explained the LPA could modify Condition #6 to be a recommendation that the LPA does not believe the Traffic Impact Study was warranted and that the Council overrule the Director's decision to require it.

Discussion ensued concerning a modification to Condition #6 which would recommend that the LPA did not believe the Traffic Impact Study was warranted and that the Council overruled the Director's decision to require one.

Ms. Crespo stated she believed the reasoning behind not requesting a waiver from the DO requirement was because the applicant originally thought it would be a limited review which did not require a TIS.

Mr. Andre noted on Page 7 of 16, Staff Report, that the proposed amendment to the CPD was focused on providing additional on-site parking for the tenants and customers of the existing commercial building, by providing landscape buffers, bike racks, extending the sidewalk and improving ingress/egress by eliminating the back-out parking, reduction in seating area, and the stormwater management.

Ms. Shamp suggested that if someone wanted to make the motion, Condition #6 could be that the LPA recommended that the TIS was not warranted and recommend the Council overrule the Director's decision to require it based upon the action of the applicant which would be the wording as noted on page 7 of 16: "by providing additional on-site parking for the tenants and customers of the existing commercial building, by providing landscape buffers, bike racks, extending the sidewalk and improving ingress/egress by eliminating the back-out parking, reduction in seating area, and stormwater management".

Discussion was held concerning adding a Condition #7 to increase the number of bicycle racks; and Mr. Andre recommended changing 4 to 8 racks.

Mr. Kakatsch asked if the defunct gas station on the corner was an issue for the restaurant.

Community Development Director Fluegel responded that he could not foresee any issues.

Mr. Durrett stated the restaurant's customer base would dictate how many bicycle racks were needed.

Discussion was held regarding the hours of operation; Mr. Bryan stated at this time he had no need to stay open after 10:00 p.m.; whether or not to address extending hours of operation at this time; and the hours of operation for nearby establishments with COP.

Mr. Durrett suggesting changing the hours of operation for Mr. Bryan to end at midnight for inside and end outside at 10:00 p.m.

MOTION: Mr. Andre moved that the LPA recommends the Town Council approve Resolution No. 2012-005, Eagle Equity Capital CPD, for the request to rezone the subject property to a

CPD zoning district subject to the 9 conditions and 11 deviations set for with specificity below:

Recommended Conditions of Approval

1. As written.
2. As written.
3. As written.
4. As written.
5. As written.
6. The LPA recommends that the Traffic Impact Study was not warranted and that the Town Council overrule the Director's decision to require such; and the applicant has provided mitigations for traffic impacts according to Page 7 of 16, by providing additional on-site parking for the tenants and customers, by providing landscape buffers, bike racks, extending the sidewalks along Estero Boulevard, by eliminating the back-out parking in front of the existing building, by reducing the outdoor dining, and by providing stormwater management; and mitigation was also provided by the fact that it was strongly a pedestrian and bicycle oriented destination additional and the traffic impact was less than would be expected by the Traffic Impact Study.
7. Bicycle racks shall be provided for 8 bicycles.
8. Hours of operation shall be from 7:00 a.m. to midnight with outdoor seating limited from 7:00 a.m. to 10:00 p.m. (restaurant).
9. No outdoor entertainment.

Recommended Approved Deviations

Deviations #1 through #11 approved as written.

Recommended Findings and Conclusions

Findings and Conclusions #1 through #9 approved as written.

Second by Mr. Smith.

VOTE: Motion passed, 7-0.

Ms. Shamp closed the hearing at 12:14 p.m.

MOTION: Ms. Plummer moved to adjourn the LPA and reconvene as the HPB; second by Mr. Kakatsch.

VOTE: Motion approved, 7-0.

**ADJOURN AS LPA AND RECONVENE AS HISTORIC PRESERVATION BOARD
12:15 P.M.**

Ms. Plummer reported the last scheduled meeting for the Historic Advisory Committee was canceled due to the illness of members. She requested advertising for additional HAC members.

Discussion was held concerning the composition and number of members, and quorum requirements for the HAC.

MOTION: Ms. Shamp moved to become a member of the HAC; second by Mr. Zuba.

VOTE: Motion approved, 6-0; Mr. Smith absent from Chambers.

Josh Overmyer, Staff Liaison to the Historical Advisory Committee, reported he sent an email to help insure there would be a quorum for the April 24th meeting, and he would forward the email to Ms. Shamp.

Ms. Shamp stated she found her files from previous HPB and HAC meetings regarding the brochure designs and plaque designs, and stated she would give copies to the Town Clerk, Staff Liaison Overmyer, and Ms. Plummer.

MOTION: Mr. Kakatsch moved to adjourn the HPB and reconvene as the LPA; second by Ms. Shamp.

VOTE: Motion carried, 7-0.

**ADJOURN AS HISTORIC PRESERVATION BOARD AND RECONVENE AS LPA
AT 12:19 P.M.**

VI. LPA MEMBER ITEMS AND REPORTS

Mr. Kakatsch recommended to Community Development Director Fluegel that Code Enforcement address the convenience store and defunct gas station. He added that the side of the store was covered with graffiti; and noted the ‘three grey buildings’ on Estero Boulevard that were a mess.

Community Development Director Fluegel gave an update on the buildings. He reported the Town contacted the County with a request to inspect the buildings as unsafe structures. He added the inspection was completed and the County deemed them as unsafe, and now staff could work through the process towards condemnation. He commented that the owner would have the option of demolition first, and if the owner refused, then the Town would request Council to approve condemnation and demolition.

LPA Attorney Miller explained that an unsafe designation gives the owner 60 days to obtain a demolition permit and an additional 120 to complete the actual demolition. The cost of the demolition if accomplished by the Town would appear as a lien on the property which would survive a mortgage foreclosure.

Mr. Kakatsch recounted his experience with the Fort Myers Code Enforcement Board in similar situations.

Mr. Durrett – reported he contacted the BOCC in the capacity of a business owner from Santini Plaza as it pertained to the recent pedestrian fatality. He discussed his belief for changes to the Town's streetscape long before the improvements to Estero Boulevard. He would like to continue his efforts regarding lighting, speed limits, and safety issues by applying for the Town's recently formed Traffic Mitigation Agency.

Discussion was held concerning the TMA.

MOTION: Ms. Shamp moved that the LPA was concerned about the safety and welfare of the citizens and there had been deaths at the subject location (Santini Plaza), and if a committee were formed, the LPA would support Mr. Durrett as a liaison representative from the LPA; seconded by Ms. Plummer.

VOTE: Motion carried, 7-0.

Mr. Zuba – no items to report.

Ms. Shamp – reported that at the Joint Council/LPA Meeting they discussed post-disaster recovery and that there had been a previous draft ordinance. She stated she gave a written copy and the date of the email used for the draft ordinance to the Town Clerk. She addressed the LPA's previous resolution honoring Mr. Ryffel, and the LPA's desire for the flagpole at Crescent Beach to memorialize Mr. Ryffel. She asked for the LPA's approval of the letter.

Community Development Director Fluegel suggested the letter be forwarded to Town Council who may want to prepare a resolution and cover letter to send along with the LPA's documents to the BOCC.

Ms. Plummer – recounted her experience with owning a gas station in Indiana as it pertained to pulling the gas tanks. She requested if the Financial Disclosure Forms could be distributed at the May meeting in order to meet the June 1st deadline.

Community Development Director Fluegel suggested Ms. Plummer contact the Supervisor of Elections for the necessary forms. LPA Attorney Miller stated the forms were also listed on the Ethics Commission website, and that the Town Clerk had information on the forms.

Mr. Smith – no items to report.

Mr. Andre – discussed his concerns regarding 'seasonal parking' and code issues with the seasonal parking lot on Mango Street across from the t-shirt shop. He reported he received an email concerning what was referred to as graffiti on a building which was actually a mural of a sea turtle that had been painted as part of an Eagle Scout project. He added that Turtle Time had agreed to provide the funds to restore the mural.

Mr. Kakatsch noted the graffiti was on the opposite side of the subject building, and not the side where the turtle was painted.

Ms. Plummer asked for an update on code enforcement for the garbage floating in the 'mold pond' in front of Top'O Mast. Community Development Director Fluegel stated he would request Code Enforcement to visit the site.

Discussion was held regarding COP for Lani Kai, Top 'O Mast, and boundary lines for serving on the beach as was discussed at the Council Meeting. Ms. Plummer clarified that the LPA was not asked to vote a certain way due to comments made by speakers at the subject Council Meeting.

Mr. Durrett recognized a reporter from NBC-2 News, who introduced herself and noted she had recently been assigned to the barrier islands.

VII. LPA ATTORNEY ITEMS

LPA Attorney Miller – no items to report.

VIII. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Community Development Director Fluegel – no items to report.

IX. LPA ACTION ITEM LIST REVIEW

Ms. Shamp noted the Town Council was adding an "LPA box" to their Agenda Management List and pointed out the LPA item on the list was the post-disaster recovery.

Community Development Director Fluegel reported parasailing was introduced and beach raking was discussed at a Work Session, and those topics would go back to Council after the COP was finished.

Mr. Kakatsch indicated he would still represent the LPA regarding beach raking.

Ms. Shamp noted no representation was needed for personal watercraft; and any action on Connecticut Street depended upon what happened with the Mound House.

Community Development Director Fluegel reported that COP was on Council's Agenda for April 16th.

Mr. Kakatsch volunteered to attend the Council's April 16th meeting to represent the LPA.

Community Development Director Fluegel stated there would be a Work Session on the sign ordinance on May 21st.

Ms. Shamp noted that Council removed rights-of-way/residential connection and stormwater from the LPA list. She questioned the status of the International Property Code.

Community Development Director Fluegel stated it was a work in progress.

Ms. Shamp asked about the FEMA Community Rating System, EAR, and post-disaster recovery.

Community Development Director Fluegel reported they were all works in progress, and discussed how the Town was working to lower the rating.

Ms. Shamp stated today's Staff Report and presentation were well done.

Ms. Plummer asked if the case that was canceled last month would come back before the LPA in the future. Community Development Director Fluegel stated it would probably come back next month. Discussion was held concerning the LPA meeting schedule; and it was noted that the LPA usually targeted August as a month without meeting. Community Development Director Fluegel acknowledged the request, but pointed out that due to the number of upcoming applications there might be a month where they would have to meet twice.

X. ITEMS FOR NEXT MONTH'S AGENDA

XI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XII. ADJOURNMENT

MOTION: Motion by Mr. Kakatsch, seconded by Ms. Plummer to adjourn.

VOTE: Motion approved, 7-0.

Meeting adjourned at 12:50 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Signature

- End of document.