



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, October 13, 2020

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Present: Chair Heil, Forrest Critser, Dan Hughes (arrived late), Jane Plummer (arrived late), Scott Safford, Karen Swanbeck and Patrick Vanasse.

II. INVOCATION

Chair Heil.

III. PLEDGE OF ALLEGIANCE

V. APPROVAL OF MINUTES

A. Draft Minutes for September 10, 2020

LPA Member Critser moved to approve the minutes; second by LPA Member Safford.

Motion approved; 5-0 with LPA Members Hughes and Plummer not in attendance.

New member Patrick Vanasse introduced himself.

IV. REORGANIZATION OF LPA MEMBERS

(Member Dan Hughes and Member Jane Plummer arrived late at approximately 9:05 a.m.)

A. Selection of Chair

LPA Member Hughes nominated Chair Heil as Chair; second by LPA Member Plummer.

Motion approved; 7-0.

B. Selection of Vice Chair

Chair Heil moved to nominate LPA Member Plummer as Vice Chair; second by LPA Member Safford.

Motion approved; 7-0.

VI. PUBLIC HEARINGS

A. Approve/ Approve with condition/ Deny VAR20200038

Approve/ Approve with condition/ Deny VAR20200038 at parcels 167/177 Hercules Dr. and 4050 Bayside Rd to allow a relief from LDC Sec.34-1744 for location and height of a wall within front yard and waterbody setback. WITHDRAWN BY APPLICANT

Withdrawn by the applicant. Community Development Services Director Jason Green explained that applicant would have to re-apply if they wished to bring the item back.

B. VAR20200052: Accessory Structure Setback Variance

Approve/ Approve with condition/ Deny VAR20200052 at a Parcel 4690/4700 Estero Boulevard to Allow a Relief From LDC Sec.34-1174 for Accessory Structures to be Located Closer to the Street ROW than a Principal Structure.

Town Attorney Herin swore in those providing testimony. No ex parte communications were disclosed. Town Attorney Herin stated that the hearing had been properly advertised.

Fred Drovdlc, a planner from Waldrop Engineering, represented the applicant. He utilized PowerPoint for his presentation. He stated the house was built in 1940 and the owner intended to add a pool, a tiki hut structure, a deck and landscaping. He displayed a current picture of the property and indicated a restroom would be added. He noted that the draft of the site was preliminary. Mr. Drovdlc agreed with five of the six conditions. He requested flexibility regarding Condition 6.

Planning Services Planner Kalyani Bhutada reviewed the background of the request. She displayed a survey of the parcel, the proposed site plan and an elevation drawing. She noted that staff recommended approval with conditions.

LPA Member Safford clarified the location of the restroom.

Community Development Services Director Jason Green explained the intent of Condition 6 concerning massing. He noted the tiki structure would be side-by-side to the pool.

LPA Member Plummer spoke, but the microphone did not pick up most of her conversation. She questioned the requirement that the structure must be 60 feet from the street. Director Green replied that it was a de minimus component.

LPA Member Hughes clarified that the pool would be raised with fencing installed around it.

Owner Claudia Metcalfe stated that the pool would have a sliding cover for safety. She added that she would plant more landscaping.

LPA Member Hughes clarified that parking would be in the front. Director Green noted that the perimeter would be landscaped.

LPA Member Vanasse expressed concern regarding the height.

Ms. Metcalfe revealed that her neighbors wrote letters in support of their request.

No public comment.

Chair Heil moved to recommend approval of VAR20200052 with Conditions 1-6 on Page 72 and it met the criteria for a variance with findings and conclusions; second by LPA Member Plummer.

LPA Member Plummer felt that a 60-foot setback was excessive and she did not object to the tiki hut's location. Chair Heil replied that it was a two-story structure and went beyond a tiki hut. LPA Members Safford and Vanasse supported removing Condition 6.

Chair Heil amended her motion to recommend approval with Conditions 1-5 and LPA Member Plummer amended her second. The motion was approved; 7-0.

C. VAR20200036: Setback variance

Approve/ Approve with condition/ Deny VAR20200036 at a Parcel 5043 Williams Drive to Allow a Relief from LDC Table 34-3 for a Principal Structure Setback and from Sec. 34-1174 for an Accessory Structure Setback.

Town Attorney Herin swore in those providing testimony. There were no ex parte communications.

James Reichlin, applicant, reviewed the history of the property.

Planner Bhutada utilized slides for her presentation. She displayed the slide of the house's existing proposed condition and she noted that staff recommended approval of the request. She indicated that she was not sure whether the pool had been permitted during renovations in 2000. She noted that she would have to review the property appraisal.

Mr. Reichlin stated that he wanted to replace the stairs and enclose the entranceway. Director Green noted that the footprint was the same.

No public comment.

LPA Member Vanasse moved to recommend approval of VAR20200036, it met the conditions of approval and the conditions set forth by the Town; second by LPA Member Critser.

The motion was approved; 7-0.

VII. ADMINISTRATIVE AGENDA

See IX.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer questioned dredging on the north end. Director Green replied that he would verify that it was a beach renourishment project. LPA Member Plummer questioned the red lights at Times Square. Town Attorney Herin replied that the change was probably due to the turtles.

LPA Member Hughes brought up new items starting on the back page of the prior item in their packet. Director Green replied that it was a software issue, but he would pass on the request. LPA Member Hughes suggested eliminating pages of names and addresses for the public hearings. Director Green replied that the names and addresses were included in the application.

LPA Member Swanbeck questioned the status of parking at Key Estero. Town Attorney Herin replied that the case was with the Special Magistrate.

LPA Member Critser noted that he was not required to answer any questions or comment at the last Town Council Meeting.

Chair Heil stated that she would attend the November 2, 2020, Town Council meeting. She questioned whether the side setback and height ordinance would see a second reading with Town Council. Director Green replied that it would be incorporated under other LDC items. Town Attorney Herin discussed simplifying language in the short-term rental ordinance, and he noted they would contact the Attorney General's office for guidance.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Herin, Jr. stated that an LPA Member was required to be the Chair of the Historic Preservation Board (HPB) and a member of the Historic Preservation Advisory Committee (HPAC). LPA Member Safford described past activities of the HPAC, including updating the Historic Recognition Program. He questioned whether HPAC members were active since they had not met for months. Chair Heil questioned whether the LPA member had to be the Chair of the HPAC. Director Green did not think that was the case. LPA Member Critser volunteered to be the Chair of the HPB. LPA Member Safford stated he would attend the first HPAC meeting. Director Green noted that he would investigate changing the date of the HPAC meetings.

Town Attorney Herin reviewed the rules regarding the HPB and the HPAC. He noted the HPB created the HPAC with restrictions and the HPB could amend the resolution. The topic was added to the next agenda.

A. Sunshine Law, Ethics, Public Records

Sunshine Law, Ethics, Public Records, and Voting Conflicts

Town Attorney Herin introduced himself to new LPA Member Vanasse. He reminded LPA Members that they were required to take the mandatory ethics course online. He provided a refresher course on the four topics. He encouraged members to call him with questions.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green questioned whether they would move their December meeting due to the heavy schedule at the beginning of the month. Consensus was reached to move the meeting to December 15, 2020.

XI. ITEMS FOR NEXT MONTHS AGENDA

HPB review.

XII. PUBLIC COMMENT

No public comment.

XIII. ADJOURNMENT

LPA Member Safford moved to adjourn the meeting; second by LPA Member Plummer.

The meeting was adjourned at 11:47 AM.

Minutes adopted, December 1, 2020; Motion by LPA Member Hughes and seconded by LPA Member Critser. Adopted 6-0, with LPA Member Swanbeck excused.

A handwritten signature in blue ink, appearing to read "Amy Baker".

Amy Baker, Town Clerk