

**1. Requested Motion:**

**Meeting Date:** May 6, 2013

Motion to APPROVE/DENY the request for designation for a historically significant sign, for an existing roof sign painted on the roof and measuring at approximately 1,500 square feet in area on the roof of one of the storage facilities at Moss Marine, under Section 30-57 of the Town of Fort Myers Beach Land Development Code.

**Why the action is necessary:**

Section 30-57 of the LDC provides that the Town Council shall hear and decide all requests for designation of historically significant signs

**What the action accomplishes:**

**2. Agenda:**

- Consent
- Administrative
- Public Hearing

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other

**4. Submitter of Information:**

- Council
- Town Staff – Comm. Dev.
- Town Attorney

**5. Background:**

Case: HDD2012-0001 'The Big M' Roof Sign

Applicant Emily McDaniel, authorized agent for the subject property owner, George Freeland, is requesting designation for a historically significant sign under Section 30-57 of the Land Development Code.

The applicant wishes to keep the existing painted roof sign measuring approximately 1,500 square feet in area as they say it is a landmark and historically significant. The applicant provided limited justification for the request, however include with their submittal documents was a petition to 'Save Our Sign' signed by numerous residents and visitors to the Town.

The LPA held a public hearing for the request at their October 9, 2012 meeting and continued the case, requesting additional information from the applicant. The LPA held a public hearing for the request at their February 12, 2013 meeting and continued the case one more time requesting additional information from the applicant. The LPA held a third public hearing at their March 12, 2013 meeting. Staff presented its case along with a recommendation of denial and the applicant presented its case for approval. LPA had a question and answer period, and discussed the standards set forth in Section 30-57 for determining historically significant signs. Ultimately, the LPA voted 4-3 to recommend approval, with Zuba, Shamp and Durrett the dissenting votes.

**Attachments:**

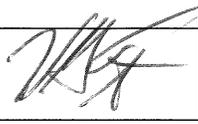
- Tab A - Draft Town Council resolution, 13-07
- Tab B - HPB resolution 2013-001
- Tab C - LPA/HPB minutes from the March 12, 2013 meeting
- Tab D – March 2013 HPB packet materials
- Tab E – February 2013 HPB packet materials
- Tab F – October 2012 HPB packet materials, including original request

**6. Alternative Action:**

**7. Management Recommendations:**

Deny the requests as recommended by Staff

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 13-07  
HDD2012-0001 - 'The Big M' Roof Sign

WHEREAS, applicant Emily McDaniel, authorized agent and manager for the subject property, is requesting designation for a historically significant sign under Section 30-57 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 24-46-23-W3-00027.0000 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 450 Harbor Court Fort Myers Beach, FL 33931, is zoned Commercial Marine on the Official Zoning Map, and is in the "Marina" category on the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Historic Preservation Board (HPB) on October 9, 2012 and was continued to a date certain of February 12, 2013; and

WHEREAS, a public hearing on this matter was legally advertised and held before the HPB on February 12, 2013 and was continued to a date certain of March 12, 2013; and

WHEREAS, a public hearing on this matter was legally advertised and held before the HPB on March 12, 2013

WHEREAS, at the hearing the HPB gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 30-57.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on May 6, 2013, at which time the Town Council gave full and complete consideration to the request of Applicant, HPB Resolution 2013-001, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 30-57.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, HPB Resolution 2013-001 and the standards for granting designation as a historically significant sign, the Town Council makes the following findings of fact, and reaches the following conclusions:

The Town Council **APPROVES/DENIES** the applicant's request for designation as a historically significant sign.

**RECOMMENDED FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 30-57(b) for designating a sign as historically significant, the HPB recommends that the Town Council make the following findings and reach the following conclusions:

1. Whether the sign is associated with historic person(s), event(s), or location(s);  
**AYE/NAY**
2. Whether the sign provides significant evidence of the history of the product, business or service represented;  
**AYE/NAY**
3. Whether the sign is characteristic of a specific historic period;  
**AYE/NAY**
4. Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and  
**AYE/NAY**
5. Whether the sign is a local landmark that is popularly recognized as a focal point in the community.  
**AYE/NAY**

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Alan Mandel, Mayor	AYE/NAY	Joe Kosinski, Vice Mayor	AYE/NAY
Jo List	AYE/NAY	Bob Raymond	AYE/NAY
Dan Andre	AYE/NAY		

DULY PASSED AND ADOPTED THIS 6<sup>th</sup> day of **MAY, 2013**.

By: \_\_\_\_\_  
Alan Mandel, Mayor

Approved as to legal sufficiency:

ATTEST:

By: \_\_\_\_\_  
Fowler, White, Boggs  
LPA Attorney

By: \_\_\_\_\_  
Michelle Mayher  
Town Clerk

RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
HPB RESOLUTION NUMBER 2013-001  
HDD2012-0001 – ‘The Big M’ Roof Sign

WHEREAS, applicant Emily McDaniel, authorized agent and manager for the subject property, is requesting designation for a historically significant sign under Section 30-57 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 24-46-23-W3-00027.0000 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property is located at 450 Harbor Court Fort Myers Beach, FL 33931, is zoned Commercial Marine on the Official Zoning Map, and is in the “Marina” category on the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Historic Preservation Board (HPB) on October 9, 2012 and was continued to a date certain of February 12, 2013; and

WHEREAS, a public hearing on this matter was legally advertised and held before the HPB on February 12, 2013 and was continued to a date certain of March 12, 2013; and

WHEREAS, a public hearing on this matter was legally advertised and held before the HPB on March 12, 2013

WHEREAS, at the hearing the HPB gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 30-57.

IT IS HEREBY RESOLVED BY THE HPB OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting designation as a historically significant sign, the HPB recommends the following findings of fact and conclusions for consideration by the Town Council:

The HPB recommends that the Town Council **APPROVE** the applicant’s request for designation as a historically significant sign.

**RECOMMENDED FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 30-57(b) for designating a sign as historically significant, the HPB recommends that the Town Council make the following findings and reach the following conclusions:

1. Whether the sign is associated with historic person(s), event(s), or location(s);

**AYE**

2. Whether the sign provides significant evidence of the history of the product, business or service represented;

**NAY**

3. Whether the sign is characteristic of a specific historic period;

**NAY**

4. Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and

**NAY**

5. Whether the sign is a local landmark that is popularly recognized as a focal point in the community.

**AYE**

The foregoing Resolution was adopted by the HPB upon a motion by HPB Member **Kakatsch** and seconded by HPB Member **Smith**, and upon being put to a vote, the result was as follows:

Jane Plummer, Chair	AYE	Joanne Shamp, Vice Chair	NAY
Al Durrett, Member	NAY	John Kakatsch, Member	AYE
Hank Zuba, Member	NAY	Alan Smith, Member	AYE
Jim Steele	AYE		

DULY PASSED AND ADOPTED THIS 12<sup>th</sup> day of MARCH, 2013.

By: Jane B. Plummer  
Jane Plummer, HPB Chair

Approved as to legal sufficiency:

By: Maile W. Mela  
Fowler, White, Boggs  
LPA Attorney

ATTEST:

By: Michelle Mayher  
Michelle Mayher  
Town Clerk

**Exhibit A – Legal Description  
Moss Marine**

Parcel 1:

Lot 21, Block B, of that certain subdivision known as MATANZAS VIEW, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 9, Page 40.

Parcel 2:

A tract or parcel of land located in Government Lot 1, Section 24, Township 46 South, Range 23 East, on Estero Island, Lee County, Florida, which tract or parcel of land is more particularly described as follows:

From the northwesterly corner of Block 3 of BUSINESS CENTER, a subdivision according to the map or plat recorded in Plat Book 9 at pages 9 and 10 of the public records of Lee County, run northwesterly along a prolongation of the northeasterly line of said Block 3 for 66 feet to the westerly right-of-way line of the County Road; thence continue on the same course, along the southwesterly line of a road 50 feet wide, for 550 feet; thence deflect 90°00' right and run northeasterly, parallel to the aforesaid County Road, along the northwesterly line of said road 50 feet wide for 320 feet to the point of beginning of the lands hereby described. From said point of beginning, run northwesterly along a line perpendicular to the aforesaid County Road for 100 feet; thence run northeasterly parallel to said road to Matanzas Pass; thence run southeasterly along said Pass to an intersection with a line through the point of beginning parallel to said County Road; thence run southwesterly along said parallel line and the northwesterly line of a road 50 feet wide for 150 feet, more or less, to the point of beginning.

Parcel 3:

A tract or parcel of land located in Government Lot 1, Section 24, Township 46 South, Range 23 East, on Estero Island in Lee County, Florida, which tract or parcel of land is more particularly described as follows:

From the northwesterly corner of Block 3 of BUSINESS CENTER, a subdivision according to the map or plat recorded in Plat Book 9 at pages 9 and 10 of the public records of Lee County, run northwesterly along a prolongation of the northeasterly line of said Block 3 for 66 feet to the westerly right-of-way line of the County Road; thence continue on the same course, along the southwesterly line of a road 50 feet wide, for 550 feet; thence deflect 90°00' right and run northeasterly, parallel to the aforesaid County Road, along the northwesterly line of said road 50 feet wide for 320 feet to the point of beginning of the lands hereby described. From said point of beginning run southeasterly along a line perpendicular to the aforesaid County Road, for 153 feet; thence run northeasterly, parallel to and 430 feet from the center line of said County Road, for 172 feet, more or less, to the waters of Matanzas Pass; thence run northwesterly along said waters to an intersection with a line through the point of beginning parallel to said County Road; thence run southwesterly along said line for 150 feet, more or less, to the point of beginning.

Parcel 4:

A parcel of submerged land in Matanzas Pass in Section 24, Township 46 South, Range 23 East, Lee County, Florida, being more particularly described as follows:

From the Southwesterly corner of Lot 21, Block B, MATANZAS VIEW SUBDIVION, according to the map or plat recorded in Plat Book 9 at page 40, of the Public Records of Lee County, Florida, run North 26°03'00" East along the Northwesterly line of said lot and the Southwesterly line of a dedicated canal right-of-way for 55 feet to the point of beginning of the lands herein described. Said point of beginning being also the point of beginning of the bulkhead line approved by the Trustees of Internal Improvement Fund on July 18, 1967. From said point of beginning run along said bulkhead like Northeasterly, Easterly, and Southeasterly along the arc of a curve to the right of radius 75 feet (chord bearing 71°03'00" East) for 117.81 feet to the point of reverse curvature; thence run Southeasterly, Easterly, and Northeasterly along the arc of a curve to the left of radius 200 feet (chord bearing South 79°50'40" East) for 110.96 feet to a point of reverse curvature; thence run Northeasterly and Easterly along the arc of a curve to the right of radius 200 feet (Chord bearing South 79°50'40" East for 110.96 feet to a point of tangency; thence run South 63°57'00" East for 126.19 feet to a point of curvature; thence run Southeasterly and Easterly along the arc of a curve to the left of radius 50 feet (chord bearing South 82°23'10" East) for 32.17 feet to an intersection with a Northeasterly prolongation of the Southeasterly line of Lot 12, Block A of said Matanzas View; thence run South 26°03'00" West along said prolongation for 35 feet, more or less, to the mean high tide line on the South shore of Matanzas Pass; thence run Northwesterly, Northerly, Northwesterly, Southwesterly, and Northwesterly and Southwesterly along said mean high tide line to the point of beginning.

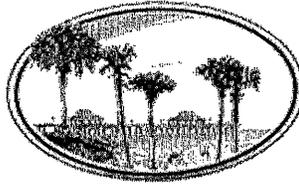
Parcel 5: (24-46-23-W3-00026.0020)

Part of Government Lot 1 in Section 24, Township 46 South, Range 23 East, further bounded and described as follows:

Starting at a concrete monument in the northwesterly line of San Carlos Boulevard, 30 feet from the center thereof and being the same monument that is shown 3 feet southeast from the most southeasterly corner of the MATANZAS VIEW SUBDIVISION as recorded in Plat Book 9, Page 40; thence North 65°W a distance of 200.00 feet to a point and the principal place of beginning; thence continuing N 65°W a distance of 200.00 feet; thence N 25°E parallel to San Carlos Blvd. a distance of 390.00 feet; thence by a curve deflecting to the right a distance of 37.06 feet, said curve having a radius of 67.22 feet and a chord that bears S 86°04'38" E a distance of 36.59 feet; thence S 70°17'05" E a distance of 166.58 feet; thence S 25°W a distance of 418.50 feet to the place of beginning.

ALSO Easement No. 1: Starting at the same monument that is the starting point of the above description; thence N 25° E a distance of 285.00 feet to a point and the principal place of beginning; thence continuing N 25° E a distance of 30.00 feet; thence N 65° W a distance of 200.00 feet; thence S 25° W a distance of 30.00 feet; thence S 65° E a distance of 200.00 feet to the point of beginning.

ALSO Easement No. 2: A 12.00 foot wide strip of land running between the above described property and San Carlos Boulevard and lying within the confines of the following described land: Beginning at the same monument that is the starting point of the above property; thence N 65°W a distance of 200.00 feet; thence N 25°E a distance of 32.00 feet; thence S 65°E a distance of 200.00 feet; thence S 25° W a distance of 32.00 feet to the place of beginning.



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

Town Hall – Council Chambers  
2523 Estero Boulevard  
Fort Myers Beach, Florida  
**Tuesday, March 12, 2013**

**I. CALL TO ORDER**

Meeting was called to order at 9:00 a.m. by Chair Zuba; other members present:

Al Durrett  
John Kakatsch  
Jane Plummer  
Joanne Shamp  
Alan Smith  
James H. Steele  
Hank Zuba

LPA Attorney, Marilyn Miller  
Staff Present: Walter Fluegel, Community Development Director  
Leslee Chapman, Zoning Coordinator  
Josh Overmyer, Planning Coordinator

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION**

**IV. MINUTES**

A. Minutes of February 12, 2013

**MOTION:** Ms. Shamp moved to approve the minutes for February 12, 2013 as presented; second by Mr. Kakatsch.

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

**MOTION:** Mr. Kakatsch moved to adjourn as the LPA and reconvene as the Historic Preservation Board; second by Mr. Steele.

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

Adjourn as LPA and reconvene as Historic Preservation Board at 9:03 a.m.

LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman noted the subject variance was continued from the last hearing (February 12, 2013) to a date certain of today with a February 25, 2013 deadline for the Applicant to submit to staff for the LPA agenda package information/documentation associated with their Historically Significant Sign request.

**A. HDD2012-0001 “The Big M” Roof Sign**

Zoning Coordinator Chapman presented comments for the “Big M” roof sign, Historically Significant Sign, HDD2012-0001, on behalf of the Town of Fort Myers Beach. She displayed an aerial photograph of the subject site and noted the location of the subject property was at 450 Harbor Court. She reviewed the request for a designation of the roof sign as a *historically significant sign* per Section 30-57(b)(2) – *Whether the sign provides significant evidence of the history of the product, business or service represented*. She indicated on the aerial view of the subject property the request was for the Big ‘M’ sign (approximately 1,500 square feet) on the roof of the structure. She reported that the applicant did comply with the LPA’s deadline of February 25<sup>th</sup> to submit any new data or material that would justify the granting of a historical designation for the roof sign [information submitted via email]; however, no direction or summarization document was included with the emailed documents. She reviewed staff’s analysis of the newly submitted information which included but was not limited to a petition called “*Save Our Sign*”. She added that staff could only evaluate the application based upon the information provided by the applicant; and the burden of proof was always placed upon an applicant to submit sufficient justification in order for staff to make a recommendation. She explained that at this point there was not sufficient information to make a recommendation for approval; and staff was recommending denial of the applicant’s request for designation as a historically significant sign.

Mr. Smith questioned the criteria that applicants were held to in the past in order to be granted a historical sign designation.

Zoning Coordinator Chapman explained that applicants were required to meet at least one of the five criteria listed in Section 30-57 [copy included in the agenda packet]; however, the more criteria an application met then stronger the case would be for approval.

Mr. Steele asked if the HPB could discuss and poll all the members on each of the five criteria as it pertained to the variance request.

Zoning Coordinator Chapman responded in the affirmative; however, she requested the LPA to allow the applicant to present her case prior to HPB deliberation.

Emily McDaniel, Applicant and General Manager at Moss Marine, reported she submitted additional informational items to the Town (i.e. letters and a petition); and that none of the people they asked to sign the petition had refused. She noted that it was her impression that they [Applicant and Mr. Ireland of Carter Outdoor Signs] had reviewed how the application fit most of the five criteria, and that her biggest obstacle was determining the exact year when the sign was painted on the roof.

Mr. Kakatsch questioned the importance of the sign to the Applicant, and the cost estimate of painting the roof to cover the 'M' if required.

Emily McDaniel explained the importance of the roof sign to her, personally and historically; and to the business as a directional sign, an identifier, and a landmark.

Sam Ireland, Carter Outdoor Signs, reported the only option to remove the sign would be to paint the entire roof, and he estimated the cost to paint one side would be \$3,000-5,000.

Ms. Shamp asked if it was the sign or the building that was the landmark.

Emily McDaniel explained her belief that the sign was the landmark.

Mr. Kakatsch reviewed how he and his father flew into Page Field many years ago (1969 approximately); how his father used the 'M' on the roof as a landmark that lined up with Page Field; and his belief that the sign had an important purpose as an aerial landmark for airplane pilots.

Discussion was held concerning the significance of the 'M' on the roof to residents and visitors; the cost to the Applicant to remove the sign; and the 'M' as a landmark when coming over the bridge.

Chair Plummer asked if any Historic Preservation Board Member had ex-parte communication regarding this item. Mr. Durrett – none, site visit; Mr. Kakatsch – none, site visit; Mr. Smith: - none, site visit; Mr. Zuba – none, site visit; Chair Plummer – none, site visit; Ms. Shamp – none, site visit; Mr. Steele – none, site visit.

Ms. Shamp described the background and basis for a past sign variance application for the Holiday Inn as it related to the Town's sign code.

Public Comment opened.

No speakers.

Public Comment closed.

Mr. Zuba told of his conversation with Town historians regarding the Big 'M' roof sign; and indicated the historians could not defend the request for a historical designation of the sign. He referred to and discussed the Town's Comprehensive Plan as it addressed the meaning of 'historic':

- Map of 1986 historic sites; the subject location and Big 'M' sign was not listed.
- Geographic description of historic sites; the subject location and Big 'M' sign was not listed.
- Criteria – the sign was not associated with events or persons or a distinctive character or type, and on an individual basis it was not part of a significant site district
- Architectural criteria – not relevant to the subject sign.

He discussed his belief that if the subject sign was found to be 'historic', it would weaken the definition of 'historic'; however, he questioned if it was really a sign and if it could be considered a 'roof covering'.

Ms. Shamp explained that she still questioned whether the sign or the business was the landmark; and that it was her view that since the business was named the 'Big M Casino' that it made the roof sign a business sign.

Mr. Steele discussed the five criteria and offered his views on if the variance request met each one:

1. Whether the sign was associated with historic persons, events, or locations - **agreed.**
2. Whether the sign provides significant evidence of the history of a product, business or service represented - **disagreed.**
3. Whether the sign was characteristic of a specific historic period - **disagreed.**
4. Whether the sign was an outstanding example of the art of sign making through its craftsmanship, use of materials and/or design - **disagreed.**
5. Whether the sign the sign was a local landmark that was popularly recognized as a focal point in the community - **agreed.**

Mr. Smith concurred with Mr. Steele's comments that the application met with two of the five criteria.

Chair Plummer noted there had not been a quorum at the Historic Advisory Committee (HAC), and questioned if the HPB could take action to make a recommendation without action by the HAC.

Zoning Coordinator Chapman responded in the affirmative that the HPB could make a recommendation.

**MOTION:** Mr. Kakatsch moved that it was hereby resolved by the HPB of the Town of Fort Myers Beach, Florida that they recommend that the Town Council APPROVE the applicant's request for designation as a historically significant sign with the RECOMMENDED FINDINGS AND CONCLUSIONS:

1. Whether the sign is associated with historic person(s), event(s), or location(s);

AYE

2. Whether the sign provides significant evidence of the history of the product, business or service represented;  
NAY
3. Whether the sign is characteristic of a specific historic period;  
NAY
4. Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and  
NAY
5. Whether the sign is a local landmark that is popularly recognized as a focal point in the community.  
AYE

**SECOND:** Mr. Smith.

**VOTE:** Motion approved 4-3; Ms. Shamp and Messrs. Zuba and Durrett dissenting.

Chair Plummer closed the Public Hearing at 9:35 a.m.

Adjourn as Historic Preservation Board and reconvene as the LPA.

~~NO MOTION TO OFFICIALLY CLOSE THE HPB~~

## V. PUBLIC HEARINGS

### A. VAR2011-0007 Moss Marine

Chair Zuba opened the Public Hearing.

LPA Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2011-0007 Moss Marine Sign Variance on behalf of the Town of Fort Myers Beach. She displayed an aerial photograph of the site and noted the location of the subject property was at 450 Harbor Court. She reviewed the variance request was from Section 30-153(b)(1) which states: *For a parcel of land containing one (1) or two (2) business establishments, each separate business establishment shall be allowed a maximum of thirty-two (32) square feet of sign area to allow the existing sign area to remain.* She noted the request originally came before the LPA in August with continuances until the most recent discussion at the February 12<sup>th</sup> LPA meeting when the LPA granted another continuance to today's meeting. She reported that the applicant did comply with the LPA's deadline of February 25<sup>th</sup> to submit any new data or material that would justify the granting the variance [information submitted via email]; however, no direction or summarization document was included with the emailed documents. She added that staff could only evaluate the application based upon the information provided by the applicant; and the burden of proof was placed upon the applicant to submit sufficient justification for staff to make a recommendation. She explained that at this point there was not sufficient information to make a recommendation for approval

(i.e. it was unclear as to the total square footage the applicant was seeking, sign locations, etc.). She reviewed the five criteria and discussed how it pertained to what staff was seeking in order to make a recommendation:

1. There **are/are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **and** the request **is/is not** for a *de minimis* variance to protect public safety by not obstructing access to public utilities and fire protection facilities.
  - a. Applicant has maintained that their 3± acre parcel and 46,200 square feet of building sides are the 'exceptional or extraordinary circumstances' inherent on the subject property that keeps them from conforming to the standards set forth in Chapter 30.
  - b. Staff does not find that a large parcel or a waterfront business is exceptional or extraordinary; therefore, staff recommended the finding that there are not exceptional or extraordinary conditions or circumstances that are inherent and unique to the subject property and that it does not justify the variance.
2. The conditions justifying the variance **are/are not** the result of actions of the applicant taken after the adoption of the regulation in question.
  - a. Staff was not able to find any permit records as to when the current and existing wall signs were installed; however, the applicant maintains that he signs were in place prior to the adoption of the original sign ordinance in 1999.
  - b. Staff finds that the conditions justifying the variance are not the results of actions of the applicant taken after the adoption of the regulation in question.
3. The variance granted **is/is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
  - a. The application does not discuss why the existing wall signs, that total approximately 408 square feet, are the minimum necessary. Furthermore, the applicant has not provided a complete inventory and assessment and site plan of all signs on the subject property which makes it difficult to assess the degree of variance actually being requested.
  - b. Therefore, based on limited evidence as to the necessity of the request, staff finds that the variance requested is not the minimum variance necessary to relieve an undue burden.
4. The granting of the variance **will/will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - a. The applicant is requesting relief from total sign area requirements of Chapter 30 of the LDC, effectively requesting over six times permitted sign area, per 30-153(b)(1).
  - b. It is staff's opinion that there is not a justifiable reason or hardship that exists on the subject property, and the applicant has not provided any compelling evidence that would justify or permit the granting of a sign area variance by Town Council. Staff, therefore, finds that granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare by allowing the subject property relief from rules and regulations that all others must adhere to.
5. The conditions or circumstances on the specific piece of property for which the variance is sought **are/are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

- a. With the adoption of the amended sign ordinance and the consequent amortization period for conformity, numerous locations on the beach have pursued variance requests from the amended requirements; however, by the very nature of the recent adoption of the sign ordinance Town Council has addressed the issue of signs (including area and prohibited types) and has made a decision to enact and enforce a uniform sign code.
- b. Staff finds that the circumstances of the specific piece of property on which a variance is sought are general in nature and, therefore, do not demonstrate a verifiable hardship.

She reported staff was recommending **denial** of the Applicant's request for a variance from Section 30-153(b)(1) to allow the existing sign area to remain.

Mr. Durrett discussed his thoughts on how signage on a waterway can be different; how there was a 'boat highway and a car highway'; how the Town might consider looking at waterway highways as a different signage; and the difficulties with directing people on a large parcel.

Ms. Shamp questioned if any additional information was submitted by the Applicant as it pertained to their retail agreement with Shell.

Zoning Coordinator Chapman reported that what staff had received from the Applicant via email was included in the agenda packet.

Community Development Director Fluegel addressed the square footage of the Shell sign; and noted that there was also a height issue with the sign which would need to be brought down to five feet.

Ms. Shamp questioned signage at gas stations on the Island.

Zoning Coordinator Chapman reported that the gas stations on Estero Boulevard have come into compliance with the Town's sign ordinance

Mr. Steele questioned the definition of a sign as it related to '*being within public view*', and that a sign had to '*be in public view from the right-of-way*'.

LPA Attorney Miller explained there was no explicit regulation dealing with that and how the staff had applied a '*reasonableness standard*'; and reviewed the Land Development Code definition of an interior sign.

Mr. Steele questioned 'Exhibit H', shots 1-35, as it pertained to whether or not they were viewable from the right-of-way (i.e. shots #10, #12, #14, #16).

Zoning Coordinator Chapman pointed out that the Applicant was responsible for denoting the location of the signs on the subject property which was addressed at the February meeting. She added that the

Applicant did not provide a site plan as to where the signs were located, and a justification as to why a particular sign (i.e. shot #14) did not apply to the sign code.

Ms. Plummer noted her comments and direction she had given to the Applicant at the February 12<sup>th</sup> LPA Meeting as it pertained to what information regarding their signage should be submitted to the Town; and she noted her disappointment with the lack of information that should have accompanied the sign photographs submitted to the Town (i.e. dimensions, location, etc.).

Discussion was held concerning the lack of information provided by the Applicant to justify the LPA recommending approval of the variance.

Emily McDaniel, General Manager at Moss Marine, held up a document that she reported had been revised to include measurements of the signs and requested actions. She reported she submitted the total square footage of what she was seeking for commercial signage (4 signs: Shell sign, Big 'M' sign – shots #13 & 15, Moss Marine sign on the waterway side – shot #28; for a total of 384.25 square feet). She stated the signs on the waterway would be removed or placed in the window; and everything else she considered to be directional signage because it related to parking (i.e. employee parking, Big 'M' parking, and Moss Marine parking).

Mr. Steele questioned where it addressed specifics of the sign dimensions within the Retail Product Sales Agreement with Shell.

Emily McDaniel reported that information was contained in Section 7.

Mr. Steele addressed Section 7 of the subject agreement and recounted his research through the Shell website regarding 'brand standards' as it pertained to the size of the sign; and that the website did not allow him to have permission to enter into certain sections of the site information.

Emily McDaniel reported that her sign was supposed to be the size it was when installed.

Mr. Steele asked Mr. Ireland when he began to work for the Applicant regarding her signs.

Sam Ireland, Carter Outdoor Signs, reported he began working for Ms. McDaniel on February 25, 2013 at 1:00 p.m.

Mr. Steele noted the staff had previously requested a site plan; and that Exhibit 'I' seemed to be the same version as at the previous meeting; however, some of the shots seemed to be updated since the last meeting.

Ms. Plummer asked if directional signs, as described by the Applicant for the various types of parking, could be identified without advertising.

Zoning Coordinator Chapman reported that she had previously recommended in conversations with the Applicant to submit to staff the total square footage of directional signs with commercial messages on them and clearly include that information with the request for a variance from the maximum area of directional signage permitted.

Ms. Plummer questioned what the maximum directional square footage was permitted.

LPA Attorney Miller commented there was a glitch; and noted the exempt signs (Section 30-6(a)(8) Instructional Signs) were not to exceed four square feet in area per sign. She expressed her belief that the sign could say 'Big M Marine parking' and it would be exempt as long the sign was instructing it was 'Big M Marine parking'.

Community Development Director Fluegel explained how a site plan indexing sign locations would address the matter of whether or not the sign was instructional.

Mr. Durrett asked how many signs would be permitted.

LPA Attorney Miller pointed out that she had mentioned at a previous meeting that, theoretically, there could be one sign at each parking space as long as it was four square feet and it was instructional.

Mr. Durrett questioned if the Applicant had presented a plan pertaining to signage and had they agreed to what would be removed or changed.

Zoning Coordinator Chapman explained that from the beginning when the Applicant initially applied that staff had gone to the site, and walked and talked with the Applicant about what would be directional signage or commercial signage. She added that the Applicant did start by providing the exhibit that has the shot of each sign, but further iterations of their proposal of what they ultimately and specifically wanted was not included in submittals.

Ms. Shamp discussed her belief that the LPA did not have all the specifics in order to approve the request. She explained her views that from what Zoning Coordinator Chapman reported at the last LPA meeting and from what the LPA had from today that if the LPA denied the request, the Applicant would have to put the ship's store and Moss Marine signs in the windows; they would have as many of the directional signs allowed without the commercial message; and as far as the square footage for the Moss Marine sign that the only argument the Applicant presented was due to the size of the buildings. She noted that there were other big buildings on the Island and that they did not receive approval for bigger signs for that reason.

Discussion ensued regarding whether to grant a continuance or a denial of the variance request.

Community Development Director Fluegel shared staff's perspective regarding a recommendation of denial; noted if the variance was denied that staff would move forward with scheduling the matter for

Town Council; and that if the LPA recommended denial it would send a clear message to the Applicant and would also give the Applicant another window of opportunity to work on a complete sign package.

Discussion continued regarding whether to grant a continuance or a denial of the variance request; and the lack of information received from the Applicant.

**MOTION:** Ms. Shamp moved regarding Resolution 2013-002 that the LPA recommends that the Town Council **DENY** the applicant's request for a variance from Section 30-153(b)(1) of the LDC to allow a maximum 384.25 square feet of sign area per business on the subject property; with regard to the **RECOMMENDED FINDINGS AND CONCLUSIONS:**

A. There **are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, **and** the request **is not** for a *de minimis* variance to protect public safety by not obstructing access to public utilities and fire protection facilities.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance requested **is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

**SECOND:** Mr. Smith.

Ms. Shamp noted her belief that Moss Marine had flexibility that would allow them to get a sign package that would work for the needs of the property within the Town's code.

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

Ms. Plummer suggested to the Applicant to take Exhibit 'I', go through it and include the measurements (i.e. height, size, etc.) and make sure to include whether or not they were willing to change the sign or how it would be changed; and have that dimension for a total dimension on directional and commercial signage, warning signs, and advertising. She added that they should label clearly what would happen to an existing sign, and include total square footage and the location on a map.

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

Ms. Plummer – reported the Shrimp Festival was fabulous and it was a great family day.

Mr. Steele – requested to be excused from the next LPA meeting.

Mr. Smith – reported he participated in the barbeque in the mangroves event last week and noted there was a significant glitch with the event parking. He thanked Mr. Durrett for last minute work to make parking available at his facility, and for volunteering his staff for performing the parking job.

Ms. Shamp – congratulated the Public Safety Committee on the installation of the safety island. She described her recent experience at S.O.B. as it related to the outside dining; how she was informed that customers were not using the outside dining because they did not like people walking past and looking at their food; and a discussion with the business management about how they were looking forward to their expansion towards Third Street. She noted to staff an article in The Naples Daily News – *Sandy Damaged Homes Marketed at Bargain Prices*.

Mr. Kakatsch – no report.

Mr. Durrett – noted his belief that February was a fabulous month for Fort Myers Beach with activities/events and for the safety features installed on Estero Boulevard on March 1<sup>st</sup>. He thanked the Department of Transportation for approving the site for the pedestrian refuge island.

Chair Zuba – noted the pedestrian refuge island installed on Estero Boulevard was significant and thanked the Public Safety Committee for their work. He recognized Mr. Butcher from the audience.

Bruce Butcher reported that the Public Safety Committee recommended the pedestrian refuge island on Estero Boulevard, the Town Council approved it, and the Lee County DOT funded and installed it.

Mr. Durrett – reported the Public Safety Committee was working to get the DOT to install more flashing light signs for crossings on Estero Boulevard.

Chair Zuba asked if Mr. Butcher knew the cost of the pedestrian refuge island.

Bruce Butcher reported it cost approximately \$25,000.

Discussion was held concerning the pedestrian refuge island on Estero Boulevard.

Mr. Durrett – reported that Mr. Butcher had come up with 10 exceptional ideas for Estero Boulevard for the Public Safety Committee to discuss at their meeting tomorrow.

Chair Zuba – thanked LPA Attorney Miller for a fine seminar on the Sunshine Law; and thanked Messrs. Steele and Kakatsch for attending the last Ad Hoc Committee meeting about housing and rehabilitation. He noted that they would follow-up with the County about some rehab issues.

Ms. Plummer requested an update on the Estero Boulevard Workshop held on February 28<sup>th</sup> which she was unable to attend.

LPA Attorney Miller reported that the plans were displayed, there was no presentation, but County staff was available to answer questions.

Mr. Durrett recounted his disappointed experience and opinion of the Workshop; noted that many people attended; and mentioned that the plans did not indicate any future sidewalks or crosswalks.

Mr. Kakatsch recalled his disappointed experience and opinion of the Workshop; and how the County was seeking input from the residents on such matters such as but not including roundabouts.

Ms. Shamp recalled her disappointed experience and opinion of the Workshop; and discussed the inadequate treatment of bicycle lanes along Estero Boulevard.

Discussion ensued regarding the Estero Boulevard Workshop.

## **VII. LPA ATTORNEY ITEMS**

LPA Attorney Miller – no items or report.

## **VIII. COMMUNITY DEVELOPMENT DIRECTOR ITEMS**

Community Development Director Fluegel reviewed his experience and opinion of the Estero Boulevard Workshop; and noted his frustration with the County requesting input from the Town regarding design work, yet placing in an interlocal agreement wording that the County would be completely responsible for the design work.

LPA Attorney Miller reported that the Town had requested language in the interlocal agreement that the Town would have the right to request enhancements (i.e. underground electric), but the County was not agreeable and wants to have full control.

Discussion ensued regarding the Town's right to request enhancements on Estero Boulevard; and the County's lack of funding for the CIP for Estero Boulevard improvements other than one mile.

Ms. Plummer recounted her experience as a pedestrian trying to navigate Estero Boulevard last weekend during the Shrimp Festival with children in a double-wide stroller and a person in a wheelchair.

LPA Attorney Miller explained how she monitored the BOCC agendas items as they related to the Town.

Community Development Director Fluegel reported staff held a workshop on outdoor displays with merchants last week as a result of a previous Code Enforcement comprehensive sweep generated by complaints about the displays. He explained that one of the things they heard from the merchants was that they wanted more outdoor display area; and after 'season' they agreed to have a working dialog

with a task force group of the retail vendors. He discussed what the current code allowed outdoors and recapped highlights from the workshop.

LPA Attorney Miller noted that it was suggested at the outdoor display workshop that 'one size did not fit all' and that some of the merchants suggested different regulations for different areas of the Town.

Ms. Shamp questioned how people who twirled signs on the sidewalks were handled in the code.

Community Development Director Fluegel explained at this point the sign twirlers were covered under 'free speech'.

Mr. Kakatsch asked if the Town was still power-washing the bridge.

Community Development Director Fluegel explained his belief that a portion of the bridge was done but then it had to be rescheduled possibly due to weather issues; and noted that the bridge was not going to be re-painted at this point.

## **IX. LPA ACTION ITEM LIST REVIEW**

Community Development Director Fluegel reported that the following three concepts were scheduled for an upcoming Council Work Session:

1. Short-term rentals – 4/1
2. Noise ordinance/outdoor entertainment – 4/15
3. Beach raking – 4/15

Chair Zuba questioned the status of the summer LPA agendas.

Zoning Coordinator Chapman asked if there was a month that the LPA would like to take off in the summer.

Discussion ensued regarding agenda items and the LPA meeting schedule.

Mr. Durrett suggested a workshop for the LPA to discuss things they would like to see happen in the Town.

Discussion was held concerning an LPA workshop and possible date/time to hold the workshop.

Zoning Coordinator Chapman noted there may not be any public hearings ready for the April meeting and she would forward an email to the LPA to inform them of the situation.

Discussion was held regarding using Code Enforcement to help clean-up neighborhoods; how after Hurricane Charley people cleaned their property; neighbors or community organizations helping

neighbors to clean-up properties; and legal issues when it comes to using government funds to clean-up problem properties.

Ms. Shamp questioned the Town Council's Agenda Management List for March 18<sup>th</sup> to discuss bridge alternatives.

LPA Attorney Miller responded that it was her understanding that the topic had to do with some type of mid-point bridge.

**X. ITEMS FOR NEXT MONTH'S AGENDA**

None.

**XI. PUBLIC COMMENT**

Public Comment opened.

Bruce Butcher, resident, reported he attended a prior LPA meeting when the matter concerning cleaning up neighborhoods, the FEMA 50% Rule issues, and potential incentives were discussed. He suggested instead of incentives to remove disincentives and reviewed his suggestions as it related to the following:

- FEMA 50% Rule as it pertained to appraised value and the value of the remodel process
- Permitting – time consuming problems and the high cost of permits, and 'permit confusion'

Public Comment closed.

**XII. ADJOURNMENT**

**MOTION:** Motion by Mr. Kakatsch, seconded by Mr. Durrett to adjourn.

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

Meeting adjourned at 11:00 a.m.

Adopted **4/9/13 WITHOUT** changes.

Motion by **Shamp**; Second by **Smith**

Vote: **6-0**

Signature 

End of document.

Town of Fort Myers Beach – Local Planning Agency

March 12, 2013

Page 14 of 14



## *Town of Fort Myers Beach*

# Memorandum

**To:** Historic Preservation Board  
**From:** Leslee Chapman, Zoning Coordinator  
**CC:** Walter Fluegel, Community Development Director  
**Date:** March 1, 2013  
**Re:** HDD2012-0001, The Big M roof sign

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Following the February 12th Historic Preservation Board meeting, the HPB voted 7-0 to grant the applicant a continuance to the March 12<sup>th</sup> meeting. This continuance was granted with the understanding that all packet materials and evidence be submitted to Staff by end of business on February 25<sup>th</sup>. Furthermore, the additional time would allow the applicant to provide the necessary evidence that the sign in question, 'The Big M' roof sign, qualifies for historic designation thus allowing for the HPB to make a recommendation to Town Council.

The applicant did supply Staff with additional materials by the February 25<sup>th</sup> deadline. The materials were submitted via email attachments with no direction as to what documents pertained to which case, the HDD2012-0001 case or the VAR2011-0007 case. Staff has assembled our best guess as to which documents go where, and this material is attached to this memo.

As a reminder, Staff must review all applications for designation as a historically significant sign by the following section of Chapter 30.

***Sec. 30-57. Designation of Historically Significant Signs.*** Any existing sign may be nominated for designation as historically significant as provided herein.

(a) Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.

(b) The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town's comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:

- (1) Whether the sign is associated with historic person(s), event(s), or location(s);
- (2) Whether the sign provides significant evidence of the history of the product, business or service represented;
- (3) Whether the sign is characteristic of a specific historic period;

- (4) *Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and*
- (5) *Whether the sign is a local landmark that is popularly recognized as a focal point in the community.*

*(c) The historic preservation board will, after hearing public comment, vote to recommend that the Town Council either approve or deny historically significant status to the nominated sign.*

*(d) Following the historic preservation board public hearing, the Town Council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the Town Council must find that the sign meets one or more of the criteria in § 30-57(b) and is consistent with the Town comprehensive plan historic preservation element.*

*(e) A sign that has been designated historically significant may remain as a legal non-conforming sign notwithstanding the provisions of §30-56 (non-conforming signs). If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.*

As you can see in the attachment, the applicant has provided a small aerial photograph (pg. 2) dated January 16, 1983; three personal letters (pg. 3-5); and several pages (pg. 6-15) on signatures from a petition page titled 'Save Our Sign.'

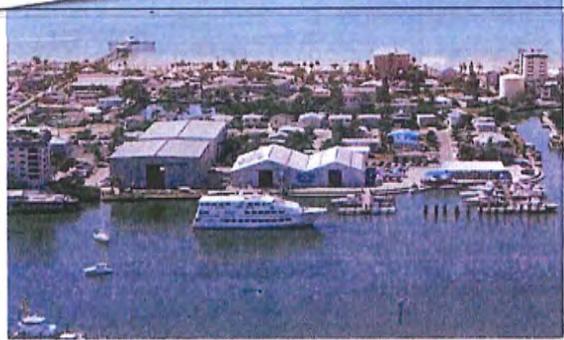
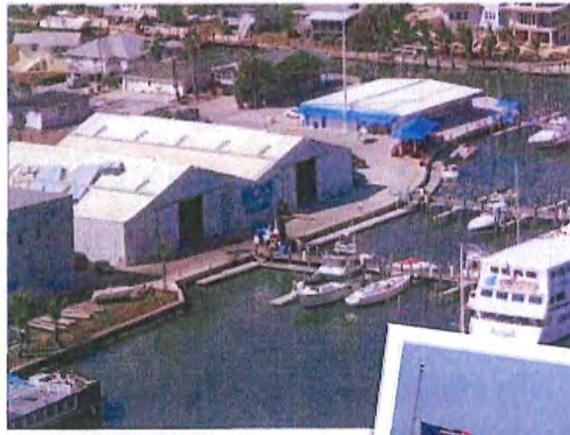
From this submitted information, Staff has surmised that the applicant is opting to utilize criteria #5 from Section 30-57 (b) which is: "whether the sign is a local landmark that is popularly recognized as a focal point in the community."

The burden of proof in establishing the justification for granting designation as a historically significant sign lies with the applicant. As such, Staff can only evaluate the application based upon the information provided by the applicant.

One photograph from 1983, three letters and a petition is not compelling enough evidence for Staff to recommend approval of the applicant's request for historic and landmark status; therefore Staff recommends that the LPA **DENY** HDD2012-0001 for the 'The Big M' roof sign to be designated as a historically significant sign.

# MOSS MARINE

the big M



450 Harbor Ct Fort Myers Beach Fl 33931

HDD2012-0001  
Applicant Resubmittal rec'd 2/25/13

# Fort Myers Beach



Fort Myers Beach, Florida



January 16, 1983

Photo Courtesy of  
<http://www.usgs.gov>

You can see the "BIG M" was existing  
when the property was purchased by  
George Freeland on January 31, 1983

1995 a referendum passed to incorporate Estero Island as a means to engage citizens of the island in the preservation of their own small town character.

We believe that the "big M" roof sign on the Moss Marine barn is not only historically significant to the area, but a well know landmark that adds to the small town character of Fort Myers Beach.

FROM THE DESK OF  
RICHARD KALLIAINEN

February 22, 2013

Re: The BIG M roof sign

To Whom it May Concern:

I am a local Shrimper from Fort Myers Beach. I have lived and worked here for over 50 years. The Big M roof sign has been there as long as I can remember. I have always seen it as a landmark and it will always remind me I am HOME, especially after spending weeks at sea and months in Texas.

Sincerely,

Richard Kalliainen

---

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2/13/13

To Mess Marine

subject - Big "M" Sign on  
Roof - 1969 -

I John Kakatsch Recall  
Using This sign as a  
hand mark when Flying  
in to Ft. Myers - Told us  
we are here "Ft. Myer"  
line up to Page Field!

This was important to  
us!

Thank you  
J Kakatsch

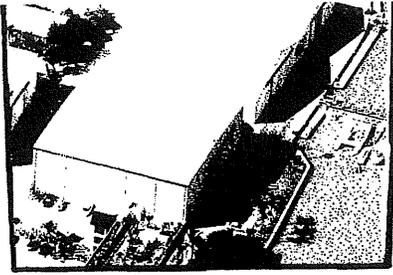
2-16-13

To Whom It May Concern:

I was born and raised in Ft. Myers, FL. As far back as I can remember, the Big M sign on the roof of Moss Marine was a sign that we had arrived at Ft. Myers Beach. Back in the 80's going to the beach every weekend was a way of life for me and all my friends. We would cheer as we came over the bridge and saw the Big M sign because we knew our "long" car ride from San Carlos Park was finally over and we could get down to the business of swimming, building sand castles, walking the pier, flying kites, ice cream at the DQ, etc. Even as a teenager in the 90's, you knew if you got to the Big M sign and didn't have your make-up done, it was time to pull over and do it, because the strip for cruising FMB was about a minute away. As an adult, seeing that sign as I come to the beach brings such nostalgia for so many amazing childhood memories because it's always been there, signaling your arrival to Ft. Myers Beach. Removing the Big M sign would be like taking away a piece of history for me and Ft. Myers Beach. Even now as I bring my own children to the beach, they know to look for the Big M sign as we are coming over the bridge because they know we have arrived to Ft. Myers Beach.

*Jami Carlson*

Jami Carlson, RN  
Southport, North Carolina

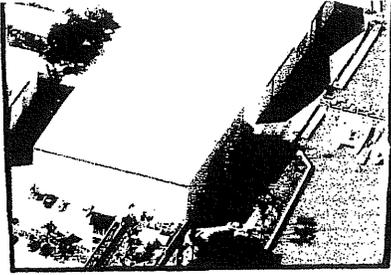


# SMA

## SAVE OUR SIGN!

Please sign our petition to let the Town of Fort Myers Beach know that you recognize the "BIG M" on the roof of our barn as a Fort Myers Beach Historical Landmark. THANK YOU for your continued support!

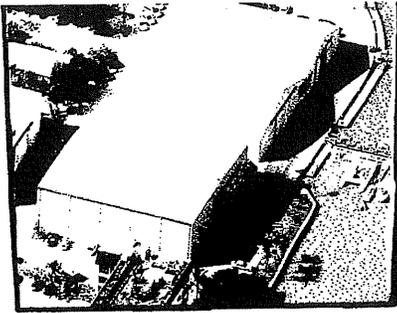
SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
<i>[Signature]</i>	25 years
Nicole St John	35 years
Josh St John (Wife: St John)	15 years
Emma	16 years
Aren Gonzalez	14 years
Jim Markberger	14 years
<i>[Signature]</i>	41 yrs
<i>[Signature]</i>	22 yrs
Rachel Rodriguez	17 years
Justin Rodriguez	29 years
Michelle Rodriguez	31 yrs.
Nicky Smith	29 years
<i>[Signature]</i>	37 yrs
John McDaniel	38 years
Jodi McDaniel	40 years
Renee Debus	37 yrs
Jeff Debus	52 yrs
<i>[Signature]</i>	48 years
James Finch	37 yrs
Laura Kallman	34 years
Karen Potts	15 years
Kristie Toland	37 years
Michael Vance	7 yrs
Tiffany Vance	31
Cathy Berkley	23 years
Andrew	27 yrs
Charles Powell	38 yrs
Jill Cross	36 years



**SAVE OUR SIGN!**

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
Angel Fritzo	15 yrs.
Bill [unclear]	25 yrs
Kim Garrett	30 yrs.
James Hassell	20 years
Michael [unclear]	35 years
Tom Passberry	8 yrs.
Robert S Schitzman	25 years
Tammy Sratzman	28 yrs
Frank Bogacz	34 yrs.
Jim Bogacz	22 yrs.
Cindy [unclear]	28 yrs
Robert [unclear]	48 years
Paul [unclear]	63
Colleen Kallan	48 years
James [unclear]	37 years
Paul [unclear]	55 years
John [unclear]	30 years
John [unclear]	27 yrs
Cheryl [unclear]	18 yrs
John [unclear]	53 years
Walter McDonald	57 years
Janet [unclear]	17 years
Paul [unclear]	11 years
Katherine [unclear]	11 years
Joe Widner	55 years
Becky George	43 yrs
Mark [unclear]	41 years
Stephanie [unclear]	17 years

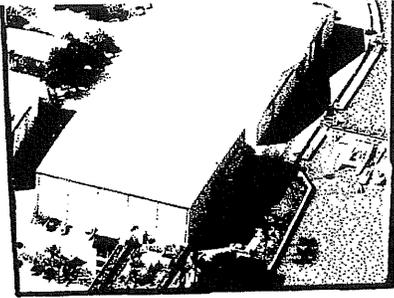


# SOS

## SAVE OUR SIGN!

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
<i>[Handwritten Signature]</i>	26 years
<i>[Handwritten Signature]</i>	37 yrs
<i>[Handwritten Signature]</i>	16 yrs
<i>[Handwritten Signature]</i>	27 yrs
Capt. Kaleb Pambunga EZ charters	25 yrs
<i>[Handwritten Signature]</i>	17 yrs
Robert Spurr	8 yrs
<i>[Handwritten Signature]</i>	53 years
<i>[Handwritten Signature]</i>	27 yrs
<i>[Handwritten Signature]</i>	38 yrs
<i>[Handwritten Signature]</i>	54 yrs
<i>[Handwritten Signature]</i>	38 yrs
<i>[Handwritten Signature]</i>	5 years
<i>[Handwritten Signature]</i>	14 yrs
<b>S.V. Beann</b>	<b>years</b>
<i>[Handwritten Signature]</i>	66 years
<i>[Handwritten Signature]</i>	12 yrs
<i>[Handwritten Signature]</i>	12 yrs
<i>[Handwritten Signature]</i>	30 yrs
<i>[Handwritten Signature]</i>	17 yrs
<i>[Handwritten Signature]</i>	17 yrs
<i>[Handwritten Signature]</i>	25 years
<i>[Handwritten Signature]</i> KEIM, DAN	43 yrs
<i>[Handwritten Signature]</i>	27 yrs
<i>[Handwritten Signature]</i>	28 yrs
<i>[Handwritten Signature]</i>	12 yrs
<i>[Handwritten Signature]</i>	15 yrs
<i>[Handwritten Signature]</i>	10 yrs



# SIGNS

## SAVE OUR SIGN!

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
Ryan Blundell	5
Randy Crowl	17 YRS
Wesley McFarland	2
Bob Platt	15 YRS
Alan Dault	20 YRS
John Lamborn	26 YRS
Catherine Fenn	6 mo
Paul Ferraro	6 MO.
Kelly Wozz	8 YRS
[Signature]	20 YRS.
[Signature]	27 YRS
Dave [Signature]	10 YRS
Paul [Signature]	5 YRS
[Signature]	1/2 YRS
[Signature]	1,
[Signature]	10 YRS
[Signature]	1-2 years
[Signature]	10 YRS
[Signature]	9 years
[Signature]	30 years
[Signature]	3 YEARS
[Signature]	7 years
[Signature]	25 yrs
[Signature]	9 YRS
[Signature]	28 YRS
[Signature]	4 YRS
[Signature]	19 YRS



# SOS

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
	1 year
Joyce Childress	3 years
Phil Childress	3 yrs
Paul Stalgerant	40 years
Donna Mulvaney	3 yrs.
Kenney [unclear]	3 years
Kelly Mulvaney	3 yrs
Scotty Walker	4 yrs
Rita Kumpf	3 yrs
<del>John [unclear]</del>	5 yrs
Ann Lake	26 yrs
Stephanie Wendus	6 yrs
Robert [unclear]	1 yr
Robert [unclear]	1 yr
Judy A. [unclear]	25 yr
<del>Robert [unclear]</del>	10 yrs
Debra [unclear]	25 yrs
A. Kaul	8 yrs
Chuck [unclear]	25 yrs
Off [unclear]	5 yrs
Mary Eiler	7 yrs
Frank Davis	10 yrs
John [unclear]	25 yrs
McRory	2 yr.
MK [unclear]	3 yrs
Carrie [unclear]	1 yr
Ken [unclear]	1 yr
Debra [unclear]	9 yrs

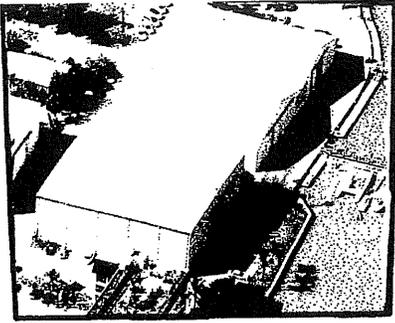


# SOS

## SAVE OUR SIGN!

Please sign our petition to let the Town of Fort Myers Beach know that you recognize the "BIG M" on the roof of our barn as a Fort Myers Beach Historical Landmark. THANK YOU for your continued support!

SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
Raymond F. Little	4 yrs.
Phil Boyd	5 yrs
Chris [unclear]	4 yrs
Debra P. [unclear]	10 yrs
Debra Hill	3 yrs
Darlene Herbert	5 yrs
Ray S. [unclear]	2 yrs
Nancy Culloni	8 yrs
Maria Garnett	15 yrs
Lernando Garnett	15 yrs
Josmie Columbus	20 yrs
Bob [unclear]	8 yrs
Mary [unclear]	8 yrs
John Herbert	5 yrs
Cliff [unclear]	20 yrs
George [unclear]	5 yrs.
Constance Stringer	5 yrs
Pat [unclear]	50
Tom Makowski	8 yrs.
Laura Kendall	10 yrs
Paul D. [unclear]	10 yrs
Robert [unclear]	5 yrs
Greg [unclear]	4 yrs
John [unclear]	2 yrs
John [unclear]	2 yrs
John [unclear]	3 yrs
John [unclear]	3 yrs
Lisa Hamilton	2 yrs 1st yr.



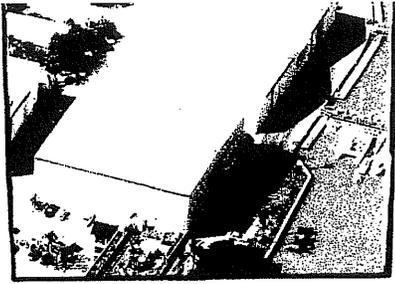
# SOS

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
<i>[Signature]</i>	18 yrs
<i>[Signature]</i>	15 yrs
<i>[Signature]</i>	5 yrs
<i>[Signature]</i>	2 yrs
<i>[Signature]</i>	30 yrs
<i>[Signature]</i>	28 yrs
<i>[Signature]</i>	20 yrs
<i>[Signature]</i>	20 yrs
<i>[Signature]</i>	3 YEARS
<i>[Signature]</i>	3 years
<i>[Signature]</i>	8 yrs
<i>[Signature]</i>	1 1/2 yrs
<i>[Signature]</i>	3 yrs
<i>[Signature]</i>	9 yrs
<i>[Signature]</i>	<del>20 yrs</del> 20 yrs
<i>[Signature]</i>	10 yrs
<i>[Signature]</i>	6 yrs
<i>[Signature]</i>	20 yrs
<i>[Signature]</i>	5 yrs
<i>[Signature]</i>	10 yrs
<i>[Signature]</i>	26 years
<i>[Signature]</i>	11 years
<i>[Signature]</i>	50 years
<i>[Signature]</i>	15 years
<i>[Signature]</i>	4 yrs.
<i>[Signature]</i>	2 years



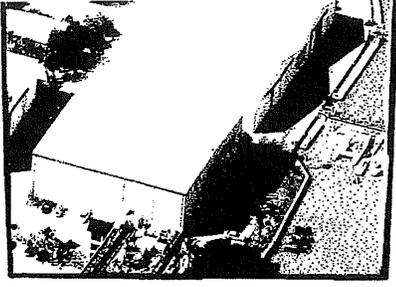


# BIG M

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
Chad Miller Estate #1	37 years
James Wilmer	53 years
Daniel Rose	7 years
Jim Blum	47 years
Susan Rice	47 yrs
Shirley Williams	42 yrs
Doris Kelly	9 yrs
Michelle Buel	58
Jimmy Green	41 years
Gerald Butthead	40 years
Gerie Schatzman	58 years
[Signature]	22 yrs
Irene Taylor	39 yrs
Danielle Hampton	8 years
Janelle Walker	30 years
[Signature]	27 yrs
Linda Kibick	43 years
[Signature]	62 yrs
Helen Burke	36 years
[Signature]	47 yrs
[Signature]	[Blank]

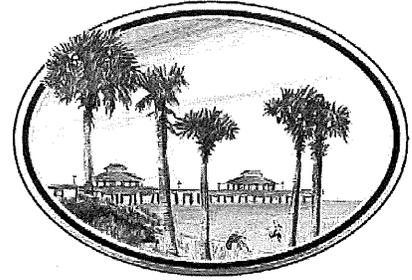


# SOS

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SIGNATURE (Feel free to add contact information if you would like to comment or write a testimonial about our Big M roof sign)	How long have you lived in or been visiting the Fort Myers Area?
Daniel L. ...	9 Years
Herald C. Weiss	7 YRS
Charles ...	7 YRS
Tom ...	6 Years
...	...
...	...
...	...
...	...
...	...
Daniel Malby	35 Years
...	...
...	35 years



# *Town of Fort Myers Beach*

## **Memorandum**

**To:** Local Planning Agency  
**From:** Leslee Chapman, Zoning Coordinator  
**CC:** Walter Fluegel, Community Development Director  
**Date:** February 1, 2013  
**Re:** HDD2012-0001, The Big M roof sign

---

As requested by Staff at the October meeting, LPA voted to continue case HDD2012-0001, 'The Big M' roof sign, to the February 12 meeting.

This continuance was suggested by Staff and approved by LPA with the understanding that the additional time would allow the applicant to conduct further research into the historical significance of the sign and to provide additional historical evidence to strengthen the justification for the request.

Staff must review all applications for designation as a historically significant sign by the following section of Chapter 30.

***Sec. 30-57. Designation of Historically Significant Signs.*** Any existing sign may be nominated for designation as historically significant as provided herein.

(a) *Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.*

(b) *The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town's comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:*

- (1) Whether the sign is associated with historic person(s), event(s), or location(s);*
- (2) Whether the sign provides significant evidence of the history of the product, business or service represented;*
- (3) Whether the sign is characteristic of a specific historic period;*
- (4) Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and*
- (5) Whether the sign is a local landmark that is popularly recognized as a focal point in the community.*

*(c) The historic preservation board will, after hearing public comment, vote to recommend that the Town Council either approve or deny historically significant status to the nominated sign.*

*(d) Following the historic preservation board public hearing, the Town Council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the Town Council must find that the sign meets one or more of the criteria in § 30-57(b) and is consistent with the Town comprehensive plan historic preservation element.*

*(e) A sign that has been designated historically significant may remain as a legal non-conforming sign notwithstanding the provisions of §30-56 (non-conforming signs). If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.*

Following the October LPA meeting Staff did not hear from the applicant until Ms. McDaniel replied to a December email from Staff, where she indicated that she would be in touch. No further communication was received from the applicant until a second Staff email was sent, this time in late January, reminding Ms. McDaniel of the February hearing date. There was a back and forth email discussion as to what needed to be provided for case HDD2012-0001 (and VAR2011-0007) however, at the time of these emails the submittal deadline for packet materials had expired.

The burden of proof in establishing the justification for granting designation as a historically significant sign lies with the applicant. As such, Staff can only evaluate the application based upon the information provided by the applicant. The applicant's request is probably best considered under the provision of 30-57(b)(5) and possibly (b)(2) if there is enough evidence to support it. Specifically, Staff is looking for more confirmation as to the historic nature of the roof sign, particularly if there is photographic evidence of the sign dating back to the late 1960s. However, with no additional information provided for Staff review, Staff recommends that the LPA **DENY** HDD2012-0001 for the 'The Big M' roof sign to be designated as a historically significant sign.

# Town of Fort Myers Beach



## Memorandum

**To:** Local Planning Agency  
**From:** Leslee Chapman, Zoning Coordinator  
**CC:** Walter Fluegel, Community Development Director  
**Date:** October 3, 2012  
**Re:** HDD2012-0001, The Big M roof sign

---

As directed by the LPA at the August 14<sup>th</sup> hearing, the applicant for the Moss Marine sign variance (VAR2011-0007) applied for designation for a Historically Significant Sign per LDC Section 30-57 for the roof sign on one of their storage barns. That request and justification will be heard under case number HDD2012-0001.

However, upon review of the request (see attached), Staff has determined that there is not sufficient information provided for Staff to evaluate the historic merits of the roof sign. Staff must review the request based on the provisions found here:

**Sec. 30-57. Designation of Historically Significant Signs.** *Any existing sign may be nominated for designation as historically significant as provided herein.*

(a) *Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.*

(b) *The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town's comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:*

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- (2) *Whether the sign provides significant evidence of the history of the product, business or service represented;*
- (3) *Whether the sign is characteristic of a specific historic period;*
- (4) *Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and*
- (5) *Whether the sign is a local landmark that is popularly recognized as a focal point in the community.*

(c) *The historic preservation board will, after hearing public comment, vote to recommend that the Town Council either approve or deny historically significant status to the nominated sign.*

*(d) Following the historic preservation board public hearing, the Town Council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the Town Council must find that the sign meets one or more of the criteria in § 30-57(b) and is consistent with the Town comprehensive plan historic preservation element.*

*(e) A sign that has been designated historically significant may remain as a legal non-conforming sign notwithstanding the provisions of §30-56 (non-conforming signs). If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.*

The applicant's request is probably best considered under the provision of 30-57(b)(5) and possibly (b)(2) if there is enough evidence to support it. Specifically, Staff is looking for more confirmation as to the historic nature of the roof sign, particularly if there is photographic evidence of the sign dating back to the late 1960s.

Staff is requesting that LPA continue the application request to allow the applicant time to conduct further research on the historic nature of the roof sign. Staff recommends at continuance to the December 11, 2012 LPA meeting with materials due to Staff by November 13, 2012.



Town of Fort Myers Beach  
2523 Estero Blvd  
Fort Myers Beach Fl

Re : Moss Marine "Big M" Roof Sign Designation of Historically Significant sign  
Strap # 24-46-23-W3-00027.0000

450 Harbor Ct.  
Fort Myers Beach Fl, 33931

450 Harbor Ct  
Fort Myers Beach Fl  
T 239-765-6677  
F 239-765-6612  
[www.mossmarine.com](http://www.mossmarine.com)

To Whom it May Concern,

Please accept this letter as our formal request to have the roof sign on our a/b barn deemed historical significant to the Town of Fort Myers Beach. We believe that the roof sign qualifies for this historic designation under the provisions found in Chapter 30, Section 30-57(b)2 of the Town's Land Development Code.

Attached is an informational history of the property, which should help determine if we qualify for such determination.

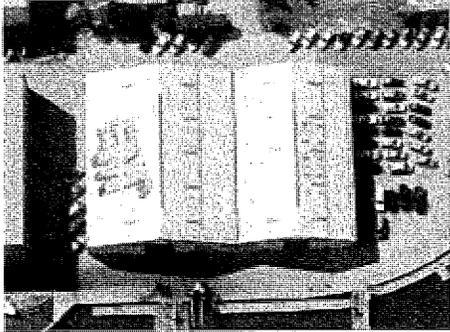
Sincerely yours,

Emily McDaniel

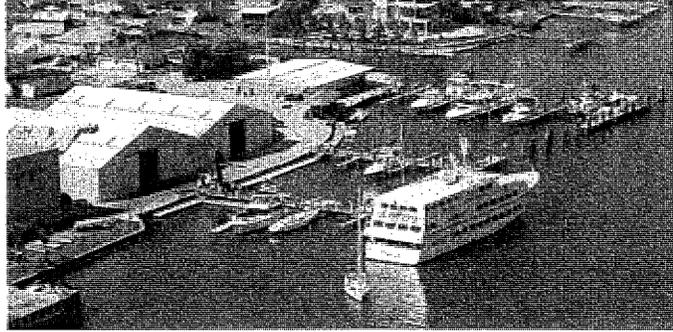
Emily McDaniel

For George Freeland and Moss Marine

## Moss Marine aka “The Big M”



Direct overhead view



View from the Mantanzas pass bridge

The Original “Moss Marina” was started by the Moss Family in 1969. The original Moss Marina owners, John P & Betty B Moss, husband & wife, purchased the original property on December 22, 1966 from Arrow Structures, Inc., followed by the purchase of an additional adjoining parcel in January 11, 1967. They filed a notice of commencement to construct a storage marina, a sales office and docks on March 25, 1968 and so became “MOSS MARINA”. The Moss Family had the original “Big M” painted on the roof of the storage barns shortly after construction because it is what the locals nick named the marina based on the “big M” shape of the storage barns. It has remained the nick name of Moss Marine ever since and the “Big M” on the roof has been repainted a time or two, but remains the original format the Moss Family put place in the late 60’s

The property has changed hands a few times since its origin; the sale from the Moss Family to Texar Enterprises on November 3, 1977, the sale from Texar Enterprises to Carl G Dubois on December 28, 1978, the sale from Carl Dubois to current owner George Freeland on January 31st 1983. All the while, keeping the original Moss Marina name, the “big M” nickname & Company Logo.

There are not many people who grew up here, or have even visited here in the last 40+ years that don’t recognize the “big M” on the roof of our barns when you head onto the beautiful Fort Myers Beach.

So you can see why we consider the roof top sign to be quite iconic to the Fort Myers Beach area and a landmark to those who live here and have been coming to Fort Myers Beach since the late 60’s.

Thank you for considering our application for historic preservation.