



Fort Myers Beach Local Planning Agency

DiamondHead Beach Resort
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes

Tuesday, April 11, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Approval of March 14, 2023 draft minutes
Correct the spelling of LPA Member **Boan**'s name.
LPA Member Plummer moved to approve the amended minutes; second by LPA Member Sudduth.
Motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. SUNSHINE LAW REFRESHER

Item removed from agenda.

VII. PUBLIC HEARINGS

- A. Parallelogram lot regulations
Provide input regarding proposed parallelogram lot code language.
Community Development Planner Sarah Propst reviewed the background as stated on the yellow sheet. She displayed an example of a parallelogram lot and proposed ordinance amendments. She noted that she did not reduce

the side setback because that would give special treatment to a specific shaped lot.

LPA Member Eckmann agreed that side setbacks should not be reduced.

LPA Member Sudduth was willing to consider a reduced side setback so people could build back the way they were.

LPA Member Vanasse agreed that the side setbacks needed to be addressed comprehensively, not just with parallelogram lots. He questioned when the lots were five feet, when they changed and how many lots were involved.

LPA Member Boan thought the diagram and language were a good solution and they should consider grandfathering the lots affected. Planner Propst did not support grandfathering.

Public comment:

Samir from Homebound appreciated the relief on the front and the back and noted that very few home plans would fit on the lots. He indicated that he would have to apply for variances of less than a foot if the side setbacks were not addressed. He provided examples of homes on Fairweather Lane that would need a 9-inch variance on each side. He added that administrative variances would be more efficient for his clients and the town. Planner Propst did not think there would be a problem allowing an administrative variance under a certain size.

LPA Member Sudduth favored setting a rule for parallelograms and letting people build back. He did not think a five-foot setback was unreasonable. Planner Propst questioned giving an advantage based on the shape of a lot. LPA Member Vanasse supported giving people five-foot setbacks on streets that historically had five-foot setbacks. LPA Member Plummer agreed. LPA Member Eckmann clarified how the lots were measured. He did not support reducing side setbacks.

Samir suggested defining the effective lot width to avoid side setbacks.

Planner Propst indicated that they could create a cutoff point for lots less than 50 feet to allow a five-foot setback and it would apply for all shaped lots.

Community Development Senior Planner Jason Smalley was not opposed to the idea. He questioned how they would limit stairs and pool equipment from propagating in side yards and affecting stormwater. He recommended elevating electrical and mechanical equipment in those areas to keep stormwater swales clear. He indicated that nothing in the code prevented people from returning after the fact to fill in the compensating area in LPA Member Vanasse's design. He added that the compensating area was in a 200 to 300-square-foot range and staff would have to track those lots in the future. LPA Member Vanasse responded that his intent was for principal structures and custom homes had to follow the existing rules.

Chair Cereceda summarized that the proposed code language would be LPA Member Vanasse's Sec. 34-269, the intent of the additional space was meant to be open, the effective lot width of less than 50 feet could go to five feet and apply to any shape and specifically state that there would be no encroachment into the five feet.

LPA Member Vanasse moved to approve the proposed language he provided with a clean diagram inserted for the front and rear setback measurements for parallelogram lots and no action today on the side setbacks; second by LPA Member Sudduth.

Chair Cereceda suggested that Planner Propst add language for lots less than 50 feet and send it directly to the Town Council. LPA Member Eckmann brought up roofs encroaching.

LPA Member Vanasse amended his motion to remove any mention of the side setbacks and address it in a separate motion; second by LPA Member Sudduth.

Motion carried unanimously.

LPA Member Vanasse moved for staff to create a definition of effective width and create language where lots less than 50 feet from an effective width standpoint, be changed to a five-foot setback and specifically state that there are no encroachments for mechanicals, porches, etc. and staff could take it directly to Town Council; second by LPA Member Sudduth.

Motion carried unanimously.

**B. Discussion regarding setbacks for houses in primarily nonresidential districts
Provide input regarding setbacks on residential uses in nonresidential districts.**

Planner Propst noted that residential structures could be built in any zoning district. She utilized PowerPoint to display Residential Setbacks in Commercial Districts and Two Options to Consider. She requested feedback.

LPA Member Vanasse asked for examples and Planner Propst displayed a zoning map. She pulled up LEEPA (Lee County Property Appraiser) to show lots on Ave. E. LPA Member Vanasse questioned whether there were residential lots on Estero Blvd. and supported having single-family homes consistent with commercial zoning on Estero. He also supported the build-to line on Second and Third. Chair Cereceda agreed and suggested giving the allowance of conventional residential with the option of both to those on the beach side off of Estero and all LPA members agreed.

No public comment.

Planner Propst will bring back language for the next meeting.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Safford met with hotel developers and staff and the issues discussed were parking and height restrictions, setbacks and FAR. Back-up parking was not allowed and if they allowed an extra story, several people could build back. One proposal regarding setbacks was to use the ratio of the building as compared to

the lot. He noted that it was almost impossible for small businesses to get close to a FAR (Floor Area Ratio). LPA Member Vanasse mentioned being flexible regarding calculating FAR to exclude parking under buildings. LPA Member Safford indicated that, in his case, he had nothing to give back if he wanted something. Chair Cereceda did not like the discussion of getting something for giving back something. She felt the town should decide what they wanted to see and thought the clearest way forward for smaller lots was a CPD (Commercial Planned Development). LPA Member Safford would like to make the CPD process easier and less expensive. Planner Propst agreed that a CPD was the easiest way if the FAR could work. LPA Member Vanasse brought up eliminating parking requirements for businesses and building a parking garage as Punta Gorda did. LPA Member Plummer discussed hotels offering a concierge service to and from the airport to help alleviate traffic. LPA Member Safford noted that another parking suggestion was to make some streets one-way to allow for angled parking. He indicated that the group would meet again to discuss solutions to issues.

LPA Member Plummer suggested that people rake their trash up and wash their trash cans. She mentioned using bungee cords to keep the lids secure to prevent raccoons from getting in the trash.

LPA Member Vanasse felt they should consider allowing people to request a different way to measure FAR by not including the parking. He suggested not counting parking under a building as a story; allowing architectural embellishments to be excluded from height calculations and looking at whether the architectural guidelines needed to be changed or updated.

Chair Cereceda suggested that the LPA discuss calculating from the base flood elevation (BFE) as opposed to parking as soon as possible since it affected many people. Planner Propst questioned whether there was an interest in adding an allowance for an additional story or to start counting the floors at base flood elevation, so if it is below base flood elevation it does not count for height or stories in commercial districts. LPA Member Vanasse addressed residential and was open to allowing additional storage but no increase in height. Chair Cereceda noted that she would not be in town in July and part of August.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Senior Planner Smalley indicated that many condo docks were destroyed or had to be repaired. He noted that the dock section in the code is geared toward single-family docks and lacked guidelines for multi-family docks. He could find out what existed before the hurricane, but the process in the code directed him to a development order, which was a long and expensive process, or a limited development order. He commented that most of the docks would be rebuilt under the direction of the US Army Corps of Engineers. LPA Member Eckmann described the process and which entities were involved with permits and rebuilding the docks. He noted that the town probably did not have the last word

on the docks.

XII. ITEMS FOR NEXT MONTHS AGENDA

Discussion about stories and parking per discussion by LPA Member Vanasse.

XIII. ADJOURNMENT

LPA Member Sudduth moved to adjourn; second by LPA Member Boan.
Motion carried unanimously.

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

Minutes adopted as presented, May 9, 2023.

A handwritten signature in blue ink, appearing to read "Amy Baker".

Amy Baker, Town Clerk