



## Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, December 10, 2024

9:00 AM

### ORDER OF BUSINESS

#### I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Dunlap, LPA Member Eckmann, LPA Member McLean, LPA Member Plummer and LPA Member Sudduth.

#### II. INVOCATION

Chair Cereceda

#### III. PLEDGE OF ALLEGIANCE

#### IV. APPROVAL OF FINAL AGENDA

LPA Member Boan moved to approve the final agenda, seconded by LPA Member Sudduth.

The motion carried unanimously.

#### V. APPROVAL OF MINUTES

No minutes.

#### VI. PUBLIC COMMENT

No public comment.

#### VII. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures and the expedited variance process. Town Clerk Baker confirmed that all agenda items were properly advertised and she swore in those providing testimony.

##### A. VAR20240270, 1741 Estero Boulevard

**A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240270, REQUESTING SIX VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1741 ESTERO BLVD., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0080B.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED 1)REAR SETBACK, 2)ACCESSORY STRUCTURE SETBACK, 3)LANDSCAPE BUFFER, 4) OFF-STREET PARKING, 5)SIDE STREET BUILD-TO LINE AND 6)PARKING LOT ENTRANCE WIDTH, TO ALLOW A MIXED-USE**

**COMMERCIAL DEVELOPMENT INCLUDING RETAIL AND LODGING USES; PROVIDING FOR OTHER 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.

Community Development Planner Eli Lee reviewed the background of the request as stated on the yellow sheet.

Kara Stewart represented the applicant and noted that the property was a parallelogram, making building difficult. She explained why the variances were needed. She said the building would be elevated even though it was in a coastal A to prevent future flood damage.

Graham Belger, applicant, hoped to break ground in February or March with completion next year if approved. He commented that he had not heard anything from FEMA regarding his trailers but would move them if required. Planner Lee stated that the staff recommended approval, and he read the conditions.

No public comment.

LPA Member McLean moved to approve the resolution with the conditions as outlined, seconded by LPA Member Eckmann.

The motion carried unanimously by roll call vote.

B. SEZ20240240, 2584 Estero Blvd - Estero Beach Club Condo

**A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION 20240240, REQUESTING A SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 2584 ESTERO BLVD., GENERALLY REFERRED TO AS "ESTERO BEACH CLUB CONDO" STRAP NUMBER 19-46-24-W3-02000.00CE, TO ALLOW FOR THE REPLACEMENT/ REPAIR OF PAVER DECKS, POOL SHELL AND COPING, CEMENT WALKWAYS, A CEMENT FOOT-WASH STATION, IRRIGATION LINES AND A FENCE ALONG AN EXISTING RETAINING WALL, LOCATED PARTIALLY AND ENTIRELY WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT; PROVIDING FOR OTHER 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.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. He indicated they were repairing or replacing items destroyed by the hurricane.

Michael Muirhead, VP of the Board of Directors for the Estero Beach Club Condo, was available for questions.

No public comment.

Senior Planner Smalley noted that the request met the LDC (Land Development Code) criteria and was in compliance with the Comprehensive Plan (comp plan). He reviewed the conditions of approval. LPA Member Dunlap commended the staff and the applicant for their complete report, which was well done.

LPA Member Dunlap moved to approve the resolution with the staff criteria and conditions included, seconded by LPA Member Sudduth. The motion carried unanimously by roll call vote.

C. SEZ20240186, 1479 Estero Blvd - Lani Kai

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE 43 COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 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.

Senior Planner Smalley noted there were two requests attached. He reviewed the background of the special exception request as stated on the yellow sheet. He indicated the parcel was an annex, but they could not confirm whether they were currently used as hotel units. He said that if the special exception was approved but not the variances, the applicant would be eligible for only 13 parking spaces. Senior Planner Smalley indicated that if the staff looked at all their parking lots and came up with a total number of rental units and parking spaces in each lot, it would give them the total available across all three parking lots. He added that was not in the scope of what they were doing today.

Robert Burandt, attorney, represented the applicant and stated there were three parcels and the property in question was the hotel on the bay side. He indicated that the property had been open for public parking for 40 years.

They were here because code enforcement stated that the parking sign was a violation because it was not zoned for an open parking lot. After discussions with the town, they requested a special exception and variances to allow Lani Kai to continue operating the parking lot the way it is without additional expenses. He did not favor adding landscape because it did not last very long. He explained how the parking lot operated and indicated that, technically, they were allowed to rent out the extra spots without a special exception. Attorney Burandt noted that the 25 rooms were booked when the hotel was full and a person was on-site to manage the parking lot. He said they would happily address the issues surrounding all three parking lots.

LPA Member Dunlap confirmed they wanted to continue operating the parking lot without adding landscape and buffers. Attorney Burandt replied that they did not want to spend a million dollars on landscaping or

reconfiguring the parking lot because it had already been approved by the LDO (Limited Development Order).

Ken Conadaris, applicant, stated that the employees had been parking in the lot since they received the notice of violation. He described how they changed their operations, how much money they had spent on landscaping and how they calculated their parking daily.

Senior Planner Smalley indicated that the staff found the special exception was not warranted without the additional work. LPA Member Eckmann was okay with the exception for commercial parking but not with the variances. He would like to see a complete plan. Senior Planner Smalley stated that the special exception did not necessarily require landscaping.

Attorney Burandt agreed with the conditions of approval for the special exception.

No public comment.

LPA Member Boan moved to approve the resolution with the seven conditions in the staff report, seconded by LPA Member Dunlap.

The motion carried 6-1 by roll call vote, with LPA Member Eckmann dissenting.

D. VAR20240233, 1479 Estero Blvd - Lani Kai

**A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240233, REQUESTING FOUR VARIANCES FROM THE LDC FOR THE PROPERTY LOCATED AT 1479 ESTERO BLVD., GENERALLY REFERRED TO AS "LANI KAI" STRAP NUMBER 19-46-24-W4-0060B.0070, IN FORT MYERS BEACH 1) WAIVING REQUIRED PARKING FOR THE 25-UNIT HOTEL, REQUIREMENTS FOR 2) PARKING LOT CONFIGURATION, 3) LANDSCAPING REQUIREMENTS AND 4) DRIVEWAY WIDTH REDUCTIONS FOR ENTRANCES ON ESTERO BLVD.; PROVIDING FOR OTHER 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.

Senior Planner Smalley noted this was the companion to the previous special exception. He reviewed the background of the variance requests as stated on the yellow sheet. He said the fire department would have to approve the lane widths at the fire review.

Attorney Burandt stated that the money was not there and that the fire department had approved the LDO. The parking lot could not be reconfigured because they would lose parking spots. He explained that he already told Code Enforcement and Operations & Compliance Director Frankie Kropacek that they were unwilling to spend a lot of money. Attorney Burandt stated that he was assured it was only a routine matter and the applicants wanted to be good stewards. He noted that they wanted to keep the 2023 parking plan previously approved by the town. Mr. Conadaris

stated that the parking lot already met the 2023 parking plan. Senior Planner Smalley did not think they were compliant with current lighting standards and they would have to add fixtures. Mr. Conadaris stated that they met with Environmental Projects Manager Chadd Chustz many times regarding adjusting their lights.

Community Development Principal Planner Judith Frankel explained that they were treating the parking lot as a new use and asked that they meet the current code because there was no record of a previous approval. She felt there was a miscommunication when they initially came in for the special exception.

Town Attorney Stuparich stated that this was going to be across-the-board compliance action for all the parking lots coming up and that they had to be treated equally, but it had to be on a case-by-case basis. LPA Member Dunlap felt this seemed arbitrary and unnecessary in many ways. LPA Member Sudduth stated that the special exception gave them the right to do what they did, which should have been the end. Senior Planner Smalley explained that what triggered this was that they wanted more than 13 parking spaces, which the special exception would leave them with. LPA Member Eckmann noted that the special exception gave them 13 parking spaces, but they really wanted 43 commercial parking spots, so they had to comply with the code. If they were okay with 13, they could continue doing what they were doing.

Attorney Burandt reminded the LPA that it all started with the violation because of the sign. After meeting with code enforcement, they agreed to limit the parking to Lani Kai guests and the violation was withdrawn. The town said it would help them if they got the special exception for more open parking. Attorney Burandt believed they could lease those spaces without any approval because it was ancillary to the hotel under 39.2011. LPA Member McLean reiterated that there were 43 available parking spots, and by code, 30 of them had to be assigned to the hotel so they could do whatever they wanted with the 13 spaces. If they wanted to use the 30 for open commercial parking, they had to follow the code. LPA Member Eckmann noted they would receive revenue from the parking spaces.

Chair Cereceda stated if they disagreed with the variance requirements, they should withdraw the request because all the variances pertained to the total use of the lot for open spaces. Attorney Burandt replied that they wanted the availability to use all of them legally. He stated they could continue this and the staff could tell them exactly what they needed to do. LPA Member Eckmann responded that the applicant needed to design a plan for the lot and show it to the LPA.

Attorney Burandt requested that they continue it so he could discuss what to do with the applicant.

LPA Member Dunlap moved to continue the hearing to a date uncertain, seconded by LPA Member Sudduth.

The motion carried unanimously.

**VIII. ADMINISTRATIVE AGENDA****A. LPA Guidelines**

**Review of guidelines in the LPA manual at the December 2024 LPA meeting with proposed changes for discussion.**

Town Attorney Stuparich reviewed changes to the guidelines starting on page 248. Some changes included removing duplications, the election of officers, meeting preparation, anticipated absences, communication between the LPA and Town Council, Sunshine Laws, meeting procedures, order of agenda items, legislative hearing procedures, quasi-judicial procedures and LPA meeting output.

LPA Member Plummer moved to accept the guidelines, seconded by LPA Member Sudduth.

The motion carried unanimously.

**IX. LPA MEMBERS ITEMS/REPORTS**

LPA Member Plummer noted that four septic tanks were open in her neighborhood and she and the neighbors covered them with boards. She encouraged people to work with their neighbors to clean up lots.

No items from other members.

**X. LPA ATTORNEY ITEMS/REPORTS**

No items.

**XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS**

No items.

**XII. ITEMS FOR NEXT MONTHS AGENDA**

No items.

**XIII. ADJOURNMENT**

LPA Member Dunlap moved to adjourn at 11:16 a.m., seconded by LPA Member Boan.

The motion carried unanimously.

Minutes adopted as presented, January 9, 2025; Motion by LPA Member Boan and seconded by LPA Member Sudduth. Passed 6-0.



Amy Baker, Town Clerk