



**FORT MYERS BEACH  
LOCAL PLANNING AGENCY (LPA)  
MINUTES  
Town Hall  
2525 Estero Boulevard  
Fort Myers Beach, Florida 33931  
December 12, 2017**

**I. CALL TO ORDER**

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Megan Heil, Dan Hendrickson, Dan Hughes, Jane Plummer, Scott Safford, Lorrie Wolf and Hank Zuba.  
Town Attorney: Town Attorney Peterson  
Staff: Matt Noble

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION**

**IV. MINUTES - November 14, 2017**

**MOTION:** Mr. Hendrickson moved to approve the minutes, second by ~~Ms. Wolf~~ *as amended Ms Plummer*  
**VOTE:** Motion approved; 7-0.

**V. VAR17-0007 - 21491 Widgeon Ter. - Front yard/Rear yard/Accessory rear**

Jason Green, Community Development, stated that VAR17-0007 was moved to the next meeting.

**VI. VAR17-0008 - Shell Mound Blvd. - Pool Setbacks**

**MOTION:** Ms. Plummer moved to send VAR17-0008- 3188 Shell Mound Blvd. Pool Setbacks to January 9, 2018; second not identified.  
**VOTE:** Motion approved; 7-0.

**VII. Ordinance No. 17-24 - Medical Marijuana Treatment Center Dispensing Facilities**

Discussion was held regarding the Ordinance and state regulations. Ms. Plummer did not think that Fort Myers Beach was a viable location for a dispensary. Ms. Heil did not think the Ordinance was needed. Mr. Safford questioned the repeal process in the event they voted to recommend the Ordinance.

**MOTION:** Mr. Hughes moved that the LPA recommend that the Town does not adopt Ordinance 17-24; second by Ms. Heil.

Mr. Safford discussed negative suppositions and contradictory statements in the Ordinance. Mr. Hendrickson discussed placing a year-long moratorium on the issue. Mr. Hughes decided to ~~amend~~ <sup>Withdraw</sup> his motion and Ms. Heil withdrew her second.

#### **AMENDED**

**MOTION:** Mr. Hughes moved to recommend adoption of the Ordinance with the condition that the language in (2) regarding products derived there from be removed; second by Mr. Hendrickson.

**VOTE:** Motion approved; 5-2 with Mr. Safford and Ms. Heil dissenting.

Adjourn as LPA and reconvene as Historic Preservation Board.

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

**VOTE:** Motion approved; 7-0.

#### **VIII. ENABLING ORDINANCE**

**MOTION:** Chair Hendrickson moved to adopt the Historic Preservation Board enabling Ordinance with and/or added to number 5, section 22-74 on the first page; second by Ms. Plummer.

**VOTE:** Motion approved; 7-0.

Discussion was held regarding increasing the membership of HPB to nine members. Ms. Heil suggested changing the membership requirements for the four non-LPA members. Town Attorney Peterson referred to Robert's Rules concerning quorums. Chair Hendrickson discussed allowing members to join who were not residents of the Island.

**MOTION:** Chair Hendrickson moved that the membership criteria for the Historic Advisory Committee be expanded to include people who had an interest in historic preservation and had a vested interest in the community. The number will remain at seven total committee members; second by Mr. Zuba.

**VOTE:** Motion approved; 7-0.

Adjourn as HPB and reconvene as LPA.

**MOTION:** Chair Hendrickson moved to adjourn as Historic Preservation Board and reconvene as the LPA; second by Ms. Plummer.

**VOTE:** Motion approved; 7-0.

## **IX. REVIEW LPA ENABLING ORDINANCE FOR COUNCIL**

Chair Zuba questioned the language in (i) under 34-113. Mr. Green will research the section. Mr. Hendrickson suggesting adding language to allow the LPA to form ad hoc committees at its own initiative. Town Attorney Peterson replied to Chair Zuba regarding 34-113 and stated that the required member was a non-voting School Board Member.

Chair Zuba questioned requesting legislative interpretations of the Comprehensive Plan. Mr. Hughes responded that it would be a request to Town Council. Chair Zuba questioned Florida Quality Development approval. Mr. Green replied that the language was probably from the old Development Regional Impact (DRI). He will research legislation. Chair Zuba suggested highlighting the fact that it was the LPA's role and function to be able to review projects of regional impact and they were not currently asked to do that.

**MOTION:** Ms. Plummer moved to create time certain ad hoc committees for the purpose of studying areas related to the duties and functions unless otherwise directed to be added to #15, Section 34-119; second by Mr. Hendrickson.

**VOTE:** Motion approved; 7-0.

## **X. LPA MEMBER ITEMS AND REPORTS**

Ms. Heil noted that the LPA recommended that the fine per day of \$500 be changed to \$100 in the case of the parking lot on Estero Blvd. but the change did not make it to Council. The presentation was incorrect and she was very concerned about the process.

Ms. Plummer indicated that she spoke to the applicant after the Council meeting and made him aware that the LPA recommended a \$100 fine, not \$500.

Chair Zuba stated that the LPA's statements should be represented, regardless of language. Mr. Green apologized for the misrepresentation.

Ms. Plummer recommended that Council read the motions made by the LPA.

Mr. Hendrickson suggested making Council aware of LPA recommendations at Council meetings.

Mr. Safford thanked Council for working with the business community on the ~~Fourth of July~~ fireworks.

Mr. Hughes noted that Town Council only reversed the LPA once in his experience. *New Years*

## **XI. LPA ATTORNEY ITEMS**

Town Attorney Peterson noted that legislative interpretation meant that staff may interpret documents before going to the LPA for their review.

## **XII. COMMUNITY DEVELOPMENT ITEMS**

Mr. Green stated that the agenda will look different in the near future due to changes in software and streamlining for consistency.

## **XIII. ITEMS FOR NEXT MONTH'S AGENDA**

## **XIV. PUBLIC COMMENT - no public comment**

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**XV. ADJOURNMENT**

**MOTION:** Mr. Hendrickson moved to adjourn the meeting; second by Ms. Wolf.

**VOTE:** Motion approved; 7-0.

Meeting adjourned at 10:21 a.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

- End of document

Jan 9 -  
mz/le