



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES
Town Hall
2525 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, September 6, 2016**

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Al Durrett, Suzanne Katt, Jane Plummer, Joanne Shamp and Hank Zuba.

Excused: Bruce Butcher and Dan Hendrickson.

Town Attorney: Dawn Lehnert

Staff: Matt Noble and Kara Stewart.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - July 19, 2016

MOTION: Ms. Shamp moved to approve the minutes, second by Ms. Plummer.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

V. CAPITAL IMPROVEMENT PLAN FISCAL YEAR 2016/2017

Maureen Rischitelli, Director of Administrative Services, explained new elements in the plan.

Ms. Katt addressed ~~errors~~ *addressed possible inaccurate citation to the comp plan in the resolution* in the plan.

Ms. Shamp suggested that 2) f) reference bayside access improvements and that d) Stormwater Master Plan be better defined.

Ms. Plummer expressed concern regarding drainage off of Ostego and damaging the sea wall. Ms. Rischitelli will research the issue.

Ms. Shamp questioned the Historic Preservation element. Town Attorney Lehnert indicated that the Historic Preservation element should be crossed out, the reference was incorrect. It should be the CIP Element Policy 11-A-4 iii.

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Ms. Rischitelli explained the criteria used to identify capital improvement projects. She indicated that she would replace Stormwater Master Plan with Facilities Plan.

MOTION: Ms. Shamp moved that the LPA approve Resolution 2016-01 Capital Improvement Plan FY2016-17 with the following changes: Item 2, Section C, Objective 6-I, Goals 6-8; Item d) Implementation of Stormwater Facilities Plan; Item b) addition of a comma after the words air conditioning; Item g) strike Historic Preservation Element policy 13-H-4 and replace with CIP Element Policy 11-A-4 iii; remove the reference in f) to 6-H and 6-E; include bayside public docks and remove Policy 10-D-4; second by Mr. Durrett.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

VI. Evaluation and Appraisal Report - REVIEW STATUTORY CHANGES TO THE COMMUNITY PLANNING ACT & PROPOSED LETTER TO Department of Economic Opportunity

Mr. Noble included a copy of the 2015 legislation. He noted that it was a departure from state law because it emphasized engineering solutions to coastal issues. He recommended that they modify the letter stating that they identified the need to do an amendment and an analysis of the 2015 legislation.

MOTION: Ms. Shamp moved that the LPA recommend that Council send a letter to DEO that identifies that the Town will do an analysis and potential amendment of the 2015 statutory change; second by Ms. Plummer.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

VII. LDC AMENDMENT - CHAPTER 34, DIVISION 26 PARKING, SURPLUS PARKING SPACES

Mr. Noble explained the proposed amendment.

Ms. Shamp requested to clarify Sec. 34-2020 (c) that eliminating more than one parking space was prohibited. Update Sec. 34-2020 (2) d. 3. drive-through restaurants are not permitted. Discussion was held regarding direction from Council and reviewing Division 26 in its entirety.

Mr. Noble noted that Council authorized the LPA to look at the surplus parking issue. Other issues should be identified and brought to Council separately. He stated that the amendment was an accounting method that forced the property owner to demonstrate that they had surplus parking under the code. It would be enforceable by code enforcement through the use permit.

Mr. Durrett questioned why the Town cared how many cars parked at Santini. Town Attorney Lehnert noted that the amendment addressed small parking lots that charge for parking but did not have legal surplus parking.

Ms. Plummer felt that the amendment asked for another layer of government that did not need to be regulated. If a property owner had extra parking spaces they should be able to do what they wanted. Town Attorney Lehnert responded that the use was not permitted by the Town. The amendment would give them the permit they needed to use it in that fashion and the Town would know that they were doing it properly.

Ms. Katt questioned the fact that the amendment did not apply to businesses with fewer than 10 parking spaces, but those businesses were the ones they were attempting to regulate. Mr. Durrett brought up cross parking agreements and questioned whether the property owner would have to apply for a permit.

Town Attorney Lehnert noted that the Town was aware of shared parking agreements and permits would not be required. Ms. Katt questioned whether the amendment could be crafted to be more specific.

Public Comment

- John Richard, resident, felt there should be less regulation, not more.

Mr. Noble stated that the amendment set the threshold that excess parking went beyond the requirements of the land development code for the specific use that occurred on the property. Town Attorney Lehnert noted that the use was currently going on but not permitted. If they did not find a way to permit it, people would be cited. She indicated that people were not allowed to use their excess parking and sell it; they were trying to allow them to do that in a way that was facilitated by the Town's regulations.

Ms. Shamp felt that valet parking facilities should be further defined.

Chair Zuba questioned how to regulate and enforce the rule.

Chair Zuba questioned whether there is enough staff to enforce the amendment. Kara Stewart, Community Development Director, indicated that funds had been allocated to hire an additional code enforcement officer.

Ms. Shamp questioned whether there was a simpler way of doing it; Ms. Stewart replied that they could do some research.

Ms. Katt felt that the Town should allow people to park and have minimal standards for them to meet.

Chair Zuba stated he would like to table the issue and form a committee for discussion.

Ms. Plummer disagreed with regulating surplus parking at businesses.

Ms. Shamp did not agree with requiring extra signage.

MOTION: Ms. ^{Plummer} ~~Shamp~~ moved to approve surplus parking on any commercial parking that has over their required parking for their business use; second by Chair Zuba.

VOTE: Motion approved; 3-2 with Ms. Shamp and Mr. Durrett dissenting and Mr. Butcher and Mr. Hendrickson excused.

Town Attorney Lehnert requested clarification of the motion.

Ms. Katt stated that by implication they had determined that they were opposed to the regulation presented.

Ms. Shamp explained the purpose of the LPA. She stated they did not have the full information to help solve the problem. She would like the amendment to come back, look at other sections and complete Chapter 34 in its entirety.

MOTION: Ms. Plummer moved to adjourn as LPA and reconvene as Historic Preservation Board; second by Ms. Katt.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

NEWTON HOUSE SPECIAL CERTIFICATE OF APPROPRIATENESS - SIGN PACKAGE

Alison Giesen, Museum Director, provided renditions of signs and requested approval to move forward.

MOTION: Chair Shamp moved to approve the Special Certificate of Appropriateness Application for the Historic Newton Beach Park interpretive signage with the following findings and conclusions: 1) the interpretive signage at Newton Park is compliant with the

comprehensive plan Policy 13-H-6 and meets objective 13-H to heighten the appreciation of the Town's recent and ancient history and cultural life and 2) it was compliant with comprehensive plan Policy 6-C-1 and will support public education on the value of wildlife, native communities and other natural resources by the placement of interpretive displays along observation trails at the park; second by Mr. Durrett.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

Chair Shamp noted that Ms. Rischitelli placed the order for the first four plaques.

MOTION: Mr. Zuba moved to adjourn as Historic Preservation Board; second by Ms. Katt.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

VIII. LPA MEMBER ITEMS AND REPORTS

Ms. Plummer commented that items sent to Town Council do not seem to be reaching them. She questioned why variances were being administratively approved for new construction on vacant land. Mr. Noble was aware of corner lot variances. Mr. Noble will research the criteria for administrative variances.

Ms. Shamp noted that Ms. Will revealed that concerning floodplain regulations, they can take away the five year and it would not hurt the rating.

Chair Zuba thanked Mr. Durrett for his time and effort with the LPA.

Ms. Shamp reviewed the action list.

IX. LPA ATTORNEY ITEMS - no items.

X. COMMUNITY DEVELOPMENT ITEMS

Mr. Noble commented that issues should be identified prior to the joint session with Council.

XI. ITEMS FOR NEXT MONTH'S AGENDA - next meeting will be October 11, 2016.

XII. PUBLIC COMMENT - no public comment.

XIII. ADJOURNMENT

MOTION: Ms. Plummer moved to adjourn the meeting; second by Ms. Katt.

VOTE: Motion approved; 5-0 with Mr. Butcher and Mr. Hendrickson excused.

Meeting adjourned at 10:50 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

- End of document

approved
Henk Zuba
1-10-17