



Fort Myers Beach Local Planning Agency

Diamond Head Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes

Wednesday, January 18,
2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Bowen, LPA Member Eckmann, LPA Member Sudduth (via phone), LPA Member Plummer, LPA Member Safford and LPA Member Vanasse.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. December 21, 2022 minutes

LPA Member Plummer moved to approve the minutes; second by LPA Member **Eckmann**.

Motion carried unanimously.

V. PUBLIC COMMENT

Doug Young, resident, discussed a handout he distributed regarding side setbacks. He included language that could alleviate the side setbacks. He commented on the proposal concerning mechanical equipment extending four feet into the setback if it was elevated.

Carolyn Caney from Woodland Custom Homes agreed with relaxing the setback rules. She felt that corner lots should have a 25-foot setback and a 15-foot setback, regardless of the size of the lot. She commented that relaxing the AC setbacks should apply to lots 75 feet or larger.

Sue Patten, resident, referred to page 388 of the agenda packet regarding civic and open space. She stated that Bay Beach Lane wanted to develop their property as a bird reserve and was concerned that the town could build a school

on the portion of the map that was crossed off.

Dewitt Willis, resident, noted that he was rebuilding and asked who he should contact to determine what he could do with his lot before spending a lot of money. ? Mayer, resident, stated that he lost his house and referred to a document he had distributed. He was told that he may or may not get a variance to rebuild. He provided pictures and a survey that showed how his previous house fit on his lot. He requested that the LPA adjust the code to accommodate building homes on smaller lots.

Dan Dodrill, contractor, commented on the current ordinance that required a 10-foot setback on Matanzas Street and Matanzas Court. He noted he submitted a permit application but was denied because of the 10-foot setback. He requested that it go back to the 7.5-foot setback.

Ken Pariser, resident, described his house before the hurricane. He indicated his lot was approximately 40 x 50 and asked the LPA to be flexible so residents could rebuild.

Randy Crow, resident, was left with a pool and seawall after the hurricane. He spoke on behalf of other Matanzas Court residents and asked that the LPA return to the 7.5-foot side setbacks so they could all rebuild.

James Zink, resident, stated that three of his lots were 45 feet deep. He proposed that homeowners with documentation or a survey of their previous home be allowed to build back in the same footprint.

Dave Leigh, resident, brought up side setbacks. He intended to elevate his home and in order to meet FEMA guidelines, he would have to move all mechanical and electrical equipment from the ground to above BFE (Base Flood Elevation). Stairs and landings would have to be added to access the first level. He requested that the town change the side setbacks back to 7.5 feet for lots equal to or less than 75 feet wide. He questioned whether the town would allow stairs and landings to extend into the setback for secondary egress on upper levels. He questioned his zone change from AE13 to AE11.

VI. PUBLIC HEARINGS

A. Carousel RPD Use Table and Maximum Height for a rooftop deck **20220100 6249 Estero Blvd- Amendment to Ord 18-11, Carousel Residential Planned Development (RPD) change to the Use Table and Maximum Height**

Town Attorney Herin, Jr. swore in those providing testimony for all quasi-judicial hearings. Ex parte communications: LPA Member Vanasse recused himself from discussion and voting and there were no disclosed ex parte communications.

Ken Gallander represented Carousel Beach Redevelopment LLC. He distributed his presentation, which included a request to allow for an accessory use on the rooftop. Slides included Subject Property, Aerial View, Schedule of Uses, Adding a Rooftop Deck, Actual Intent of the Rooftop Deck Amenity, Key Factors, Elevation of the Building Under Construction, Representation of the Renderings, No Commercial Grade Amplified Sound

and Request to Add the Rooftop Deck as an Accessory Use. He stated they agreed with the conditions in the staff report. Regarding Commercial Grade Amplified Sound, Mr. Gallander clarified that the intention was to provide a quiet ambiance for guests and owners.

Community Development Planner Jason Green reviewed the request as noted on the yellow sheet and noted that staff recommended approval with conditions.

LPA Member Plummer suggested adding a condition stating that it should not be enclosed. Mr. Gallander replied that it was not an enclosed area and was uninhabitable.

No public comment.

LPA Member Plummer moved to approve the accessory use of the decking on the rooftop for outdoor living amenities and approve the 10-foot additional canopy space with the conditions in the packet plus another that there would be no enclosed structures on the top of the roof and it was compatible with the request; second by LPA Member Bowen.

Motion carried unanimously by roll call vote.

B. Pink Shell CPD Amendment DCI 20220032 to allow Live-Aboard Vessels use

Pink Shell CPD Amendment DCI 20220032-Amendment to the Pink Shell CPD to include Live-Aboard Vessels use

No ex parte communications were disclosed.

Bill Waichulis, Senior VP of Operations for the Pink Shell Resort and Marina, requested that liveaboards be allowed in their marina as permitted by the DEP (Department of Environmental Protection) per their submerged land lease. He noted the resort had a conflict because the town did not define liveaboards, but the DEP defined liveaboards as someone staying over five nights.

LPA Member Plummer questioned whether the Pink Shell provided restrooms, laundry, parking and trash removal. Mr. Waichulis replied that they met all the DEP requirements and were rebuilding the showers. He indicated that there were 41 slips in the marina and guests usually stayed on their vessels. Mr. Waichulis clarified that liveaboards were not allowed to stay longer than six months per the DEP.

Community Development Planner Sarah Propst reviewed the request as stated on the yellow sheet. Staff recommended that the applicant clean up the existing CPDs to clarify which properties are included, the number of allowed units and the number of allowed uses. Staff recommended approval with conditions. Mr. Waichulis confirmed they had an updated land lease agreement through June 27, 2027.

No public comment.

LPA Member Vanasse supported the application and noted that liveaboards were considered transient lodging units. LPA Member Plummer felt that the boats should be required to move in the event of a hurricane. Mr. Waichulis commented that they already required boats to leave the marina.

LPA Member Vanasse moved to recommend approval of the petition with the condition that the marina had to move the vessels before hurricanes and the staff-recommended conditions; second by LPA Member Plummer.

Motion carried unanimously by roll call vote.

C. VAR20220018 an 11 foot street setback reduction for a pool

VAR20220018, 8180 Lagoon Road - Variance for an 11 foot reduction of a pool street setback

No ex parte communications were disclosed.

Chris DeCosta represented the applicant and submitted a presentation. He stated the request was for a variance for a pool without a cage. He described the property's location, provided pictures of the site before the hurricane and noted it was a corner lot with two 25-foot side setbacks. In his presentation, he discussed 34-638 in the code regarding details of minimum setback dimensions in the packet materials concerning accessory use structures. He acknowledged that the pool was a design choice, but the situation was dictated mainly by the unique configuration of the property. He submitted letters from the neighbors.

He reviewed the criteria for appeal of a setback variance and concluded that pursuant to 34-87, the petitioners met the requirements for a setback variance for their proposed pool. LPA Member Plummer questioned whether the pool extended beyond the footprint of the building. Mr. DeCosta replied negatively.

Planning and Zoning Department Senior Planner Jason Smalley noted that even though the structure did not extend past the building, it did not meet the minimum setback of 25 feet. He pointed out that in 2014, the pool was developed at a 26-foot setback and noted there was no record of why the house ended up with an 11-foot setback. He stated that there was room along Tarpon to install the pool without going into street setbacks.

LPA Member Vanasse interpreted the code differently than staff regarding the table with setbacks applying to accessory structures. He noted that several other sections dealt with accessory uses and did not think the table was intended for accessory uses because they were dealt with elsewhere. Planner Smalley explained how staff interpreted the code and noted that it had been applied consistently during his tenure.

LPA Member Sudduth questioned whether the pool was treated differently because it was a corner lot. Planner Smalley replied that they referred to the intent in the code to not have accessory structures extending further than the house.

Public comment:

Jim Steele, neighbor across the street, noted the applicant had a fence around his property and the pool was not as wide as the house. He questioned why he could not make the pool as wide as the house. He supported the applicant.

Bill Pohlman, next-door neighbor, felt the addition of the pool would be great for the neighborhood. He did not find the pool intrusive.

Public comment closed.

Planner Smalley suggested that a hedge requirement be added if the LPA decided to approve the request.

LPA Members Plummer and Vanasse supported the request. LPA Member Vanasse based his support on the clear language in the code. LPA Member Eckmann supported the variance, because the neighbors supported the request and the house was 11 feet from the road.

Town Attorney Herin, Jr. reminded everyone that the basis for approving or denying an application was whether or not the applicant met the criteria in the code. The neighbors' opinions had nothing to do with the applicant meeting the criteria.

LPA Member Plummer moved to approve the 11-foot street setback reduction for the pool at 8180 Lagoon Rd. and found it did meet the findings and conclusions and to include a condition to add a standard vegetation hedge; second by LPA Member Sudduth.

Motion carried unanimously by roll call vote.

D. SEZ20220095 for a permanent shared parking lot and VAR20220094

variance from landscape, design and location requirements

SEZ20220095, VAR20220094 237 Old San Carlos - Special Exception for a permanent shared parking lot and variances from LDC requirement for landscaping, design and location

The recording started with Attorney Sarah Spector from Roetzel & Andress reviewing the variance requests. She described slides from her presentation regarding what the parking lot would look like. She stated they were asking for a special exception to extend the shared parking lot highlighted in yellow on the slide. The following slide summarized several variances in operating the parking lot safely. She described removing one entrance and exiting onto 3rd Street, the location of handicapped spaces, the provision of the code relative to the downtown district and future land use designation. She pointed out that the LDC (Land Development Code) identified three locations for a parking garage on Old San Carlos and none had been developed. She described slides concerning two prior conditions and noted they were not proposing redevelopment. Attorney Spector provided slides clarifying staff comments surrounding the variances. The following slide contained pictures of the opaque buffer between the parking lot and adjacent rights of way and additional slides displayed visuals concerning additional variances. She noted they withdrew the variance request regarding tiered parking and described the proposed reduced visibility. She reviewed slides with staff comments, maps and the staff's denial of the request. She requested that the LPA recommend approval.

LPA Member Eckmann questioned why they needed more parking spaces. Applicant John Richard distributed a handout and responded that there was a shortage of parking. LPA Member Vanasse brought up variances associated with buffering and landscape islands; he felt they could afford to lose a few parking spaces to provide those items. Kara Stewart explained that the buffer on Old San Carlos would assist with visibility and locations were identified for

internal landscaping. She suggested that hedges could be added. Mr. Richard stated that trees would be added and he wanted the parking lot to be beautiful with a view of the lagoon. Ms. Stewart described the design to address drainage towards the rear of the property and explained the dimensions of the parking spaces.

LPA Member Safford disclosed ex parte communications with Mr. Richard and Ms. Stewart and Chair Cereceda spoke with Mr. Richard. No other members disclosed ex parte communications.

Ms. Stewart explained the special exception conflict with the previous approval and noted the prior approval was for a permanent shared parking lot. She disagreed that it was redevelopment because they were expanding the existing special exception.

Planner Sarah Propst noted the staff report was longer than usual. The report was included in the packet of information. She reviewed the variance requests in detail, described graphics within the report and discussed the conditions. She concluded that the staff recommended that the LPA recommend denial.

LPA Member Safford questioned whether Planner Propst agreed it was not a redevelopment. Planner Propst replied that the code did not define redevelopment and the issue was that they were redeveloping part of the parking lot to be a permanent shared parking lot. She noted that it was redeveloping the site differently. Town Attorney Herin, Jr. explained that it was an existing use that did not meet all the code requirements. If they expand that use, the entire site had to be up to code, thus the request for variances. They did not get to the variances unless they granted the special exception.

Planner Propst addressed tiered parking and defined crosswalks. She added that lighting would eventually be required.

No public comment.

Ms. Stewart could not find any tiered parking on the beach and Planner Propst noted the code did not contain compact parking spaces. Chair Cereceda removed the fifth variance for tiered parking per the applicant and the LPA believed it did not apply.

LPA Member Plummer moved to approve the special exception portion of the request based on the information in the staff report, the testimony presented before the LPA and finds that the applicant has met the standards outlined in the comprehensive plan and LDRs for the requested special exception as reflected in the staff report; second by LPA Member Bowen.

Motion carried unanimously by roll call vote.

Planner Propst stated the code required a 10% landscaping area internal to the parking lot. LPA Member Vanasse commented that he could support the request if the applicant looked at the amount of landscape required and provided something aesthetic, such as clustering the landscape. He noted it might help if the applicant tabled the request and came back with an

enhancement plan to justify the variance. Town Attorney Herin, Jr. indicated that the LPA could potentially deny the variance request as submitted, but they would grant a variance to the locational requirement for the 10% landscape in the internal area in a way that was most efficient and aesthetically pleasing.

LPA Member Plummer felt that it was a pedestrian-friendly area and as long as there was a buffer, she was not opposed to reducing the internal landscape. LPA Member Safford questioned whether they wanted to add landscape that would block the view. LPA Member Eckmann could not support a reduction in the percentage of landscaping because the lot needed trees. Town Attorney Herin, Jr. suggested that the LPA ask the applicant to provide a visual so they could see what the changes would look like. Chair Cereceda questioned whether the LPA objected to the proposed perimeter landscaping. Four LPA Members expressed concern about the perimeter buffer and LPA Member Plummer supported adding palm trees to take up less space.

There was no concern regarding variances three and four. LPA Member Vanasse supported adding compact parking spaces to variance five. Planner Propst described the visibility triangle for safe ingress and egress concerning variance six. LPA Member Vanasse described ways to mitigate the reduced triangle visibility.

Chair Cereceda questioned whether the LPA wanted to table the hearing for further clarification on landscaping. LPA Member Vanasse suggested that the LPA could recommend that the Town Council address their concerns. Town Attorney Herin, Jr. stated that the LPA had to vote on each item and make a recommendation. He recommended that the LPA recommend denial, but if the applicant were to provide the information, the recommendation could be in support of the request. Chair Cereceda did not think that numbers one and two met the landscaping requirement, but they could.

LPA Member Vanasse moved to recommend approval of variance number three; second by LPA Member Safford.

Motion carried unanimously by roll call vote.

LPA Member Vanasse moved to recommend approval of variance number seven with the condition that landscaping and potential fencing hardscapes within the visibility triangle be limited to no more than three and a half feet tall, the cabbage palm be removed and pedestrian signs be added; second by LPA Member Safford.

Motion carried unanimously by roll call vote.

LPA Member Vanasse moved to recommend approval for the variance to not provide interconnectivity to the adjacent lot because of the current development; second by LPA Member Plummer.

Motion carried unanimously by roll call vote.

LPA Member Vanasse did not support the parking lot dimensions because he felt there were design solutions and LPA Members agreed.

LPA Member Vanasse moved to recommend denial of variance six with the caveat that they could support part of the request, especially with compact parking with a good faith effort to redesign the parking lot; second by LPA Member Eckmann.

Motion carried unanimously by roll call vote.

Regarding variances one and two, LPA Member Eckmann could not support a reduction in landscaping for the parking lot. He felt that shade was needed with islands of trees. LPA Member Plummer supported adding palm trees and providing a smaller area for landscape, so parking spaces did not have to be reduced. LPA Member Bowen felt that more landscaping was needed than what was shown. LPA Member Safford agreed and would like more palm trees with a visual presentation. Chair Cereceda felt all landscaping was essential, although she thought a double-stacked 15-foot perimeter buffer seemed excessive. She would deny variances one and two with the commentary made and move it to Town Council. LPA Member Plummer suggested that it should be stated that the LPA would consider a reduced buffer for both variances. LPA Member Vanasse wanted to see a planting plan.

LPA Member Eckmann moved to deny variance requests one and two and that before the variance requests could be approved, the LPA needed to see a planting plan and landscaping internal to the parking lot with a reduction in the buffer but not a reduction to the 10%; second by LPA Member Plummer.

LPA Member Plummer discussed the 10% concerning the view triangle that would push it to the back and would block the water view. LPA Member Safford agreed with not blocking the view and questioned why they would deny the perimeter plan if they all agreed with what was presented. Chair Cereceda replied that it was not an actual plan and did not meet the criteria for a variance request. LPA Member Vanasse wanted to see internal landscaping and it did not have to be 10%, but it was about form and aesthetics. The planting plan should show what the code requires and the applicant should explain the reason for their proposal if it varies from the code.

Motion carried unanimously by roll call vote.

E. VAR20220098 Side Setback Variance

VAR20220098 3780 Estero Blvd- Variance for the reduction of side setbacks by 1.5 feet.

Chair Cereceda read the variance request. No ex parte communications were disclosed.

Certified Planner Fred Drovdic represented Matthew and Kristi Davis. He

distributed his presentation and reviewed the variance request. Slides included the Location; Property Overview; Site Plans; Design; FDEP Setback Letter; and Criteria for Variance B. He felt they met the criteria and noted they agreed with the staff's analysis of the other four.

He understood the justification for the denial of B but noted the applicant moved forward with detailed construction plans per an approved letter and met the setbacks before the LPA adopted changes to the setback. The applicant requested relief from the burden of the code change. He reviewed the remainder of the criteria in the staff report and recommended approval of the variance of 1.5 on each side to 10 feet. He added that, to his knowledge, he had not received opposition.

Planner Smalley pointed out that a neighbor did express opposition to the request yesterday. He did not dispute anything in Mr. Drovdic's presentation. Staff recommended disapproval because the applicants were in the pre-build phase and could make changes. LPA Member Plummer questioned whether the applicant was in the process when the setbacks were changed. Planner Smalley responded affirmatively but noted they were not too far into the process to prevent them from making changes. LPA Member Plummer felt the variance should be considered because they were in the pipeline.

No public comment.

LPA Member Vanasse moved to recommend approval of the variance request and that the LPA found it to be consistent with the variance criteria found in the LDC; **second by ?**

Motion carried unanimously by roll call vote.

F. Text Amendment to LDC Sec 34-638 Minimum Setbacks, Table 34-3, and Sec 34-2 Definitions

Text Amendment to LDC Sec. 34-638 Minimum Setbacks, Table 34-3, and Sec 34-2 Definitions Setback and Corner Lot Regulations

Planner Propst reviewed the corner lots and setbacks presentation. She noted that for corner lots 50 feet or less wide, there would be a 10-foot side street setback; lots greater than 50 feet wide up to 60 feet wide would have a 15-foot side street setback; lots greater than 60 feet up to 75 feet wide would have a 20-foot wide side street setback and lots greater than 75 feet would have a 25-foot side street setback. The front street setback was 25 feet and the rear yard setback was 20 or 25 feet depending on whether it was on the water. Planner Propst stated that the measurement was from the front property line and the side street property line was from that property line adjacent to the right of the way to the edge of the house. She commented on measuring a trapezoid-shaped lot and noted it was defined in the code. Planner Propst reviewed porches, stoops and additional setbacks. She indicated that concerning side street setbacks, the porch or stoop could encroach up to half of the distance, not more than 10. If there was a decreased setback of 10 feet, they could encroach with a porch 5 feet of that. Lots that take access from smaller side streets would have to show how

vehicles will be kept on the site and not encroach into the right of way. Additional setbacks for houses with more than 65 feet of frontage were decreased. Lots more than 85 feet wide would be the regular 12-foot step-out. More than 50 feet up to 85 feet would be half of that. Less than or equal to 50 feet would be 3 feet.

Planner Propst noted that there would be a return to the 7.5-foot setback and the 10-foot setback. The proposed language would eliminate the requirement for the 15% side setback and the side setback would return to the previous side setback distance of 7.5 feet and 10 feet for lots greater than 75 feet or wider. LPA Member Sudduth commented on setbacks for larger lots and LPA Member Vanasse discussed the massing of houses on larger lots.

The LPA unanimously recommended that the footnote be removed from the dimension table regarding Matanzas Street and Matanzas Court.

Planner Propst reviewed mechanical equipment encroachment and questioned whether elevating resolved the issue. LPA Member Vanasse brought up distinguishing between side setbacks and side street setbacks. Planner Green noted that the request was originally for generators. LPA Member Eckmann commented that elevating the equipment would hinder emergency access and the noise would travel further. Chair Cereceda did not like mechanical equipment encroaching into the setbacks. LPA Member Plummer felt that existing homes had to have somewhere to put the equipment. Planner Propst stated that the code allowed equipment to be replaced in the same location, but whole-house generators were required to be above flood elevation. She questioned whether they wanted to limit the requirement for emergency equipment.

Public comment:

Fred Drovdlc brought up corner lots on Estero Blvd. and a public beach access. He distributed a memo regarding amendments to LDC Section 34-638(d) and specifically 6, which were corner lot street setbacks. He referred to criteria on the back page which outlined new sections and described adding a 5th section detailed in the handout distributed to the LPA.

Glen Harris clarified that the intent for generators was to get them above flood for existing homes but not to include mechanical equipment. He noted the goal was to raise service panels above flood with a four-foot platform and to provide access. He explained why he supported a 20% side setback instead of 30%. He commented on massing houses.

Michael Perez from Coastal Life discussed setbacks and elevated houses, ingress and egress, cantilevers, platforms for mechanical equipment, generators and utility requirements, FEMA guidelines and insurance. He felt that cantilevers were the best option.

Alexis Cressbow represented Tony and Lynn Demillo and discussed their lot on the corner of the Aberdeen beach access and Estero Blvd. She noted that the owners asked that a side yard setback be treated as the norm for the beach accesses.

Public comment closed.

LPA Member Vanasse noted that some homes still existed on beach accesses and questioned the idea of changing setbacks for new homes. Planner Green indicated that protecting the view corridors was part of the comprehensive plan.

Planner Propst questioned whether generators and panels could be located on lanais. Mr. **Perez** replied that generators had exhaust concerns and had location requirements. Meters could be relocated but it would cost more. Planner Green mentioned the difference between retrofitting existing homes and new regulations.

LPA Member Vanasse supported changing corner lot side street setbacks for lots 60 feet to 75 feet to a 15-foot side street setback. Lots over 75 feet would be changed to a 20-foot side street setback. LPA Members agreed with the change.

Planner Green stated that existing mechanical equipment could be elevated, and new construction had to be built compliant with setbacks. New equipment on existing homes was the issue if there was no room for a generator. LPA Member Safford supported allowing generators to encroach on existing properties, and LPA Members agreed.

LPA Member Plummer moved to approve the corner lots as charted, except lots 60 to 75 feet will be reduced to a 15-foot side street setback and lots over 75 feet to a 20-foot side street setback; the porches were accepted as charted; the return to the 7.5 feet was correct and properties wider than 75 feet would be 10 feet; Matanzas Court and Matanzas Street will go to 7.5 feet instead of 10 feet and mechanical equipment encroachments on existing homes may encroach 3 feet and no encroachment for new homes; second by LPA Member Sudduth.

Motion carried unanimously.

G. Proposed amendments to Sec. 34-3273 Residential Uses on Nonconforming Lots and Sec. 34-3274 Minimum Use Determinations

Text amendment to Sec. 34-3273 Residential Uses on Nonconforming Lots and Sec. 34-3274 Minimum Use Determinations

Planner Propst noted that she would refer to very small lots containing small beach cottages as cottage lots. Exhibit A amended the cottage lots that did not meet the provisions in the code. Section 34-3273 was changed to only require the receipt of an affirmative minimum use determination. Section 34-3274 was amended to allow access to the right-of-way with an improved access easement. Requiring an improved access easement would ensure a reasonable width for a drivable surface to access the property for emergency services. The lots will require variances because they will not meet the required setbacks, potential building coverage or impervious surface coverage. Planner Propst stated that Exhibit B contained an amendment to Section 34-268 regarding administrative setback variances for discussion. The language for administrative variances was very limiting and she indicated that they wanted the options to be very narrow so the staff was not put in a questionable position to make decisions that the Council should decide. She

added that the limit of 1,000 square feet and a single story would allow rebuilding the small beach cottage homes without a full-blown variance. LPA Member Vanasse suggested allowing people to build back with the same footprint pre-disaster but not allowing more than a five-foot setback. Chair Cereceda summarized that staff could administratively grant the same footprint and any expansion would require a variance. LPA Members supported allowing up to 1,000 square feet and anything over that would require pre-disaster proof.

Public comment:

A gentleman confirmed that he could rebuild his pre-disaster home, which was 1,350 square feet, without going through the variance process.

Public comment closed.

LPA Member Plummer moved to accept the recommended text amendments to Sec. 34-3273 on residential uses on nonconforming lots and Sec. 34-3274 minimum use determinations plus the code modifications proposed for Sec. 34-268 administrative setback variances with the changes discussed; second by LPA Member Vanasse.

Motion carried unanimously.

H. Comprehensive Plan Future Land Use Element and Draft Future Land Use

Map

11: 00 a.m. or later start - Discussion about Comprehensive Plan Future Land Use Element and Draft Future Land Use Map

Eddie Ng from The Corradino Group provided a draft Future Land Use Element (FLUE) and a Future Land Use Map (FLUM). He discussed the limitations of the island and what could change; new districts, workforce housing and creating a walkable community for all ages. He brought up mixed-use districts and preserving the character of the town.

Recommendations included moving towards a more form-based code rather than a unit-to-unit or a ratio and what could be regulated by a floor area intensity and looking at the minimum sizes of units. He noted it would allow the market to adapt without changing the comprehensive plan. He stated they would have to be careful about how and where to build regarding height and intensity to preserve the view. Mr. Ng discussed a map of the wetland conservation area and Estero Blvd., removing the overlay and changing mixed residential to medium residential and low-density residential for neighborhoods. He brought up the location of civic structures and recommended that recreation be included in the civic space.

Some slides included images of other barrier islands and the Times Square district. He described the image that limited the height on the beach and moved the intensity closer to the bridge, a gradient from the core, mixed-use districts and increased density for hotels, motels and Airbnbs (Air Bed and Breakfast). He expanded on short-term vacation rentals intruding into residential neighborhoods, affordable housing projects and the gradient and trajectory of density on Estero Blvd. LPA Member Safford felt the image should be reversed. Mr. Ng brought up accommodating existing buildings

and noted he could go back to make the civic center lower and push the area back.

Planner Green discussed mixed-use and marinas. Mr. Ng stated that they could explore alternatives for viable approaches incorporating mixed uses while preserving the marina function.

LPA Member Safford questioned the impact of no residential in Times Square and what happened to homeowners who still had a house standing pre-disaster and if the house was destroyed, could they rebuild. He mentioned concerns regarding buffering for people who still had a house in the area. Mr. Ng replied that standing houses would be grandfathered, but he did not envision residential homes in the long term and noted that insurance would be very high for a single-family residence. Planner Green indicated that the challenge was conflicting uses and questioned whether it was going to be commercial or whether they were going to include residential and require extra buffers. Mr. Ng discussed a core to support basic services mid-island. The Civic Center in Coconut Village RV Park was discussed. Topics included public benefits, identifying priorities for the town, what the town wanted to require and incentivize area by area, and acquiring or maintaining and improving beach accesses.

Mr. Ng mentioned windows and tinting. The Publix Commercial Park was the next topic. Planner Green brought up density site by site. LPA Member Eckmann commented that he saw a reduction of residential and an increase in commercial areas with increased densities, which would not help the traffic situation. He noted that before the hurricane, a few offices and some buildings were empty. He felt the island was a destination and questioned how the Sabal Dr. and Bayview Ave. neighborhood would become commercialized with the number of homes in that area. LPA Member Vanasse did not see the character changing in that area due to the number of individual owners. LPA Member Eckmann noted that a lot of the property on the bay side of Estero Blvd. was demolished, creating an opportunity for a commercial strip. Planner Green remarked that the area was an example of potential horizontal mixed-use.

Planner Green read edits in the marina category and noted that the idea was to identify the primary use and to allow for some other mixture of uses.

LPA Member Plummer felt it would be helpful to determine what kind of businesses they lost and whether they were needed. She questioned how many homes were lost and whether they were homesteads or vacation homes. She felt it was important to identify what those homes represented and whether homesteaders would return. Mr. Ng responded that he would try to track down the data and stated that before the hurricane, the future land use projection indicated the town was about 2/3 homesteaded.

The neighborhood center was reviewed. LPA Member Vanasse described the area and commented that the neighborhood would not support any other activity than the non-profit Women's Center. He felt that it made sense to shift the boundaries to where the commercial activity used to be, which included the car wash, Century 21, the Hideaway and the Lahania. He

suggested removing the Women's Center and Mosquito Control and putting them in a civic category. Planner Green brought up non-profit-based service areas based on discussions with developers.

Mr. Ng moved on to Theater and Arts. He wanted the area to remain medium and low density.

Mr. Ng suggested that the Santini Village district be subdivided the same as in the north and whether to add towers was discussed. Chair Cereceda suggested a joint meeting with Town Council before moving forward.

Planner Green requested that the LPA read the language in the goals, objectives and policies, including the strikethroughs.

LPA Member Vanasse brought up public input opportunities, and planner Green noted that many people were no longer on the island. LPA Member Vanasse indicated that parking comprehensively needed to be discussed and Planner Green responded that he would forward the parking analysis done several years ago.

Public comment:

Terry Persaud, owner of the old Sunset Beach Grill, felt that rebuilding Times Square should be the first priority and without Times Square, it would be difficult to encourage people to visit. He believed they needed to keep the area mixed-use and address parking, density and height. He indicated that businesses should be involved in discussions surrounding rebuilding. Public comment closed.

LPA Member Safford questioned inviting the public to a workshop similar to what TPI did. Chair Cereceda agreed it was a great idea at some point.

I. LDC Text Amendment for Temporary Use for travel trailers, mobile homes, and recreational vehicles for housing post disaster

LDC Text Amendment to permit travel trailers, mobile homes, and Recreational Vehicles as a Temporary Use for housing post disaster.

Town Attorney Herin, Jr. apologized for not distributing the material but noted it was a short document taken from several municipalities in the Keys. The proposed ordinance would allow the types of uses stated in the text amendment in any zoning district. Those types of uses would be allowed to relocate and put in a temporary location until permanent facilities could be built, including residential properties and individual homeowners. Institutional zoning was included because one particular site was large enough to accommodate multiple trailers. He continued to read the proposed amendment and noted the town was already doing what was in the text. The initial term would be 18 months, but there were provisions for administrative relief. Chair Cereceda questioned whether it was strictly for residential. Town Attorney Herin, Jr. replied affirmatively but noted it could be expanded. No public comment.

LPA Member Plummer moved to direct the Town Attorney to forward this language to the Town Council with a recommendation of approval; second by LPA Member Safford.

Motion carried unanimously.

VII. ADMINISTRATIVE AGENDA**A. Discussion - Public Hearing Process Simplification****Options to reduce time requirements in the public hearing process.**

Tabled to next meeting.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer suggested that residents contact Director Steve Poposki regarding a requirement to obtain double appraisals to prove that the assessed letters were low. She stated that it was not a town requirement. She brought up a Jeopardy question and noted that no one knew the answer was Hurricane Ian. LPA Member Vanasse questioned when the next meeting was and what was on the agenda.

Chair Cereceda agreed that they needed a discussion about Times Square to take impossible items off the table for discussion.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items. The next meeting was February 14, 2023.

XI. ITEMS FOR NEXT MONTHS AGENDA

CB Zoning, the hearing process and possibly two applications.

XII. ADJOURNMENT

LPA Member Safford moved to adjourn; second by LPA Member Plummer. Motion carried unanimously.

The meeting was adjourned at 4:57 p.m.

Minutes adopted as presented, February 14, 2023. Motion by LPA Member Safford and seconded by LPA Member Bowen. Passed 7-0.



Amy Baker, Town Clerk