

**CITY OF FORT MYERS  
PLANNING BOARD MEETING  
(LOCAL PLANNING AGENCY)  
MINUTES OF MARCH 3, 2021 MEETING**

The Planning Board of the City of Fort Myers, Florida, met in regular session at Oscar M. Corbin, Jr. City Hall, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Wednesday, March 3, 2021 at 1:00 p.m.

**CALL TO ORDER** – Chair, Mariah Bakke, called the meeting to order at 1:03 p.m.

**ROLL CALL**

Recording Secretary Monique John completed roll call.

Members Present

Mariah Bakke  
Justin Stockman  
Matt Leger  
James Ink  
Darlene Mitchell  
William Keene

Members Absent

Jonathan Hart

**Community Development Staff Present**

Nicole DeVaughn, Planning Manager  
Monique John, Senior Administrative Assistant

**Other City Staff Present**

Grant Alley, City Attorney  
William Porter, Engineering Division, Staff Engineer

**Minutes - Planning Board  
March 3, 2021**

**Pledge of Allegiance to the Flag of the United States of America**

**PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS:** None

Grant Alley, City Attorney, swore in all witnesses that proposed to speak at the hearing.

**ITEM NO. 1 PUBLIC HEARING: CONSIDER AN AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN.**

**EX PARTE COMMUNICATION:** None

STAFF REQUESTED CONTINUE ITEM TO THE MAY 5, 2021 PLANNING BOARD MEETING TO BE HELD IN CITY COUNCIL CHAMBERS STARTING AT 1:00 P.M.

**PUBLIC INPUT:** None

**DISCUSSION:** None

**MOTION:** It was moved by Mr. Ink to continue the item to the May 5, 2021 meeting and seconded by Mr. Leger.

Mr. Keene asked the motion maker to include the reopening of the public input for the agenda item at the May hearing.

Mr. Ink amended his motion to include the reopening of Public Input at the May 5, 2021 hearing. Mr. Leger seconded the amended motion and it unanimously approved 6-0.

**ITEM NO. 2 PUBLIC HEARING: CONSIDER AN AMENDMENT TO CHAPTER 118 LAND USE REGULATIONS, ARTICLE 8 SMART CODE.**

**EX PARTE COMMUNICATION:** None

STAFF REQUESTED CONTINUE ITEM TO THE MAY 5, 2021 PLANNING BOARD MEETING TO BE HELD IN CITY COUNCIL CHAMBERS STARTING AT 1:00 P.M.

**PUBLIC INPUT:** None

**DISCUSSION:** None

**MOTION:** It was moved by Mr. Ink to continue the item to the May 5, 2021 meeting with the reopening of public input at that time, seconded by Mr. Keene and unanimously approved 6-0.

**ITEM NO. 3 PUBLIC HEARING: CONSIDER AN AMENDMENT TO CHAPTER 114 HISTORIC PRESERVATION.**

**EX PARTE COMMUNICATION:** None

**BEGIN STAFF REPORT**

**AGENDA ITEM #3 – 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*.

(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

**Minutes - Planning Board  
March 3, 2021**

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 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]

**HISTORIC PRESERVATION COMMISSION:**

The Historic Preservation Commission heard the item at their January 28, 2021 meeting and voted unanimously 5-0 to recommend approval to the Planning Board and City Council.

**STAFF RECOMMENDATIONS**

Find the amendment consistent with the Comprehensive Plan and Land Development Code; and recommend City Council approve the proposed changes.

**END STAFF REPORT**

**PUBLIC INPUT:** None

**DISCUSSION:** Mr. Stockman stated that in section 114-160 it did not clarify McGregor Boulevard in all the places that had wording referring to “the road, or such road”. Ms. DeVaughn advised that staff would clarify the wording as McGregor Boulevard.

Mr. Keene asked regarding the definition of “the road”, if the 25-foot setback was from the pavement. Ms. DeVaughn advised it would be from the edge of the pavement, not from the right of way itself. Mr. Keene asked what would happen to any signs that were to be approved. Ms. DeVaughn stated that any previously approved signs would be considered legal non-conforming signs however there were other regulations referring to widening the road.

Mr. Ink asked if there had been any consultation involved when the ordinance was written a year prior or if the ordinance was done only by staff to make sure he did not have a conflict with the agenda item. Ms. DeVaughn advised that he would not have a

**Minutes - Planning Board  
March 3, 2021**

conflict as there were no other law firms that assisted in the ordinance. Mr. Keene asked what the design guideline documents were. Ms. DeVaughn advised that it was approved separately from the ordinance and gave more detailed examples and pictures for to help homeowners and business owner become more familiar with what the sections of the ordinance meant. Mr. Keene asked who the authority on the design guidelines was and its definitions. Ms. DeVaughn advised that the Historic Preservation Commission oversees the design guidelines. Mr. Keene asked if a design guideline in the historic district were to be changed by the Historic Preservation Commission and it was a separate code that would be adopted by the new ordinance, would it then become a land use code by itself. Ms. DeVaughn advised that it would not, rather it would be considered a reference guide.

Mr. Stockman asked regarding Page 15 section 114-71 sub paragraph C number 4, what the wording “reprinted” meant.

Ms. DeVaughn advised it was referring to the Secretary of Interior Standards and that U.S Secretary of Interior Standards was reprinted at the back of the guidelines.

Mr. Stockman stated that he did not understand the choice of wording and suggested possibly changing the wording to have better clarification for its readers.

The Board suggested changing the wording to “included”. Mr. Stockman suggested also changing the wording “which are as an appendix” to “which is included as an appendix”.

Mr. Keene advised that since “Standards” was plural the wording would be able to stay the same.

Mr. Stockman suggested removing the wording “which are reprinted as an appendix the Secretary of Interior Standards” and also on subparagraph number 5 ending the section after “Rehabilitation of Historic Buildings. Ms. DeVaughn stated that there was no objection to the suggestion.

Mr. Keene asked if the property owner being included back into the legal description of Seminole Park was aware that his property would be included in the Seminole District. Ms. DeVaughn advised that the property owner was aware and that she did have written permission to include his property back into the district. Mr. Keene asked who the property owner was. Ms. DeVaughn advised that the property owner was Mark Yorkson. Mr. Keene advised that he would like it admitted into record that the current property owner was aware and had given written permission to be included back into the Seminole District.

Mr. Leger asked if there were any non-conforming elements of the structure on the property that had to be relisted as historic. Ms. DeVaughn advised that was not for the property in question however in most cases once the home was listed as historic the whole property then became historic.

Mr. Stockman asked if the property owners would need to abide by the Historic Preservation Commission. Ms. DeVaughn advised that any exterior renovations or site

**Minutes - Planning Board  
March 3, 2021**

improvements would need to be approved by the Historic Preservation Commission as per page 16 which included the approval matrix.

**MOTION:** It was moved by Mr. Stockman to find the amendment consistent with the Comprehensive Plan and Land Development Code and recommend City Council to approve the proposed changes with the following noted modifications:

1. Section 114-71 subparagraph C 4 & 5, both sentences where it referred to The U.S Secretary of Interior Standards of Rehabilitation would be ended at that point. On number 4 everything after “which” comma would be deleted and on subparagraph 5 the sentence shall end after the comma which starts with “part of which”.
2. An amendment to article 5 section 114-60 subparagraph 1C which refers to “the road”, modifying the wording to say “McGregor Boulevard to mirror the rest of the subparagraph

Mr. Ink asked for clarification if the wording should be “the paved surface of McGregor Boulevard”.

Mr. Stockman amended his motion to include the correction from Mr. Ink. Mr. Stockman continued with the noted modifications as follows:

3. The homeowner shall show proof of being notified of the intention to be included into the historic preservation description and map by providing written consent to be included in.

Mr. Ink seconded the motion and the motion passed unanimously 6-0.

**OTHER BUSINESS:** Mr. Keene stated regarding a sign ordinance that had been approved by City Council, that he had concerns that the Planning Boards recommendations were not be relayed fully to City Council. Mr. Keene advised that not having thorough communication to City Council of the Planning Boards recommendations could result in problems in the future. Mr. Keene also suggested that the recommendations from the Planning Board should be enumerated on the green sheet that was provided to them.

Mr. Ink agreed with Mr. Keene and stated that there should be proper communication between the City and the Planning Board.

Mr. Alley asked for clarification if the Planning Board was wanting to make sure that any recommendations made in future motions that would go to City Council were to be included in the preparation of the follow up City Council meeting. The Board advised that was correct.

Hearing no other business Ms. Bakke adjourned the meeting at 1:37 p.m.