



MINUTES

**FORT MYERS BEACH
LOCAL PLANNING AGENCY
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

November 8, 2011

I. CALL TO ORDER

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

Alan Smith
John Kakatsch
Bill Van Duzer
Hank Zuba
Al Durrett
Jane Plummer

LPA Attorney, Marilyn Miller
Staff Present: Walter Fluegel, Community Development Director
Keith Laakkonen, Environmental Scientist

II. PLEDGE OF ALLEGIANCE

III. INVOCATION – Hank Zuba

IV. MINUTES

A. Minutes of October 11, 2011

Community Development Director Fluegel stated the minutes were not ready and would be presented to the LPA in December.

V. PUBLIC HEARINGS

A. Sign Ordinance, 11-10

Ms. Shamp opened the hearing at 9:06 a.m.
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Community Development Director Fluegel announced the Ordinance was posted.

LPA Attorney Miller read the title of the ordinance:

AN ORDINANCE AMENDING CHAPTER 30 – SIGNS IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; AMENDING SECTION 30-2, DEFINITIONS; SECTION 30-4, APPLICABILITY; SECTION 30-55 PERMITS AND INSPECTIONS; SECTION 30-91, COMPUTATION OF SIGN AREA; SECTION 30-92, MEASUREMENT OF SIGN HEIGHT; SECTION 30-152, DEVELOPMENT IDENTIFICATION SIGNS; SECTION 30-153, MAXIMUM SIGN AREA; SECTION 30-154, STANDARDS FOR CERTAIN TYPES OF SIGNS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Community Development Director Fluegel presented the proposed amendments for the recently adopted Sign Ordinance, and noted the December 31, 2011 deadline for sign compliance. He explained how staff had been working with many business and property owners regarding sign compliance and during that time identified several “glitches”. He discussed and summarized the proposed amendments:

- To provide a stronger definition for the term “monument sign”
- To provide a definition for the term “multiple-occupancy complex”
- To provide a stronger definition for the term “roof sign”
- To establish a simpler zoning review process for any change of sign copy, without requiring a full sign permit
- To eliminate the requirement for sign identification numbers and decals on permitted signs
- To provide clarification for off-site directional signage for schools, churches, daycare centers, parks, recreational facilities, and libraries
- To provide a more definitive means for establishing sign height
- To revise sign area calculation for wall signs, to the previously adopted method
- To clarify that only one monument sign per street frontage was allowed

LPA Attorney Miller reviewed a few of the other minor glitches (i.e. a provision that only permitted a ‘sign contractor’ to obtain a permit and install a sign, definition of sign height, multiple occupancy complexes).

Discussion was held regarding sign height and width; multiple occupancy complexes signage; and prior code interpretation of signage.

Public Comment opened.

No speakers.

Public Comment closed.

Ms. Plummer discussed how she toured up and down the beach and found 34 businesses that were not meeting the current signage guidelines, and then contacted Community Development Director Fluegel about the matter. She questioned which businesses were not required to meet these guidelines (i.e. for

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historical purposes such as St. Peter's Church); and she inquired about a Town sign at Crescent Beach that appeared not to meet the sign criteria.

LPA Attorney Miller stated that sign in question at Crescent Beach was a County sign and the County was exempt.

Ms. Plummer suggested listing in some way and explaining for the public's benefit why there were signs that were exempt before December 31st. She discussed the importance of signage to a business.

Community Development Director Fluegel gave a historical overview of what staff had been working on since the adoption of the sign ordinance. He reported that some business/property owners have already begun their permit process and some have applied for a variance. He stated the Town began with approximately 140 signs and were now down to about 40 signs that were not in compliance. He explained what would happen to those signs not in compliance by December 31st.

Discussion was held regarding what would happen to property/business owners that were not in compliance after December 31st; exempt signage; and monument signs.

Mr. Van Duzer discussed uniform sign height or level which was the impetus for the sign ordinance. He noted his concerns regarding the requirement to move the signage three feet back from the right-of-way line.

Community Development Director Fluegel discussed the challenges he faced with the sign ordinance.

Mr. Zuba asked if staff had used any models when examining the 'glitches'.

Community Development Director Fluegel stated their work was more experience-based.

Discussion was held regarding the sign ordinance and the proposed amendments in a 'question and answer' format between the LPA and staff on the following points:

- Cost analysis for staff time and fees as it was related to enforcement, etc.
- Page 2 in the ordinance, exceptions and zoning review and 'aesthetic' review
- Page 3, paragraph 6 in the ordinance regarding multiple occupancy complex signage
- Page 3, paragraph c in the ordinance regarding monument signs
- The exempt County sign at Crescent Beach
- Page 1 in the ordinance regarding height and width
- Page 1, Section 30-55, paragraph 2(b) in the ordinance regarding zoning review for any change of copy – scrivener's error, change desire to desires
- Page 4, #12 regarding deletion of identification number
- Uniformity of copy, aesthetics
- Value of the signage as it related to property values
- Visual blight of Town and County signage
- Residential signage
- Signage and accidents at Santini Plaza

- Rights-of-way, monument signs, administrative latitude (i.e. Sea Grape Plaza)
- Page 5, Section 30-152(b) of the ordinance, consistency of wording

Ms. Shamp recapped the items noted during the discussion that the LPA may want to consider within their recommendations:

1. Regarding the 3' setback from the right-of-way line, or should it be a zero foot setback
2. Fees, revenue-neutral; should a new application be set at a slightly higher fee
3. Height; definition of a monument sign
4. Administrative variance
5. Reference back to the code for dimensions of directional signs
6. Review of public signs (i.e. Town and County signage)

MOTION: Mr. Van Duzer moved to approve that the LPA recommend to Town Council the approval of Ordinance 11-10; second by Mr. Zuba.

Ms. Shamp noted there was already one Proposed Findings of Facts and Conclusions of Law within their Resolution and there may be some modifications to the motion based upon the list of six items which could also be added to the Proposed Findings of Facts and Conclusions of Law.

Discussion ensued regarding the six items listed.

Ms. Shamp reviewed modifications to the motion based upon the previous discussion of the six items: *“we would add recommendations to what was already here, the motion was to approve with the first Findings of Fact and Conclusions of Law, and we also recommend approval for 1) monuments signs to be zero foot to street right-of-way, three feet to sidewalk of bike path; 2) we would leave in the monument definition of wider than it is high; 3) administrative variance discretion up to 10% with findings of hardship to meet code (LPA Attorney to determine wording); 4) directional signs would be four square feet basically and a maximum of four square feet; 5) recommendation that the Town review their signs”.*

Community Development Director Fluegel asked for clarification if the LPA wanted the Town to review their signage with respect to the number of signs or where there were conflicts of signs or the need.

Ms. Shamp stated for the need, the number, and the conflicts for the health, safety, and welfare of the Town. She re-stated the proposed recommended modifications to the motion: to include the first recommendation already included in the Resolution; that monuments signs would be zero foot to street right-of-way, three feet to sidewalk of bike path; to leave the monument definition of wider than it is high; to allow an administrative variance discretion up to 10% with findings of hardship to meet code (LPA Attorney to determine wording); that directional signs would be a maximum of four square feet; and to recommend the Town review their signs for need, number, and conflict.

AMENDMENT: Motion maker amended his motion to include the recommendations as stated by Ms. Shamp; second agreed.

VOTE: Motion approved, 7-0.

Public Hearing closed at 10:34 a.m.

Recess at 10:34 a.m. – Reconvened at 10:40 a.m.

B. Beach Raking Ordinance

Ms. Shamp opened the hearing at 10:41 a.m.

Community Development Director Fluegel announced the Ordinance was posted.

LPA Attorney Miller read the title of the ordinance:

AN ORDINANCE AMENDING CHAPTER 14 IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE-ENVIRONMENT AND NATURAL RESOURCES; AMENDING SECTION 14-1, DEFINITIONS AND SECTION 14-6, BEACH RAKING AND WRACK LINE POLICY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Keith Laakkonen, Environmental Scientist Coordinator, noted that the LPA held a public hearing on this matter in January of this year when it was sent back to the Marine Resources Task Force (MRTF) for changes. He presented the summary, background, and analysis for the proposed changes to the beach raking and wrack line policy of the Land Development Code. He explained the changes were to clarify definitions, permit requirements, time of day and year raking may occur, enforcement, and insurance requirements in Chapter 14, Article I. He reported staff recommended approval of the changes.

Public Comment opened.

Bill Perry, beach groomer, explained when he appeared before the LPA on this item he did not support it; however, after working with MRTF and Town staff he now supported the proposed changes. He noted the importance of the education component. He questioned the filling of holes at the wrack line and explained why hand-filling of the holes would not work. He requested language included that stated the holes could be filled with a tractor. He noted his concern regarding other operators who did not have a permit from the Department of Environmental Protection for six or seven years; illegal requests from customers that he would not perform; and he requested from the Town professional operation of grooming of the beach by operators who were educated and had the proper license and insurance.

Public Comment closed.

Discussion ensued regarding whether or not permits were issued by the Town for beach grooming; ways of potentially issuing permits by the Town; annual issuance of permits; inspection of beach property by the Town and DEP after raking; conformity of standards for all vendors on the beach (i.e. insurance); private property rights; raking as maintenance or management of the beach; mechanical equipment to fill holes; permitting beach grooming vendors; and permitting of other vendors.

LPA Attorney Miller noted that on page 4, #7, it defined that a single permit may be issued to a business that conducts raking on multiple properties.

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Discussion ensued concerning permits to be obtained by grooming vendors; comments in the Staff Report; property rights; language in the proposed ordinance; proposed fees; the definition hand raking the wrack line; various liability issues; raking during the day versus night; and raking during turtle season.

MOTION: Mr. Van Duzer moved to approve that the LPA send Resolution 2011-XX to the Town Council with a recommendation for approval with two added items: 1) the wording of the holes at the wrack line should be able to be filled with a tractor or mechanical equipment; and 2) the \$25.00 annual fee should not be charged to private property owners, and if it needed to be adjusted only the business property owners; second by Mr. Kakatsch.

Mr. Zuba asked the Motion Maker to consider two additional items: 1) the use of the term grooming instead of maintenance in the ordinance; and 2) to require annual licensing.

AMENDMENT: Motion Maker amended the motion to include Mr. Zuba's two additional items; second agreed.

Discussion ensued regarding licensing; and the \$25.00 annual fee.

VOTE: Motion approved, 5-2; Ms. Shamp and Mr. Kakatsch dissenting.

Public Hearing closed at 11:48 a.m.

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

VOTE: 7-0.

**ADJOURN AS LOCAL PLANNING AGENCY AND RECONVENE AS HISTORIC
PRESERVATION BOARD
11:49 A.M.**

VI. HISTORIC PRESERVATION

A. HPB/HAC Appointments/Discussion of Alternate Members

Ms. Plummer reviewed the highlights of the HAC meeting on October 18, 2011 which included but was not limited to work on a presentation of plaques (i.e. Grand re-opening of the Mound House); work on a local program to designate historical properties; criteria for property owners regarding historical designation; vista signage to designate a historical area or building and she noted the Committee wanted to start with Old San Carlos by the fountain or the pier; and consideration for a walking tour. She noted in the agenda packet was information from the Estero Island Historical Society about the tour at the school, monthly events, and a membership form. She discussed the "Visions of the Past" event which was held on October 29, 2011 at the Matanzas Pass Preserve, and suggested if the Town could put on

their website these types of functions for better promotion of the events. She discussed attendance at the HAC meetings by the members, and she asked if Mr. Zuba and Mr. Van Duzer would like to maintain their status on the HAC.

Mr. Zuba and Mr. Van Duzer responded in the negative.

Ms. Shamp stated she would try to attend the meetings when her schedule permits.

Discussion was held regarding LPA members attending HAC meetings.

Community Development Director Fluegel reported that the HAC did not have to meet every month, and they could meet every other month.

Ms. Plummer reported the HAC would not meet in December.

Discussion was held concerning the composition of the HAC membership.

MOTION: Mr. Van Duzer moved that they add to the HAC Ms. Shamp, and Mr. Durrett as an alternate, and remove Mr. Zuba and Mr. Van Duzer; second by Ms. Shamp.

VOTE: Motion passed, 7-0.

Discussion was held regarding historical plaques.

MOTION: Mr. Van Duzer moved to adjourn the HPB at 12:07 p.m. and reconvene as the LPA; second by Mr. Zuba.

VOTE: 7-0.

**HISTORIC PRESERVATION BOARD ADJOURNED AND RECONVENED AS THE LOCAL
PLANNING AGENCY
12:08 P.M.**

VII. LPA MEMBER ITEMS AND REPORTS

Mr. Smith – no items or reports.

Mr. Kakatsch – no items or reports.

Mr. Durrett – no items or reports.

Ms. Shamp - questioned the COP, but noted it could be discussed on the Action Report. She also questioned the status of the north end Renourishment Project.

Community Development Director Fluegel reported it seemed to be going well and moving along. He added there was one property where they had to go around and create a pond; and he noted it would take time to fill in. He stated they were getting close to the Edison Beach House property.

Mr. Zuba – asked for an update on Seafarer’s.

Community Development Director Fluegel reported the Town was waiting to hear from Seafarer’s; Town and County staff met on this topic; and it appeared they intended to do a surface parking lot.

Discussion ensued regarding Seafarer’s; and traffic issues.

Mr. Van Duzer – announced his resignation from the LPA as of January 1, 2012 since he would be relocating to Marathon, Florida.

Ms. Plummer – noted that Mr. Van Duzer should be honored at the December meeting.

Ms. Shamp requested an LPA ornament for the Town Christmas tree.

Mr. Smith accepted the responsibility for the LPA ornament.

VIII. LPA ATTORNEY ITEMS

LPA Attorney Miller recounted her years of knowing and working with Mr. Van Duzer, and noted he would be missed.

IX. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Community Development Director Fluegel – discussed the Carlton Ryffel Resolution and he reported he spoke with Mr. Ryffel’s family who like the idea of a flagpole dedication at Crescent Beach Family Park.

Mr. Kakatsch noted that Mayor Kiker had worked hard on the Estero Boulevard repaving and he noted the funds used to enhance the turn-offs were a plus for the Town. He hoped this program would keep going until such time that the south end of the beach looked like the north end.

Community Development Director Fluegel – reported that staff received a resubmittal from Lee County for the Ebb Tide Project on San Carlos Island; and staff provided some initial response to the County and pointed out two areas of concern which was the traffic study and the proposed height limit.

X. LPA/HPB ACTION ITEM LIST REVIEW & ITEMS FOR NEXT MONTH’S AGENDA

Ms. Shamp reviewed the LPA/HPB Action List –

- Surf Club – Presented Council and approved
- Personal watercraft – no representation needed
- Connecticut Street – TBD

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- La Ola Restaurant – Presented to Council and approved
- Diamondhead Sign – Presented to Council and approved

Ms. Shamp noted that Future Work Activities listed; and questioned the COP in the EC.

Community Development Director Fluegel reported the COP would be a work draft and workshop with a date of December 13, 2011.

Ms. Shamp questioned the beach raking and sign ordinances.

Community Development Director Fluegel reported the sign ordinance be on a workshop with Council on December 5, 2011, and then on the Regular Meeting of December 21, 2011. He added that beach raking was to be determined.

Mr. Kakatsch stated he would represent the LPA at the December 21st Council Meeting regarding the sign ordinance.

XI. PUBLIC COMMENT

No comment.

XII. ADJOURNMENT

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

VOTE: Motion approved, 7-0.

Meeting adjourned at 12:37 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Signature

- End of document.