



Fort Myers Beach Local Planning Agency

**Diamond Head Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, March 14, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Bowen, LPA Member Eckmann, LPA Member Plummer (arrived a few minutes late), LPA Member Safford, LPA Member Sudduth and LPA Member Vanasse.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. LPA Member Safford moved to approve the minutes; second by LPA Member Bowen.
Motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. PUBLIC HEARINGS

- A. DCI 20230015 Rezoning from CPD to Institutional (IN) for 2545 Estero Boulevard
Recommend to the Town Council that it Approve/Approve with conditions/Deny Rezoning DCI 20230015 from CPD to Institutional for 2545 Estero Boulevard is consistent/inconsistent with LDC Sec 34-85 and the Comprehensive Plan.
Ex parte communications: LPA Member Safford - familiar with the project and

Chair Cereceda - familiar with the project, but no direct conversations. No disclosures from other members. Town Attorney Herin, Jr. swore in those providing testimony.

Senior Planner Jason Smalley reviewed the rezoning request from CPD (Commercial Planned Development) to IN (Institutional).

Fire Chief District Manager Ronald Martin indicated that a new fire station and emergency response facility would be built on the property, along with an office and training needs. Chair Cereceda thanked Chief Martin and the rest of the team for their service.

Greg Stuart represented Al Quattrone and distributed his presentation. He noted they had the use by right and the project was consistent with the code and the comp plan. He described the basis for rezoning per the code, there were changes in the condition of the property, there were no non-compliant issues with the code, it was a de-intensification, the site plan accurately reflected what would be built, the site complied with environmental considerations and there were no major impacts. Chief Martin stated that they did not have a timeline for completion.

No public comment.

LPA Member Vanasse encouraged the fire department to work with the town regarding landscaping design and signage.

LPA Member Eckmann moved to approve the application, including the findings and conclusions in the staff report on pages 3-5; second by LPA Member Vanasse.

Motion carried unanimously by roll call vote.

VII. ADMINISTRATIVE AGENDA

A. Historic Preservation Discussion

Historic Preservation Discussion

Chair Cereceda was not clear what their requirements were. LPA Member Safford questioned whether any structure was left to preserve after the hurricane. Senior Planner Smalley described historical registration versus historical recognition. Structures that qualified to appear on a state or national register were labeled as historic designation, which included the original school building. The historic recognition program included structures with local history designated as such by a plaque. LPA Member Safford questioned whether they wanted to recognize destroyed buildings and whether they should revisit the issue later. He felt that staff should focus on rebuilding. Chair Cereceda agreed with tabling the discussion until fall. LPA Member Sudduth suggested doing something to recognize historic buildings or sites in the rebuild.

B. Impact Fees Discussion

Impact Fees Discussion

LPA Member Vanasse stated that there were a lot of costs involved with rebuilding and the town's impact fees were very low. He supported impact

fees for new commercial buildings without stifling redevelopment. LPA Member Sudduth agreed and supported impact fees on sites with new and different uses. He noted that developers did look at the fees and he felt the town should keep its impact fees lower than other communities. Chair Cereceda questioned what kind of fee would make a significant difference based on the current cost of property in the town. LPA Member Sudduth replied that it depended on the type of business. LPA Vanasse revealed that impact fees for new homes in Collier County were close to \$30,000.00. LPA Member Safford felt they should go easy on people who owned Mom & Pop businesses and were trying to rebuild.

LPA Member Eckmann commented that impact fees should be based on a rational analysis and he felt they could offer incentives to smaller businesses. LPA Member Sudduth described offering incentives to small businesses that had already paid impact fees before the storm destroyed the business. LPA Member Vanasse noted that the town needed a study before setting impact fees. He supported having the Town Council determine whether the town needed to hire a consultant.

LPA Member Plummer felt that the town should be working with other municipalities regarding fees across the board. LPA Member Bowen felt there had to be a nexus between the fee and the service provided. If a study is required, the town should hire someone. He agreed with LPA Member Plummer and felt it would be of interest to see what other communities were charging and to see if there was a benefit to coordinating fees.

Consensus was reached to recommend that the Town Council and Interim Town Managers pursue a consultant to establish policies to protect or give incentives for existing businesses looking to rebuild especially boutique hotels and businesses.

C. Commercial Design Standards Discussion

Commercial Design Standards

Town Attorney Herin, Jr. stated that the state legislature adopted a state statute that significantly preempted the local government's ability to develop architectural standards for primarily residential development. LPA Member Plummer thought they could create design criteria for basic standards, but she did not want to tell businesses what the buildings had to look like. LPA Member Eckmann agreed that everything would look similar and the town may not be happy with the results. LPA Member Vanasse felt they should set a vision with guidelines. If they wanted to encourage certain things, they could implement build-to-lines versus setbacks to create activity near the public street. He noted there were good ideas in the code that had not been utilized due to lack of redevelopment. Senior Planner Smalley described running into a conflict with properties on corner lots regarding applying build-to-lines and applying see-through windows on buildings.

LPA Member Vanasse questioned whether Senior Planner Smalley kept a list of problematic issues for the LPA to review and senior Planner Smalley replied affirmatively. LPA Member Bowen felt the commercial design standards should be looked at with the comp plan for flexibility with the

different nodes, so they don't all look similar. Chair Cereceda felt they did not initially go far enough with telling people what the town wanted regarding standards. LPA Member Sudduth noted that they needed to utilize the standards in the code and mentioned the design of Interiors Unlimited. He indicated the building did not say Fort Myers Beach to him, but he loved the design.

LPA Member Plummer commented they had an opportunity to have a path of vision, but she did not want everything to look the same. Chair Cereceda mentioned that John Richard's properties on Old San Carlos Blvd. reflected an idea of the code. LPA Member Vanasse felt that planned development projects would propose a certain design that would set a tone for the town.

D. Parallelogram Shaped Lots Discussion

Parallelogram Shaped Lots Discussion

LPA Member Safford noted there were over 150 parallelogram lots and he wanted to allow administrative variances to save money and time.

Samir ?, the general manager of Homebound, noted the company was working with approximately 50 people on the beach. They requested an administrative variance for the 150 odd-shaped lots.

Drew Wading, referred to homes on Fairweather Lane, side setbacks, and proposed solutions. Slides displayed proposed changes to several lots. Senior Planner Smalley felt they were leaving a lot of leeway for the staff to determine what was reasonable and whether a five-faceted lot was as important to deal with and give additional protrusion space as they would with a parallelogram lot.

LPA Member Plummer thought it was a good idea and would solve a lot of issues in certain areas. LPA Member Vanasse liked what was proposed and noted they were not talking about creating a bigger box. He cautioned about protecting existing homeowners regarding side setbacks. He did not see any problem with encroaching a little in the rear or front. He agreed with exploring the issue and to include other odd-shaped lots.

LPA Members Bowen and Eckmann were not comfortable deviating from the 7.5-foot setback, but everything else looked okay. Chair Cereceda suggested that Homebound work with staff and bring the issue back for a hearing.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer questioned the status of Bay Oaks and the school. LPA Member Vanasse replied that discussions were ongoing with the school board and he felt there would be a favorable solution. The remediation should be completed soon. The little league will make a presentation to the pro leagues for supplies, equipment and assistance with rebuilding the fields.
No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Herin, Jr. received a call from the school board's legal department regarding an interlocal agreement. He noted they had to look at existing interlocal agreements regarding Bay Oaks and what was proposed before the hurricane. He

thought a contract was awarded to rehab Bay Oaks for a temporary Town Hall. Discussion was held regarding support for the school and the community.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XI. ITEMS FOR NEXT MONTHS AGENDA

Chair Cereceda asked LPA members what they wanted the consultant to discuss at the next Town Council meeting. LPA Member Eckmann brought up density and the FAR seemed out of line with the vision. LPA Member Safford concurred and mentioned the Publix node being removed. The carwash and laundry mat area could be developed and they need to concentrate on heights in the different nodes. LPA Member Vanasse commented that the Moss Marine area should be added to a node.

Chair Cereceda questioned calculating the FAR ratio currently at ground level versus base flood. LPA Member Vanasse noted they needed to clarify it and if they changed the calculation they were giving more building intensity by right. LPA Member Sudduth clarified that it gave property owners three floors above parking. LPA Member Plummer mentioned the view and air corridors and felt it was a benefit to all.

Chair Cereceda indicated it was important to define Mom & Pop businesses and to identify past and existing inventory. LPA Member Safford volunteered to create a list based on units and lot size.

XII. ADJOURNMENT

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

Motion carried unanimously.

The meeting was adjourned at 10:37 a.m.

Minutes adopted as presented, April 14, 2023. Motion by LPA Member Woodson and seconded by LPA Member Safford. Passed 4-0.



Amy Baker, Town Clerk