



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

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Florida
October 9, 2012

I. CALL TO ORDER

Meeting was called to order at 9:02 a.m. by Chair Shamp; other members present:

Dan Andre
Al Durrett
John Kakatsch
Jane Plummer
Alan Smith
Hank Zuba

LPA Attorney, Marilyn Miller
Staff Present: Walter Fluegel, Community Development Director
Leslee Chapman, Zoning Coordinator
Patti Evans, Parks & Recreation Director

II. PLEDGE OF ALLEGIANCE – Mr. Zuba

III. INVOCATION – Mr. Zuba

IV. MINUTES

A. Minutes of September 11, 2012

MOTION: Ms. Plummer moved to approve the September 11, 2012 minutes as presented; second by Ms. Andre.

VOTE: Motion approved 6-0; Mr. Kakatsch was absent from the Chambers.

Chair Shamp noted that at last month's meeting it was announced that there would be the election for Chair and Vice Chair at today's meeting; however, Town Council deferred appointments to the Boards and Committees to the October 15, 2012 Council meeting; therefore, the LPA would decide on the positions of Chair and Vice Chair at the November 13, 2012 LPA meeting.

MOTION: Mr. Smith moved to adjourn the LPA and reconvene as the HPB; second by Mr. Durrett.

VOTE: Motion approved, 7-0.

**Adjourn as LPA and Reconvened as Historic Preservation Board
9:07 A.M.**

A. Mound House Historic Registration

Parks & Recreation Director Evans reported that last year the Friends of the Mound House began the process of listing the Mound House on the National Register of Historic Places. She announced staff anticipated the home renovation work to be completed by December 31, 2012 and then the remaining exhibits and interior would be completed during 2013. She reviewed the hard work of the many volunteers and supporters during the past ten years on this project and their desire to move the project forward to obtain historic designation. She explained the Town's Code made it the Board's responsibility to review and approve moving forward with the nomination. She described how the National Register of Historic Places was our Nation's official list of cultural resources worthy of preservation, and more than 82,000 properties encompassing 1.4 million individual resources in nearly every county in the nation have been listed in the National Register. She briefly reviewed the qualifying criteria and explained the significance of such a designation. She requested the support of the Historic Preservation Board for the Mound House nomination to the National Register of Historic Places.

Mr. Kakatsch questioned the limited parking at the Mound House facility; and the status of the property owned by the Town on Connecticut Street and the possible use of the Baptist Church property as it related to being used for visitor parking.

Parks & Recreation Director Evans reported there were only nine parking spaces on-site and two were handicapped spaces. She noted that according to the home's square footage that the nine spaces were adequate for the site. She explained the property on Connecticut Street was an unimproved parking area owned by the Town.

Mr. Kakatsch questioned if the Town's unimproved parking area was designated as such by a sign.

Parks & Recreation Director Evans responded in the negative; and added that she would work with the Community Development Director on that matter. She reported that the Town was working with the Church to establish a joint use agreement for parking on church property prior to the start of 'season'. She mentioned that staff was investigating the use of a golf cart that would transport six people by staff and/or volunteers back and forth between the overflow parking and the Mound House.

Chair Shamp questioned if staff would apply for separate designations for the house and the archeological site or would it be a package designation of the home and the site together.

Parks & Recreation Director Evans stated they were getting ready the home only; and they would need to speak with their State and National contact who would advise if the designation should be separate or together. She reported the request today was only for the home.

Discussion ensued regarding the separate or combined designation recommendation.

Mr. Zuba asked if the historic designation would impact insurance costs and/or fire code issues.

Parks & Recreation Director Evans reported the designation would not impact those areas; and noted that as part of the renovation a fire suppression system was added on the first floor, and she would investigate and report back as to any impact on the insurance.

Discussion ensued regarding the costs associated with the Mound House since the beginning; the cost of the current renovation work; and the grants funding the acquisition and renovation of the subject property.

MOTION: Ms. Shamp moved that in accordance with the Town of Fort Myers Beach Land Development Code Section 22-74(5) that the Historic Preservation Board approved entering into the National Register of Historic Places designation process for the structure and site of the Fort Myers Beach Mound House; second by Mr. Zuba.

Ms. Shamp noted the designation was well supported by the Comprehensive Plan and congratulated on their hard work on this matter.

VOTE: Motion carried, 7-0.

B. HDD2012-0001 'The Big M' Roof Sign

Leslee Chapman, Zoning Coordinator for the Town of Fort Myers Beach, reported that staff was requesting a continuance of the Big "M" Roof Sign historic designation. She reviewed that at the August 14, 2012 LPA the Applicant was directed to apply for the designation for a Historically Significant Sign per LDC Section 30-57 for the roof sign on one of their storage barns. She noted staff's request for their further review to evaluate the historic merits of the roof sign. She explained that the historic designation request, which was separate from the sign variance application, would come before the HPB and final determination would go before Town Council. She reviewed the complexity of the request should the HPB not recommend the historic values of the roof sign which would alter the application for the sign variance. She reported that the Applicant was in agreement with staff's request for a continuance.

MOTION: Ms. Shamp moved to approve staff's recommendation for continuance of HDD2012-0001, The Big 'M' Roof Sign, to the date certain of the HPB Meeting on December 11, 2012 and materials shall be due to staff by November 13, 2012; second by Mr. Durrett.

VOTE: Motion carried, 7-0.

Chair Plummer announced that the Historical Advisory Committee met on September 25, 2012 at which time the HAC Committee discussed properties for possible historical significance instead of historical designation. She reviewed the criteria determined by the Committee for historical significance (i.e. age, prior residents of the property, the number of 'firsts', architecture/architect, landmarks, etc.). She noted the HPB had \$12,000 in their budget for such designations.

Mr. Kakatsch stated it was his understanding that currently there were designation signs available that could include the wording for the historical significance. He suggested a designation of historical significance at least once a month.

Discussion ensued regarding the differences between the historical designation and significance/recognition signs; the HPB's budget; the Vista Sign Program; the type of material for the signage; and the possibility of using QR Codes and filming people and sites as it pertained to historical significance.

Community Development Director Fluegel suggested the topic may be a topic for a Joint Workshop with Town Council.

Discussion was held concerning the existence of documents to substantiate historical designation/significance; and the potential criteria, basis or support for a historical recognition.

Zoning Coordinator Chapman asked if the HPB had any suggestions for the research historical significance sign application.

Chair Plummer responded in the affirmative; and noted a form was being created for such requests.

Ms. Shamp asked if there was a need for the HPB to approve the form being created by the HAC.

Community Development Director Fluegel noted the Land Development Code, Chapter 22, as it pertained to historic designation, and pointed out there was not process for historic recognition. He suggested the collective thoughts of the HAC be given to the HPB and then allow for staff, along with the Town Attorney, to work on the matter.

Discussion ensued regarding the HAC's list of properties for potential historical recognition and the historical properties listed in the Town's Comprehensive Plan.

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

VOTE: Motion carried, 7-0.

**Adjourn as Historic Preservation Board and Reconvene as LPA
9:41 A.M.**

V. PUBLIC HEARING

A. VAR2011-0007 Moss Marine

Chair Shamp opened the hearing at 9:42 a.m.

Zoning Coordinator Chapman presented VAR2011-0007 Moss Marine on behalf of the Town of Fort Myers Beach. She reported that at the August 14, 2012 LPA Meeting the subject application was continued to today. She noted that staff had provided in the agenda packet a memo and information on the progress of the application. She explained that staff had presented two other variances to Town Council which had also been heard at the August LPA Meeting and Council had moved to continue both of those hearings pending additional information from the applicants.

Community Development Director Fluegel offered his interpretation of Council's deliberation on the minimum variance necessary for a sign variance and the legal threshold so as not to compromise the sign code.

Ms. Plummer asked if the signs depicted in the packet exhibit were the signs necessary for insurance purposes.

Zoning Coordinator Chapman responded in the affirmative; noting that some signs were necessary for employees and some were for customers. She reviewed some of the progress staff was making on the variance request and discussed Exhibit H which was provided by the Applicant. She added that the element missing was the Applicant's justification for why they wanted to retain each sign; and explained how staff and the Applicant were working to determine the minimum variance necessary.

Community Development Director Fluegel reported that staff had requested the Applicant to provide a site plan that would index the signage throughout the site.

Chair Shamp reported she visited the subject site and met with Town staff regarding the application and reviewed the requirements for a variance application according to the Town's Land Development Code (Sections 30-54 and 34-87) and requested documentation for any signs necessary due to insurance, their fuel contract, or FWC or DEP requirements. She offered suggestions such as but not limited to the removal of three non-compliant signs and to replace them as window or awning signs. She stated she supported staff's request for a continuance to December 11th.

Discussion ensued regarding whether or not there was actual progress with the Applicant regarding the sign variance application; how signs classified as 'informational' were not included in the signage square footage calculation; issues related to sign ordinance deal as it pertained to marinas; the sign

Town of Fort Myers Beach – Local Planning Agency

October 9, 2012

Page 5 of 14

ordinance as it related to the right-of-way, the channel, and the Back Bay; whether or not it might be necessary for an amendment to the sign code to address marinas and waterways and the need for direction from Town Council; and if the subject variance should be continued further to the February 2013 meeting.

The Applicant noted from the audience that they were agreeable to continuing the variance request to February 12, 2013.

Mr. Andre noted the upcoming variance application for Matanzas Inn as it pertained to waterfront signage.

Zoning Coordinator Chapman pointed out that application was a CPD; however, the application did not discuss signage and a date had not been set for it to go before Town Council.

MOTION: Mr. Durrett moved to continue VAR2011-0007, Moss Marina, to a date certain of February 13, 2013 LPA Meeting; second by Ms. Plummer.

VOTE: Motion approved; 7-0.

Chair Shamp closed the hearing at 10:03 a.m.

Recessed at 10:04 a.m. – Reconvened at 10:10 a.m.

B. SEZ2012-0001 Smokin' Oyster Brewery

Chair Shamp opened the hearing at 10:10 a.m.

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

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

Chair Shamp asked if any LPA Member had ex-parte communication regarding this item. Mr. Kakatsch – site visit; Mr. Durrett – none; Mr. Zuba – none; Mr. Smith: - site visit and spoke with the owner; Mr. Andre – site visit; Ms. Plummer – site visit and spoke with owner; Chair Shamp – site visit.

Zoning Coordinator Chapman presented comments for SEZ2012-0001, Smokin' Oyster Brewery on behalf of the Town of Fort Myers Beach. She displayed an aerial photograph of the subject property and described the location of the site. She reported the request was for a special exception in the Downtown zoning district with a Future Land Use of Pedestrian Commercial to allow the expansion of outdoor seating, with consumption-on-premises, into the Town right-of-way (Old San Carlos Boulevard and Third Street) immediately adjacent to the building located on the subject property. She displayed a proposed site plan and noted the outdoor seating and consumption. She stated that approval of such a request would need to be conditioned with a lease agreement and a liability agreement with the Town

Town of Fort Myers Beach – Local Planning Agency

October 9, 2012

Page 6 of 14

which was standard process if any private citizens use the Town's right-of-way for their gain. She discussed the Applicant's request for additional outdoor seating for waiting patrons to enjoy an alcoholic beverage; and requesting a waiver of parking requirements for parking spaces generated by additional outdoor seating (12 required on-site spaces). She reviewed the supporting regulations:

- **Section 34-88: Function** – Town Council shall hear and decide all applications for special exceptions permitted by the district use regulations. **Considerations** – in reaching its decision, the Town Council shall consider the following when applicable.
- **Section 34-88(2)(a)** - whether there exist changed or changing conditions [that] make approval of the request appropriate. Staff in agreement.
- **Section 34-88(2)(e)** – whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan. Staff in agreement.
- **Section 34-88(2)(f)** – whether the request meets or exceeds all performance and locational standards set forth for the proposed use. Staff in agreement request is appropriate due the location; applicant to meet all building code standards.
- **Section 34-88(2)(g)** – whether the request will protect, conserve, or preserve environmentally critical areas and natural resources. Staff reported the request would have no negative effects on the environmentally critical areas and natural resources.
- **Section 34-88(2)(h)** – whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. Staff reported the request was compatible and appropriate within its neighborhood; and noted the sidewalk would have a clearance of 7.5 feet for patrons and the entire sidewalk would not be blocked.
- **Section 34-88(2)(i)** – whether the requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34. Staff noted any use of alcohol on the subject property would be subject to Section 34-671 and 34-1264 and the existing business approvals on the subject property.

She stated that staff recommended approval with conditions of the requested special exception to expand outdoor seating with consumption-on-premises into the Town right-of-way as follows:

1. Consumption on premises is limited to the building located on the subject property at 340 Old San Carlos Boulevard and the additional areas as depicted on the attached Exhibit B.
2. All conditions of approval from Resolution 05-06 remain in force with the exception of Condition #4.
3. Hours of operation for consumption-on-premises shall be limited to the hours of 7:00 a.m. to 2:00 a.m., daily for inside the building and the additional deck area. Hours of operation for consumption-on-premises for Old San Carlos Boulevard sidewalk are and shall be limited to 10:00 a.m. to 12:00 midnight, daily.
4. Upon approval of the special exception, the applicant must enter into a lease agreement with the Town, to be renewed annually, with rates as set forth by Town Council, for the use of the Town right-of-way on both Old San Carlos Boulevard and Third Street. Additionally, the applicant will execute a hold harmless agreement with the Town for the use of such right-of-way. If the applicant fails to renew the annual lease, this special exception shall be rendered null and void.
5. All uses of Town property are subject to the conditions established in LDC Section 34-678(f).
6. All work proposed to be done will require Limited Review Development Order and any other permits determined to be necessary at the time of permitting.

Discussion was held concerning the existing bicycle rack and relocating it to a more suitable area; and ADA requirements as it pertained to the layout and the outdoor furniture.

David Easterbrook, Easterbrook Consulting, described the proposed changes to the outdoor area layout and furniture; and an outdoor bench to alleviate patron congestion.

Discussion continued regarding the location of the trash bin and the bench; the LPA's ability to add conditions to approval as they see fit; the location of the outdoor tables; and softening the site with landscaping, the shrubbery buffer along the ADA ramp, the use of potted plants.

Ms. Plummer asked if the total number of seats would be 113.

Mr. Easterbrook responded in the affirmative and stated that the Smokin' Oyster House had 87 seats and were requesting the additional seating on the outside.

Ms. Plummer suggested outdoor pavers designating where the outside seating area would be located; and would prefer not to see a fence; and that the tables on the San Carlos Boulevard side be limited to a maximum of three in order to keep the space open.

Discussion was held regarding if there were any plans for a sidewalk on Third Street; hours of operation; parking spaces; the public walkway, edge of payment, and setback as it related to the subject building; and the precedent set by Zushi Zushi as it pertained to the Smokin' Oyster Brewery.

Chair Shamp discussed her belief that the Comp Plan supported the pedestrian-oriented outdoor dining request; however, she noted there were parts of the request that concerned her because it appeared to be a precedent. She distributed copies of her concepts and discussed the following:

1. The request for lease of public right-of-way for the sale and consumption of alcohol outside Times Square was not currently permitted and would be a precedent. It would signal a change in policy and she explained why she felt would be appropriate for Town Council to determine the change.
2. The open container law as it pertained to the application; public safety issues as it related to design concepts to the following: a) the need for a sidewalk for people to walk, b) the location of back-out parking spaces on Third Street, c) congestion associated with 4-seater tables, d) the new location for the trash receptacle and bench and the function of a bump-out in the street design at the subject location, e) the need for protection of patrons sitting at the outdoor tables, and f) types of outdoor tables and the use of umbrellas and potential locations on the subject site.

Zoning Coordinator Chapman noted that the survey included in the agenda packet was from when the Town redeveloped Old San Carlos Boulevard and did appear to indicate a sidewalk on the other side of Third Street from the subject property; however, it may be covered by sand or something else at the present time.

Discussion ensued regarding the concrete sidewalk noted on the survey; the proposed extension of the deck; the open container law in Times Square and the subject sidewalk being consumption-on-premise; safety concerns regarding the proposed location of the bench; and pavers to delineate the tabletop area.

Mr. Easterbrook reported there was a new survey that was just completed on the subject property which he believed would clear up some of the concerns discussed (i.e. concrete curbs, paver walks, tables on pavers).

Discussion ensued regarding outdoor dining with or without alcohol and the vision of the Comp Plan as it pertained to walkability.

Zoning Coordinator Chapman distributed copies of the new survey of the subject property.

Discussion was held concerning whether to separate leasing the public right-of-way for expanding the COP in a motion.

LPA Attorney Miller pointed out that the LPA did not have the final authority and that both streets (Old San Carlos Boulevard and Third Street) were in the public right-of-way.

Zoning Coordinator Chapman explained that if COP were not involved there would be no need for a special exception and the request could have been handled administratively.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Mr. Andre moved on FMBSEZ2012-0001 to recommend approval with staff's recommendations as they set forth; second by Ms. Plummer.

Ms. Plummer requested the Motion Maker to consider the following additional conditions: 7) two 2-seater tables along San Carlos Boulevard as maximum; 8) pavers that would delineate the line of seating for the tables; and 9) a total of 123 seats being inside/outside.

Chair Champ noted there were bricks along one section and requested clarification.

Ms. Plummer explained she wanted to seek pavers at any place there would be tables to define the area.

Zoning Coordinator Chapman pointed out the areas suggested for pavers was within the domain of Public Works and might cause a problem.

Ms. Plummer stated that indicating the area by using paint would be sufficient.

Motion maker stated he would agree to the amendment to say “pavers and/or paint”.

Discussion was held concerning the proposed condition #7.

Motion maker stated he would not agree with proposed condition #7 and that four was sufficient.

Discussion was held regarding the condition #7 and Ms. Plummer removed the condition from her requested amendment and clarified that condition #8 would be “pavers and/or paint” and she also removed condition #9.

Motion maker agreed to include “pavers and/or paint that would delineate the line of seating for the tables” as condition #7.

LPA Attorney Miller suggested consideration for language regarding ‘a clear pathway’ for the public (i.e. a minimum width of five feet).

Motion maker agreed to include “a minimum clear pathway of five feet in width to be kept clear at all times for pedestrians”.

Discussion was held concerning the motion.

Motion maker withdrew the motion; second agreed.

MOTION: Mr. Andre recommends that he Town Council approve the applicant’s request for a special exception in the Downtown zoning district to allow the expansion of outdoor seating, with consumption-on-premises, into the Town right-of-way (Old San Carlos Boulevard and Third Street) immediately adjacent to the restaurant located on the applicant’s property, with any approval subject to stated conditions #1-6 and the added conditions #7-8 [A minimum clear pathway of five feet in width to be kept clear at all times for pedestrians; and Pavers and/or paint to delineate where tables are to be located along Old San Carlos Boulevard] and the Recommended Findings and Conclusions:

1. Changed or changing conditions do exist that make the requested approval, as conditioned, appropriate.
2. The requested special exception, as conditioned, is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
3. The requested special exception, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
4. The requested special exception, as conditioned, will protect, conserve, or preserve environmentally critical areas and natural resources.
5. The requested special exception, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.

6. The requested special exception, as conditioned, will be in compliance with the applicable general zoning provisions and supplemental regulations pertaining to the use set forth in LDC Chapter 34.

Second by Ms. Plummer.

Chair Shamp discussed her views on the proposed motion and that the LPA thoroughly reviewed the issue at hand.

VOTE: Motion approved; 7-0.

Chair Shamp closed the Public Hearing at 11:31 a.m.

LPA Attorney Miller advised that the LPA adjourn and convene as the HPB to reconsider the motion to continue HDD2012-0001.

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

VOTE: Motion carried, 7-0.

**Adjourn as LPA and Reconvened as Historic Preservation Board
11:32 A.M.**

A. HDD2012-0001 'The Big M' Roof Sign

MOTION: Ms. Shamp moved to reconsider the motion of our action for the continuance of HDD2012-0001; second by Mr. Zuba.

VOTE: Motion carried, 7-0.

MOTION: Ms. Shamp moved to approve staff's recommendation for continuance of HDD2012-0001, The Big 'M' Roof Sign, to the date certain of the HPB Meeting on February 12, 2013; second by Mr. Zuba.

VOTE: Motion carried, 7-0.

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

VOTE: Motion carried, 7-0.

**Adjourn as Historic Preservation Board and Reconvene as LPA
11:35 A.M.**

Discussion was held concerning a Joint Workshop with Town Council; and consensus was to attempt to reschedule the Joint Workshop after the LPA's next regular meeting and to place on the agenda: 1) HPB, plaques and budget; 2) LPA post-disaster recovery ordinance; and 3) signage along the waterway for restaurants and marinas.

Mr. Kakatsch recommended that Chuck's Last Stop receive some type of recognition for the outstanding improvements completed on the property.

Discussion was held concerning a 'beautification award' and Zoning Coordinator Chapman stated she would investigate the award and report back to the LPA at their November meeting; and Chair Shamp offered to contact Mr. Van Duzer for information on the award.

VI. LPA MEMBER ITEMS AND REPORTS

Mr. Durrett – no items or report.

Mr. Zuba – questioned the status of the RFQ.

Community Development Director Fluegel reported there was a meeting with the Selection Advisory Committee and it was reported the Town received seven proposals from land use consultant firms; and would be shortlisted to five firms who will be interviewed and ranked for presentation to Town Council. He outlined staff's intention as to what would happen once a firm was selected which would include but not be limited to the Seafarer's property and the CRA.

Ms. Plummer – requested to add to the topic of playground equipment at Lynn Hall Park for the Joint Workshop with Town Council.

Mr. Kakatsch – requested an updated on the three grey buildings on Estero Boulevard.

Community Development Director Fluegel reported the lien mitigation request would go before Town Council next Monday; and that a prospective purchaser had entered into a contract with a bank. He discussed the lien reduction request, staff's recommendation for a reduction in connection with other property issues such as but not limited to demolition.

Mr. Smith – no items or report.

Mr. Andre – questioned the cost to lease Town rights-of-ways.

Zoning Coordinator Chapman stated her belief that cost to lease the Town rights-of-way was part of budget discussions and fee schedules every year.

Ms. Shamp – questioned the magistrate hearing on the turtle issue.

LPA Attorney Miller reported the Magistrate had the parties work out that Town staff and the rental agent would put together an educational program for realtors on turtle lighting. Also, the rental agent and the property owner are making a joint donation to Turtle Time of \$500; the Magistrate did make a finding of a violation for the subject property; and they would pay prosecutorial costs.

VII. LPA ATTORNEY ITEMS

LPA Attorney Miller – no items or report.

VIII. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Community Development Director Fluegel – offered an update on the Action Item List:

- Pink Shell Beach Inn sign variance to Council on October 15th
- Matanzas Inn on hold as staff works with the Applicant
- Minimum Use Determination for Seagrape was put on hold at the request of the Applicant, and staff was working with the Applicant on the issues. Discussion was held concerning a potential text amendment, the planned development rezoning process, and density as it pertained to the subject MUD.
- International Property Maintenance Code shall come back before the LPA next month
- Street performers ordinance next month
- Noise ordinance/entertainment ordinance; staff has begun work on a comprehensive assessment of what existed and legal interpretations
- FEMA Community Rating System review was submitted earlier this month
- Evaluation and Appraisal Report (EAR); staff would utilize the land use consultant once selected on this matter which had a due date of April 2016
- Post-disaster reconstruction and recovery
- Ebb Tide Rezoning – Lee County had found the application sufficient and it was moving forward to a Hearing Examiner on November 14, 2012; the Town utilized a traffic consultant who found concern with the project; staff was taking this to Council for direction next week; staff would recommend that the project require a Traffic Impact Study and Traffic Mitigation Plan. Discussion was held concerning features of the Ebb Tide Project.

IX. LPA ACTION ITEM LIST REVIEW

Zoning Coordinator Chapman reported the Smokin' Oyster Brewery Special Exception was to be determined.

Mr. Andre stated he would represent the LPA at the Council Meeting when the special exception was scheduled as long as it was an evening meeting.

Mr. Smith confirmed he would represent the LPA at the October 15th Council Meeting as it related to the Beach Shell Inn.

X. ITEMS FOR NEXT MONTH'S AGENDA

Chair Shamp reported the next LPA meeting was November 13, 2012; reorganization of the LPA would appear on the agenda next month and the list of potential agenda items for the Joint Workshop.

XI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XII. ADJOURNMENT

MOTION: Motion by Mr. Zuba, seconded by Mr. Kakatsch to adjourn.

VOTE: Motion approved, 7-0.

Meeting adjourned at 12:03 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Signature

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