



## Fort Myers Beach Local Planning Agency

Bay Oaks Recreational Center  
2731 Oak Street  
Fort Myers Beach, FL 33931

Minutes

Tuesday, January 9, 2024

9:00 AM

### ORDER OF BUSINESS

#### FINAL

##### I. CALL TO ORDER

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

LPA Member Plummer moved to approve LPA Member Sudduth's participation virtually; seconded by LPA Member Boan.  
The motion carried unanimously.

##### II. INVOCATION

Chair Cereceda.

##### III. PLEDGE OF ALLEGIANCE

##### IV. APPROVAL OF MINUTES

- A. Local Planning Agency - December 19, 2023  
LPA Member Vanasse moved to approve the minutes; seconded by LPA Member Eckmann.  
The motion carried unanimously.

##### V. PUBLIC COMMENT

Dale and Jay Bonnema, residents, commented on the noise at the Rude Shrimp bar in the commercial marina zone and the lack of enforcement. He stated there was no reason to grant them a variance. He asked if the LPA would grant him a special exception to rent their beachfront lots to RVs to help their business. Phil Teal, resident, stated that Moss Marina used to be quiet until the Rude Shrimp moved into his residential neighborhood. He commented that the music was too loud and that it was just a bar with music. He indicated he heard music from inside his house with the windows closed and noted the speakers were directed toward the houses. He added that the area was not zoned for bars and music.

Late comment from the end of the meeting - Ben Freeland from Moss Marina stated that he would address the Rude Shrimp issue and talk to the neighbors to work something out.

## VI. PUBLIC HEARINGS

Town Clerk Baker stated that all items had been properly advertised. LPA Member Vanasse reported a conflict of interest, and he submitted his disclosure form regarding Item B. Town Clerk Baker swore in those providing testimony. Attorney Sarah Spector, Certified Planner Ken Delander, Engineer Brandon Frey, Engineer Elizabeth Fountain, and Coastal Engineer Brett Moore were all approved as qualified experts by the LPA.

A. SEZ 20230302 to request a special exception for COP, 450 Harbor Ct  
**Recommended by staff for a continuance to February 13, 2024 of SEZ20230302 for COP at 450 Harbor Court**

Ex parte communications: LPA Member Vanasse spoke to the applicant. No disclosures from other members. Community Development Planner Sarah Propst recommended continuance of the case due to the lack of an adequate application. LPA Member Vanasse recommended that the LPA not hear public comments on the issue since the staff has not presented and the applicant was not in attendance to address issues. Town Attorney Stuparich commented that it was up to the discretion of LPA members.

Public comment:

Dale and Jay Bonnema, residents, questioned why the case was even on the agenda. He stated they had been in violation for months and asked why they were allowed to keep violating the rules. He indicated that he did not know what to do and his health was suffering due to the stress of the situation. He asked that the town stop the music. Public comment closed.

LPA Member Vanasse moved to continue the case to the February 12, 2024, LPA meeting; seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

B. DCI Rezoning 20230160, 1301 Estero Blvd.  
**A CPD with deviations for the redevelopment of a convenience store at 1301 Estero Blvd.**

No ex-parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. LPA Member Eckmann commented that the plans were a vast improvement. Planner Propst noted they were providing eight parking spaces.

Ken Delander utilized PowerPoint for his presentation. Slides included the Project Team; Presentation Overview; Background & Request; Aerial Photo pre-lan; Rezoning; Subject Property; Discussion & Analysis; Master Concept Plan; Findings & Conclusion; Architectural Elevations; Architectural Rendering; Findings & Conclusion continued and Deviations.

He stated the narrative in the packet had been updated to acknowledge comments and clarify details. Mr. Delander provided a copy of the updated narrative to Town Clerk Baker for the record. He displayed initial concept murals.

No public comment.

LPA Member Eckmann moved to accept the staff recommendation with the conditions of approval and the seven deviations; seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote with LPA Member Vanasse recused.

C. VAR20230233, 11 Palmview Blvd.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230233, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 11 PALMVIEW BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member Safford communicated with Paula Kiker and Chuck Bodenhafer. No disclosures from other members.

Planner Propst reviewed the background of the request as stated on the yellow sheet.

Robbie Robinson, applicant, stated this has been going on for over three years and was a nightmare. He explained that the town approved the pool and equipment, but the final inspection was denied. He indicated his neighbor did not object to the location of the equipment or pool.

Public comment:

Chuck Bodenhafer, resident, supported the request.

Dale Snow, resident, supported the approval of the request on behalf of the neighborhood.

Public comment closed.

LPA Member Eckmann moved to approve the request subject to conditions recommended by staff; seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote.

D. VAR20230299, 122 Falkirk St.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230299, A VARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED STREET SETBACK BY 11 FEET FROM THE REQUIRED 25 FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 122 FALKIRK STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Chair Cereceda read the title of the resolution. No ex-parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted the proposed location would have the least impact on adjacent properties.

Heidi Cawood, applicant, requested to build a 400 sq. ft. elevated approved structure for storage downstairs. She noted that the home would be rented for part of the year and intended to keep the large trees on the property. No public comment.

LPA Member Eckmann moved to approve the request with the conditions in the staff approval; seconded by LPA Vanasse.

The motion carried unanimously by roll call vote.

E. SEZ20230278, 7400 Estero Blvd

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230278 TO ALLOW RECONSTRUCTION OF A POOL DECK, WALKWAYS, AND FENCE, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Chair Cereceda read the title of the resolution. No ex-parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted they were proposing a reduction of what was there before Ian.

Miles Laguard represented the applicant and noted they were putting back everything that was destroyed.

No public comment.

LPA Member Eckmann moved to accept the staff recommendation subject to conditions of approval; seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

F. SEZ20230226, Pink Shell Resort Pool and Beach Amenities

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Ex parte communications: LPA Member Plummer - site visit and spoke to workers; LPA Member Vanasse - talked to the applicant and attorney regarding public comments and Chair Cereceda - emailed staff regarding public comments. No disclosures by other members. Town Attorney Stuparich read the title of the resolution.

Planner Propst reviewed the special exception request and noted the applicant requested a continuance regarding recent concerns. LPA Member Plummer stated that many pavers had been set and a pool was completely redone. She asked Planner Propst to check whether permits were pulled.

Planner Propst replied that not all pools were within the EC zone and did not need a special exception.

Attorney Sarah Spector from Roetzel & Andress represented the applicant and requested a continuance to address the concerns. She stated the pavers and pool were not forward of the CCCL (Coastal Construction Control Line) and did not need a special exception.

Bill Waichulis represented the applicants and stated that the work being done was on the seaward side. He noted the beach access that went through the middle of the resort was closed because it was unsafe; however, the other two accesses were open. He acknowledged he had received concerns and stated he would work with the neighbors before the next hearing.

Public comment:

Richard Rowe, President of Vacation Villa, thanked members for allowing the continuance and questioned why it was being processed. He also thanked them for passing Ordinance 23-13 regarding repairs to existing pools ahead of the CCCL. He commented on the additional lawn area and more chickee huts, which would increase the noise.

Holly Baggett, resident, stated that the owners removed all the vegetation to expand the event lawn area. She noted that she did not receive a postcard regarding the hearing.

Public comment closed.

LPA Member Vanasse moved to continue the hearing to February 13, 2024; seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote.

**VII. ADMINISTRATIVE AGENDA**

No items.

**VIII. LPA MEMBERS ITEMS/REPORTS**

LPA Members Plummer and Eckmann requested excused absences for the joint LPA and Town Council meeting on January 11, 2024.

LPA Member Sudduth will participate virtually on January 11, 2024.

Chair Cereceda discussed the complaints regarding the Rude Shrimp noise and the perception that they were getting away with breaking the rules while others had to follow the rules. She asked that more microphones be provided, so everyone could hear meetings.

No items from other members.

**IX. LPA ATTORNEY ITEMS/REPORTS**

No items.

**X. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

Planner Propst hoped the Comprehensive Plan would be on the next agenda.

**XI. ITEMS FOR NEXT MONTHS AGENDA**

No items.

**XII. ADJOURNMENT**

LPA Member Plummer moved to adjourn; seconded by LPA Member Vanasse. The motion carried unanimously.

The meeting was adjourned at 11:04 a.m.

Minutes adopted as presented, February 13, 2024; Motion by LPA Member Boan and seconded by LPA Member Sudduth. Passed 7-0.



Amy Baker, Town Clerk