



Fort Myers Beach Local Planning Agency

Town Hall Council Chambers

2731 Oak Street

Fort Myers Beach, FL 33931

Minutes

Tuesday, March 11, 2025

9:00 AM

FINAL

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member Dunlap moved to approve the final agenda, seconded by LPA Member McLean.
The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - February 11, 2025
LPA Member Sudduth moved to approve the minutes, seconded by LPA Member Eckmann.
The motion carried unanimously.

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 noticed and she swore in those providing testimony.

A. VAR20250015, 702 Estero Boulevard

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250015, REQUESTING FOUR VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 702 ESTERO BOULEVARD., GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W3-00400.008E IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, REAR SETBACKS, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; AND 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 contractor and noted the cottage lot had been in the family since 1981. The previous house was approximately 756 square feet, with an enclosed area below and a deck for 1,182 square feet. The applicant proposed 1,350 square feet with 1,080 square feet of living area.

They had no objections to the conditions.

Planner Lee noted that staff recommended approval and reviewed the criteria and conditions.

No public comment.

LPA Member Plummer moved to approve the nine-foot setback, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member Sudduth.

The motion carried unanimously.

LPA Member Dunlap moved to approve the rear setback variance, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member McLean.

The motion carried unanimously.

LPA Member McLean moved to approve the five-foot side setback, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member Dunlap.

The motion carried unanimously.

LPA Member Eckmann moved to approve the north side setback, finding it was consistent with the comprehensive plan and findings and conclusions in the record, seconded by LPA Member Sudduth.

B. VAR20250018, 154 Virginia Avenue

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250018, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 154 VIRGINIA AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-00090C.0040 IN FORT MYERS BEACH, TO VARY 6.8 FEET FROM REQUIRED 20 FOOT REAR SETBACK TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RC ZONING DISTRICT; AND 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 Sarah Propst reviewed the background of the request as stated on the yellow sheet. She noted that the staff recommended denial because the applicant could choose a different design to fit on the parcel. She indicated there had been no objections from the neighbors.

Kara Stewart stated that the lot could have a home with 4,800 square feet of living space and they proposed 1,700 square feet. She felt the request was de minimis based on how large the house could be.

No public comment.

Planner Propst read the conditions.

LPA Member Dunlap moved to approve the resolution based on the findings and conclusions, consistency with the comp plan and the conditions, seconded by LPA Member Sudduth.

The motion carried unanimously.

VIII. ADMINISTRATIVE AGENDA

A. Discussion Only - Notices

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LOCAL PLANNING AGENCY AND TOWN COUNCIL PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Chair Cereceda commented that this ordinance and the next one were for discussion only. Town Attorney Stuparich noted that the town council would discuss the ordinances at their next M&P Session. After the discussion, the ordinances will come back to the LPA to consider adoption. Chair Cereceda read the title of the ordinance.

Town Attorney Stuparich indicated this would shift the burden of noticing to the applicant and developer.

Planner Propst stated that this was required before the hearing and if the applicant could not provide evidence that they did this, they would not be allowed to come before the LPA. She explained that people have been complaining that they did not receive the notice from the Town and it costs the town time and money to resend them. She added that many other communities were doing the same.

Proof from the applicant included an Affidavit of Compliance and identifying the criteria that needed to be satisfied. Planner Propst noted the town only charged to cover the printing and mailing and they did not make money. Instructions on completing the process were available and anyone with questions could call the town for advice. She described the process and noted it was simple. She added that the applicants could hire a business to send notices. LPA Member Eckmann commented that people will still say they did not receive a notice. LPA Member Dunlap responded that the town was still required to advertise and notice the agenda. LPA Member Sudduth thought the process was antiquated. LPA Member Eckmann agreed but thought it might be necessary for residents to find out what was happening that was relevant to their property.

Planner Propst noted that the permitting system will eventually change and it might be possible for people to sign up to receive alerts that could affect their property. Town Attorney Stuparich pointed out that subsection B. discussed notices using layperson's terms. For example, multi-family residents will state apartment buildings and restaurants rather than business zoning. The LPA supported the ordinance.

B. Application Review Fees and Payment

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich asked whether the LPA intended this and noted that it was quite broad. LPA Member Dunlap explained what he intended. Suppose someone asks for a variance to do something different and is allowed to do so under normal rights. In that case, they agree to comply with the conditions of approval and move forward with the development.

He felt that when applicants did not comply with what they agreed to do under other variances or ordinances, they should not be allowed to request variances on different properties. It was an abuse of time and respect for the process. The applicant's credibility was shot because they ignored the previous rules and agreements. If the Special Magistrate ordered a fee or lien on a property, they had to come into compliance before asking for anything else. His analogy was that he would not hire a bank robber to work in his bank just because his bank was not the one that they robbed. He clarified that this would not include people with outstanding parking fines. It was a land use approval issue. Chair Cereceda noted that the Special Magistrate process took some time and a person could come to the LPA during that gap. She asked whether they could include pending Special Magistrate hearings. LPA Member Dunlap did not have an answer. He wanted the applicants to prove that they had corrected their lousy behavior before asking for additional freedoms that could end up in front of the Special Magistrate again. He added that there were only a few out there, but they were big, and even though they had the resources, they chose bad behavior. LPA Members Plummer and Sudduth suggested that if they owe the town money for anything, they should come into compliance first. LPA Member Eckmann thought it was too general and that traffic tickets could be contested, which complicated the process. LPA Member Plummer supported keeping the ordinance intact. Chair Cereceda added that including everything simplified it and did not leave any holes open for people to walk through.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer said the Shrimp Parade was fabulous, and more people attended than she expected. She noticed that not as many kids or grandkids attended.

LPA Member McLean would like to discuss the proliferation of parking lots on undeveloped lots, such as at the old Shamrock. He indicated the town had issued citations. LPA Member Plummer added that the town had put barriers on some lots. Existing codes related to parking lots will be discussed later.

LPA Member Dunlap brought up creating places where he could dock his boat to drop off people at Times Square, similar to a ferry system. Chair Cereceda responded that the discussion was not new and that, at one time, a map identified locations for parking boats. LPA Member Dunlap suggested that a dock be designated to drop off people.

Chair Cereceda asked whether there was a way to request that developments include images of what their project would look like after completion. Planner Propst brought up 3D printing, but she was unsure about the cost. Chair Cereceda thought models should be a requirement rather than graphics. LPA Member Sudduth described how using the models could be a public benefit and LPA Member Eckmann mentioned using drones. LPA Member Sudduth stated they could ask for all the models they wanted, but if the town council continued to approve things without models, it would not matter.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Planner Propst indicated they would need a second meeting in April. The second meeting was tentatively scheduled for April 29, 2025. She reviewed some of the projects that are coming forward. Planner Propst stated the library was opening this weekend. Senior Planner Smalley and the Corradino Group would set up a table for public outreach regarding the comp plan and the LDC. A flyer with a survey QR code and poster boards would be available for input. Chair Cereceda offered to help.

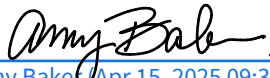
XII. ITEMS FOR NEXT MONTHS AGENDA

Mentioned above.

XIII. ADJOURNMENT

Chair Cereceda adjourned the meeting at 10:22 a.m.

Minutes adopted as presented, April 8, 2025. Motion by LPA Member McLean and seconded by LPA Member Eckmann. Passed 6-0.



Amy Baker (Apr 15, 2025 09:35 EDT)

Amy Baker, Town Clerk