



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

Town Hall – Council Chambers  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33931  
**Tuesday, January 13, 2015**

**I. CALL TO ORDER**

Meeting was called to order at 9:05 a.m. by Chair Zuba. Other members present: Chuck Bodenhafer, Al Durrett, John Kakatsch, Jane Plummer, James Steele, and Hank Zuba.

Excused: Joanne Shamp

LPA Attorney: Derek Rooney

Staff Present: Matt Noble, Belinda Smith, and Megan Will.

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION - Chair Zuba**

**IV. MINUTES - November 14, 2014**

Change the sentence on Page 6 to read: Chair Zuba commented that objections on lack of information with regard to restrooms, parking, and parking count were not materially relevant.

**MOTION:** Mr. Bodenhafer moved to approve the minutes as amended; second by Mr. Kakatsch.

**VOTE:** Motion approved; 6-0 (Ms. Shamp excused).

**V. PUBLIC HEARING**

**A. VAR2013-0003 - Moss Marine Inc.**

Town Attorney Rooney swore in those providing testimony. Chair Zuba requested ex parte communication. Mr. Bodenhafer - none; Mr. Durrett - site visit; Ms. Plummer - none; Mr.

Kakatsch - site visit; Mr. Steele - site visit and a conversation with Mr. Ireland; Chair Zuba - site visit.

Mr. Noble requested a variance from the sign ordinance. He stated the limitation for business signs was 32 square feet; however the sign in question was a project identification sign for boaters to locate the marina. Mr. Noble noted that the request did meet the variance requirements, which were included in the staff report. Mr. Steele reported a measurement error in the paperwork. He revealed the sign was 325 square feet, not 254 square feet.

Sam Ireland presented a slide show with pictures of the Moss Marine sign. Mr. Ireland indicated that the wood sign was deteriorating and, if the variance was approved, it would be replaced with an aluminum sign. Discussion was held concerning the history of the request and lengthy timeline. Ms. Smith clarified events and she noted all fees had been submitted. Mr. Noble contributed additional details. George Freeland, owner, added that the sign was an icon for boaters. Chair Zuba questioned why the staff report showed two strap numbers but only one strap number was listed in the materials. Mr. Freeland replied that two pieces were purchased at separate times, but it was one business. Chair Zuba stated that there was not a signed survey in the packet. Mr. Ireland replied that Scott C. Whitaker performed the survey on 6/21/13 and Mr. Ireland provided copies of the survey.

Mr. Noble stated that all conditions for approval were met and staff recommended approval of the variance. Chair Zuba questioned setting a precedent. Mr. Noble replied that the circumstances were unique to the property. Mr. Durrett felt the sign should stay as is and the waterway was completely different than Estero Blvd. He stated that the Town discussed reworking sign ordinances for the waterway. Mr. Durrett approved the request. Ms. Plummer stated there was no opposition to the sign and it already existed.

Ed Scott, resident, spoke in favor of replacing the sign and he discussed the history of the variance request. He expressed his opinion concerning sign ordinances.

**MOTION:** Mr. Durrett moved to recommend approval of the variance with the following conditions: must comply with Chapter 30; sign to be 325 square feet; sign would be removed if the marina ceases operation; second by Mr. Kakatsch.

**VOTE:** Motion approved; 5-1 (Ms. Shamp excused).

## **B. Ordinance 15-xx, Noise Control**

Town Attorney Rooney discussed noise control regulations. He referred to Section 14-23 in the packet and he stated it was not a major change from the current ordinance. Town Attorney Rooney stated the measurable standard was put back into the ordinance, which would eliminate enforcement barriers. He discussed Section 14-24, subsection (e) special events, marina standards, 75 decibel limit, heavy equipment back-up horns, testing current levels in specific areas, and cell phone apps. Town Attorney Rooney stated the current noise ordinance was based on the Lee County standard.

**MOTION:** Mr. Bodenhafer moved to recommend approval of Ordinance 15-xx, an ordinance amending Chapter 14, Article 2, Noise Control; second by Mr. Kakatsch.

**VOTE:** Motion approved; 6-0 (Ms. Shamp excused).

**VI. AGENDA FOR WORK SESSION WITH TOWN COUNCIL - January 20, 2015 at 2:00**

Ms. Smith provided a list of items to discuss at the work session. Discussion was held concerning changes to the comp plan, Ms. Shamp's list, removing #2 post-disaster recovery, permit fees and process, inspection process, insurance, and Estero Blvd. businesses.

**VII. LPA MEMBER ITEMS AND REPORTS**

Mr. Kakatsch suggested installing an information board in the lobby to guide visitors. Chair Zuba mentioned a website called Speak Up that allows citizens to submit comments.

**VIII. LPA ATTORNEY ITEMS**

Town Attorney Rooney indicated the noise ordinance would go out the first meeting in February.

**IX. COMMUNITY DEVELOPMENT ITEMS**

**X. LPA ACTION ITEM LIST REVIEW**

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

**XII. PUBLIC COMMENT**

No public comment.

**XIII. ADJOURNMENT**

**MOTION:** Mr. Steele moved to adjourn the meeting; second by Mr. Kakatsch.

**VOTE:** Motion approved; 6-0 (Ms. Shamp excused).

Meeting adjourned at 10:11 p.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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