



Fort Myers Beach Local Planning Agency

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

Minutes

**Tuesday, September 9,
2025**

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Members Boan, Dunlap, Eckmann, McLean and Sudduth (virtually).

Excused: LPA Member Plummer

LPA Member Dunlap moved to excuse LPA Member Plummer, seconded by LPA Member Boan.

The motion carried unanimously.

LPA Member McLean moved to allow LPA Member Sudduth to participate virtually, seconded by LPA Member Eckmann.

The motion carried unanimously.

II. INVOCATION

Chair Cereceda remembered Betty Simpson.

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 - August 12, 2025

LPA Member Eckmann 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. SEZ20250208, Fishing Pier at County ROW at Old San Carlos Blvd Ext. **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250208 TO ALLOW RECONSTRUCTION OF THE PIER WITH ELEVATED WALKWAYS, LIGHTING IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT COUNTY R/W AS LEGALLY RECORDED IN PLAT BOOK 9, PAGE 9, EXTENSION OF OLD SAN CARLOS BLVD. IN PUBLIC RECORD OF LEE COUNTY, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

Community Development Senior Planner Smalley reviewed the background of the request as stated on the yellow sheet. The county requested the removal of the condition that barred development during turtle season. Staff recommended approval with the removal of said condition.

Lee County Facilities Construction Management Director Ehab Guirguis revealed that they received the FDEP (Florida Department of Environmental Protection) permit for the fishing pier and the job was out for bid today. He expected 12 months of construction, during which wildlife would be monitored. He described the light system to avoid wildlife issues. The decking material would be concrete and the pilings would be replaced. The county will look into repurposing existing materials. Lee County Commissioner David Mulicka complimented everyone for their support. LPA Member Dunlap returned the compliment.

No public comment.

LPA Member Dunlap moved to approve the resolution with the turtle condition removed, contingent upon DEP's permit, seconded by LPA Member Eckmann. The motion carried unanimously by roll call vote.

- B. SEZ20250217, 50/58 Estero Boulevard (Bowditch Park) **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250217 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF BOARDWALKS, PAVER DECK, SIDEWALK, DECKING AND BENCHES IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 50/58 ESTERO BOULEVARD COMMONLY REFERED TO AS STRAP NUMBER 24-46-23-w1-0080d.0400; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Members Boan and Dunlap and Chair Cereceda received an email. No

disclosures from other members.

Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. Staff recommended approval with conditions. If the item moves forward, the condition regarding no construction during turtle season will be removed. If the state issues a waiver, construction may proceed without permission from the town.

Lee County Facilities Construction Management Director Ehab Guirguis stated that construction would be monitored every day and they would be careful not to interrupt wildlife. The timeline for completion was eight months after all permits were issued and approval by the commissioners. Lee County Commissioner David Mulicka thanked the LPA for approving the expedited variance process.

No public comment.

LPA Member Eckmann moved to approve the resolution with conditions and remove condition 3, seconded by LPA Member McLean.

The motion carried unanimously by roll call vote.

- C. SEZ20250116, 6612 Estero Boulevard (Island Winds Condominium Assoc.)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250116 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF A TIKI HUT IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 6612 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. LPA Member Sudduth revealed a conflict of interest and will submit Form 8B. No ex parte communication disclosures from members.

Senior Planner Smalley reviewed the background of the request as stated on the yellow sheet.

Dave Nusbaum, President of the Island Winds Condominium Association, reviewed the history of the property and the tiki hut, which Hurricane Ian destroyed. He noted that they hired a coastal engineering firm to obtain an FDEP permit, which was issued this year. A wildlife specialist stated that, in their opinion, rebuilding the tiki hut would not impact future sea turtle nesting. The tiki hut was 300 yards from the high-water mark. He described the many ways that Island Winds was a steward of the environment.

Property Manager Tim Ryan indicated that the tiki hut would be built by a member of the Seminole tribe and a foot away from the CCCL (Coastal Construction Control Line).

Public comment:

Chip Faust, General Manager of the Hilton Seawatch on the Beach, supported the restoration of the tiki hut.

Public comment closed.

LPA Member McLean moved to approve the resolution, including the

conditions, seconded by Chair Cereceda.

The motion carried unanimously by roll call vote, with LPA Member Sudduth abstaining.

D. VAR20240302, 435 Madison Court

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20240302, REQUESTING 1)A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 19.5 FOOT SETBACK WHERE A 25 FOOT SETBACK IS REQUIRED; AND 2) A VARIANCE FROM LDC SECTION 34-1174(D)(1)A TO ALLOW AN ACCESSORY STRUCTURE SETBACK OF 3.2-FEET WHERE A 5 FOOT SETBACK IS REQUIRED FOR THE PROPERTY LOCATED AT 435 MADISON COURT GENERALLY REFERED TO AS STRAP NUMBER 24-46-23-W1-0060D.025F IN FORT MYERS BEACH; 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 disclosed.

Community Development Planner Jason Green reviewed the background of the requests as stated on the yellow sheet. He noted there were no objections from the neighbors and staff recommended approval with standard conditions. Planner Green addressed drafting a policy regarding seawalls in the wrong place, specifically on Donora Blvd.

Tina Eckblad, applicant, stated that she agreed with the staff report and that the house, pool and boat dock were constructed.

Public comment:

Barbara Hill, resident, indicated that she was unaware of the request before the meeting.

Public comment closed.

LPA Member Boan moved to approve the resolution with two conditions, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

E. VAR20250177, 101 Gulf Drive

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/APPROVING WITH CONDITIONS/DENYING VARIANCE 20250177, REQUESTING A VARIANCE FROM LDC SECTION 34 TABLE 34-3 TO ALLOW A 10 FOOT SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED FOR A NEW SINGLE-FAMILY HOUSE AT THE PROPERTY LOCATED AT 101 GULF DRIVE GENERALLY REFERED TO AS STRAP NUMBER 33-46-24-W3-0040G.008A IN FORT MYERS BEACH; 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.

Planner Green reviewed the background of the request as stated on the yellow sheet. Staff recommended denial of the request because it was a design choice.

Rick Dobbs, applicant, explained that the property used to be a rental, but they wanted to make it their permanent home now. He noted that they spent \$200,000.00 on a remodel they completed days before Hurricane Ian. Mr. Dobbs described the design of his new home and asked for their consideration. No public comment.

LPA Member Boan moved to approve the resolution, including the staff conditions, seconded by LPA Member Dunlap.

The motion carried unanimously by roll call vote.

F. Development Agreement; 110-130 and 134/138 Connecticut Street (First Baptist Church of Fort Myers)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 110-130 CONNECTICUT STREET (PARCEL 1) AND 134/138 CONNECTICUT STREET (PARCEL 2) FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00151.0010 AND 29-46-24-W1-00151.001A AND OWNED BY FIRST BAPTIST CHURCH OF FORT MYERS, 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 IN RESOLUTION 247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTIES TO ALLOW A CHURCH FACILITY AND 12 SINGLE-FAMILY HOMES; 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. Town Attorney Stuparich described the procedure for a home rule development agreement. Ex parte communications: LPA Member Dunlap had a conversation with Jonathan Thomas, LPA Members Eckmann and Boan received an email from Steve and Jean Guzy and LPA Member McLean read the same email. Chair Cereceda had conversations with Butch and Sean Critser and lives in the neighborhood.

Planner Green reviewed the background of the request as stated on the yellow sheet. Staff had concerns regarding the intensity of institutional uses

encroaching on the neighborhood. However, those concerns could be alleviated through development restrictions, limitations on use and density and intensity situations. He indicated the draft final was on page 214 to review. Staff found that the document was sufficient as far as the submittal. Chair Cereceda was concerned about what appeared to be a conflict between 12 single-family homes and all the other uses included in the RC zoning district. She cited the lack of specificity with development agreements and felt Numbers 1 and 2 conflicted with each other. LPA Member McLean stated that it was one of his concerns. Town Attorney Stuparich explained that the uses as of right based on the document would be residential for the single-family homes, as well as the uses that are in residential conservation. Chair Cereceda commented that they do not have that right unless the zoning is changed. She listed the other uses allowed in the RC zone and felt those uses conflicted with Number 1. LPA Member Dunlap noted that they could carve out some uses.

Planner Green brought up setbacks. LPA Member McLean pointed out that the 4,200 square foot single-family homes did not fall under the category of small. LPA Member Boan felt there should be a requirement regarding how the alleys were built.

Adding language to drainage was discussed and Planner Green deferred to the applicant because they may have done some pre-engineering on the site. Planner Green noted that the staff report found that the findings were consistent with the comprehensive plan. He indicated that the amendments of termination were typical in his experience and he did not think that it hurt to list items that could not be administratively changed. LPA Member Dunlap would like to see what changes were made so they can adjust the documents or find additional language to make it easier for staff and the applicant to work together. Planner Green will incorporate his request into the Land Development Code (LDC) rewrite to clarify the distinction between administrative and non-administrative matters.

Chair Cereceda discussed a scenario where the developer decided to terminate the development agreement after the land was rezoned. She felt it was another conflict because part of the conditioning of the development agreement was 12 single-family homes, not a daycare facility. If the daycare facility were allowed just in the zoning and the development agreement were to go away, they would be left with a daycare facility.

Neil Montgomery, applicant, reviewed the background of how they got there and described the two types of development agreements. She offered to add a paragraph stating that the bed and breakfast and community home care were prohibited uses.

Jonathan Thomas listed his qualifications as a developer to be qualified as an expert.

LPA Member Dunlap moved to accept Mr. Thomas as an expert in his field, seconded by LPA Member McLean.

The motion carried unanimously.

Mr. Thomas is with S.J. Collins and described his experience, reviewed their

history with the church and explained how they ended up with the development agreement by collaborating with the town. He described where they were in the process and hoped to start construction on the church next year. Construction on the single-family homes would begin after the church was completed. He addressed the parking system and commented that he would follow the code.

LPA Member Boan asked why the homes were so large. Mr. Thomas replied that they intended to add elevated pools and it counted as part of the structure. Mr. Thomas described the amenities.

Al Quattrone described his qualifications in engineering and planning matters to be qualified as an expert.

LPA Member Eckmann moved to accept Mr. Quattrone as an expert in his field, seconded by LPA Member Dunlap.

The motion carried unanimously.

Mr. Quattrone utilized PowerPoint for his presentation, which was not displayed in the meeting. The presentation is included in the agenda packet materials. He noted the project received two affirmative votes from the church, and the latest set of plans was approved. As soon as they receive their permits, they can move forward.

LPA Member Boan thought it might be helpful to provide renderings of the single-family homes since they were not small, affordable homes on small lots. If they could not offer specifics, he suggested they remove the words small and affordable. A discussion continued regarding changing the zoning if the developer cancels the agreement. Mr. Quattrone suggested adding a condition that the agreement should not be terminated without another agreement to be put in place.

Public comment:

Ollie Curran, resident, supported the project but was against Airbnbs. Barbara Hill, resident, supported the church but expressed concern about the ambiguity of the RC zoning and would like to hear a solution before the zoning is approved. She was against short-term rentals.

Forrest Critser, resident and church member, described how they increased attendance over the years and how they served the community. He noted they had an agreement with the Mound House regarding overflow parking. He said they wanted to be a full partner with the town.

Jackie Carbone, resident, stated they needed the church back and described the activities that used to be held there.

Norbert Demars, resident, supported the church, but stated that short-term rentals have ruined their neighborhood. He described how they disrupted the neighbors. He mentioned the abuses on lot number two over the last 26 years. He asked who would enforce the restrictions on lot two, given that complaints had been ignored in the past.

Donna Gallagher, resident, indicated she was a member of the church and it did a lot for the community.

Mark Techler, resident, felt that this was a project they should be rooting for. He thought it was one of the least intensive requests for the size of the

property.

Public comment closed.

Town Attorney Stuparich distributed the letters of support to members for review.

Planner Green indicated that they would need something in the development agreement to limit daily, weekly or monthly rentals, but the RC allows it. Mr. Quattrone said they were building single-family homes, but some of them would probably end up as rentals. Chair Cereceda asked whether he would add a limitation that only allowed monthly rentals. He felt it would be unfair to hold them to a standard they were not holding anyone else to. He added that the Vrbo (Vacation Rental by Owner) issue had to be addressed island-wide and they should not pick winners and losers. LPA Member Eckmann agreed it was a big issue that needed to be solved at the council level.

LPA Member Dunlap moved to enter the letters of support into the record, seconded by LPA Member Boan.

The motion carried unanimously.

Ms. Montgomery agreed not to have daily rentals on the main drag, but they want to be consistent with the RC zoning district.

Changes to the development agreement: require a shared stormwater management system, add "as amended" to the LDC under conflicts and add a condition that the agreement should not be terminated without another agreement in place. Town Attorney Stuparich addressed the primary uses in the RC zoning district and proposed language changes. She moved down the list of changes and modified language in the appropriate sections as discussed. Regarding a condition prohibiting weekly rentals, Planner Green pointed out that the surrounding property was zoned RC, which allowed weekly rentals.

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

The motion carried unanimously by roll call vote.

- G. Rezoning, 110-130 Connecticut Street (First Baptist Church of Fort Myers) **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE REZONING FROM INSTITUTIONAL (IN) TO RESIDENTIAL CONSERVATION (RC) FOR THE PROPERTY LOCATED AT 110-130 CONNECTICUT STREET., ALSO RESPECTIVELY IDENTIFIED AS STRAP NUMBER 29-46-24-W1-00151.0010 IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**
Town Attorney Stuparich explained why this item was not needed.

VIII. ADMINISTRATIVE AGENDA**A. Expedited Special Exception Ordinance**

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR SPECIAL EXCEPTIONS THAT ONLY REPLACE "LIKE FOR LIKE" STRUCTURES THAT WERE EXISTING PRIOR TO A NATURAL DISASTER EVENT, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich explained the expedited process.

No public comment.

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

The motion carried unanimously by roll call vote.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Boan thanked DiamondHead for hosting their meetings.

LPA Member Eckmann noted that St. Peter Lutheran Church was open and invited everyone to attend.

LPA Member Dunlap suggested recapping the unanimous variance approvals to demonstrate the benefits to the community and the applicants. Town Clerk Baker indicated they were listed on the town's website once they were signed. Chair Cereceda will work with Town Clerk Baker to draft a report.

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

Impact fees.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn, seconded by LPA Member Boan. The motion carried unanimously.

The meeting was adjourned at 3:56 p.m.

Minutes adopted as presented, October 14, 2025. Motion by LPA Member Plummer and seconded by LPA Member Boan.
Passed 6-0.



Amy Baker, Town Clerk