



Fort Myers Beach Local Planning Agency

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

Minutes

**Tuesday, September 12,
2023**

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Approval of August 8th draft minutes
LPA Member Plummer moved to approve the minutes; second by LPA Member Boan.
Motion carried unanimously.

V. PUBLIC COMMENT

Jim Ink, resident, commented on aspects of the Comprehensive Plan.

VI. PUBLIC HEARINGS

Town Clerk Baker swore in those providing testimony.

- A. EC Zoning District changes to allow repair of accessory structures by special exception and criteria for special exceptions.

Proposed amendments to Sections 34-652 and 6-366 to allow repair of accessory structures

Community Development Planner Sarah Propst reviewed the reason for the proposed amendment and stated the proposed language would allow an option for accessory structures to be repaired seaward of the CCCL (Coastal

Construction Control Line) as stated on the yellow sheet.

LPA Member Vanasse suggested that "repair and/or redevelopment" be added to page 14, where redevelopment was stricken. Chair Cereceda was concerned regarding new development seaward of the CCCL. LPA Member Vanasse referred to other sections of the code and indicated that removing redevelopment was taking a right away. Planner Propst noted that the staff was not clear regarding what redevelopment meant. LPA Member Eckmann agreed. LPA Member Vanasse reviewed the relevant section of the code on page 16 concerning the process. LPA Member Eckmann suggested reconstruction rather than redevelopment. Community Development Planner Jason Green stated there was no PD (Planned Development) in the EC (Environmentally Critical) because they were two different zoning districts. LPA Member Vanasse cautioned against inadvertently changing a whole section of the code. Planner Green agreed that the language needed to be cleaned up because a PD should not appear in the EC section of the code. Planner Propst will change redevelopment to reconstruction for consistency. There were no changes to the additional regulations and considerations for special exception approval.

LPA Member Vanasse suggested removing the second D. and LPA Member Plummer concurred. A consensus was reached to remove the second D.

Public comment:

Jim Ink suggested that accessory structures be allowed a 25% repair like primary structures.

Public comment closed.

Planner Propst was not sure that property owners could get an accurate assessment of an existing accessory structure and thought that the special exception process was less arduous.

LPA Member Sudduth moved to forward recommendations to the Town Council relative to the EC zoning changes; second by LPA Member Eckmann.

Motion carried unanimously.

- B. Variance requests to Sections 34-1744(b)(1) to increase fence height; 34-1742(c) allowing chain link fence in front yards; and 34-3131(b) limiting obstructions in visibility triangle

APPROVE/ APPROVE WITH CONDITIONS/ DENY VAR20230071 for 185 Jefferson Street which is requesting a variance of 2 feet of height to provide a 6-foot tall fence within the front 25-foot setback of the property, while the LDC limits fences to 4-feet in those areas; requesting a variance of 19-feet to allow a chain-link fence within the 25-foot front-yard setback; and a variance disallowing obstructions between 2-feet and 6-feet above grade within a visibility triangle.

Chair Cereceda filed the appropriate paperwork to recuse herself because the variance was for a fence on her property.

Vice Chair Plummer read the title of the variance. Ex parte communications: LPA Member Eckmann - drive by; LPA Member Plummer - conversations

with the applicant; LPA Member Vanasse - email from Kara Stewart; LPA Member Safford - email from Kara Stewart and familiar with the property and LPA Member Sudduth was familiar with the property—no disclosures from other members.

Community Development Senior Planner Jason Smalley reviewed the variance request as stated on the yellow sheet. He noted that staff recommended denial because of a safety concern in the view corridor. Discussion was held regarding the view corridor in a low-traffic area without sidewalks. Vice Chair Plummer verified that the property had a fence since at least 2007 without an issue and the neighbor's landscaping stuck out further in the view triangle than the applicant's fence.

Kara Stewart represented the applicant. LPA members voted unanimously to qualify Ms. Stewart as an expert. Ms. Stewart stated that the structure has been on the property since 1926, but Ian destroyed the fence. Since the applicant was familiar with their ingress and egress, Ms. Stewart felt that the visibility triangle was not an issue. She requested that the proposed condition two be adjusted since the property was almost 100 years old and would require repairs. She explained that a six-foot fence was warranted for privacy since there was a two-and-a-half-foot difference in the grade between the pool deck and the front of her property.

LPA Member Vanasse presented alternate language for the proposed condition two on page 35 and Ms. Stewart agreed with the change. She added that they received three letters of support from neighbors.

No public comment.

Senior Planner Smalley will amend the language.

LPA Member Sudduth moved to approve the variance for the fence with the conditions that the homeowner shall plant a buffer to obscure at least 19 linear feet of the chain link fence on the east side within the 25-foot front yard setback; the variance will only apply to the fence and allow the town to make changes noted concerning alterations or repairs; second by LPA Member Boan.

Motion carried unanimously.

C. Amendment to the Administrative Setback Variance requirements to clarify the criteria required for cottage lot administrative variances

Proposed amendment to Sec. 34-268 Administrative Setback Variances

Planner Propst reviewed the proposed amendment to clarify the language.

LPA Member Vanasse commented on giving relief to property owners regarding charging fees for minimum use determination (MUD) and variances. He suggested that the process be changed with a check box on the application and LPA members agreed.

No public comment.

LPA Member Sudduth moved to accept the recommendation with the amendment mentioned by LPA Member Vanasse with respect to the MUD amending the application process; second by LPA Member Plummer.

Motion carried unanimously.

D. First meeting to discuss comprehensive plan elements for transmittal
Comprehensive Plan Future Land Use Element, Future Land Use Map, and Housing Element

Chair Cereceda stated that the presentation was meant to be a preliminary discussion and the LPA will follow up in October. Planner Green indicated that they wanted recommendations today so they could have something ready next month. He added that the LPA would have 30 days to review each section. Chair Cereceda suggested that the Town Council receive the same information at the same time as the LPA. Planner Green agreed. Joe Corradina, President of the Corradino Group, introduced himself. Consultant Eddie Ng utilized PowerPoint for his presentation and the first slide reviewed Updates. Mr. Ng explained the Live Local Act, recently passed by the Florida legislation in July. He continued with the Proposed Future Land Use Map and described the changes. LPA Member Safford thought the LPA wanted a node where the Woman's Club and the carwash were located. LPA Member Eckmann believed that all three existing marinas would be part of the marina district. LPA Member Sudduth questioned the art association building off of Donora being included in the boulevard zone. Mr. Ng indicated he would remove the mosquito district and Woman's Club from the boulevard zone and designate the node as civic.

Mr. Ng reviewed changes to the Marina Land Use Type and commented that most regulations should be in the LDC and the Comprehensive Plan (Comp. Plan) should be as overarching as possible. Planner Green indicated that when Mr. Ng used the word nimble, he referred to uses and how they were allowed. LPA Member Vanasse described self-amending policies and suggested they be silent and address them in the LDC or set an upper limit or range. Planner Green noted that height was limited by the LDC but not by the Comp. Plan. He stated that there was no consensus on the issue of height. Some council members did not want to limit height and wanted to decide based on the project. Chair Cereceda responded that it created insecurity and unpredictability for the residents, developers and investors. She questioned the definition of the word special and that everyone needed to know what to expect.

Town Attorney Vose reviewed SB 250, section 14 and noted it was a provision that prohibited zoning restrictions that were more restrictive or burdensome than what currently existed. She will forward the information to LPA members.

Planner Green stated that Moss Marine's application included an amendment to the Comp. Plan and the LPA could not approve their request for an amendment and then adopt a new Comp. Plan that undoes any of the amendments. LPA Member Vanasse was concerned about making changes to the Comp. Plan without having data on housing and commercial inventory or a parking assessment. He noted that the LDC identified three parking garages downtown, but they changed the downtown provisions so parking was not allowed. He stated that they had to look at the reality on the ground

and create a density range for consistency with the Comp. Plan. He added that they needed something in the Comp. Plan to address nonconformities. Planner Green stated that all they needed was a policy stating all lots platted before _____ were vested. LPA Member Vanasse brought up the decreasing population over the years and the current low inventory.

Mr. Ng continued with the Buildback Policy. LPA Member Eckmann suggested referring to the Florida building codes and FEMA in the policy and Planner Green agreed. The following slide was Housing Development, Housing Affordability and Attainability, Workforce Housing Bonus and Non-Habitable Ground Floor - Ground Floor Parking. Planner Green requested that the LPA be careful about creating exemptions, and if they want a parking deck, allow them to have a higher FAR. Next up was the Recreation and Open Space, Schools, and Civic and Public Facilities, followed by Transportation.

Discussion was held regarding what someone could build under the Live Local Act. Density, workforce, affordable and employee housing were also discussed. Mr. Ng described auxiliary units.

Public comment:

Lee Harkins, resident, loved the idea of nodes, especially near the carwash, because so many people walked in the neighborhood.

John McClain, resident, appreciated the node aspect. He reported a community concern about increased density and the ability to get on and off the island. He thanked the LPA for all they were doing.

Public comment closed.

LPA Member Plummer discussed establishing a shuttle service to and from the airport.

Discussion was held concerning the cap for FAR. Chair Cereceda noted there is a document with the future land use map that shows what the FAR is for every zone and what the maximum FAR would be. She suggested it would be helpful to have that document for the conversation and LPA Member Boan agreed. LPA Member Plummer supported not counting the ground level and parking for FAR. LPA Member Vanasse supported an upper limit of 2.5 FAR through the CPD process in the downtown district and possibly exempting under-building parking. LPA Member Safford suggested a 2.5 cap downtown, 1.5 in the nodes and excluding calculating parking under base flood. He felt that a two-story parking garage would be a benefit. Chair Cereceda would like to see a system established to help eliminate the impact of traffic with increased development. She supported not calculating ground floor parking if it is open. She brought up alleviating parking requirements and Planner Green suggested the LPA should consider the idea. LPA Member Vanasse stated if the ground space is not usable, it should not be calculated in FAR. Planner Green questioned whether they should leave out or include height and stories. Chair Cereceda said they should leave out stories and have the height measured at base flood elevation. Planner Green commented that the cap on height might prevent property owners from getting their by-right FAR.

Planner Propst questioned whether they wanted parking garages open below in the downtown district.

VII. ADMINISTRATIVE AGENDA

No agenda.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Eckmann questioned whether policies regarding native plants and landscaping were in the Comp. Plan. Planner Green replied affirmatively.

LPA Member Plummer questioned the status of properties that were scraped.

Planner Green was unsure but he thought insurance may be the reason.

LPA Member Vanasse questioned the reason why the paperwork required when rebuilding a home without trying to get under the 50% rule was so burdensome.

Planner Green will follow up with Community Development Director Poposki.

Chair Cereceda stated that it would be helpful to have historical information available when CPDs come before the LPA. LPA Member Vanasse noted the strike-through and underlined document they had today was not the current language, but was Mr. Ng's work. Planner Propst apologized for the error. Planner Green cautioned people against unrealistic expectations regarding the permitting process for residents and developers. Consensus was reached to schedule a joint meeting with a format with the Town Council. Planner Green will try to coordinate a meeting. Chair Cereceda requested a copy of the future land use map, the existing land use map and the proposed future land use map. Planner Green will provide maps.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XI. ITEMS FOR NEXT MONTHS AGENDA

Not discussed.

XII. ADJOURNMENT

LPA Member Plummer moved to adjourn. Motion carried unanimously.

The meeting was adjourned at 1:48 p.m.

Minutes adopted as presented, October 10, 2023. Motion by LPA Member Sudduth and seconded by LPA Member Plummer. Passed 7-0.



Amy Baker, Town Clerk