



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, February 8, 2022

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Forrest Critser.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Draft minutes January 11, 2022

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

Motion approved unanimously.

V. PUBLIC HEARINGS

A. Temporary Sales Trailer

Approve/Deny/Approve with Conditions: Request use of Sales Trailer on property during development. The LDC does not currently allow the use of Sales Trailers for temporary use. Notwithstanding the absence of this use from the LDC, the applicant/property owner is seeking approval from the Town Council for the placement of a temporary Sales Trailer for a period of twelve months. Staff has recommended amending the previously approved Residential Planned Development (RPD) to add the location and length of time the Sales Trailer will be located on the property. The property is located within a VE Flood Zone and conditions of approval can ensure proper removal and maintenance during the

limited life of the sales period. **WITHDRAWN BY APPLICANT**

B. SEZ20210129 Extension of COP

Approve/Approve with Conditions/Deny SEZ 20210129 a request to extend the use of the restaurant's COP to allow service to an outside area (830 sq ft) within 500 feet of a dwelling unit.

Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: all LPA Members disclosed their familiarity with the restaurant. Paul Joeckel, owner of Charley's Boat House Grill & Wine Bar, stated that they had to modify their parking lot due to widening Estero Blvd., which allowed him to convert their entrance into a patio. He indicated the patio faced Estero and the building blocked the residence within 500 feet. He was not aware of any objections from his neighbors.

Community Development Director Jason Green reviewed the special exception request, existing conditions and staff findings and recommendations. Staff recommended approval with conditions. LPA Member Woodson questioned whether dinner would be served outside. Mr. Joeckel replied that it would be a waiting area and they might serve lunch. LPA Member Safford commented that he did not recall ever hearing noise from the area. Mr. Joeckel agreed to the conditions.

No public comment. LPA Member Cereceda moved to approve the application based on the findings and conclusions in the staff report and recommendations on page 4; second by LPA Member Vanasse.

Motion approved unanimously.

VI. ADMINISTRATIVE AGENDA

No items.

VII. LPA MEMBERS ITEMS/REPORTS

LPA Member Cereceda questioned whether the LPA would have any input into the work being done on the LDC (Land Development Code) and Comprehensive Plan (Comp Plan). Director Green replied that the Comp Plan was being worked on now. LPA Member Cereceda questioned whether they discussed the commercial expansion of rental properties. Director Green replied affirmatively. He indicated that the state preempted a lot of what the town could do but the town could enforce the regulations on the books. Town Attorney Herin, Jr. added that the state recently preempted local government's ability to regulate home businesses unless one belongs to a Homeowners Association or a Condominium Association. LPA Member Plummer questioned whether affordable housing was in the plan. Director Green replied affirmatively. LPA Member Vanasse stated that the Beach School TPO was having a corn hole tournament fundraiser on February 26, 2022, at 11:00 a.m. at Shuckers. The entry fee for teams was \$50.000 and included food and discounted drinks.

LPA Member Woodson noted the Friends of the Arts was hosting a Bruno Mars tribute band on Thursday at 7:00 p.m. at Salty Sam's and the doors opened at 5:00 p.m. Tickets were \$40.00 and \$30.00. On Friday, the Friends of Lovers Key will receive a civic award from the Fort Myers Beach Chamber of Commerce. On Saturday, March 26, 2022, the annual fundraising gala will be held at Lovers Key State Park. Details were on the website and tickets were \$350.00 apiece. LPA Member Critser questioned whether they had a quorum for the Historical Society. Director Green replied affirmatively. No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green requested they move the March meeting to the 21st or 22nd of March. Consensus was reached to move it to the 22nd.

X. ITEMS FOR NEXT MONTHS AGENDA

Director Green indicated that applications were working their way through.

XI. PUBLIC COMMENT

Bob Sperry, resident, commented on the pool variance request for the apartment across the street. Town Attorney Herin, Jr. cautioned that Mr. Sperry's comments could not be the basis for the denial of the request if it came to that. The next hearing for the variance has not been scheduled.

Mr. Sperry indicated they heard about the variance application in November and thought the hearing was today. They were concerned regarding noise from the pool. He stated the view corridor from Dakota would be blocked by a privacy fence and he was concerned for the safety of children in the area. He stated that the location of the bus stop and a big sign had changed and now it stopped right outside their bedroom window. Mrs. Sperry was not given a good reason for the change in location. Chair Heil will find out who they can contact. LPA Member Cereceda stated that she would contact Mr. Sperry when the next hearing was scheduled.

Ms. LaRocca, resident, did not support a pool (microphone cut in and out).

? (pool variance applicant) commented that he also thought the hearing was today. He noted they figured out a parking situation that should be good for everyone. He stated they did not want to disturb the neighbors.

Town Attorney Herin, Jr. indicated that there was a glitch in scheduling and staff would get together with the applicant. He noted that Attorney Sanabria might sit in for him at the March meeting.

XII. ADJOURNMENT

LPA Member Cereceda moved to adjourn; second by LPA Member Critser.

Motion approved unanimously.

The meeting was adjourned at 9:54 a.m.

Minutes adopted as presented, March 22, 2022. Motion by LPA Member Cereceda and seconded by LPA Member Plummer with LPA Member Vanasse excused. Passed 6-0.



Amy Baker, Town Clerk