



Fort Myers Beach Joint Session with Local Planning Agency

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931**

Minutes

Wednesday, November 13, 2024

8:30 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Town Council members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Safford and Council Member Woodson.

LPA members present: Chair Cereceda, LPA Member Boan, LPA Member Dunlap, LPA Member Eckmann, LPA Member McLean, LPA Member Plummer and LPA Member Sudduth (virtually).

LPA Member Dunlap moved to allow LPA Member Sudduth to participate virtually due to unforeseen circumstances, seconded by LPA Member Plummer.
The motion carried unanimously.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Public Benefits / Special Benefits

Discussion of Public Benefits and Special Benefits

Chair Cereceda started the conversation and noted that LPA members Boan and Dunlap submitted ideas surrounding public and special benefits. LPA Member Dunlap did not think requiring staff involvement was fair or productive because they did not set policy. There had to be a set of guiding principles that they all agreed on and he referred to the three points in his handout, which were included in the agenda packet. He discussed the financial impact on the town. He stated it was the responsibility of the applicant to create a compelling case to present and explain why they believed it favorably impacted the town. He described his tier system and indicated that different parts of the island had other needs. He added that the LPA took a good stab at addressing public versus special benefits.

LPA Member Boan discussed a public, special, and amenity benefit. A public benefit would be perpetual in nature, special and unique. A special benefit

would be something that both the town and the development benefited from. An amenity was something that would be nice to have, but it did not carry any weight financially. He noted that the LPA agreed that the staff should not negotiate public benefits with the developer and should be given clear policy direction. The LPA also agreed that public benefits should be perpetual in nature. Chair Cereceda added that a special benefit was the pool at Margaritaville because the developer benefited and the public had access at a cost. The public benefits from the Neptune project are the parking spaces and open space on Delmar in perpetuity. She said she had discounted the financial element but changed her mind after the Neptune presentation.

Another critical element was not to put staff in the position of trying to figure out the policy decision surrounding a public benefit. She stated this was a general discussion about general policy because it would be different for every project.

Mayor Allers wanted to address how height, density and intensity could be related to a public benefit. He felt that a project doubling or tripling density created a detriment to the quality of life, as opposed to a project adding one or two stories. For example, if a project gets three stories, they must create a public park. Is the public benefit the same for a developer who wants to double or triple the density? He asked how to link intensity and density while staying at three stories above flood. Even though they were staying within the height restrictions, they massed the building, which was still detrimental to the quality of life. LPA Council amended 12/2/24. Member Safford did not think density was a detriment because small business owners wanted more density. Mayor Allers responded that as a business owner, more density meant that his business would do better, but not if people could not get anywhere. He supported more height if the density was decreased because of the traffic.

Chair Cereceda asked how they drew the line between density and traffic correlation. She stated that in 1976, it could take someone three hours to travel Estero Blvd. She indicated that even though there were fewer people, it took her 48 minutes to get off the island from the LPA meeting yesterday. Mayor Allers asked whether replacing a two-bedroom cottage with a much larger house impacted infrastructure. If they were going to use traffic and density, they had to use the same argument with intensity and infrastructure. Chair Cereceda felt they had to separate traffic from the impact on water, sewer, public safety, etc. She stated that the traffic on the beach was an anomaly.

Mayor Allers struck the word detriment and asked whether one had more of an impact than the other and he thought density did. He asked how to relate density and intensity to LPA Member Dunlap's tiers. For example, the Meyerside Project added height, density and intensity and should have been in the higher tier, but they could not meet it. He asked how to balance that. LPA Member Dunlap replied that they did not want to limit the creativity of what they were willing to offer, invest in, or provide for. They could offer other opportunities by being a viable economic participant. LPA Member McLean brought up Patrick Vanasse's presentation regarding the basket of

benefits and his creative list of benefits and commitments. They should ensure that staff can refer to public benefits, special benefits and amenities and bring them to the LPA as the overall package, as opposed to a view corridor for height, although he acknowledged that it was written that way in the code. If the project did not have the land to provide certain benefits, they could be creative and provide other benefits.

Council Member Safford did not think a point system would work and others agreed. Chair Cereceda listed other items the community needed to thrive and questioned how the project contributed to those items. Mayor Allers stated that the Margaritaville parking lot was a perpetual, tangible economic stimulus that the town did not have before and, therefore, a public benefit.

The parking lot was a financial benefit and he felt it was more important than a linear park. Council Member Safford questioned whether a beach bar was more important than a park. Chair Cereceda looked at a beach bar as an amenity. LPA Member Sudduth agreed because the property owner benefited economically. He discussed what they were willing to give for how much. LPA Member Dunlap added that an amenity open to all would get credit for being inclusive.

Chair Cereceda questioned what they were willing to tolerate and suggested they identify what they expected the community to look like. Mayor Allers responded that the comp plan addressed future growth. He thought it was dangerous to say what they would tolerate because tolerance should be driven by public input. Chair Cereceda clarified that she meant being tolerant of changes on the island with flexibility and an open mind.

Mayor Allers felt they should look at resiliency as a public benefit. He described the 15-foot curvy wall in Clearwater and indicated you could not tell a hurricane hit. Members agreed it was a benefit.

Council Member Safford discussed being lenient with small properties since everything had to be off the ground. LPA Member Plummer was concerned about increasing the size of units from what had been there. She stated they were creating their height by making the units huge. LPA Member Dunlap did not think it was any of their business, but the developers should have to make their case for what they wanted. Mayor Allers explained that their process allowed what was happening now. For example, 150 units are converted to a condo with 4,000 sq. ft. units. The process did not say adding four bedrooms increased density, but it was like adding three more hotel rooms. He felt that it was a breakdown of the code and process. Community Development Principal Planner Judith Frankel indicated that square footage should be captured under impact fees. Town Attorney Stuparich noted they could create a fund for developers to contribute to for the greater good of the community. Community Development Planner Sarah Propst added that they could create different types of plans and add funds to the plans. Council Member Safford suggested a seawall for a coastal protection system. Other plan ideas were canal dredging, vegetation and transportation. Planner Propst described how to create the plans.

LPA Member Boan mentioned there were approaches based on a bedroom

formula for contributions to schools and parks, so the impact of a larger unit would carry a more significant financial contribution to the town. Council Member Safford noted they had to remember that larger units probably would not be full year-round. He stated that one-bedroom units made the most money per person.

Council Member King preferred discussing and solving topics before moving on to the next topic. Regarding public benefits, he supported building on developers offering deeded parking spaces, pumping out the town's boat, or offering the town higher ground to park town vehicles.

LPA Member Eckmann described steering things toward their vision for the island. Vice Mayor Atterholt liked creating guidelines for public benefits and letting the developers make a creative pitch. He noted they could discourage developers from asking for additional height and density in the guidelines and he wanted to encourage early developers. He questioned whether the third and fourth hotels were as valuable as the first and second for public benefit. He brought up facilitating medical facilities and other public services. He felt that parking lots might be better off as parks. Chair Cereceda noted Vice Mayor Atterholt was talking about guidelines and she was talking about expectations. Vice Mayor Atterholt liked expectations and expecting something in varying degrees.

LPA Member Dunlap discussed setting expectations. Town Attorney Stuparich was concerned about extractions and needed flexibility. Chair Cereceda suggested using aspirations and Town Attorney Stuparich agreed. LPA Member Plummer noted that a specific timeframe for building rather than waiting years to build was a benefit.

Council Member Woodson stated there were only four or five places where developers could build huge projects. She felt that people mandated development with the election results. She thought they had to address resilience, transportation systems and cleaning waterways and canals. LPA Member Plummer added transportation to and from the airport.

Members discussed how magical it was that they all met to talk about the issues.

Council Member Safford asked how to help smaller lots develop. Principal Planner Frankel noted that the small projects needed the same things as larger projects. They needed deviations or variances for ground-level parking. Council Member Safford suggested taking parking out of it.

Principal Planner Frankel discussed using development agreements for smaller projects. She indicated that removing ground-level parking from the FAR would help projects progress. Council Member Safford agreed and noted the developers would have to figure out their parking. Mayor Allers was concerned about spot zoning and allowing special rules for smaller developments. LPA Member McLean discussed the intent of not counting parking but ensuring that you do not have someone building a five-story parking garage with five habitable stories above.

Planner Propst questioned whether they should ask what the town envisioned during public input for the comp plan and LDC (Land

Development Code) to help guide and drive development. She described having the community tell them what mattered to them and building up the comp plan and LDC with that vision. Principal Planner Frankel displayed her notes from the meeting. Members agreed with the summary. Vice Mayor Atterholt asked that essential services be included as an aspirational goal. Mayor Allers agreed with including it as a guiding principle for essential services. Principal Planner requested that essential services be replaced with another terminology. Chair Cereceda suggested community services. She suggested allowing medically related facilities in more places and that goal can be addressed outside public benefits.

Mayor Allers would like to add corner stores since there was only one grocery store on the island.

Planner Propst asked for definitions. LPA Member Eckmann thought they could set conditions of a public benefit based on their discussion. LPA Member McLean reviewed the different categories as discussed. Mayor Allers felt they needed special, public, unique and amenity. What was unique in one location was not in another. Planner Propst commented that everyone thought their project was unique and she wanted to give them some criteria so the town had a way to say no. Chair Cereceda was not sure she wanted to qualify unique. LPA Member McLean described contributing to the eclectic culture and nature of Fort Myers Beach.

Town Manager Hyatt noted they would not solve traffic and he said to take it off the list. He focused on the infrastructure. He requested that the impact fees not be so precise that their vision would be limited. He talked about a transportation fund for months and stated parking would take care of itself. He indicated they were working on the strategic plan. He brought up offering developers protection from the storms. He noted that they had to focus on directing impact fees to general funds to help with projects. Operations & Compliance Director Frankie Kropacek discussed maneuvering through the first development agreement. He welcomed their guidance.

Principal Planner Frankel explained why she needed more guidance. Chair Cereceda agreed that they had to say what they wanted. Vice Mayor Atterholt questioned whether developer presentations could be entered into the record instead of verbally going through it to save time. Town Attorney Stuparich stated they could vote to enter the presentation into the record so it did not have to be presented. She offered to add that to the housekeeping items at the beginning of the hearings. She discussed applicants who presented new ideas during the hearings and having an automatic continuance depending on the significance of the new information. Mayor Allers brought up projects that changed details after the LPA and before the council. He requested that presentations be submitted before the meetings. Town Attorney Stuparich commented that they could set a time limit for presentations.

Public comment:

Dave Leigh, resident, supported the Neptune project and noted the process was perfect from beginning to end with no pushback from the community. He

stated they needed metrics on how many heads and beds they needed to use for decisions. He noted they needed to flush out the financial impacts of projects.

Chris Smuts from London Bay Development Group was encouraged by their efforts and supported their recommendations to include a list of items for public benefits. He agreed not to count the area below habitable towards FAR. He discussed the lack of amenities on the south end.

IV. ADJOURNMENT

LPA Member Dunlap moved to adjourn.

Chair Cereceda adjourned the meeting at 10:56 a.m.

Minutes adopted as amended, December 2, 2024. Motion by Council Member Woodson and seconded by Mayor Allers. Passed 5-0.



Amy Baker, Town Clerk