

MINUTES
FORT MYERS BEACH
Local Planning Agency

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Tuesday, April 13, 2010

I. CALL TO ORDER

Meeting was called to order at 9:08AM by Chairperson Joanne Shamp. Other members present:

Carleton Ryffel
Charles Moorefield
Rochelle Kay
John Kakatsch- excused absence
Bill Van Duzer-excused absence

Staff present: Dr. Frank Shockey
LPA Attorney, Anne Dalton

II. PLEDGE OF ALLEGIANCE and INVOCATION

Rochelle Kay

III. MINUTES

A. Minutes of March 23, 2010

Motion: Ms. Kay moved to accept the minutes, as recorded.

Seconded by Mr. Ryffel;

Vote: Motion passed 4-0

IV. ADMINISTRATIVE AGENDA

A. Discussion of LDC Chapter 34, Article IV, Division 26 (Parking Regulations), preparation for future hearing on amendments

Ms. Shamp advised the new members that this has been up for discussion for some time. She asked Dr. Shockey for an introduction and he brought forth the main points for discussion, mainly that a couple of options had been drafted for LPA consideration, and otherwise generally making the language consistent. He referred to page 2, the parking plan, and explained the differences between parking for 1 and 2 family homes and parking in parking lots. On page 3, options for parking lot layout and walkways for pedestrians there. On page 4, options involve disabled parking

spaces in an unpaved lot and he read some examples from the draft, as well as the options he referred to on page 5. He also pointed out that the resolution of the seasonal parking lots is as they had discussed before wherein the LPA agreed that having a one-time, 3 year permit for a “seasonal parking lot” be removed and replaced by a clearer provision that would allow the seasonal lot to operate each year for up to 8 months, with additional landscaping standards that would kick in after a period of 5 years.

Mr. Ryffel began the discussion with a question for Dr. Shockey about the 5 yr. time frame. He also asked about the right, lower column on page 6, B5, wherein it refers to a “live-work unit.” Dr. Shockey explained that it is a zoning category for a living unit that its occupant uses for certain limited business purposes in a residential area. The changes to the parking regulations that are being discussed would not alter this category.

Ms. Kay asked if buffering is not required until the 5 yr. timeframe. Dr. Shockey said that the language does not absolutely require this until the 5 yrs. have passed. Ms. Kay felt that 5 years is a long time. Ms. Dalton added that there is a reference on page 10 which stipulates that “the director may require visual screening...” before that timeframe. She said that page 11 discusses the 5 year period and suggested that the LPA adjust this, if desired. Ms. Kay said that she would like to see this happen no later than the 3 years because 5 years seems more permanent.

Mr. Moorefield asked about ADA requirements for surfaces on unpaved parking. Dr. Shockey explained that it basically is up to the individual operator to comply with the requirements to accommodate the disabled until they do construction that would count as “alterations” and require compliance. Ms. Dalton added that the operator might allow an extra space to allow wheelchairs access even if they did not do more. She also said that she has researched this and could find no place in Florida that has similar requirements for unsurfaced parking areas. Mr. Moorefield opined that this is over-restrictive and therefore counterproductive to getting business to the beach.

Ms. Shamp asked if there are any implications in their choice of the options on page 2, regarding the 1 and 2 family dwelling units, to future desire to control pervious/impervious surfaces, storm water management, etc. Dr. Shockey said that the building permit process is flexible enough to require the necessary site plans to review this and doesn’t feel that the parking plan is directly related to those issues. Ms. Shamp asked about page 3 options 1 and 2, to which Ms. Dalton answered that her preference would be Option #2, considering the safety issue. She also asked about item B on page 5, “Peak parking demands of the different uses must occur at different times” for joint use of parking spaces, and what it meant. Dr. Shockey explained this and how it is determined by traffic analysis and studies to look at the times and patterns for the parking, determining whether these could be used by several businesses whose patrons would use the spaces at different times. Ms. Shamp also did not like the 5 year timeframe and would prefer the 3 year time.

Ms. Shamp recognized that the members did not have too much input for change and suggested that there be further discussion about the 3 different options and the 5 year timeframe. Starting with page 2, there was discussion about including Option #1, “all uses” for the working plan or Option #2, “all uses except single family and 2 family dwelling units.” There was a consensus for Option #2.

On page 3, the group discussed walkway Option #1, “walkways must be provided which accommodate safety pedestrian movement” and Option #2 which adds “from vehicles to building entrances and other walking destinations...” Option 1 had 1 vote; Option 2, 3 votes. Mr. Moorefield asked if there was some other way to make an aisle rather than parking curbs and feels that Option #1 is too vague but #2 is too restrictive; there was discussion about these options.

Mr. Ryffel wondered why the aisles wouldn’t be sufficient for walking since having to add a separate walkway would take away more space. He agrees that Option #2 is too strict and feels that staff should have more discretion on getting people from one place to another. Ms. Dalton suggested that this topic be discussed further when more of the members can be present as it seems to need more consideration; Mr. Ryffel and Ms. Shamp agreed.

Dr. Shockey stated that the ADA does require that the access way for disabled from the parking space to the premises may not require the person to walk or wheel behind parked vehicles.

The next item was page 4 with 2 options regarding disabled spaces in unpaved lots. Option #1 includes outlining spaces in blue; Option #2 addresses signs and parking by permit only, and the possibility of an Option #3, which would basically stipulate that “spaces must comply with all applicable accessibility requirements of law...” No show of hands for Option #1. There was short discussion about the differences. Ms. Dalton’s choice would be #2 and Dr. Shockey advised that #3 would eliminate having to rewrite the code if the requirements of state law changed in the future. Option #2 had 3 members in favor and Option # had 1 in favor.

Another area for discussion is the 5 year vs. the 3 year limit and discussion took place about the time periods and what is required to dress up the sites. There was general consensus among the members present that the 3 year requirement is preferred, but this will be discussed further at the hearing.

The chair noted a member of the public was present and asked if he had any comment. The gentleman stated he would reserve comment until the hearing.

V. ADJOURN AS LPA/RECONVENE AS HPB

**Motion: Mr. Ryffel moved to adjourn as LPA and reconvene as the HPB.
Seconded by Ms. Kay;**

Vote: Motion passed 4-0.

Ms. Kay called the meeting to order at 10:00 AM. She said that the presentation of the next plaque will be at the beach school on either the 22nd or 26th of April, at lunch hour.

Ms. Kay advised that she talked with Theresa regarding the vistas on San Carlos Blvd. and there is no word yet as to the grant. Theresa will attend the HAC meeting on April 20th to discuss the grant process and funding for the signs.

Dr. Shockey advised that it is budget time now and any items the committee would like to see added should be forwarded to him for consideration. The order "wish list" has 17 plaques on it for recognition, at a cost of about \$70.00 each, plus something for the brochure, for a total of about \$1500.00 minimum. Dr. Shockey suggested that the vistas can be requested as a capital improvement in the budget process, and that may allow funds to come from a different source than the general fund.

Motion: Ms. Shamp moved to adjourn as the HPB and reconvene as the LPA.

Seconded by Mr. Ryffel.

Vote: Motion passed 5-0.

VI. ADJOURN AS HPB/RECONVENE AS LPA

Ms. Shamp called the meeting to order at 10:10 AM with same members still present.

VII. LPA MEMBER ITEMS AND REPORTS

Mr. Ryffel had nothing to report.

Mr. Moorefield had nothing to report.

Ms. Kay had nothing to report.

Ms. Shamp had nothing to report.

VIII. LPA ATTORNEY ITEMS

Ms. Dalton expressed good wishes to Mr. Van Duzer on behalf of all present and was pleased to say that his operation was a success. Ms. Shamp echoed these feelings and added that he is sorely missed by the group and all of them look forward to his returning very soon to stir things up on the beach once again. The LPA especially looks forward to hearing his famous words "I probably shouldn't say this, but..." as a sign that he is well again.

IX. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Dr. Shockey also agreed with these sentiments for Mr. Van Duzer and wished him a speedy return.

X. LPA ACTION ITEM LIST REVIEW

- Small scale amendment-hearing April 19 at 6:30 PM; Ms. Kay
- Gulf View- vacation hearing-TBD
- LPA Membership-Ms. Shamp; 2nd hearing on April 5th
- COP expansion on the beach-work session on April 14 at 11:00 AM and then joint meeting on May 5th at 9:00 AM to discuss. There was discussion about items on the agenda for the work session; Ms. Shamp will put this together. Mr. Ryffel asked for copies of the notes from prior discussion about this and open containers on the beach as he had some problems with some of the language proposed for this. It will be added to the discussions.
- Refuse containers-Dr. Shockey reported that this is going to the first hearing on April 19th; Ms. Kay
- Resolution 2010-0001 (Hooters)-May 3 at 9:00 AM

Continued Hearings

- Shipwreck – October 12

Future Work Activities

- ROW-Residential Connections; TBD
- Storm water; TBD
- Seasonal Parking-moves to a hearing on May 11; Dr. Shockey
- HPB budget request to Council; May 11-Ms. Kay
- Resolution for HPB Budget-next meeting

XI. PUBLIC COMMENT

Mr. Lee Melsick addressed the meeting. He commended the LPA for endorsing the refuse container code amendments and hopes that they can convey that to the council on Monday. He said that the Civic Association feels this is a very important amendment.

Mr. Melsick also announced that the Civic Association and the Yucatan Restaurant are joining in a so-sponsorship to raise money for the fireworks.
Public comment closed.

Next meeting dates are May 5, which is a joint workshop with council, at 9:00 AM. The following will be on May 11 at 9:00 AM; Mr. Moorefield requested an excused absence for May 11. The next meeting is June 8, 2010. Mr. Ryffel will be temporary vice chair in Mr. Van Duzer's absence.

Motion: Mr. Moorefield moved to appoint Mr. Ryffel as temporary Vice Chair until the return of Mr. Van Duzer.

Seconded by Ms. Kay;

Vote: Motion passed 4-0.

Ms. Dalton advised that Council is considering adding a new LPA member and there is currently 1 applicant, Mr. Kosinski.

XII. ADJOURNMENT

Motion: Mr. Ryffel moved to adjourn.

Seconded by Mr. Moorefield;

Vote: Motion passed 4-0.

Meeting adjourned at 10:35 AM.

Next meeting May 11, 2010 at 9:00 AM.

Adopted May 11, 2010 with/without changes. Motion by Ryffel / Kosinski
(DATE)

Vote: 5-0 in favor
• End of document
Van Duzer / Moorefield
absent
(excused)

Joanne Shamp
Joanne Shamp Chair