

**THE CITY OF FORT MYERS
HISTORIC PRESERVATION COMMISSION
MINUTES OF THE JANUARY 28, 2021 MEETING**

On January 28, 2021 at 4:00 p.m., the City of Fort Myers Historic Preservation Commission met in the City Council Chambers, Oscar M. Corbin, Jr. City Hall, 2200 Second Street, in the City of Fort Myers, Florida.

ROLL CALL

Gina Sabiston called the meeting to order at 4:03 p.m.

Members Present

Gina Sabiston
Michelle Santucci
Mary Joe Walker
Lisa Belcher
Kevin Williams

Members Absent

John McKenzie
Brad McGrath

Planning Staff Present

Nicole DeVaughn, Planning Manager
Monique John, Administrative Assistant

Other Staff

Grant Alley, City Attorney
Anthony Palermo, Assistant Director
Richard Calkins, IT Director

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APPROVAL OF MINUTES: None

Grant Alley, City Attorney, swore in all witness that intended to speak on any of the agenda items.

AGENDA ITEM NO. 1: PUBLIC HEARING: CERTIFICATE OF REVIEW COR20-0025, 2254 EDWARDS DR, DOWNTOWN HISTORIC DISTRICT: WINDOWS TO FORT MYERS MURALS.

EX PARTE COMMUNICATION: NONE

Nicole DeVaughn, Planning Manager, Planning Division, Community Development Department, stated that staff findings were as follows:

BEGIN STAFF REPORT

AGENDA ITEM # 1
CERTIFICATE OF REVIEW# COR21-0025
ADDRESS 2254 Edwards Drive

HISTORIC DISTRICT
Downtown Historic District

HISTORIC NAME
Hall of 50 States

PROPOSED PROJECT

Mural

DATES	CASE HISTORY
02/27/98	The City designated the Downtown area as a Historic District.
10/24/06	Approved application to demolish the canopies, shuffleboard courts, offices, and bathrooms attached to the side (east) and rear of the Hall of 50 States.
10/25/18	Approved to restore the building and add an addition to the rear of the structure.

STAFF FINDINGS

Architectural / Historical Elements

1. The property located at 2254 Edwards Drive, Hall of 50 States, is a contributing structure within the Downtown Historic District originally constructed in 1927 as the 2nd floor upper pavilion of the Pleasure Pier.
2. The Hall of 50 States was salvaged and brought ashore in 1943. With the assistance of Nat Walker, local architect, the War Public Works

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Administration constructed an addition to the west side of the historic structure to house additional recreational facilities for the soldiers. During World War II the structure served as a USO Center for the soldiers stationed at Buckingham Gunnery School and Page Airfield. The stage and hall provided a space for cultural and social activities.

3. The Pleasure Pier was designed in the Mediterranean Revival Style with Moorish motifs. The two-story structure featured an arcade at the entrance flanked by two domed open towers. The auditorium section, a.k.a. Hall of 50 States, had a distinctive curved parapet wall at each end that retains the clay tile cap. Four ornamental plaster medallions remain above the porch roof, a reminder of the simple shed roof awning structure that was added when part of the Pleasure Pier. The existing wood 9/9 light sash and frames have been retained.

LAND DEVELOPMENT CODE AND DESIGN GUIDELINES:

Staff concludes after a site visit and a review of the documents in this application, that Land Development Code, Chapter 126 Signs, Section 126-109 Mosaics and murals is applicable to this application, specifically:

Sec. 126-109. - Mosaics and murals.

Mosaics and murals located within any historic district or on any designated historic building shall be reviewed and considered by the historic preservation commission through the certificate of review process during a public hearing. Murals may be removed at the discretion of the property owner, following consultation with the historic preservation commission regarding method(s) of removal. The applicant shall provide the name and address of the property owner; the site address at the proposed location of the mosaic or mural; written consent of the building owner, if different from the property owner; renderings of the proposed mosaic or mural, depicting the size, scale and location of the mosaic or mural on the proposed site; and a written description of intended art work, along with justification for the proposal. Such information shall be provided to the community development department prior to scheduling the item for approval by the historic preservation commission, in accordance with the application requirements for a certificate of review. Consideration for approval shall be made using the following criteria:

- (1) A rendering of the proposed mosaic or mural, depicting the size, scale and location of the mosaic or mural on the proposed site, as well as a written description of intended artwork and justification for the artwork, are required for all applications.
- (2) Mosaics and murals shall be reviewed on a case-by-case basis in relation to their context, surroundings, and environment.
- (3) Mosaics and murals shall be installed in strict conformity with submitted and approved plans and any special conditions.
- (4) Mosaics and murals shall be maintained in their original condition and should an approved mosaic or mural at any time deteriorate, removal of the same shall be mandatory and if not removed shall be considered a

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violation of this section and shall be enforced pursuant to Chapter 2 Article V.

DESIGN GUIDELINES FOR HISTORIC PROPERTIES, CHAPTER II. DESIGN GUIDELINES

There are no design guidelines for murals.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

STAFF REVIEW

After a site visit and a review of the documents in this application, staff concludes the following:

1. The structure is considered a contributing structure within the Downtown Historic District.
2. The proposed murals will be painted on panels and attached to the building; the murals will not be painted onto the historic building itself.

STAFF RECOMMENDATIONS

1. Staff makes a finding that the proposed murals comply with the City of Fort Myers Land Development Code, Chapter 126, Section 126-109, as well as standard 9 of the Secretary of the Interior's Standards for Rehabilitation.
2. Staff recommends to the Historic Preservation Commission the approval of the Certificate of Review, Application COR21-0025.
3. The proposed murals shall be installed as indicated in this Certificate of Review application.
4. All required permits shall be obtained prior to construction.
5. This Certificate of Review will become effective immediately.

END STAFF REPORT

PUBLIC INPUT: Raimond Aulen, property owner downtown, stated that he had volunteered many hours at the building working on the aesthetics of the building. Mr. Aulen stated the building had been boarded up for some time. Mr. Aulen spoke in favor of the mural panels and stated that he felt they would contribute to the aesthetics of the building.

Connie Bennet Martin stated that at first, she was taken aback when she was first made aware of the murals being installed on a historic building. Ms. Martin stated that her

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biggest concerns were liability and the damage that could occur to the murals and the historic history.

Arthur Hamel stated that he did not support the request and stated that he felt it was a bad idea because it would damage a historic building. Mr. Hamel stated that he felt the boards needed to be removed from the windows of the building and that the windows should be repaired instead of putting up murals.

Councilman Liston Bochette stated that he felt that the Commission should take into consideration that whatever were to be permitted to be done to the building, it should benefit the welfare of the building, and also the historical integrity of the building. Councilman Bochette stated that he felt that mural were great expressions of public opinion. Councilman Bochette stated that he felt nothing political should be put on the murals and also that an appropriate theme should be chosen.

DISCUSSION: Ms. Sabiston asked what type of material the wall on the structure was. Ms. DeVaughn advised that the wall was a hollow tile material. Ms. Sabiston stated that it might damage the wall if something were adhered to it. Ms. DeVaughn advised that conditions could be added to address how the murals were adhered to the building.

Ms. Sabiston stated that she was uncomfortable approving the request without seeing the content that would be painted on the murals.

Ms. Santucci asked if the Commission had the authority to determine the content may be painted on the murals. Ms. Sabiston advised that the commission did have the authority as since the murals had to be approved by the Historic Preservation Commission, the Commission would need to review all the details associated with the murals as well.

Ms. Sabiston asked if the pictures being shown in the application were the actual paintings that would be on the murals.

Shari Shifrin, Director of the Fort Myers Mural Society, advised that the photos used in the application were not the actual murals to be installed. Ms. Shifrin advised that the photos shown in the application were placeholders but were representing the City of Fort Myers. Ms. Shifrin advised that the intention of the murals were to show the history of the City of Fort Myers and that whichever content the Commission wished to be put on the murals were agreeable and also that the Fort Myers Mural Society and the painters of the mural were open and wanting any suggestions that the Commission would be willing to offer.

Ms. Sabiston stated that the murals needed to have a reference to the Hall of Fifty States.

Ms. Shifrin stated there was no objection to Ms. Sabiston's request. Ms. Shifrin advised that the mural panels were also able to be removed when needed. Ms. Sabiston suggested having one of the murals that was dedicated to the history of the building.

Mr. Williams suggested having a mural that memorialized the building with public education as to why the building was important to the City of Fort Myers.

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Ms. Shifrin advised that her committee would integrate any and all requests of the Historic Preservation Commission for the content of the murals. Ms. Shifrin explained regarding the selfie panels, that there were QR codes on the panels to gather information and demographics of the public that were to take pictures in front of the mural.

Ms. Sabiston asked which contractor Ms. Shifrin would be using. Ms. Shifrin advised that a contractor had not been hired at that time, however she had sought guidance and gotten the statistics for placing the murals from Distinctive Development Group.

Ms. Santucci asked for the timeframe for the installation of the murals. Ms. Shifrin advised that the intended commencement of the project to be installed and completed by the beginning of June.

Ms. Walker asked if there had been any discussion with the property owner on how the public would be able to walk around the building to view the mural panels. Ms. Shifrin stated that she had not had any conversation with the adjacent property owner regarding the foot traffic on their property as of yet.

Ms. Sabiston suggested adding a walkway of some sorts so that the public was able to walk around the building to view the mural panels. Ms. DeVaughn advised that the property surrounding the building is private property and that Ms. Shifrin would need to discuss a potential walkway with the property owner. Ms. Sabiston suggested having a gate around the area that would have the mural panels.

Ms. Santucci asked if it would be too risky to not have the walkway and determine if one would be needed in the future. Ms. Sabiston stated that the property owner would need to be the one that determined if and what type of potential walkway would be on the property as it was private property so the Commission would only be able to determine if the mural panels would be historically appropriate in accordance with the Secretary of Interior Standards.

Ms. Santucci asked the applicant would there be any objection to the murals being a temporary installation. Ms. Shifrin advised that the mural project was originally thought to be a potential temporary mural installation. Ms. Santucci asked if the analytics taken from the murals would be shared. Ms. Shifrin advised that there was no objection to the analytics being shared.

Ms. Sabiston stated that she felt that murals gave the impression of a struggling economic situation for the historic district. Ms. Sabiston stated that the Hall of Fifty States however did need something done to it to possibly restore the building but that she still had concerns such as setting a time limit, also having a kiosk that contained historical information about the building, having a mural committee and how the maintenance would be addressed.

Ms. Walker stated that she agreed with Ms. Sabiston's suggestions and stated that she felt that removing the boards from the building would incur further damage on the building.

Ms. Belcher asked who would ultimately own the murals. Ms. Sabiston advised that the mural society would own the murals.

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Mr. Williams stated that he was a fan of artwork in an urban environment and felt that artwork within an urban environment making it more vibrant and active. Mr. Williams also stated there would need to be proper precautions so that the building would not be damaged and that the City needed to support and ensure the artwork itself would be appropriate for the downtown area. Mr. Williams stated that he also felt that some of the artwork should recognize the history of the Hall of Fifty States building and also that the Commission should give guidance as to what would be painted on the murals.

Ms. Santucci stated that she felt that the Historic Preservation Committee needed to make sure that the historic features and contribution of the building need to be maintained. Ms. Santucci suggested asking the City to address the issue of maintenance. Ms. Santucci advised that she felt that whatever guidelines that the Commission provided should be objective and not subjective.

Ms. Sabiston suggested that possibly one of the members from the Commission could work with the applicant to come to an agreement as to what would be placed on the murals or that the applicant could bring back some painting proposals to the Commission for approval.

Ms. DeVaughn suggested that, should a motion be made, that the Commission was able to approve the project in concept with a final application made in the future with the intended murals to be reviewed for compliance with the Secretary of Interior Standards. Ms. DeVaughn cautioned against dictating content.

Ms. Sabiston stated regarding political content on the murals, that she was concerned should it offend someone, that the mural could incur damage.

Ms. Santucci questioned if the Commission had the authority to make a motion on the requested project contingent on the requirement of the holding the City accountable to help maintain the building.

MOTION: Ms. Walker moved to accept the concept for Certificate of Review COR20-0025, 2254 Edwards Dr, with the condition that the applicant return with specifics of how the murals will be attached as not to damage the building and more definition on what each panel will represent.

Ms. Sabiston reminded the Commission that the staff recommendation had to be approved or denied in the motion. Ms. DeVaughn advised that the Commission may approve the agenda item with conditions or deny the item. Ms. Sabiston asked Ms. Walker to amend her motion.

Ms. Walker amended the motion to agree with staff recommendation 1,2,4, and with the removal of staff recommendation number 3 as well as amending staff recommendation number 1, to add the wording “conceptually” so that it read:

1. Staff makes a finding that the proposed murals conceptually comply with the City of Fort Myers Land Development Code, Chapter 126, Section 126-109, as well as standard 9 of the Secretary of the Interior’s Standards for Rehabilitation.

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Ms. Sabiston clarified that the motion was that staff had made the finding that the proposed murals complied in conception with the City of Fort Myers Land Development Code Chapter 126 section 126-109 as well as standard 9 in the Secretary of Interior Standards for rehabilitation and agree with staff recommendation number 2 adding the addendum “in conception” and striking staff recommendation number 3 and 5, as well as requiring the applicant to return to the Commission and provide more specifics about the attachment of the mural and other details of the project.

Ms. Walker advised that was correct.

Ms. DeVaughn advised Ms. Walker would be denying staff recommendations 3 through 5 and creating a new recommendation (number 3).

Ms. Walker amended her motion again to add the wording “conceptual” to staff recommendation number 2 and made a new staff recommendation (number 3) that the applicant was to return with details of the affixation of the murals to the building so as not to damage the building.

Ms. Sabiston summarized that Ms. Walker moved to agree with staff recommendation number 1, number 2 was approved in conception, and number 3 through 5 are stricken and a new number 3 was added that the applicant would come back with details on the attachment of the murals and other details on the project.

Ms. Belcher seconded the motion.

Ms. Sabiston advised that she would like to see someone who has been involved with the history of the building to work with the applicant.

The motion was called to a vote and passed unanimously 5-0.

ITEM 2: PUBLIC HEARING: AMENDMENT TO CHAPTER 114 HISTORIC PRESERVATION TO CLARIFY UNPAINTED MATERIALS AND ADD 1431 JEFFERSON ST. TO THE SEMINOLE PARK HISTORIC DISTRICT.

Ex parte communication: None

BEGIN STAFF REPORT

AGENDA ITEM #2 – Chapter 114. Historic Preservation Amendment: The proposed amendment makes the following changes to the Historic Preservation chapter of the Land Development Code. The other changes shown in the attached ordinance were previously approved but had not yet been adopted.

Sec. 114-72 Review criteria for existing buildings.

For maintaining, improving, and expanding existing buildings, evaluation of applications for certificates of review will consider the design guidelines described below as applied to the alteration and building in question. These design guidelines are found in Chapter II of the *Design Guidelines for Historic Properties*.

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(a) **Criteria for maintenance and improvements.**

- (2) **Painting.** Paint colors are a matter of personal taste and are easily changed, so color changes do not require a certificate of review. Painting of unpainted materials, including but not limited to, brick, glass, or masonry, or coquina is rarely acceptable. ~~Guidance on painting can be found in Chapter II, section A.2. *Design Guidelines for Historic Properties.* [page 18]~~

Sec. 114-157. - Historic district legal descriptions.

(d) **Seminole Park Historic District**, more particularly described as follows:

All of Seminole Park Subdivision as recorded in Plat Book 5, at Page 54, Lee County Records, lying in Section 35, Township 44 South, Range 24 East; and Lots 12, 13, and the southerly 10 feet of lot 14 of Block J of the Seminole Park No. 2 Subdivision as recorded in Plat Book 6, at Page 11, said public records.
[page 39]

ARTICLE V. - LOCAL HISTORIC ROADS AND HIGHWAYS

Sec. 114-160. - McGregor Boulevard (State Road 867).

McGregor Boulevard (State Road 867), right-of-way extending from its intersection with U.S. 41 (State Road 45) south to the city limits, is hereby designated as a local historic scenic highway.

- (1) The following uses or activities are prohibited within the right-of-way of McGregor Boulevard as defined and designated herein as a local historic scenic highway:
- a. There shall be no removal of any living palm tree within the right-of-way or any activity which requires the removal of such living tree without the replacement of such a similar tree.
 - b. There shall be no new street connections, road connections, road intersections, or the widening of any existing intersections and no overpasses or underpasses made either with, under or over McGregor Boulevard or any alteration of the physical dimensions, appearance or location of the portion of McGregor Boulevard after July 20, 2009, except for the following:
 1. Bicycle paths, the construction of which does not require the removal of any palm tree.
 2. Construction, by owners of property or easements abutting such road, of access roads, driveways or other such entrances and exits to such road. Should such construction require the removal of a living palm tree, such palm tree shall be relocated as close to the original location as possible.
 3. The ordinary maintenance and repair of the road provided the physical dimensions and location of the road are preserved.
 4. The establishment of three-lane turn intersections on such road, if such can be accomplished without the dislocation of immediately

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bordering palm trees or can be accomplished by transplanting such palm trees to conform with the revised intersection design.

c. Any new signage within 25 feet of either side of the paved surface of the road shall comply with Chapter 81-164, Laws of Florida. [page 47]

STAFF RECOMMENDATIONS

Recommend approval of the proposed changes to the Planning Board and City Council.

END STAFF REPORT

PUBLIC INPUT: Art Hamill stated that he felt any wording in the guidelines needed to be specific so that they did not conflict with older guidelines and potentially cancel an old guideline out. Mr. Hamill suggested putting the guideline change approval on hold until the commission was able to speak with a lawyer.

Liston Bochette stated that the commission should also consider placing the changes to the guideline on hold until further information and clarity was obtained to make sure the guidelines were able to be specific.

DISCUSSION: Ms. Sabiston asked regarding previously unpainted historical surfaces for rock and mosaics and tile to be added as surfaces that would not be permitted to be painted. Mr. Williams suggested regarding previously painted materials and stone for the wording to be more inclusive by having the wording “natural stone”. The Commission agreed with Mr. Williams.

Ms. Sabiston stated that she was concerned with section 114-160 number 1 subparagraph 4 as it was in direct conflict with the state ordinance for that road, which designates that the road could not be widened more than 55 feet.

Ms. DeVaughn advised that any requests for three-lane turns on McGregor Boulevard would still need to be approved by the Historic Preservation Commission and that the guideline was advising that it would not be widening the road.

Ms. Walker suggested adding wording “This does not constitute widening the road.” into the guideline.

Ms. Sabiston asked to add wording of “intersection design shall not increase the width of McGregor Boulevard.”

Ms. DeVaughn asked Mr. Hamill to clarify that he was referring back to the particular clause dated back to 2009 which stated that any changes made to McGregor Boulevard after 2009 except for the following, etc., and that adding the wording about widening the road could impact that cap on the date of the clause.

Mr. Hamill stated that he was referring to a Conflict of Loss and was concerned about precedent. Mr. Hamill advised that he did not have the specifics of the guideline however he stated that if there was an ordinance that was passed which conflicted with an older ordinance, than the new ordinance would cancel the older ordinance out completely.

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Ms. DeVaughn suggested to table the change to the guideline section 114-160 number 1 subparagraph 4 until she was able to speak with Public Works and the City Attorney's office.

Ms. Sabiston asked regarding page 17, what hardscapes driveways were considered. Ms. DeVaughn advised it would be considered as removing the concrete from a concrete driveway and replace it with paver stones.

MOTION: It was moved by Ms. Santucci to move forward with the modified changes to the Land Development and table proposed changes suggestion by the Commission to section 114-160 number 1 subcategory 4, seconded by Ms. Walker, and passed unanimously 5-0.

ITEM NO. 3: MONTHLY CODE ENFORCEMENT CASES: None

ITEM NO. 4: MISCELLANEOUS: Ms. Sabiston advised that the City had contacted her about the tree in the median that the commission asked for in front of Calusa Sound and discussed ideas for the type of palm trees however she was advised that a big palm tree would not be permissible so a Tri Palm tree planting would be the final decision for the area.

Mr. Williams suggested looking into a Match Grant to help support the City of Fort Myers Historic Preservation Commission and needs that may come about.

ITEM NO. 5: PUBLIC COMMENT ON NON-AGENDA ITEMS: Raimond Aulen, property owner, stated he was doing work on his hotel by Patio De Leon and that he was having some issues with his permit to place a particular balcony on the hotel and did not understand why his permit was not being issued as he followed the guidelines given for the proposed balcony.

Ms. DeVaughn advised that the permit had not been denied but that it was on hold pending additional information. Ms. DeVaughn advised that the concern was that if the balcony were encroaching into the road right-of-way, specifically the travel lane, and that Mr. Aulen would need to speak with the city engineer.

Liston Bochette, councilman, asked the commission if the brick project at Calusa Sound was done up to their standards and requests.

Ms. Sabiston advised that if the bricks had to be placed somewhere other than their original historic placing, then the commission agreed that they would permit the bricks to be placed in the median and also that there would also be a bench or some sort of scenery applied to the median as well.

Mr. Bochette advised that the Sidney & Berne Davis Art Center (SBDAC) had reached out to him and requested signage be placed around the City of Fort Myers directing downtown traffic to SBDAC and wanted to advise the commission. Mr. Bochette also advised that he was in support of whichever decision the commission came to regarding zero lot lines and that regarding properties that were historical, was in favor of more space rather than less space.

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Ms. Sabiston suggested discussing not having zero lot lines down McGregor Boulevard. Ms. DeVaughn advised that zero lot lines were not permitted on McGregor Boulevard and also that she was in the process of putting forth an amendment for chapter 118 to clarify that in the residential areas, shared lot lines could only be in developments of three (3) acres or greater. Ms. DeVaughn also advised that staff was discussing possibly having observed setbacks again as well.

There being no further business, the meeting adjourned at 6:26 o'clock p.m.