Fort Myers Beach Local Planning Agency

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

Minutes **Tuesday, October 14, 2025** **9:00 AM**

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Anita Cereceda, LPA Members James Boan, James Dunlap, John McLean, Jane Plummer and Don Sudduth.
Excused: Doug Eckmann
LPA Member Sudduth moved to accept LPA Member Eckmann's request for an excused absence, seconded by LPA Member Plummer.
The motion carried unanimously.

II. INVOCATION

Chair Cereceda wished LPA Member Plummer a happy birthday.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Town Clerk Baker noted the selection of Chair and Vice Chair was left off the agenda.
LPA Member Dunlap moved to add the reorganization of Chair and Vice Chair after the Approval of Minutes, seconded by LPA Member Sudduth.
The motion carried unanimously.

V. APPROVAL OF MINUTES

REORGANIZATION OF CHAIR AND VICE CHAIR

Town Clerk Baker read the procedure.
LPA Member Boan nominated Anita Cereceda as Chair, seconded by LPA Member McLean. She accepted.
The vote was unanimous by roll call.
LPA Member Boan nominated Jane Plummer as Vice Chair, seconded by LPA Member McLean. She accepted.
The vote was unanimous by roll call.

A. Local Planning Agency - September 9, 2025

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

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 noticed. She swore in those providing testimony.

A. Ordinance 25-21; CPA20250188, 1668 I Street (Beach Bar Signage)

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 ORDINANCE 24-18 FOR THE PARCEL LOCATED AT 1668 I STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0070B.0110 FORT MYERS BEACH, TO INCLUDE A DEVIATION FOR ADDITIONAL SIGNAGE; 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. No ex parte communications were disclosed.

Community Development Planner Jason Green reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions.

Renee Oij from Sign Permits Plus represented the applicant. She explained that they needed three signs because of the building's location. She described the signs' design and noted they were turtle-friendly. She was comfortable with the conditions in the staff report.

No public comment.

LPA Member Boan moved to approve the ordinance, finding it consistent with the Comprehensive Plan and the Land Development Code, including the conditions, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

B. Ordinance 25-22, CPD20250201, 125, 131-151 School Street and 2661-1681 Estero Blvd. (Cottages at Myerside)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY ORDINANCE 24-15 FOR THE PARCEL LOCATED FOR THE PROPERTY LOCATED AT 125, 131–151 SCHOOL STREET AND 2661-2681 ESTERO BLVD., FORT MYERS BEACH, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3- 0020C.0270; 19-46-24-W3-0020C.0290 IN FORT MYERS BEACH; PROVIDING FOR REVISIONS TO SCHEDULE OF

USES TO INCLUDE OUTDOOR CONSUMPTION ON PREMISES AS A USE ASSOCIATED WITH THE HOTEL AND RESTAURANT USE, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. Ex parte communications: Chair Cereceda spoke to the applicant. No disclosures from other members. Planner Green reviewed the background of the request as stated on the yellow sheet. Planner Green clarified consumption on premises per the town's code. Staff recommended approval with conditions.

Attorney Keith Long from Long Law represented the applicants. His presentation began with the Site Aerial, Background, Requested Amendment, Proposed Outdoor COP Areas, LDC Compliance & Compatibility, Comprehensive Plan Consistency, Staff Findings & Recommended Action and Summary. Mr. Long did not oppose adding a condition regarding the hours of operation to serve alcohol. LPA Member Plummer questioned public access to the pool, but Mr. Long was unfamiliar with the technical aspects of the operation. Town Attorney Stuparich noted that the LPA could add a recommendation to be resolved at the hearing.

No public comment.

LPA Member Plummer requested that a condition be added stating that the pool was for guests only. LPA members generally agreed with a recommendation instead of a condition.

LPA Member Dunlap moved to approve the ordinance with staff's conditions, plus a condition that the consumption and serving of alcohol would be limited to 8:00 a.m. to 10:00 p.m. and a conversation regarding public access or restrictions to the pool bar area, finding it consistent with the Comprehensive Plan (comp plan) and the Land Development Code (LDC), seconded by LPA Member Sudduth.

Chair Cereceda expressed concern about amending the CPD that has not yet broken ground.

The motion carried unanimously by roll call vote.

C. <u>Ordinance 25-19; DA20250186, 50 Old San Carlos (Kilwins Times Square)</u>

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 50 OLD SAN CARLOS BOULEVARD, FORT MYERS BEACH, FL, STRAP NOS. 24-46-23-W3-00208.002A OWNED BY CARLOS L. CHAVEZ AS TRUSTEE FOR THE CARLOS L. CHAVEZ TRUST, 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 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTY TO ALLOW A MIXED USE DEVELOPMENT WITH COMMERCIAL AT THE OPEN GROUND LEVEL

AND SINGLE FAMILY RESIDENTIAL ABOVE.; 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: Chair Cereceda spoke to the applicant and Mr. Vanasse. She is also familiar with the property. No disclosures from other members.

Planner Green reviewed the background of the request as stated on the yellow sheet. LPA Member Plummer expressed concerns regarding allowing mobile vendors in Times Square.

Patrick Vanasse of the Neighborhood Company represented the applicant. His presentation started with the Project Team, Background & Request, Background, Request, Property Location, Subject Site, Request, Rendering, Ground Floor Layout, Second & Third Floor Layout, Site Plan, Floor Area Ratio, Height and Findings.

Attorney Richard Akin from Henderson, Franklin, Starnes & Holt, P.A., noted that on page five, language was added that was a concern. He suggested language to clarify that he would pay his proportionate share. Town Attorney Stuparich was fine with amending the language before it goes to the town council for first reading. On page seven, he thought the applicant was exempt from the South Florida Water Management District ERP (Environmental Resource Permit). He suggested adding, <u>if necessary</u>, to permit requests. Town Attorney Stuparich had no issue adding the language. Mr. Vanasse noted that on page 2 of 16, the square footage should be 2,797.5. He discussed drainage in Times Square and would abide by the town's centralized plan. Mr. Vanassee will work with the staff regarding the language changes discussed. He discussed how the building could easily connect with everything else.

Albert Dambrose with The Neighborhood Company described the location of the air conditioners. LPA Member Plummer asked if the mobile trailer could be in a box with a gate to camouflage it. Mr. Dambrose replied that they did not want to camouflage the business. He explained that they wanted to see the colorful, artistic exterior of the ice cream truck. He added that the light-duty truck was approved by FEMA (Federal Emergency Management Agency).

Carlos Chavez, applicant, described how difficult and expensive it was to build the project. The residence would be his and he did not plan on renting it. Chair Cereceda asked whether he would entertain a mural on the side of his building and he replied positively. He indicated he would start construction as soon as he could.

Mr. Akin addressed paragraph 12 regarding the amendment that allows the

developer to terminate the agreement unilaterally without the town's permission. He noted it was protection for the applicant and provided a hypothetical example. Town Attorney Stuparich suggested adding that it would revert to the status quo. Mr. Akin will meet with the town attorney to work on the language.
LPA Member Dunlap discussed offering alternatives to construction staging and materials to help the applicant, given the site's tight layout and traffic.
Mr. Dambrose noted that the staging would be challenging. He described ideas for building the foundation and other aspects of the structure, as well as the rest of the Times Square community.
No public comment.
LPA Member Plummer added a condition requiring potted plants. Town Attorney Stuparich read the five language changes discussed.

LPA Member McLean moved to approve the ordinance with the conditions noted and amendment, finding it consistent with the comp plan and LDC, seconded by LPA Member Dunlap.
The motion carried unanimously by roll call vote.

D. VAR20250227, 1741 Estero Boulevard (The Goodz)

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20250227, A VARIANCE TO AMEND PREVIOUSLY APPROVED VARIANCE (VAR 20240270) ADDING A VARIANCE FROM LDC 34-2020 TO REDUCE PARKING REQUIREMENT, IN THE DOWNTOWN ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 1741 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0080B.0010 ; AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member Plummer had conversations with the owner and his father, LPA Member Boan noted that he received a letter from someone who objected and LPA Member McLean received the same letter. No disclosures from other members.
Planner Green reviewed the background of the request as stated on the yellow sheet. He added that the variance replaced the previous variance in its entirety. Staff found it was consistent with the comp plan and the LDC. Kara Stewart represented the applicant. The applicant is proposing a restaurant and a children's game room on the third floor and is asking for a total of 35 parking spaces. She explained the parking calculation and noted there were several parking lots in the area.
Ms. Stewart provided documentation to the town regarding notice. No public comment.

LPA Member Dunlap moved to approve the resolution as recommended by staff and consistent with the comp plan and LDC, seconded by LPA Member Boan.
The motion carried unanimously by roll call vote, with LPA Member Sudduth

excused.

E. SEZ20250228, 1741 Estero Blvd (The Goodz)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20250228 TO ALLOW CONSUMPTION ON PREMISES (COP) IN THE OUTDOOR PATIO AT THIRD FLOOR WITHIN 500 FEET OF DWELLING UNITS FOR THE PROPERTY LOCATED AT 1741 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0080B.0010; AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Ex parte communications: Chair Cereceda and LPA Member Plummer spoke to the owner. No disclosures by other members.

Planner Green reviewed the background of the request as stated on the yellow sheet. Staff found the request consistent with the comp plan and LDC.

Kara Stewart represented the applicant and stated that they would only serve beer and wine. She suggested that condition number four should state that they will stay in compliance with the town's noise ordinance. Chair Cereceda asked whether the sound could be adjusted.

Graham Belger, property owner, stated that the volume could be controlled on all the electronic games. The LPA removed condition four. Mr. Belger hoped to break ground in December.

No public comment.

Ms. Stewart stated the hours of operation were 10:00 a.m. to 10:00 p.m. for the restaurant and alcohol service. Alcohol would be permitted in the children's game room. Ms. Stewart clarified that the COP request was for the outside patio. LPA Member McLean was not bothered by alcohol in the game room. Mr. Belger added that they were going to be strict with supervision. Town Attorney Stuparich recommended eliminating the word amplified from condition number three due to a temporary injunction at the circuit court level regarding First Amendment rights.

The hours of operation will be added as condition number four.

Chair Cereceda moved to approve the resolution eliminating the word amplification in condition number three, replacing condition four with the hours of service and operation from 10:00 a.m. to 10:00 p.m. and it is consistent with the comp plan and the LDC, seconded by LPA Member Dunlap.

The motion carried 4-1 by roll call vote, with LPA Member Boan dissenting and LPA Member Sudduth excused.

F. Ordinance 25-24, Impact Fee Study

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA ADOPTING AN IMPACT FEE STUDY DATED AUGUST 25, 2025 AND PREPARED BY DP GUTHRIE LLC; AMENDING ARTICLE IV

ENTITLED "IMPACT FEES" IN CHAPTER 2 ENTITLED ADMINISTRATION OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES TO 1) INCORPORATE UPDATED INFORMATION CONTAINED IN THE REFERENCED IMPACT FEE STUDY, 2) REDUCE THE NUMBER OF IMPACT FEE CATEGORIES AND SPECIFIC USES, 3) CHANGE THE METHOD OF CALCULATION OF FEES FOR SINGLE FAMILY HOMES FROM PER DWELLING TO SQUARE FOOTAGE RANGE TO REFLECT THE TYPICAL IMPACT OF LARGER HOMES, 4) REDUCE THE AMOUNT OF FEES BASED ON UPDATED POPULATION AND PROJECT EXPECTATIONS, AND 5) PROVIDING FOR AN UPDATE EVERY FOUR (4) YEARS PAYABLE FROM COLLECTED IMPACT FEES; 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.

Planner Green reviewed the background of the request as stated on the yellow sheet. He noted there would not be a fee on the food truck park because they were considered transient, not brick and mortar. LPA Member Dunlap stated that they would have an impact and were transient by description, but not by operation. Planner Green will check Bonita Springs and others in the area.

Planner Green explained that the study had to be conducted every four years and the cost of living could not be adjusted every year. He described when and how fees were collected. A discussion was held regarding the perception that new projects should pay more due to their impact. Mr. Green commented that it was their proportionate share of that project. They have to connect the amount of impact and the percentage of the project. LPA Member Plummer thought the impact fees were connected to utilities.

Planner Green replied that impact fees for utilities were separate and mobility, transportation and parks and rec were covered under this ordinance. He explained that consolidating categories did not really lower fees and used lodging as an example. He discussed the threat of adding fringe areas and what the law said they could do within the parameters.

LPA Member Boan asked whether they could compare fees from the last study. Planner Green explained that the categories had changed, but he did have a spreadsheet he could provide. LPA Member Dunlap felt like it was completely reversed and he would like to see the previous math because it did not settle with him at all. Chair Cereceda noted that the perspective was that Planner Green was talking about limitations and the LPA was talking about possibilities.

Public comment:

Kara Stewart explained that the town adopted Lee County's impact fee schedule in the past because the town was built out before Ian.

Albert Dambrose indicated that some new projects assumed there were no impact fees. He listed projects that would not pay much of an impact fee because they were there before Ian. He thought they might have to raise taxes to make up the difference. He added that the LDC included a five-year timer that said if properties were vacant for five years, they would not get credits for impact fees and would be at a disadvantage for commercial development.

Public comment closed.

LPA Member McLean agreed that it felt wrong that the fees were much lower than historically, but realized that impact fees were not going to be required for any redevelopment, because it was for the development of new growth.

Planner Green suggested that they negotiate with the DAs (Development Agreements) and CPDs (Commercial Planned Developments) that come through because there was an impact from the development. He requested input regarding the five-year rule. He will research starting the timeline based on the loss or change of use and expanding the timeline.

LPA Member Dunlap moved to approve the ordinance, including the LDC and the inclusion of the requests, seconded by LPA Member Sudduth.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

A. 2026 Calendar

Discuss and approve the monthly schedule for LPA meetings in 2026.

Town Clerk Baker listed the dates and no conflicts were reported.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Dunlap asked that similar communities be researched regarding impact fees with DAs.

LPA Member Sudduth agreed.

LPA Member Boan congratulated Chair Cereceda and Vice Chair Plummer for their reappointment.

No items from other members.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Planner Green requested that the December meeting be moved to the 16th at 1:00 p.m. LPA members consented.

XII. ITEMS FOR NEXT MONTHS AGENDA

A big project will probably be on the agenda. Chair Cereceda requested that the agenda be complete when they receive it.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn. Chair Cereceda adjourned the meeting at 1:01 p.m.

Minutes adopted as presented, November 12, 2025. Motion by LPA Member McLean and seconded by LPA Member Sudduth.

Amy Baker

Amy Baker (Dec 9, 2025 09:53:16 EST)

Amy Baker, Town Clerk Amy Baker