



**Fort Myers Beach Joint Session w/LPA
Bay Oaks Recreational Center
2731 Oak Street
Fort Myers Beach, FL 33931**

Minutes

Thursday, January 11, 2024

11:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Town Council members present: Mayor Allers, Vice Mayor Atterholt, Council Member King (virtually) and Council Member Woodson.

LPA members present: Chair Cereceda, LPA Member Boan, LPA Member Safford, LPA Member Sudduth (virtually) and LPA Member Vanasse.

LPA Member Vanasse moved to accept LPA Member Sudduth's participation virtually; seconded by LPA Member Boan.

The motion passed unanimously.

Excused absences for LPA members Eckmann and Plummer.

A. Request from Council Member King to appear virtually.

Vice Mayor Atterholt moved to accept Council Member King's participation virtually; seconded by Council Member Woodson.

The motion carried unanimously.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Development Deviations

Development Agreement Options Discussion

Chair Cereceda explained that the LPA suggested that the provision be sunsetted because of SB250. LPA Member Vanasse noted that the development agreement options did not allow anyone to bifurcate public hearings, but the requirements would expedite the process and lower costs for the applicants. Chair Cereceda raised concerns regarding burdening staff. She explained that the LPA discussed ways to help smaller businesses

rebuild with the idea that their project could get approved and not be as cumbersome as a larger project. LPA Member Vanasse suggested that they clarify what they were seeking to do.

Mayor Allers stated that they were trying to create a system to potentially allow more intensity, density, height, less parking, etc., without going through the same process as a larger development. He felt that created an unfair advantage and should be available for everyone. He did not support attaching it to SB250 because it probably would not go away. He suggested that it apply to the property owner who owned the property before Ian and was not transferable before the property was developed. Mayor Allers indicated the town could also adjust the costs to help.

Community Development Planner Sarah Propst stated decisions could not be made based on ownership, but they could view it as an economic development process and build in clawback (take back) conditions. LPA Member Vanasse addressed the cost side and noted he could demonstrate the cost savings because it took less of his time as a consultant and was more of a site plan identifying certain parameters and standards. He stated it was a fraction of the cost of a CPD (Commercial Planned Development).

LPA Member Vanasse indicated that if they could assume that small hotels benefit the town, they could make a blanket assumption that any potential impacts from X number of units from that type of development would be okay. Staff would not have to analyze the impacts generated by the project. As far as being unfair to others, he noted the code was not fair or equal.

Mayor Allers stated he was concerned with the process and questioned whether they were empowering staff to make policy decisions. Chair Cereceda commented that applicants still had to go through the process regardless of whether staff recommended the project.

LPA Member Vanasse explained why he drafted three options for development agreements. He stated that the LDC (Land Development Code) intentionally created nonconformities to slow down or prevent development and redevelopment. Chair Cereceda agreed and added that was the thrust of incorporation.

Chair Cereceda stated that she still did not understand how the process saved applicants time or money. Mayor Allers agreed and asked how they ensured what they were trying to do didn't negate what started the point of them trying to do what they were trying to do. LPA Member Vanasse replied that legal mechanisms could be put in place, like terms and conditions. Town Attorney Stuparich explained that development agreements were generally used for unique projects that were mostly ready to go and were going to happen. She added there was a certain understanding and degree of certainty as to what would transpire.

LPA Member Vanasse indicated he was not happy when staff recommended the denial of variances, but the LPA and Town Council unanimously approved them. He stated they needed to fix the system because the rules for evaluating a deviation versus a variance were completely different. Mayor Allers questioned whether a cap could be placed on the number of variances

allowed to fall under the development agreement process. LPA Member Vanasse responded that the town was only doing it because of the hurricane and there would be a sunset. He stated that the hearing process still provided a path to deny the request. Mayor Allers still did not see how it would streamline anything for staff and it did not make sense to him. Planner Propst indicated it would complicate the staff's job and shorten the process by one hearing.

LPA Member Vanasse explained the costs involved with a CPD before the applicant even had an idea of whether the project could move forward. LPA Member Safford stated that he would have to spend \$20,000.00 on a traffic study for eight rooms, not to mention the time involved. He noted he was not trying to make his property more valuable; they just wanted to build back their small resort. He did not think that allowing increased density on his small project would prompt larger businesses to request the same.

Vice Mayor Atterholt indicated that applicants seemed to want certainty that their project could move forward before the applicants made a massive investment. He thought part of the purpose of the development agreement was to give applicants certainty based on full vetting to minimize costs until they got the certainty. LPA Member Vanasse agreed it eliminated uncertainty, risk and cost. He shared a recent experience with a development in Bonita Springs. Mr. John Dulmer, Community Development Director of Bonita Springs, explained how their process worked. He concluded by saying there was no such thing as good or bad policy, it was whether the outcome reflected what they wanted.

Council Member Woodson questioned whether certain variances were more acceptable than others.

LPA Member Vanasse reiterated his intent in drafting the options was not to streamline the average project that asked for more density. He reviewed how the options would apply to different types of projects.

Chair Cereceda responded to Council Member Woodson and felt that certain variances were more palpable to the public, like setbacks. She compared the 7-11 presentation to the Whale presentation and noted the 7-11 presentation was a clear roadmap to what their project was going to be. If the Whale had this process available to them, their presentation would have been clearer and would have been an easier path forward.

Vice Mayor Atterholt agreed and noted that Option 1 was a concession because they deemed the Mom & Pop businesses were a public benefit to the town. He felt they could put parameters on it to limit the amount of concessions. Mayor Allers discussed businesses taking advantage of the policy and basing decisions on economics.

LPA Member Vanasse suggested agreeing on whether they want to do it and staff could draft the numbers. LPA Member Sudduth agreed with the idea and felt it was achievable. Chair Cereceda questioned whether they wanted to limit it to pre-storm size, location and property owner. Council Member Woodson agreed and questioned the parameters for small projects.

Mayor Allers stated that every property would ask for double what they had because of the cost of building back. He added that it was not going to stop with smaller properties, no matter how they tried to limit the options. LPA Member Vanasse reiterated that every application was evaluated on its own merits and the council had the discretion to deny it. Council Member Woodson supported adding guardrails and questioned whether they should require more public benefits.

Chair Cereceda suggested adding a second LPA meeting in February to discuss additional guardrails and public benefits, identify cost and time and sunsetting. Council Member Woodson had to leave the meeting.

B. Parking requirement comparison

Parking requirements review and discussion

Chair Cereceda stated that parking was continuously brought up and it was a red flag that something needed to be done. She noted that they were cautious 30 years ago and commercial intrusion into residential zones was the primary concern. She believed changes needed to be made holistically, especially to the downtown core. Planner Propst stated there were guidelines for ADA parking and anything beyond that was up to the town.

She noted that they had to think about how people get around the community safely without cars. LPA Member Vanasse indicated that they could look at other communities, but their town was unique and had a lot of constraints to deal with. He questioned funding a parking study. He commented that Punta Gorda eliminated parking requirements and built a public parking garage.

Mayor Allers felt they needed to promote building a parking garage. (Recording stopped from 2:19 to 2:22 and started back with Vice Mayor Atterholt talking.) Town Manager Hyatt stated that he continued to look at all options. LPA Member Safford noted they needed to install signage to direct people to available parking and how to get off the island. Mayor Allers agreed and described Collier County parking signs displaying the parking spaces available in the lots.

Chair Cereceda explained that the hunt for parking was part of the charm years ago. She did not know how to fix parking, but it was a problem they needed to address. She felt the issues were where to park and what they would require from individual properties. She brought up infrastructure changes like trees to make the community walkable and safe.

Vice Mayor Atterholt suggested utilizing parking apps and signage before hiring a consultant. Mayor Allers felt they could do some things policy-wise regarding parking requirements for new developments. Chair Cereceda suggested that Planner Propst contact Mr. Spikowski since he wrote the code. LPA Member Vanasse suggested that they follow the ITE (Institute of Traffic Engineers) Manual, which was based on real-life examples. Mayor Allers revealed that the ITE was more restrictive for restaurants than the town's code.

LPA Member Safford supported eliminating parking in the downtown district. Mr. Ben Freeland, Moss Marina, stated that investors and lenders would not invest in a major hotel without adequate commercial parking. He suggested they think visionary rather than get hung up on the nuance. He stated they

needed to do something to get the small businesses back.

LPA Member Vanasse felt they needed to hire a consultant because the staff was busy. Vice Mayor Atterholt noted the scope would be important with a holistic look.

Matt Price, CEO of Seagate Group, thought they needed a development consultant for the downtown area to identify the vision. Without a vision, it would be hard for developers to determine what the town was looking for. He stated they needed to give them a box.

Mayor Allers disagreed and stated there was a box and a vision and people had to conform to the box with a path to expand on the box.

Town Manager Hyatt stated that they needed to decide on the three development consultants who already presented to the town.

Council Member King remarked that they could not plan for every contingency and he did not think everything was a precedent. LPA Member Sudduth agreed they could not plan for everything and they needed to work to figure it out.

IV. ADJOURNMENT

Vice Mayor Atterholt moved to adjourn; seconded by Mayor Allers. The motion carried unanimously.

The meeting was adjourned at 2:20 p.m.

Minutes adopted as presented, January 22, 2024. Motion by Council Member King and seconded by Mayor Allers. Passed 4-0.



Amy Baker, Town Clerk