



Fort Myers Beach Town Council

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

AMENDED Agenda

Monday, May 19, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. SWEARING IN CEREMONY

NEW William McKannay, Town Manager

VI. PUBLIC COMMENT

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

IX. APPROVAL OF MINUTES

A. Town Council - April 21, 2025

B. Town Council - May 5, 2025

X. CONSENT AGENDA - NO ITEMS

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

A. St. Peters Drive

Dedication of St Peters Drive (Private Road) to the Town of Fort Myers Beach

B. 21391 Widgeon Terrace

**Appeal of a Building Official Decision to Issue Permits # 24233 / 23477
Related to Construction of an Elevated Swimming Pool at 21391
Widgeon Terrace, Fort Myers Beach**

C. Resolution 25-150; VAR20250045, 277 Primo Dr.

**A RESOLUTION OF THE FORT MYERS BEACH TOWN COUNCIL
APPROVING, APPROVING WITH CONDITIONS, DENYING A VARIANCE
FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 277 PRIMO**

DRIVE, GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0150D.0260 IN FORT MYERS BEACH, TO ALLOW A SETBACK OF 12.6 FEET INSTEAD OF THE REQUIRED 25 FEET WATERBODY SETBACK FROM A CANAL, IN ORDER TO BUILD A NEW GARAGE AND AN ELEVATED POOL FOR THE EXISTING SINGLE-FAMILY RESIDENCE 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.

- D. Resolution 25-152; SEZ20250038, 7150 Estero Blvd. (Creciente Condo South)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250033 TO ALLOW REPLACEMENT OF EXISTING RIPRAP, ALUMINUM FENCES, SIDEWALKS, POOL, AND POOL DECK WITH A 494 SQ. FT. POOL DECK EXPANSION IN THE EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 7150 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

- E. Ordinance 25-07; REZ20240275, 1011 Third Street
This agenda item is a Second Reading and Final Public Hearing on proposed Ordinance 25-07.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REZONING OF PROPERTY LOCATED AT 1011 THIRD STREET, FORT MYERS BEACH, FLORIDA (STRAP NUMBER 24-46-23-W3-00202.0060) FROM DOWNTOWN TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH THREE DEVIATIONS: 1) REQUEST TO APPLY PROPERTY DEVELOPMENT REGULATIONS FOR THE DOWNTOWN ZONING DISTRICT, RATHER THAN THE RESIDENTIAL MULTI-FAMILY STANDARDS IN SEC. 34-943 REQUIRING USE OF THE RM DEVELOPMENT REGULATIONS, 2) REDUCTION OF THE REQUIRED 5-FOOT SIDE YARD SETBACKS TO ALLOW FOR DEVELOPMENT ON THE EASTERN PROPERTY LINE; AND 3) REQUESTING A FLOOR AREA RATIO (FAR) OF 1.7, AN INCREASE OVER THE 1.0 FAR ALLOWED IN SEC. 34-675(C)(3); PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Ordinance 25-10; DCI20250035.1, 1051 Fifth Street, Lighthouse Resort CPD Expanded Boundary

This agenda item is a First Reading and Public Hearing on proposed Ordinance 25-10. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 18-17 FOR THE PARCEL LOCATED AT 1051 FIFTH STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00205.0060, TO ADD AND REZONE A PARCEL LOCATED AT 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00203.0150 IN FORT MYERS BEACH FROM DOWNTOWN TO CPD; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Ordinance 25-11; DCI20250035.2, 1051 Fifth Street & 1060 Third Street (Lighthouse Island Resort)

This agenda item is a First Reading and Public Hearing on proposed Ordinance 25-11. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING AMENDMENT FOR THE PROPERTY LOCATED AT 1051 FIFTH STREET AND 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0060 AND 24-46-23-W3-00203.0150 IN FORT MYERS BEACH, TO AMEND THE EXISTING MASTER CONCEPT PLAN TO ALLOW FOR A) AN INCREASE IN THE NUMBER OF HOTEL UNITS, B) 11 DEVIATIONS: 1) MINIMUM CONNECTION SEPARATION, 2) EXCLUSION OF UNDER BUILDING PARKING FROM FAR, 3) INCREASE IN HEIGHT FOR A MONUMENT SIGN (5TH STREET), 4) INTERNAL SIGN ILLUMINATION, 5) 40 FEET HEIGHT WITH 4 STORIES, 6) REDUCTION IN STREET SETBACKS, 7) MURAL -STYLE SIGN (EAST SIDE), 8) 10 FOOT MONUMENT SIGN (CORNER), 9) MURAL STYLE SIGN (SOUTH), 10) WAYFINDING POLE SIGN, AND 11) 58% REDUCTION IN PARKING REQUIREMENTS; AND C) CONDITIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- H. Ordinance 25-06; DA20250001 - 1028, 1046 Estero Boulevard (Times Square)

This agenda item is a First Reading and Public Hearing on proposed Ordinance 25-06. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 1028 ESTERO BOULEVARD AND 1046 ESTERO BOULEVARD, FORT MYERS BEACH, FL, STRAP NOS. 24-46-23-W3-00017.0000 AND 24-46-23-W3-00016.0000 AND OWNED BY PERSAUD PROPERTIES FL INVESTMENTS LLC, AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-73 AS AMENDED BY RESOLUTION 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTY TO ALLOW A COMMERCIAL DEVELOPMENT WITH A MAXIMUM OF 42,210 SQUARE FEET, 31 HOTEL ROOMS, AND A MEAN ROOF HEIGHT OF 38 FEET 8 INCHES ABOVE THE 100-YEAR STORM ELEVATION; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

XIII. ADMINISTRATIVE AGENDA

- A. Resolution 25-149, Angie Brewer Third Amendment and STA #6
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A THIRD AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND ANGIE BREWER & ASSOCIATES, LC TO EXTEND THE TERM OF THE CONSULTANT AGREEMENT FOR FUNDING MANAGEMENT SERVICES FOR SRF AND OR OTHER GRANTS OR LOANS AVAILABLE TO THE TOWN, TO DECEMBER 6, 2025; APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 6 FOR THE UNINTERRUPTED CONTINUATION OF THESE SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND SUPPLEMENTAL TASK AUTHORIZATION AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND

PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution 25-151; Lee County Lift Station Easement Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, GRANTING AN AMENDED EASEMENT TO EXPAND THE AREA OF AN EXISTING EASEMENT GRANTED TO LEE COUNTY FOR THE PLACEMENT AND OPERATION OF COUNTY-OWNED SEWER MAINS, PIPES, AND FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Resolution 25-146; First Amendment to SPA-24-12-EN, ICS Emergency Measures - Hurricane Milton

UPDATED

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RETROACTIVELY APPROVING A FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT SPA-24-12-EN DATED DECEMBER 16, 2024 BETWEEN THE TOWN OF FORT MYERS BEACH AND ICS MATERIALS, INC. TO 1) EXTEND THE TERM OF SERVICE FROM NOVEMBER 6, 2024 TO DECEMBER 21, 2024 FOR DEBRIS AND HAZARD CLEAN UP SERVICES DUE TO HURRICANE MILTON: AND 2) INCREASE THE NOT TO EXCEED AMOUNT BY \$123,287.00 FROM \$300,000.00 TO \$423,287.00; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Resolution 25-147; First Amendment to SPA-24-10-EN, ICS Hurricane Helene-CAT B

UPDATED

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RETROACTIVELY APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT SPA-24-10-EN DATED OCTOBER 4, 2024 BETWEEN THE TOWN OF FORT MYERS BEACH AND ICS MATERIALS, INC. FOR DEBRIS AND HAZARD CLEAN UP SERVICES DUE TO HURRICANE HELENE TO 1) EXTEND THE TERM OF THE AGREEMENT TO OCTOBER 8, 2024; AND 2) INCREASE THE NOT TO EXCEED AMOUNT BY \$17,942.40 FROM \$200,000.00 TO \$217,942.40; AND PROVIDING FOR AN EFFECTIVE DATE.

- UPDATED** E. Resolution 25-148; First Amendment to SPA-24-13-EN, ICS Sand Screening - Hurricane Milton

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RETROACTIVELY APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT SPA-24-13-EN DATED DECEMBER 18, 2024 BETWEEN THE TOWN OF FORT MYERS BEACH AND ICS MATERIALS, INC. TO AMEND THE NOT TO EXCEED AMOUNT BY \$53,971.69 FROM \$900,000.00 TO \$953,971.69; AND PROVIDING FOR AN EFFECTIVE DATE.

XIV. FINAL PUBLIC COMMENT

XV. TOWN MANAGER'S ITEMS**XVI. TOWN ATTORNEY'S ITEMS**

- A. Temporary Residential Uses Post-Emergency/Disaster
Discussion of the Status of Temporary Residential Housing Post-Emergency/Disaster and SB250/SB180

XVII. COUNCILMEMBERS ITEMS AND REPORTS

- A. Parallelogram Lots
DISCUSSION: Concerns with the Existing Parallelogram Lot Ordinance adopted in 2023, Particularly as the Ordinance has been Applied to Lots Located at 250 and 254 Miramar Street. (Maximum allowed time - not to exceed 30 minutes)

XVIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON [YOUTUBE](#).

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.