

**FORT MYERS BEACH  
TOWN COUNCIL MEETING  
NOVEMBER 9, 1998**  
NationsBank Building, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA

**I CALL TO ORDER**

Mayor Anita T. Cereceda opened the meeting on Monday, November 9, 1998 at 9:04 A.M. Present at the meeting were: Mayor Cereceda; Vice-Mayor Ray Murphy; Council Members Daniel Hughes, Garr Reynolds, and John Mulholland; Town Manager Marsha Segal-George; and Town Attorney Richard Roosa.

**II PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance to the flag.

**III PUBLIC COMMENTS**

**A BILL VAN DUZER**

Mr. Van Duzer said he has read Mr. Spikowski's memo regarding the Red Coconut property. He thinks many of the things in that memo are incorrect about the density. The LPA considered this before it went to DCA, and they said they wanted a cap of 10-15 units. Now the LPA has voted unanimously to approve redevelopment at 15 units. Now the council is being offered information the LPA did not get and he thinks it is incorrect. For these reasons he does not believe this information should be used. The Myers' have offered to the town a lot of information on a plan that they could live with. They are agreeable to cutting their density from 25 to 15. What he is asking is that the Council be reasonable with their request. He would like them to give fair and just consideration.

**B JOHANNA CAMPBELL**

Ms. Campbell spoke about the Piascik property. She was not at the LPA the day they discussed it. In Mr. Spikowski's memo it says that the vote was unanimous, but the vote was really 4 to 2. This area has been requested to be changed to Mixed Residential, but this is in the low density and quiet zone. She asked the Council to think of something else for rezoning, perhaps multi-residential, to eliminate any commercial activities. Just because there is commercial in the area, she doesn't think everything should go commercial. Perhaps the owner of the car wash would agree to limit the hours of operation. She wants to make sure the units are residential duplexes and not duplexes for commercial use. Think of the future. This owner says he hasn't been able to sell this property for a couple of years and that is why he is asking for change. Would that apply to other properties, just because they cannot sell?

**C TOM PIASCIK**

Mr. Piascik said the property has been in his family for about 35 years. It is his inheritance from his grandparents. He owns two other properties on the beach and his wife teaches at the Beach School, so they are both vested in the community. He has tried to sell the property and has listened to every comment and suggestion. But if anyone is going to do anything with that property, it needs to be duplexes. The community wants it to remain residential and he does not want it for commercial either. But duplexes would make it financially feasibility. The people who would live in the duplex would accept the commercial next door. He sees no way to make it commercial.

**IV RESOLUTION: CERTIFYING THE RESULTS OF THE ELECTION**

**Motion:** Mr. Murphy moved and Mr. Mulholland seconded that the resolution be adopted.

**Discussion:** Mr. Murphy said that someone asked him how it felt to be a lame duck (because of our charter limitations.) He stated that he has no intention of being a lame duck. He has many things he wants to do and work for in the upcoming years. **Action:** The motion carried unanimously.

**V PUBLIC HEARING: BRYAN W. DUPREE 98-06-228.01Z**

Andrew De Salvo was sworn in for the applicant. Mr. De Salvo said that he spoke during the Comp Plan hearings about this property. This is the property next to the Beach Light Grill. The LPA has voted unanimously to recommend rezoning from MH-2 to TF-1. They also recommended that the town change the land use category to Mixed Residential. If we don't change the land use category, then by

approving this zoning, it won't allow this property to be developed as a duplex. He asked the council to remember that in the original comp plan hearings the council agreed with this change. He also clarified the LPA resolution, because this zoning also allows for single family home. He does not think it means that his client could not put a single family house on the property, that he has to put a duplex on it. He wants a maximum of two units.

Nettie Richardson of Lee County Development Services was sworn in. She stated that this property is 0.47 acres. This property and another one to the west was originally zoned TP, then converted to MH-2, which is mobile home. In 1981 the other MH2 parcel was rezoned to CT, but this lot was left behind. Across Estero is Eucalyptus Park, which allows single family and duplex. This rezoning would allow him to have the same type of housing as to the east and north. This zoning fits the lot dimensions. RS1 would also fit but would restrict it to single family only. TFC zoning also fits same size lot, but it is not available to property owners—it can only be initiated by the council. It is in the Urban land use category. It is consistent with Policy 1.1.4, Policy 2.2.1 and Policy 5.1.5. Policy 80.1.2 would not allow a mobile home to be built on the property. Staff recommends approval because the property is surrounded by existing residential uses and it is consistent with policies. At the LPA hearing, they recommended approval with the condition that only a duplex can be built on the site, but staff also wants to clarify that a single family home could be built on this site as well.

The public hearing was opened. There being no comment, the public hearing was closed.

Mr. Hughes said he has no problem with the zoning change, just as the LPA recommended, because the current zoning is totally inappropriate.

**Motion:** Mr. Hughes moved adoption of the resolution with the added language in the condition: “conventionally built duplex, two-family and single family dwelling unit.” Mr. Murphy seconded. The motion carried unanimously.

## **VI DISCUSSION OF FINAL RESPONSE TO DCA ON COMPREHENSIVE PLAN CHANGES**

Mr. Spikowski stated that the council heard the initial response to the DCA two months ago. Since then he has met with key DCA officials and has taken the nearly-completed final version before the LPA, where they made some changes. But some final information was not available to the LPA. Originally he thought there were 7 or 8 major issues, but now that he has talked with DCA, he does not believe they are all major. Some small changes to concurrency and road level of service will probably satisfy DCA concerns without changing the original Comp Plan in any way. But there are still six issues that he wants to go over. They all affect land use and provide controls that may or may not be positive to the community.

1. Objection 9 regarding Mixed Use: DCA wants some measure to limit the amount of commercial in that category. On page 4-37, there is a chart that describes the three categories that allow both commercial and residential uses. In Mixed Residential, commercial (mostly motels) makes up 8.5 % of land area in that category. The proposed cap is 12%. What is important is what kind of commercial, how it is built, how it is designed and the impact on the community. We can make decisions on commercial use through the land development code. This cap would allow reasonable growth, but if these caps are reached, it would mean a plan amendment before any commercial development could be approved.
2. Objection 10 regarding platted overlays: It was applied to some additional neighborhoods at the council transmittal hearing, which would raise the density in some neighborhoods that are zoned duplex to 10. The LPA was concerned that the language would legalize existing duplexes but also allow the construction of new ones. He has changed the language so it would protect existing duplexes and second units only and would not allow new ones. The neighborhoods now zoned duplex that are in the platted overlay would be rezoned to single family with language that says that existing second units are not only grandfathered in, but the owner can tear them down and build two units again.
3. Objection 10 regarding Red Coconut and Gulf View Colony: Mr. Van Duzer said some information was not available to the LPA and that is true. The LPA recommended unanimously that the density be set at 15. Last year at the hearing, the council was not sure whether it would be 10 or 12 or 15. But now they must make the decision finally in December but should make it tentatively today so DCA can make a comment. He suggested at least 10 but perhaps up to 12 if they want to maintain the Seaside character. The owners of the Red Coconut are asking for 15.

4. Objection 12 regarding motel densities: In the current LDC we have eliminated the density multiplier on an interim basis. We wanted to set those multipliers in the new LDC, but DCA hates that and insists on some cap in the Plan. He proposes no lower than 1:1 and no higher than 3:1 and it will be set in the LDC by neighborhood. They may or may not accept this at DCA but it would preserve the council's flexibility.
5. Objection 13 regarding commercial intensities: Our land use categories all have a residential cap of 4 or 6 or 10 units per acre. We had said the commercial intensity standards would be in the LDC, but DCA wants a commercial intensity cap in the Plan. Mr. Spikowski said he finds this counterproductive to the community, because the cap must be the highest that you would ever under any circumstances want. He suggested a cap for the most intense you would want, but tried to make it clear that this is an absolute cap and that much more restrictive caps will be in LDC.
6. Objection 45 regarding wetlands: DCA acknowledged that we are doing what we can to protect wetlands, but we have no separation requirement between new development and the wetlands. The best he can determine is that a 75' separation between impervious surfaces and wetlands will allow filtration of runoff before it reaches the wetlands. He added that in Policy 4-C-12 but it is clear that it can't apply in the areas that are already platted areas. It can't apply in many areas on the island, perhaps only at Bay Beach and other areas that don't have detailed development plans yet.

Mr. Spikowski said that his intention is to send the proposed changes to DCA and they have promised to go over it in detail and have another meeting to tell us about anything they can't live with, so we can find out before adoption in December. We will have to decide if there is anything worth fighting over in litigation.

Regarding #1, Mr. Hughes asked whether that includes motels and churches. Mr. Spikowski said it does and also government uses, but not road rights of way. They are clearly not residential, so they are put in with commercial. Mr. Spikowski said that the 12% cap would allow 20.1 acres more to be developed commercially. He arrived at that figure by looking at some of the things that are already approved that will use up some of that acreage. The figure is too gross to be useful, but DCA requires something that would force us to reexamine the Plan if we ever reached that number. The number could be 10% or 14%, but he chose to recommend 12%. Many of the motels were built on multi-family zoned land back when it was legal. Mr. Reynolds asked in Mixed Residential, if there is not a high-rise there already, could you come back and build a high rise there? Mr. Spikowski said that if you have a piece of property with four residential units on it and the Plan allows you to build eight, and you came back and tore the four down and built eight on the same land, there would be no additional land consumed so it wouldn't affect this computation. But if you took in a vacant lot next door as part of your project, that acreage is now non-residential and would have to be subtracted from the 20 acres allowed here. Mr. Reynolds said that would allow a motel next to a residential home. Mr. Spikowski said that the rest of the Plan and LDC would address that kind of decision about whether that is OK. This is just a gross tabulation of how much new commercial development is being built. It doesn't address particular parcels on whether they should rezone to allow a motel. Mr. Reynolds said if the ratio is 3:1, then a motel could increase their units. Mr. Spikowski said it would be possible if you said in the LDC that you wanted the multiplier to be 3:1. This cap will not help the council make good decisions for the community--other parts of the Plan will do that. Mayor Cereceda asked how much previously-approved commercial development will come out of that 20 acres. Mr. Spikowski said that most previously-approved plans are for additional residential development, such as in Bay Beach. There are very few commercial acres other than a little bit in Bay Beach and a couple of development orders that were granted years ago. Most of Bay Beach is residential so it is not a factor. Bay Beach is in the Mixed Residential category and they had proposed some commercial use, but they were vague about it and he doesn't know what or if it is allowable. But if it is permitted under zoning and it approved, it would come out of this cap. Mr. Reynolds said Mixed Residential is a frightening concept. Mr. Hughes said you still have underlying zoning within the Mixed Residential. It would require the council's approval before rezoning.

**Motion:** Mr. Murphy moved that Policy 4-B-4 be approved as presented by Mr. Spikowski. Mr. Hughes seconded the motion. All voted in favor of the motion except Mr. Reynolds. The motion carried.

Regarding #2-- platted overlay: The new policy 4-B-11 states that the platted overly will allow 10 units per acre but only in the Pedestrian Commercial area for affordable units consistent with the core area plan. In other categories it applies only to recognized existing dwelling units that were built legally but which would be non-conforming under a density cap of six units per acre. These are usually duplexes or accessory apartments. Mrs. Segal-George asked if we have to do something with the Dupree property now. Mr. Spikowski said that this does not apply in the strip that includes DuPree, because those lots are larger and deeper. They would be allowed a second unit and still stay within 6 units per acre. The way he has it worded it now, the strip past Anthony's would be 6 units per acre but they could have a second unit unless in the LDC they want to change that downward. Most of them already have two units today, but the Dupree lot is currently vacant.

**Motion:** Mr. Murphy moved approval of Policy 4-B-11. Mr. Hughes seconded the motion.

**Discussion:** Mr. Hughes said this legitimizes second units, but what if the unit is nonconforming but doesn't meet minimum building code standards? Does this have an adverse impact on the ability of code enforcement to require modifications or elimination of something that is not up to habitable standards? Mr. Spikowski said that the standard building code only applies when you are building. It won't allow you to retroactively enforce. Then there is the basic housing code standard, and that wouldn't change. The Town can't go in to force changes any more than they do today. If something was built illegally without inspections, it will still not be legal. Mr. Reynolds said he still reads it as 10 units per acre. Mr. Spikowski said that applies to Crescent. Mr. Reynolds said that area is a bottleneck already and this would further increase density in a dense area. He wants to leave it at 6 per acre at that location. **Action:** All voted in favor of the motion except Mr. Reynolds. The motion carried.

Regarding #3 – Red Coconut and Gulf View (Policy 4-F-2): Mr. Spikowski said that the only question is the density cap. He needs to get a number from the council and then hear from DCA whether they will accept it. Mr. Mulholland asked about the apparent confusion that Mr. Van Duzer spoke about. Mr. Spikowski said that when the LPA reviewed this document, it was incomplete on commercial and density at Seaside. He has since contacted the developer of Seaside, but the LPA did not have that information. He is not sure what errors Mr. Van Duzer was talking about—he went to a great deal or work to get this information and he hopes there are no errors. Mr. Van Duzer clarified that Mr. Spikowski is showing 759 units at Seaside, but he believes there are 909. (He believes that Mr. Spikowski counted the 75 triplexes as single units.) That increases the units per acre to 12.45. That does not include the 134 motel units or the library, post office, offices etc. which would affect density too. Mr. Spikowski took off 4 acres for that amount of commercial activity, which seems too slight. There are over 35 units per acre in commercial in those four acres. His major point is that Mr. Spikowski says that this is closely related to what we have on Fort Myers Beach, but he does not think so. That was new development and this is redevelopment.

Mr. Spikowski said that he got the 75 triplexes off their development order but it is possible that it is in error. There is much more commercial at Seaside. The current Red Coconut does not have any commercial on the beach side. In deleting the 4 acres at Seaside, he has just deleted the part that is just commercial and considered the rest that is mixed use. His main concern is that the drawing on the front page of the Comp Plan was drawn to illustrate a Seaside-type development, and if they approve something different for Red Coconut, it will not look the same with the extra intensity. Mr. Spikowski said that we sent off to DCA the lowest cap at 10 and the highest cap at 15, but now DCA said we have to be specific.

Beverly Grady, representing Tom and Fran Myers of the Red Coconut, said it is very unusual for a particular parcel to be highlighted in a Comp Plan. The Myers' have met with Mr. Spikowski and hired Carron Day and herself. They have worked with the town to make their goals work. The goal is an opportunity of development and an incentive. It is still an option in the Plan for the Red Coconut to stay historically as it has been. The goal is to offer an alternative for redevelopment. Carron Day said she has worked with the Myers' to help them react to the development proposals included in the Plan and come up with something more realistic. She has limited her study to the property owned by the Myers. She looked at the town's policies and what the town wanted to see, such as open space, parking, etc. She did not look at density first. She looked at Seaside. This property is much smaller than Seaside. Seaside is 75 acres and this one is less than 10. The plan includes a crescent with retail around, the same grid pattern, tree-lined streets, and a view to the gulf. In the last hearings, they modified the site concept plan to eliminate all commercial on the beach, decreased the density on two lots currently used for storage, and shifted the mix

of uses along Donora so that more single family homes will be near the existing single family homes on Donora. This is similar to the center part of Seaside, because that is all the acres they have to work with. They have single family lots, the crescent, multi-family buildings, and some multi-family over commercial. If they had more acres, they would come in with a lower density. Ms. Grady pointed out that redevelopment is not easy. It is more expensive, so a major factor is economics. They are making it a low-rise plan consistent with the town's vision, and have reduced the density from the existing 25 to 15. They received the unanimous recommendation of the LPA for a density of 15 per acre. The final approval will be in December, but she urged them to approve this today. Mr. Reynolds asked when this would be built. Ms. Grady said it is a concept and the idea springs from the town's planner. They have responded with time and money, but they did not initiate it. Government cannot design someone else's land, so the Myers have worked with the town to make it viable. Mr. Reynolds said he wants the Plan, but they need to have a plan to begin. He is concerned it will become a Bay Beach down the line. Mr. Hughes said that when Policy 4-F-2 was adopted by the LPA, there were three areas the LPA thought should adopt specific redevelopment plans. The property owners in those areas did not seek it so we have no proposed plans from those other two areas. They are major areas of concern. There is more to it than just density. It was not a petition by any property owner. The LPA felt it was desirable in case they should choose to redevelop. Mr. Mulholland said he was chair of the LPA at the time and sat in on the meetings with Red Coconut and they worked hard to come up with a plan. Mr. Hughes said that one of the DCA objections was about increasing population concentration. He said that Mr. Spikowski has tried to address that by looking at the overall density and not just this specific property. There are major decreases in other categories (such as the low density area and recreation.) There have been some compensatory adjustments to reduce density away from the coastal high hazard areas.

**Motion:** Mr. Murphy moved that the density cap for Red Coconut/Gulf View be approved at 15 per acre as submitted by the Red Coconut and unanimously recommended by the LPA. Mr. Hughes seconded the motion. **Discussion:** Mr. Hughes pointed out that we are really reducing density from the current 27 to 15 per acre. Mr. Reynolds reminded the council that density has been 6 units per acre in the county for many years, and now we have gone to 10 under certain circumstances, and now we are going to 15 in this area. That's growing by leaps and bounds. He suggested 10 per acre, but would consider 12. After December we can't change our mind and it becomes an obligation to this private development. Mr. Spikowski said that is true except to go through the plan amendment process. The LDC will have to be changed to reflect the change. Fifteen would be the maximum, but the LDC could say lower than 15. Mr. Reynolds said that we have a problem coming up at Bay Beach and they only have 9.75 per acre. That is a double standard. We are giving the owner the option 15 or anything less than that, but we cannot change our mind. Mr. Spikowski said that 15 is only for this redevelopment concept that meets very stringent guidelines, and it cannot become a high rise. Mr. Murphy reminded Mr. Reynolds that this whole process was town-initiated. It is not an increase in density –it will go from 27 to 15, which is a reduction. Mr. Hughes said it is clearly a reduction particularly in peak periods. Mr. Reynolds said those 27 units are RV units which is different. **Action:** All voted in favor of the motion except Mr. Reynolds. The motion carried.

The council took a break at 10:37 AM and reconvened at 10:50 AM.

Regarding #4 – Multipliers: Mr. Spikowski said this is a very wide range, and will make the multiplier not lower than one or higher than 3. This does not give anyone the right to build a motel where there wasn't one before. They would still need commercial zoning. If they were built before, they can rebuild but not expand. Mr. Murphy asked why he chose the high of 3. Mr. Spikowski said that the old code had a high of 3 and that is what the county currently allows.

**Motion:** Mr. Murphy moved and Mr. Hughes seconded that the changes to Policy 4-C-6 be approved as outlined by Mr. Spikowski. The motion carried unanimously.

Regarding #5 – Commercial Intensities: Mr. Spikowski said these standards are very high and they will rarely if ever want to go that high on the LDC. If every parcel must provide its maximum parking on its own lot, so much of the lot has to be used for parking that you can't get a very high ratio of floor area divided by acreage. The only time it might go this high is when there is shared parking on some off-site location. In some areas of the town, that is a desirable development pattern and this accommodates that.

**Motion:** Mr. Murphy moved and Mr. Hughes seconded that the changes to Policy 4-C-2 be accepted.

**Discussion:** Mr. Hughes said that here we are saying that there are ranges, yet in redevelopment we had to be specific. Mr. Spikowski said that 2.5 would apply to Pedestrian Commercial category and the 1.5 would apply to other categories, so it is precise. It is the ratio of square footage of the building divided by the footage of lot. If the ratio is over 1.0, it means the building is as big as the lot, which typically means it is a 2-story building. These are absolute caps. **Action:** The motion carried unanimously.

Regarding #6--Wetland Buffers: Mr. Spikowski said the suggestion for 75 feet is not from DCA but is supportable based on scientific studies. It can't apply on most of Fort Myers Beach because often the lots are only 100' wide and abut next to wetlands. It doesn't apply to previously-approved development if they can't be reasonably modified to comply.

**Motion:** Mr. Murphy moved and Mr. Hughes seconded that the changes to Policy 4-C-12 be approved.

**Discussion:** Mr. Mulholland asked if this is referring to a development order that is grandfathered or in the works. Mr. Spikowski said if a development order was issued 3 years ago and there is no way to fit the same development on the site while meeting this requirement, it will not apply. But if there is a way to redesign the development, it must be done. Mr. Hughes asked how you could administratively challenge whether it could be reasonably modified if they are already permitted and won't be coming back for anything. He said it would put the onus on the staff to look at previous development orders to see if they abut the wetlands. Then there would be the issue of what is reasonable. Mr. Spikowski said there is an appeal process if there is a dispute. Mr. Murphy asked if we have identified any areas where this could happen. Mr. Spikowski said that on Chapel Street there is a development order for a condo, but there is no way that that site can be made to comply. **Action:** The motion carried unanimously.

Mr. Spikowski said there are two changes to the future land use map. One is the Piascik property and the vote was 4-2 at the LPA to approve, and also the Mound House property, which cannot stay in the Low Density area. It can be in the Recreation category.

**Motion:** Mr. Hughes moved and Mr. Mulholland seconded that we accept the recommendation to change the future land use for the Mound House from Low Density to Recreation. The motion carried unanimously.

Regarding the Piascik recommendation, Mr. Hughes asked for a clarification on the LPA vote. Mrs. Segal-George said that Rod Vayo and Johanna Campbell were absent. Lena Heyman and Betty Simpson voted no, and Linda Beasley abstained. Four members voted yes so the vote was 4-2 with one abstention. Mr. Spikowski said that the underlying zoning is Single Family. Mr. Hughes clarified that if we change it in the Comp Plan to Mixed Residential, they would still have to have a public hearing to rezone unless we rezone it in the LDC. Either way it would require a public hearing. Mr. Spikowski said we will have a category that allows a second unit in Mixed Residential where the density allows. It will not allow a triplex. Mr. Mulholland said this looks like commercial intrusion. He has trouble with selective enforcement of commercial intrusion by the LPA. Mr. Murphy disagreed. We are not rezoning it today. We are just reclassifying it. Mr. Spikowski said we are setting it up so it could be rezoned. If you don't make the change in the Plan, you would not be allowed to rezone. Mr. Murphy said if we deny this out of hand today, it closes the door on any future possibility. He doesn't know if that is best for the town or not, but if it comes back to us in a public hearing, we would have a better idea of what the property owner planned to do and what the neighbors thought. Then we would address whether this was commercial intrusion. Mr. Reynolds agrees with Mr. Mulholland that it is intrusion. Why must it be Mixed Residential? Why not TF-1? He doesn't even see the point because the people on the other side don't feel good about seeing duplexes there. It is a single family location. Mr. Hughes said we don't have the option to change to TF-1 here. We are changing the category of the Comp Plan, not the zoning. This still will not change the underlying zoning from single family. This is not a zoning hearing. Mixed Residential will allow the property owner to at some future time petition to rezone, and two-family would be a valid category within Mixed Residential. Mayor Cereceda asked why Mr. Mulholland felt it was commercial intrusion. Mr. Mulholland asked if a duplex by definition isn't commercial. Mr. Hughes said that in traditional zoning, multi-family use is residential use, not commercial. Mr. Reynolds said that explanation doesn't change the fact that it would go into Mixed Residential, which means that that owner could come back and request whatever they wish, and they could request commercial. That is a residential community,

and it should be kept that way. Mr. Hughes said commercial is retail, etc. Duplex is not commercial. Even if you have a single family home and rent it, it does not become commercial. It is still residential. He totally agrees that it should remain residential. But he would never build a single family home there. Mr. Murphy said this came up with Sanbar and Mr. Reynolds considered that commercial intrusion into a neighborhood. Now he is intimating that a duplex would be commercial. But Mr. Reynolds owns a duplex. Mr. Reynolds agreed that his home is MR2 and was built as a duplex. Mr. Murphy asked if Mr. Reynolds considers his duplex a commercial intrusion. Mr. Reynolds said it was built that way originally. Mr. Mulholland said a yes vote will give the applicant an opportunity at some future date to come forward with a request. If this is not done, he couldn't come forward without the council amending the Comp Plan. David Smith of the LPA wanted to clear some things up from the LPA meeting. The two lots across the street have a Century 21, a laundromat and a car wash with extended hours. He looked at it as a buffer between commercial and residential on the other side. Under the draft future land use, duplexes are considered residential units as long as they are not rented less than one week. He does not want to see this land go commercial, but he felt like it would be a buffer. He would not buy it as a single family, but as a duplex he might. Mrs. Segal-George said the LPA had problems with this issue also. There is a continuing confusion between land use categories and zoning. People fear that if the land use category is changed, someone has received something, which they have not. Mr. Hughes asked if Mr. Spikowski would prepare for the council and the LPA a chart showing the underlying zoning that would be permissible under each land use category. Mr. Reynolds said that after we identify a land use for a certain location or lot, then under that use, it opens up to about 4 or 5 categories that they can come back and request. They can request commercial. There is nothing to say that there will be a buffer there. Mr. Spikowski said that is correct. Various zoning categories could be requested but they would be limited by the Comp Plan. The only kind of commercial they could request would be office or motel and he can't believe the council would allow that. There could not be a retail store in Mixed Residential. Mr. Reynolds asked if it stays residential, couldn't Mr. Piascik come back and request TF-1? Mr. Spikowski said we don't have anything that would allow only TF-1 and nothing else. Mr. Mulholland said in view of the evidence, he would remove his objection. But he has a philosophical difference about commercial intrusion. Times Square and the Red Coconut are big and we concentrate on them. But Mr. Piascik's property is a small property and shouldn't be elevated to that level. Mayor Cereceda said it should be part of the Comp Plan, because what we are attempting to do is eliminate the possibility in the future of having to change the Comp Plan.

**Motion:** Mr. Murphy moved to approve the LPA's recommendation to approve Mr. Piascik's request for Mixed Residential. Mr. Hughes seconded the motion. **Discussion:** Mr. Hughes agreed with Mr. Smith that it is not an appropriate place for a single family home, and traditionally a multi-family category is used as a buffer between commercial and single family. It would enhance the area. Mayor Cereceda said she agrees with Mr. Smith also. Mr. Reynolds said he has no problem with the two duplexes, but he would rather it be declared residential and later on changed. **Action:** All voted in favor of the motion except Mr. Reynolds. The motion carried.

Mr. Hughes said that part of the problem is that the car wash and laundry are open 18 and 24 hours per day. Can we adopt ordinances that would limit hours of operation?

Mr. Spikowski asked the Council if they were comfortable with this being sent to DCA for preliminary comments. Mr. Reynolds said he has objected to a number of things, so he can't go along.

**Motion:** Mr. Murphy moved to forward the changes to DCA for comment. Mr. Mulholland seconded the motion. All voted in favor except Mr. Reynolds.

Mr. Hughes emphasized that no property was rezoned and no density was changed. There is some potential for that in the future time, but not without public hearings before the council. He also pointed out that in each case they supported the recommendation of the LPA. Mr. Reynolds said we also established that they are committed to the things they approved here and which will likely not be changed between now and December. So even though it is not zoning, it is land use which sets the direction for future zoning.

## VII PUBLIC COMMENT

There was no public comment

**VIII ADJOURNMENT**

The meeting adjourned at 11:35 AM.

Respectfully submitted,

Peggy Salfen  
Recording Secretary