



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, June 10, 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

The last public hearing will be moved to the first.

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

The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - May 13, 2025

On packet page 7, it should read, LPA Member McLean asked whether they could incorporate a bench close to the beach.

LPA Member McLean moved to approve the amended minutes, seconded by LPA Member Plummer.

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. Deputy Clerk Freeman confirmed that all agenda items were properly noticed. He swore in those providing testimony.

A. SEZ20250046, 6425 Estero Blvd. (Beach Theater)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20250046 TO ALLOW

1) CONSUMPTION ON PREMISES (COP) OUTDOORS WITHIN 500 FEET OF DWELLING UNITS; 2) NEW OUTDOOR ENTERTAINMENT IN THE COMMERCIAL BOULEVARD (CB) ZONING DISTRICT; 3) NEW LIVE ENTERTAINMENT IN THE CB ZONING DISTRICT; AND 4) NEW OUTDOOR SEATING THAT IS OPEN AFTER SUNSET IN THE CB ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 6425 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4- 00046.0000; AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member McLean met with the Neighborhood Company, spoke to Patrick on the phone, is rebuilding his house in the neighborhood and received emails, LPA Members Boan and Plummer met with the Neighborhood Company and received emails, LPA Member Eckmann had a virtual meeting with Pat Vanasse, the applicant's representative and received an email from Christine Madden, LPA Member Dunlap met with the Neighborhood Company, met with Patrick Vanasse, received emails and lives in the neighborhood, Chair Cereceda knows the property well and received emails, LPA Member Sudduth met with the Neighborhood Company and reviewed the plans.

Community Development Principal Planner Judith Frankel noted the applicant's narrative was mistakenly not included in the agenda materials, but it was provided yesterday. She revealed there was an error in the future land use category regarding the special exception for the variance. The correct category is mixed residential and it is correct in the staff report and was reviewed correctly. The resolution will be corrected.

Principal Planner Frankel reviewed the background of the request as stated on the yellow sheet and highlighted the special exceptions. She noted that staff recommended approval of the first special exception request, denial of the second request, approval of the third request and approval of the fourth request.

Patrick Vanasse of the Neighborhood Company started the presentation with the Project Team, Requests, Property Location, Subject Site, Background & Request, Requests, Justifications of Requests, Special Exceptions Request, Variances Requested, Rendering, Ground Floor Layout, Second Floor Plans, Third Floor Surplus Space, Special Exceptions Requested, Findings & Conclusions and Conditions of Approval.

LPA Member Boan asked whether a fence would be installed around the lower level along Egret and Estero to prevent people from trying to leave with drinks. Mr. Vanasse replied that the preference was to use landscaping to control people, like a continuous thick hedge. He addressed the hours of operation of the music and noted that they would create buffering to mitigate the sound. They would consider the public's comments. Chair Cereceda commented that it was her primary concern and LPA Member Sudduth noted that the neighborhood was quiet before Ian.

Mr. Vanasse confirmed that TVs would probably be added to the lower level. LPA Member Sudduth asked whether there were any thoughts of doing two concepts upstairs, given the massive space. Mr. Vanasse replied that the applicant looked at many configurations, but felt that having two distinct restaurants in separate spaces made a lot more sense. Corey Yankee was

their restaurant person and considered himself an expert. The LPA moved to consider him an expert in the restaurant business. Mr. Yanke explained why the casual restaurant was downstairs and the fine dining was upstairs. He did not think the project was a music venue, but an expectation of a restaurant. He clarified that they did not intend for someone to play music 12 hours a day. LPA Member Sudduth suggested wrapping the outdoor patio around the building. LPA Member Dunlap asked how they would manage and contain what was completely open through management or oversight.

Mr. Yanke described having a trained full-time service with a lot of visibility. He noted that the crowd on the south end was quite different from Times Square. He added that the longevity of the business was essential and rowdy guests would not be tolerated.

Chair Cereceda mentioned having an expensive dinner upstairs on the deck while listening to people cheering for their teams downstairs. Mr. Yanke replied that most of the seating upstairs was inside. LPA Member Eckmann described a similar setup at Bayfront Bistro and noted that there was no conflict between the upstairs and downstairs areas. LPA Member McLean questioned the noise from the games downstairs and whether it would be restricted. LPA Member Plummer asked about music being too loud during meals. Mr. Yanke agreed they would not want to hear loud music from downstairs. Mr. Vanasse noted they would have a centralized integrated system with speakers everywhere. The building's configuration was limited due to the 50% rule.

Public comment:

Cherie Smith, resident, commented that the previous owners had meetings with the neighborhood and listened to their concerns. She stated that she received notice of the meeting a couple of days ago. She noted they did not want a party in the middle of their neighborhood and did not want people parking on the side streets. She lives halfway down Egret St. and heard the noise from Pinchers when it was located there. She will be affected by any entertainment. She added that they were unaware of the canal or the use of the dock. She noted the neighborhood would like to hear from the owners. Mr. Vanasse responded that the dock would not be accessible to the public. Public comment closed.

Chair Cereceda noted that LPA Member Eckmann had to leave.

Mr. Vanasse stated that the downstairs restaurant would not be marketed as a sports bar. He noted that Mr. Boge offered his cell phone number to the neighbors. He asked that the LPA offer them some flexibility to give them a chance to be successful.

Albert Dambrose, architect, reviewed the 50% rule and noted that he looked into enclosing the ground floor with impact glass, but they wanted an open environment. He displayed a schematic design of his proposed changes to help block the sound. He described different quiet games they would offer customers.

LPA Member Dunlap congratulated them for listening and making compromises. He agreed with the comments about communicating with the residents. LPA Member McLean asked whether the mezzanine level could be utilized. Mr. Dambrose replied that the elevator stopped on the second floor. Storage and mechanical systems will be located in that space. LPA Member McLean applauded the owners for understanding the residents'

needs and making changes to the project. He described a missed opportunity due to the lack of communication with the town and the neighborhood and noted it created a level of distrust. Mr. Dambrose responded that he understood his concerns regarding the noise and would advise his client accordingly.

Principal Planner Frankel suggested that the changes be added to their site plan on the Master Concept Plan before presenting to the town council. Mr. Dambrose agreed. LPA Member McLean wanted to restrict live entertainment hours and electronic noise from games. LPA Member Dunlap hoped that the LPA would be receptive to the owners if they needed to add some hours for entertainment. LPA Member Sudduth appreciated their effort, but was still struggling with it.

Principal Planner Frankel reviewed the conditions. The first condition regarding music was modified.

LPA Member Dunlap moved to approve special exception one, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

LPA Member Dunlap moved to approve special exception two, seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

LPA Member Dunlap moved to approve special exception three, subject to conditions of approval, seconded by Chair Cereceda.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

LPA Member Dunlap moved to approve special exception four, seconded by LPA Member Boan.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

B. VAR20250047, 6425 Estero Blvd. (Beach Theater)

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE APPLICATION VAR20250047 FOR THE PROPERTY AT 6425 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBER 34-46-24-W4-00046.0000 IN FORT MYERS BEACH FOR A VARIANCE TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 115 TO 33 PARKING SPACES AND A BICYCLE RACK FOR A RESTAURANT, COCKTAIL BAR AND ENTERTAINMENT AREA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Principal Planner Frankel noted that there was an error in the resolution and that it would be corrected to reflect the mixed-use residential future land use category. She reviewed the background of the request as stated on the yellow sheet. The staff recommended denial; however, if the LPA recommends approval, the conditions of approval are the same as those for the special exception.

Mr. Vanasse started the presentation with LDC Sec. 34-87 Guidelines for Variance Decision, Parking Information and Parking Solutions/Options. Mr. Vanasse noted that total seating was 272. LPA Member Sudduth would open the upstairs restaurant and determine whether parking was adequate before opening downstairs. Regarding valet parking, he commented that the Dolphin Inn never had enough parking when it was in operation and Gulfview did not have a lot of parking either. Leasing the town hall parking would help with the number. LPA Member Dunlap suggested that they commit to valet parking up front. Mr. Vanasse addressed managing the parking with signage and buffering. Mr. Yankee indicated that valet parking had always been part of their plan, but he did not think a forced valet service would make sense for a Monday lunch. Chair Cereceda noted that no one mentioned the hours of valet parking but having the commitment. LPA Member Boan asked what they would do if parking at the Dolphin Inn became unavailable and the restaurant's parking lot was full. Street parking had to be addressed. Mr. Vanasse agreed that valet parking at the Dolphin Inn was a temporary solution that would need to be addressed in the long term. He discussed towing people who decided to park illegally. He suggested employee parking offsite, valet parking and when the Dolphin Inn submits plans for their project, a long-term solution for parking for this project would be addressed. LPA Member McLean asked whether they would install signage. A recess was granted, allowing Mr. Vanasse to consult with the team to discuss solutions.

Mr. Vanasse indicated they were committed to employee parking offsite and valet parking up front. They were working with the town to provide town-approved no-parking signage. When the Dolphin Inn is ready to break ground, they will address parking and come back to the LPA with options before the Dolphin Inn breaks ground. LPA members agreed with the solutions and asked that they specify the Dolphin Inn at the beginning; if it was no longer available, they would come back with alternative solutions.

Town Attorney Stuparich suggested creating language that staff and the applicant are comfortable with today, to expedite the process. Principal Planner Frankel indicated that the applicant could file a formal agreement for a shared parking agreement. If the staff were not satisfied with the agreement, they would come back to the LPA and the Dolphin Inn parking lot would not be used for commercial paid parking. A discussion was held regarding the difference between a lease agreement and a shared parking agreement and how each could encumber the owners.

LPA Member Boan moved to approve the resolution, with the applicant submitting an agreement in compliance with 3420 218c3 prior to the issuance of a development order dealing with shared parking, the applicant agrees that employees will park offsite and will work with the town to ensure that signage is installed on Curlew and Egret restricting parking in the right-of-way and approval of the variance itself, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote, with LPA Member Eckmann excused.

Chair Cereceda stated that she did not call for public comment because there was no public in attendance.

C. CPD20250008; 7225 Estero Blvd. (Fishtale Marina)

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING AN AMENDMENT AND RESTATEMENT OF LEE COUNTY RESOLUTION Z-94-013 THAT REZONED PROPERTY TO COMMERCIAL PLANNED DEVELOPMENT TO ALLOW FOR A REVISION TO THE MASTER CONCEPT PLAN AND ONE (1) ADDITIONAL DEVIATION FOR SETBACKS FOR THE REDEVELOPMENT OF A COMMERCIAL MARINA FOR PROPERTY LOCATED AT 7225, 7291 AND 7295 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBERS 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 AND 03-47-24-W1-00011.003B IN FORT MYERS BEACH; RESTATING PREVIOUSLY APPROVED CONDITIONS AND DEVIATIONS; 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 disclosed that his boat would be stored at the Fish Tale Marina for a short time and Chair Cereceda stated that her business was located in Santini Plaza and she was familiar with the Fish Tale property. No disclosures from other members.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet and proposed changes to the Master Concept Plan. LPA Member McLean clarified that the applicants were not intending to build a residential retail facility and could not do so by right. Planner Smalley noted that they would have to amend the Master Concept Plan and the CPD.

Town Attorney Stuparich stated that LPA Member Dunlap does not have a conflict of interest with the applicant's entity.

Brock Petrak, Civil Engineer with the Edgewater Group, reviewed his qualifications and experience in engineering.

LPA Member Dunlap moved to acknowledge Mr. Petrak as an expert in his field, seconded by LPA Member Sudduth.

The motion carried unanimously.

Mr. Petrak introduced other members of his team from Edgewater Group. His presentation began with Existing Conditions, Master Plan, Proposed Improvements, Drystack Building #7, Boater Service Building, Boater Service and Drystack #7 and Key Project Elements. He commented that there was room for a water taxi to dock.

Grant Phelan from Phelan Family Brands was excited to move Pinchers to this location. He hoped to open within three to six months if the project is approved. Mike Flanigan, Regional Manager for Equity Lifestyle Property, represented the marina. He noted they had no intention of selling the marina and were vested in the property. He stated they were financially able to start construction quickly and reviewed the timeframe for different buildings.

Public comment:

Justin Paulauskis, owner of Krow's Nest Charters, explained why he supported the project. He described a new water taxi service he hoped to base out of

Fish Tale Marina that would serve the entire island.
Public comment closed.

LPA Member McLean moved to approve the ordinance with conditions,
seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

Chair Cereceda and LPA Member Sudduth requested to attend the joint session
by Zoom. Members approved. Chair Cereceda asked if it would be possible to
receive periodic updates on the status of commercial projects in the queue.

Principal Planner Frankel responded positively.

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 JULY MEETING)

No items.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn at 1:30 PM.

Minutes adopted as presented on August 12, 2025, by LPA Member Dunlap
and seconded by LPA Member Eckmann.

Passed 6-0



Amy Baker (Oct 15, 2025 09:16:49 EDT)

Amy Baker, Town Clerk