



## **Fort Myers Beach Local Planning Agency**

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

**Minutes**

**Wednesday, November 17, 2021**

**1:00 PM**

### **ORDER OF BUSINESS**

#### **DRAFT**

#### **I. CALL TO ORDER**

Members present: Chair Megan Heil, Jane Plummer, Scott Safford, Patrick Vanasse and Karen Woodson.

Excused: Anita Cereceda and Forrest Critser.

#### **II. INVOCATION**

Chair Heil.

#### **III. PLEDGE OF ALLEGIANCE**

#### **IV. APPROVAL OF MINUTES**

A. October 20, 2021

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

Motion approved 5-0 with LPA Members Cereceda and Critser excused.

#### **V. PUBLIC HEARINGS**

A. 1250 Estero Blvd Bar/Cocktail Lounge

**Approve/Approve with Conditions/Deny SEZ20200103 requesting to change use from a restaurant to a bar/cocktail lounge.**

Town Attorney Herin, Jr. swore in those providing testimony for all public hearings. Attorney Keith Long from Long Law represented the applicant. He requested a continuance of the special exception and the variance request. LPA Member Safford moved to continue SEZ20200103 and VAR20210100; second by LPA Member Plummer.

Motion approved 5-0 with LPA Members Cereceda and Critser excused.

- B. 1250 Estero Blvd, to allow a reduction in the amount of required parking spaces for the change from restaurant to bar/cocktail lounge  
**Approve/Approve with Conditions/Deny VAR20210100 1250 Estero Boulevard Parking Variance**

LPA Member Safford moved to continue SEZ20200103 and VAR20210100; second by LPA Member Plummer.

Motion approved 5-0 with LPA Members Cereceda and Critser excused.

- C. VAR20210073 6036-38 Estero Boulevard Pool Setback  
**Approve/Approve with Conditions/Deny VAR20210073 6036-38 Estero Boulevard Pool Setback**

Ex parte communications: LPA Member Safford - drive-by; LPA Member Plummer - spoke to a neighbor; LPA Member Woodson - drive-by; LPA Member Vanasse - Google and Chair Heil - none.

Gary Foreman, architect and structural engineer, represented the owner. Assistant Community Development Director Carl Bengé reviewed the request. He revealed that Lee County conditioned the property to provide a turnaround on their property to avoid backing out on Estero Blvd. He noted that if the applicant could prove they could turn around on their property and still have room for a pool, staff would approve the request. Assistant Director Bengé indicated that the applicant stated they would do the parking underneath with the turnaround in front. Staff would need to see the plan before approving the request.

Mr. Foreman explained the design for a turnaround in the front of the property and noted the adjacent property had the same type of parking.

LPA Member Vanasse suggested they could recommend approval based on the applicant meeting a condition to provide proof regarding the driveway.

Town Attorney Herin, Jr. agreed. Chair Heil questioned whether they would exceed the 67% impervious surface by adding a driveway in the front.

Assistant Director Bengé indicated they would have to provide a drainage plan. Director Green described potential drainage issues and pre and post-development.

No public comment.

LPA Member Vanasse questioned Condition 5 and felt that it should not affect the setback. Director Green explained the intent and agreed the condition could be rephrased. Chair Heil suggested adding a condition that the Lee County issue had to be resolved before any permit was issued.

Director Green replied that they could not get a permit without complying with regulations. He stated that they could add a condition requiring compliance with Lee County.

Chair Heil moved to recommend approval for the variance with the conditions set by conditions of approval on page 67 of the packet with the addition of Condition 6 - before building permits are issued for the pool, proof of compliance with Lee County and driveway; add Condition 7 - the evaluation of pre and post drainage conditions to ensure the same or improved conditions; second by LPA Member Vanasse.

Motion approved 5-0 with LPA Members Cereceda and Critser excused.

D. LDC Section 34-638, Minimum Setbacks for Large Homes and Lots  
**Recommend Approve / Deny Recommended Amendments to Land Development Code Section 34-638, Minimum Setbacks and Table 34-3.**

Community Development Planner Sarah Propst reviewed the amendments. She provided examples of a 15% side setback on different sized lots and examples of building massing. LPA Vanasse suggested changes in language for consistency and clarification.

LPA Member Vanasse moved to recommend approval of staff changes to LDC section 34-638 and Table 34-3 associated with setbacks for large residential structures with the requested change in terminology when referencing the length of the building to width for consistency, clarifying (5) a.2. associated with the portion of the building that had to be one story that was limited to the additional setback requirement and (6) c. rephrasing the exemption language to be provided to staff by LPA Member Vanasse; second by LPA Member Safford.

Chair Heil realized the public hearing had not been opened before the motion.

No public comment.

The motion, as previously stated, was presented.

Motion approved 5-0 with LPA Members Cereceda and Critser excused.

## **VI. ADMINISTRATIVE AGENDA**

No items.

## **VII. LPA MEMBERS ITEMS/REPORTS**

LPA Member Safford stated the boat parade was scheduled for Saturday, December 4, 2020.

No items from other members.

## **VIII. LPA ATTORNEY ITEMS/REPORTS**

No items.

**IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

Director Green explained that changes were required to the flood ordinance. He will bring the issue forward in December or January. Chair Heil stated that she would try to attend the December 6, 2021, Town Council meeting unless LPA Members Cereceda and Critser could attend.

Director Green stated that new flood maps would be presented in 2022 and they would have to update and modify their flood ordinances.

**X. ITEMS FOR NEXT MONTHS AGENDA**

See IX.

**XI. PUBLIC COMMENT**

No public comment.

**XII. ADJOURNMENT**

LPA Member Vanasse moved to adjourn; second by LPA Member Plummer.

Motion approved 5-0 with LPA Members Cereceda and Critser excused.

The meeting was adjourned at 2:04 p.m.

Minutes adopted as presented, January 11, 2022. Motion by LPA Member Plummer and seconded by LPA Member Critser with LPA Member Vanasse absent. Passed 6-0.



Amy Baker, Town Clerk