Fort Myers Beach Local Planning Agency

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

Minutes **Tuesday, April 29, 2025** **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 Dunlap moved to approve the final agenda, seconded by LPA Member Boan.
The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - April 8, 2025
LPA Member McLean moved to approve the minutes, seconded by LPA Member Plummer.
The motion carried unanimously.

VI. PUBLIC COMMENT

Tom Torgerson, resident, commended the Freeland family for retooling the Arches project and the LPA for unanimously recommending approval. He supported the project and the second addition to the Lighthouse Resort on the agenda. He was concerned about using the development agreement for complex projects. He questioned whether it was being used so that large projects could circumvent the more thorough CPD (Commercial Planned Development) process. He thought the development agreement was intended for smaller projects to keep costs down.

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. She swore in those providing testimony.

A. VAR20250060, 170 Curlew St

170 CURLEW ST: A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250060, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 170 CURLEW STREET GENERALLY REFERRED TO AS STRAP NUMBER 34-46-24-W4- 00042.0030 IN FORT MYERS BEACH, TO VARY 4 FEET 2 INCHES FROM THE REQUIRED 7.5 FOOT SIDE SETBACK FOR A SIDE SETBACK OF 3 FEET 4 INCHES TO CONSTRUCT A POOL ENCLOSURE IN THE RS 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. The applicant did not receive the agenda or background materials. Town Attorney Stuparich recommended continuing the hearing after the following item so that the applicant can review the materials.

LPA Member Sudduth moved to continue the hearing after B. is heard, seconded by LPA Member Dunlap.

The motion carried unanimously.

The hearing was reopened.

Community Development Principal Planner Judith Frankel reviewed a copy of the agenda and background materials with the applicant during the break.

She reviewed the background of the request as stated on the yellow sheet. The pool was already installed, but no one noticed that the enclosure had a different setback, so the applicant asked for a variance. The applicant wanted the enclosure to follow the line of their home. Staff recommended denial because it was a typical-sized lot, there were no extraordinary conditions, and it was not a de minimis request. The applicant said there was a structure before, but staff did not find evidence.

LPA Member Plummer commented that the covered screen appeared to be directly off the house's edge in the survey. Principal Planner Frankel replied that the screen existed, but the pool was not on the survey. The screened enclosure would be where the pool was and was on the site plan. LPA Member Plummer discussed being able to walk around the pool. Principal Planner Frankel noted there were no objections from the neighbors.

James and Tammy Bradford distributed a picture of their site and reviewed the history of the property. All the documentation he had was lost in the hurricane. He talked to all the neighbors, and they supported the request. He described the pool construction details and why the enclosure was denied.

No public comment.

LPA Member Eckmann moved to approve the resolution, subject to conditions of approval established by staff, the findings and conclusions met the criteria and rigid compliance was not essential to protect the public, seconded by LPA

Member Sudduth.
The motion carried unanimously by roll call vote.

B. VAR20250072, 274 Curlew St

274 CURLEW ST: A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250072, REQUESTING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 274 CURLEW STREET, GENERALLY REFERED TO AS STRAP NUMBER 34-46-24-W4- 01200.00B0 IN FORT MYERS BEACH, TO VARY 13.5 FEET FROM REQUIRED 25-FOOT WATERBODY SETBACK TO ALLOW A WRAP- AROUND DECK 11.5 FEET FROM THE PROPERTY LINE IN THE RS 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. Ex parte communications: LPA Member McLean discussed the property with the company that elevated his house and is elevating this one. No disclosures from other members. The applicant confirmed receipt of the agenda and background materials.
Community Development Planner Sarah Propst reviewed the background of the request as stated on the yellow sheet. The staff recommended approval with conditions.
Kara Stewart represented the applicant. The variance was to reconstruct the deck on the property that was being elevated. They received a letter of no objection from the neighbor.
No public comment.

LPA Member Dunlap moved to approve the resolution, including the findings and conclusions and finding substantial evidence to support the motion, seconded by LPA Member Sudduth.
The motion carried unanimously by roll call vote.

C. VAR20250045, 277 Primo Dr

277 PRIMO DR: A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250045, REQUESTING 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 VARY 12.4 FEET FROM REQUIRED 25 FOOT WATERBODY SETBACK FROM A CANAL 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.

Chair Cereceda read the title of the resolution. Ex parte communications: Chair Cereceda talked with the applicant regarding the project. No disclosures from other members.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She recommended denial because it did not appear to be de minimis and there were no extraordinary circumstances. She read the criteria in the staff report. Chair Cereceda noted that people with pools were dramatically impacted by all the hurricanes. Since storms were part of their future, she wondered if this was not a reasonable change to allow property owners to make. Planner Propst replied that if the town council and LPA felt it was important for people to elevate their pools, they may want to consider code changes. Right now, it was a choice and not considered a necessity. LPA Member McLean asked whether the neighborhood submitted input. Planner Propst will check and get back to them.

Kara Stewart represented the applicants and addressed the reasons Planner Propst recommended denial. She felt there were exceptional conditions because there were two water-body setbacks in two different directions. The house could not be moved to improve the situation. She referred to the code regarding accessory structures. She distributed aerial views to show the extensive landscape. She discussed future flooding issues and indicated the garage was too small. LPA Member Dunlap clarified that the setback to natural body waters was 25 feet and would remain that way. Ms. Stewart added that they were only affecting the canal.

LPA Member Eckmann asked whether the setback from the canal was 10 feet, and if so, why they needed a variance. Planner Propst replied that it was an attached structure. LPA Member Eckmann noted he did not have a reason to approve the request because the code was against it. LPA Member Sudduth questioned the square footage above the new elevated garage. LPA Member Dunlap asked whether the code allowed a wall to be built around pools to prevent water encroachment. Planner Propst responded that a wall above four feet would not be allowed closer than 25 feet to the canal. Ms. Stewart noted the new garage was 227 by 22 and LPA Member Sudduth indicated it was about 440 square feet above base flood.

Ms. Stewart clarified that FEMA changed the flood elevation of the property and now it was in a higher flooding area, reinforcing the need to elevate. She added that there were boathouses along the canal that restricted the views much more than this request.

Public comment:

Larry McManus, resident, was concerned about the view because they already had a lot of landscaping. He read a speech about property values, losing view corridors and upholding the code. He stated that they already had a pool and a two-car garage.

James Bradford, resident, thought the town did a good job of trying to satisfy everyone since they incorporated. He noted that the views were not the same as they used to be, but there were still elements on the island they had to enjoy. He asked them to consider the minor modification.

Tom Kolar, applicant, stated that the downstairs pool was not functional and he could not park his truck in the garage because it was not large enough.

Tommy Kolar, the applicant's son, stated that his dad was building this project for his kids and grandkids. He described how the living situation with children getting older was difficult with separate living floors. He did not see how their project would block the neighbor's view because he used to live in that house.

Public comment closed.

Chair Cereceda stated this is an example of a changing lifestyle and it was a constantly evolving community. She felt they would see more requests in light of the hurricanes.

LPA Member Plummer noted it could be built if it were not attached. She lived with water on two sides of her property and 25-foot setbacks were a lot. She wondered how much of a view there could be with all the landscape.

LPA Member Eckmann liked the project, but they had rejected elevated pools in the past for the same reasons. He did not see any leeway to approve it within the context of the code.

LPA Member McLean shared LPA Member Eckmann's view. Opposition from the neighbor was also a factor for him. He recognized that everyone would prefer elevated pools, but he struggled with the rules.

LPA Member Dunlap noted that everyone living on water would elevate their pools today. He felt this was a one-off for a trend that was inevitable. He agreed it was a challenge with the way the code was written.

LPA Member Sudduth stated that the house next door had no view before Ian because of the heavy landscape. He described how he could not see the house from the canal or down the street.

LPA Member Boan thought there was a hardship because of the double setbacks, climate change and the hurricanes.

Chair Cereceda moved to approve the resolution, finding competent and substantial information that satisfied the findings, conclusions and conditions necessary for the request, seconded by LPA Member Dunlap.

The motion carried 8-1 with LPA Member McLean dissenting. The request will go before the Town Council.

D. VAR20250012; 722 Estero Boulevard

722 ESTERO BOULEVARD: A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20250012, REQUESTING FOUR VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 722 ESTERO BOULEVARD, GENERALLY REFERRED TO AS STRAP NUMBER 24-46-23-W3-00400.007E IN FORT MYERS BEACH, TO VARY 1). 22.5 FEET FROM THE REQUIRED 25 FOOT STREET SETBACK FOR A STREET SETBACK OF 2.5 FEET FROM STREET EASEMENT, 2). A VARIANCE OF 15 FEET FROM THE REQUIRED 20 FOOT REAR SETBACK FOR A REAR SETBACK OF 5 FEET, 3). A VARIANCE OF 1.5 FEET FROM THE REQUIRED 6.5 FOOT SIDE SETBACK FOR A SIDE SETBACK OF 5 FEET, AND 4.) A VARIANCE OF 14% FROM THE MAXIMUM ALLOWABLE BUILDING COVERAGE OF 40% FOR A BUILDING COVERAGE OF 54% 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.

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet, along with the criteria. Staff recommended approval with conditions.

Jim Ink represented the applicant and utilized PowerPoint for his presentation. Slides included: Request Statement, Aerial, Pre-Ian Survey, Post-Ian Survey, Design, Floor Plan, Elevations, Existing Approvals, Variances, Variance - Findings and Conclusions and Suggested Motion.

No public comment.

LPA Member McLean moved to approve the resolution, agreeing with the staff report and conditions attached, seconded by LPA Member Eckmann. The motion carried unanimously by roll call vote.

E. SEZ20250033, 7150 Estero Blvd

7150 ESTERO BOULEVARD: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250033 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF EXISTING RIPRAP, ALUMINUM FENCES, SIDEWALKS, POOL, AND POOL DECK WITH 494 SQ. FT. POOL DECK EXPANSION IN 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.

Chair Cereceda read the title of the resolution. No ex parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted that the applicant asked for an additional area of the pool deck, which was not recommended for approval by staff. The staff recommended approval of like-for-like replacements with conditions. The pool deck expansion was not consistent with the comprehensive plan.

Lloyd Welker, Treasurer of the Criciente Condo Association, indicated that they would remove the pool deck expansion.

Public comment:

Charles Arthur, condo resident, requested clarification of the staff's recommendation to exclude the expansion. He stated the expansion was needed and a large part of the property was already seaward of the CCCL (Coastal Construction Control Line). He added that the expansion provided safety for the residents.

Terry Smith, condo resident, felt it was important for safety issues and it was a very small area. He did not think the expansion would make a substantial

difference.
Cynthia Clark, a condo resident, agreed that it was dangerous because getting around people in chairs was difficult.
Darlene Fredricko, condo resident, stated it was a safety hazard and they just needed a little more room to get by the chairs.
Public comment closed.

LPA Member McLean moved to approve the resolution and allow expansion of the pool deck per the testimony that it was a safety issue, met the findings and conclusions and was consistent with the comp plan, seconded by LPA Member Sudduth. LPA Member Eckmann clarified that the square footage was as shown in the exhibit presented.
The motion carried unanimously by roll call vote.

F. DA20250001; 1028, 1046 Estero Boulevard (Times Square)

TIMES SQUARE DEVELOPMENT AGREEMENT: 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 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTY TO ALLOW A COMMERCIAL DEVELOPMENT WITH A MAXIMUM OF 58,625 SQUARE FEET, 50 HOTEL ROOMS, AND A MEAN ROOF HEIGHT OF 52 FEET 8 INCHES ABOVE 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.

Chair Cereceda read the title of the ordinance. Ex parte communications: LPA Member Dunlap met with the developer, received emails and social media, LPA Member Sudduth heard from residents, received emails and social media, LPA Member Eckmann received emails, LPA Member Plummer spoke to Tom Torgerson and received emails, LPA Member Boan attended the presentation, had discussions with residents and received emails, LPA Member McLean met with the developer, spoke to residents and received emails and Chair Cereceda talked to residents, social media, met with Tina and the applicants, had a presentation of the project and spoke with Mr.

Torgerson.

Planner Propst stated that the development agreement met all the criteria for the resolution and confirmed that the LPA had reviewed the addendum regarding elevations. She reviewed the background of the request as stated on the yellow sheet.

Tina Ekblad from Sage Entitlement has previously been qualified as an expert in her field.

Tyler Peterson reviewed his qualifications as an architect. The LPA agreed to accept Mr. Peterson as an expert in his field.

Attorney Joe Madden represented the applicant.

LPA Member Dunlap asked two questions about negotiations and recommendations. He felt it was important to note that the development agreements had the ambiance of being a negotiated settlement or negotiated recommendation between the two parties. He did not believe that was the case here. He did not want the LPA or the public to believe there was a by-inference recommendation because it was a negotiated document. It ended up in a place that was not advanceable beyond what the staff would have taken it should they have been able to and therefore, it exists as it exists on behalf of the applicant. Planner Propst agreed. Town Attorney Stuparich added that the staff would always ask for more and there had to be a point of closure. Chair Cereceda stated that the number one question asked of her was: “ So, you're telling me that the town staff and the property owner negotiated this and it's just coming before you guys for an approval?”. LPA Member Dunlap stated that that was the distinction he was trying to make to ensure that they process it through the lens of a raw document without recommendations or over-influence from staff.

Planner Propst indicated that the deviations listed were no longer included and would be addressed by the applicant. LPA Member Boan asked whether the 2,000-square-foot sunset deck on the fifth floor was included in the FAR (Floor Area Ratio) calculation. Planner Propst replied that it should be. LPA Member Boan asked what the base flood elevation was and LPA members responded that it was 21. Planner Propst indicated that the FDEP (Florida Department of Environmental Protection) would set the height. Planner Propst described what would be allowed in the 10-foot building setback.

Ms. Ekblad distributed updated documents and noted they were included in her presentation. She stated that deviations 2 and 7 were pulled because they were unnecessary. Slides included the Previous and current Architecture, Consulting Team, Property History, Downtown Core, Changing Conditions, Times Square Redevelopment, Redevelopment Request, First (Ground) Floor, Second Floor, Third & Fourth Floors, Hotel Equivalency, Rooftop, Deviation - Building Height, Colored Height Exhibit, Bridge Perspective, Building Height, New & Expanded Commercial and Benefits.

Chair Cereceda called for a 30-minute recess. Public comment:

Barry Lawrence, former Sunset Grill employee, supported Mr. Persaud. He commented on the change of view from the Matanzas Bridge and said people should pay attention to the road. He supported new businesses on the island and living in the future.

Tom Torgerson, resident, was opposed to the project due to the height and density. The town needed and wanted to rebuild, but not this much density. He mentioned the public benefits Margaritaville offered and discussed his height and density negotiations. He described the view coming over the bridge. He brought up missing inventory and wanted more hotel rooms, but not in this location. Mr. Torgerson stated they were in excess of 2.5 FAR and could build back by right.

Barry Frank, resident, noted it was time to start building back and advocated for progress. He wanted to see progress.

Lori Webster, resident, talked about the view from the bridge and commented that this project would change that. She did not think the project had public benefits because it benefited the applicant, not the public. She brought up the height and asked why large projects were able to avoid the CPD process. It was not a bad project, but it was bad for that location. A FAR of 2.5 was well above what that area could sustain.

Will Bustin, a business owner, supported Mr. Persaud because he supported small businesses. He did not see a downfall to the project.

Natalie Stickland, owner of 3 Escargot, described her years working in Times Square and supported this project.

Fred Malone, Buffalo Grill owner in Times Square, noted that many people he spoke to supported the project. He encouraged people to listen to the facts, not rumors. He said it was expensive to build back and urged them to work with him. He asked them not to consider the view from the bridge because other projects would be built. He hoped people would ignore social media.
He felt there were more positives than negatives.

Glen Huggin opened a business on the island before Ian destroyed it. He stated that the people made the town special. He applauds Mr. Persaud for rebuilding and feels that social media helped to divide people and made it difficult for any business. He stated they had to figure out how to move forward without fighting against each other.

Dyan Matschurek, resident, described the three groups of people she talked to in Times Square and said there is a need for hotel rooms on the beach.
She supported the project.

John Albion, business owner, described how Times Square was created and explained why he supported the project. He felt the area was one of the few in the county that was pedestrian-friendly and the hotel was essential to the beach. He thought it was good to have the mixed-use in that location.

Tom Brady, resident, did not support the project because of the height. He felt they were asking for much more and should build by code. He agreed that the development agreement was not the correct avenue for this project. He stated they were losing public parking.

Public comment closed.

Ms. Ekblad read the definition of FAR regarding patios. She clarified the hotel inventory chart, reviewed Ordinance 1804 concerning height and the rooftop terrace. She requested that they add a statement that they will provide the payments to replace the Times Square pavers before the certificate of occupancy. She stated that the employees would park off-site. LPA Member Eckmann did not buy the justification for the building height or the justification for 50 hotel rooms. Ms. Ekblad explained that the height was consistent with other buildings. She noted that the requested uses need a certain amount of square footage. Increasing the FAR comes with an increase in height because the enclosed air-conditioned space on the ground floor was limited. The current inventory and the need for more rooms were discussed concerning the 50 rooms. LPA Member Eckmann asked whether the project could go forward with 30 rooms and Ms. Ekblad did not have an answer, but she would try to get one. LPA Member Sudduth questioned whether 50 rooms were because of economics. Ms. Ekblad noted that the team could talk about fewer rooms.

LPA Member Dunlap suggested they start with what they could do by right and what they were asking for. Mr. Persaud, applicant, asked for 50 hotel rooms because that would bring back about 100 people to Times Square. He added that he only had a 1/2 acre on that lot and tried to be conscious of the height with the stepback design. He said he might be able to go with 30, but the purpose of the hotel rooms was to bring people into Times Square, which benefited everyone. LPA Member Dunlap asked whether Mr. Persaud agreed to pay impact fees retroactively and he agreed. LPA Member Dunlap asked whether Mr. Persaud would agree to pay for a portion of the wave mitigation walls. Mr. Persaud replied that he had already talked to other business owners and they would schedule the wave mitigation presentation with JR Evans. He noted he was willing to work with the team. LPA Member Dunlap compared Times Square to a symphony. He confirmed that Mr. Persaud had not done anything this complicated before and said it was a venture capital transaction, not financially, but from a project standpoint that he had not done before. Mr. Persaud commented that his contractor was seasoned and described how he remodeled the Top O' Mast.

LPA Member McLean described how Mr. Persaud was maxing out the envelope and the equivalency factor did not make sense. Mr. Persaud repeated the need to bring people back to Times Square. LPA Member Boan stated that Mr. Persaud asked for a big lift beyond anything they had dealt with. Public benefits had to be perpetual in nature and not an amenity. He did not think adding 10 feet in front of his building was a benefit and he did not see sufficient public benefits to justify the end. LPA Member Plummer discussed being careful with the first project to avoid setting a precedent for maxed-out buildings. They had to do it right the first time. Mr. Persaud reiterated that his lot was very small and anything below 2.5 on similar small lots would not work. Those owners would not be able to build back and setting a precedent for 2.0 would deter developers from touching those lots because it would not work. He anticipated the project would take two years to complete.

Chair Cereceda felt the lot was too small for what he presented. She did not think the public benefits justified the addition. She suggested that a benefit would be for him to donate his property adjacent to the pier. She described the change to allow two stories over flood for Times Square businesses after Ian. His project was larger than anything they ever anticipated. She could start talking about the project if he removed the top floor and put the rooftop deck on the third floor. She was also concerned about the stacking of cars, delivery vehicles and the safety of driving in the congestion. Chair Cereceda felt that even by right, this was an intense project for the parcel and the fourth floor for her was a no.

LPA Member Sudduth applauded his effort and it would have been nice if they started with two floors over parking. He thought a rooftop deck would be good because it was a revenue generator and maybe he could give up some rooms. He felt that the project went farther than they could digest. Mr.

Persaud said that he had done the numbers and this project cost a lot of money. LPA Members Sudduth and Dunlap asked whether Mr. Persaud would be willing to consider their suggestions and modify the agreement so they could go through it. Mr. Persaud replied that he would let the staff know how he would proceed.

LPA Member Eckmann moved to recommend denial because there was no justification for the height deviation in number one or deviation number five for the equivalency factor, FAR and the five deviations in the proposed development agreement were inconsistent with the comp plan, seconded by LPA Member Plummer. LPA Member Eckmann withdrew his motion.

LPA Member Eckmann moved to recommend denial of the development agreement because the five deviations were inconsistent with the comp plan and the perceived public benefits were not commensurate, seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote.

Since there was a technical glitch, Town Clerk Baker reread the motion and confirmed that LPA members agreed with the vote.

G. <u>DCI20250035.1; 1051 Fifth Street, Lighthouse Resort CPD Expanded Boundary</u>

1051 FIFTH STREET AND 1060 THIRD STREET: 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.

Chair Cereceda read the title of the ordinance.

Attorney Megan Strayhorn represented the applicant and Patrick Vanasse has been accepted as an expert witness. Rachel Hansen from the Neighborhood Company reviewed her education and background in planning. The LPA unanimously consented to accept Ms. Hansen as an expert in her field. The applicant confirmed receipt of the agenda and background materials.

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. The staff recommended approval without conditions. Attorney Strayhorn started her presentation with Applications, Hearing Process and Basis of Review. Tommy Kolar, applicant, talked about the history of the property. Patrick Vanasse continued the presentation with CPD Boundary Change & Rezoning Request, Aerial of the Property before Ian and Master Concept Plans for Lighthouse Island Resort.

Public comment:

Tom Torgerson, resident, supported the request because it will be an enhancement and improvement to the area.

Public comment closed.

LPA Member Boan moved to approve the ordinance, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

H. <u>DCI20250035.2; 1051 Fifth Street and 1060 Third Street, Lighthouse Island Hotel Resort</u>

1051 FIFTH STREET AND 1060 THIRD STREET: 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.

Chair Cereceda read the title of the ordinance. Ex parte communications: All LPA members met with the applicants and Mr. Vanasse.

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet. She reviewed the history of the property and the deviations. Although the staff had parking concerns, they found that the CPD amendment met the Land Development Code (LDC) criteria and was compliant with the comprehensive plan.

LPA Member Boan asked whether there was an enforcement mechanism for the parking. Principal Planner Frankel replied that any parking plan would have to be a separate agreement. Town Attorney Stuparich added that they could add a condition in the ordinance requiring a separate parking agreement. LPA Member Eckmann brought up people using Uber for transportation from the airport.

Attorney Megan Stayhorn introduced the team. She stated the rooms increased from 75 to 130, but the retail space was significantly reduced. Patrick Vanasse with the Neighborhood Company described the renovations after Ian, the parking credit and the property they donated to the town. The PowerPoint started with Key Points, Proposed Plan, Renderings of Building 1, View from the new Pool Deck, a Family-Friendly Path Between the Resort and the Bridge, New Building 5 with 3 Stories above Parking, the Facade of the Building, an Elevated Pool with Restaurant and Wine Bar, Views from the Bridge, Exterior Elevations, Density/Intensity, Transportation, Parking, Consistency with the Comp Plan, Compliance with LDC and CPD Criteria, Location, Public Benefits/Special Benefits, Deviations & Justifications, Hotel Room Update, Concur with Staff Report and Conclusion.

No public comment.

LPA Member Plummer was still concerned regarding the reduction in parking. LPA Member McLean was not concerned because he believed people would Uber in and people walked to Times Square from that location in the past.

LPA Member Sudduth shared the concern, but thought the applicants would take care of it for their business if needed.

Principal Planner Frankel indicated they could add a lighting condition to the pathway between the bridge and the resort building. She was not sure whether the height of the garage would allow for car lifts.

LPA Member Boan explained why this project differed from the previous item. He noted the applicants would have to figure out the parking if it did not work. LPA Member Eckmann mentioned that the equivalency factor was less than half and was not concerned about the parking. LPA Member Sudduth added that lighting the path would help with safety.

Chair Cereceda moved to approve the ordinance, finding the request consistent with the comp plan and the public benefits commensurate with the request, including the staff conditions in the staff report and adding a condition to light the hidden path and based on competence and substantial commentary and testimony in this case, seconded by LPA Member Dunlap. The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Dunlap asked if they could add the conclusions of the unanimous variance votes to the agenda.

LPA Member Eckmann asked if they could add tabs to the agenda package. Town Clerk Baker replied that the tabs were already there and she could put them all on the board portal so they could access items with minimal training. LPA Member Eckmann announced that St. Peter Church reopened and had their first indoor service on Palm Sunday.

Chair Cereceda would like to discuss the development agreements in the future.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

Estero Island Beach Club, Salty Crab and Fish Tale Marina.

Planner Propst revealed this is her last LPA hearing with the town. She will be around until June 6, 2025. Another public outreach meeting at the library will be held on May 10, 2025, from 10:00 a.m. to 1:00 p.m.

XIII. ADJOURNMENT

Chair Cereceda adjourned the meeting at 4:30 p.m.

Minutes adopted as presented, May 13, 2025. Motion by LPA Member Boan and seconded by LPA Member Eckmann. Passed 7-0.

Jason Freeman, Legislative Liaison/Deputy Clerk