



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Agenda

Tuesday, May 11, 2021

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF MINUTES**
 - A.
- V. PUBLIC HEARINGS**
 - A. VAC 20210035, Vacation of a portion of School Street Right-of-Way
Adopt Approve/Approve with conditions/Deny: Vacation of a portion of Town right-of-way on School Street.
- VI. ADMINISTRATIVE AGENDA**
 - A. Resolution 18-37-Historic Preservation Advisory Committee (HPAC)
Discussion and Direction about Resolution 18-37, Designating and Establishing Historic Preservation Advisory Committee
- VII. LPA MEMBERS ITEMS/REPORTS**
- VIII. LPA ATTORNEY ITEMS/REPORTS**
- IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS**
- X. ITEMS FOR NEXT MONTHS AGENDA**
 - A. June LPA Potential Agenda Items
- XI. PUBLIC COMMENT**
- XII. ADJOURNMENT**

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

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



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



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.

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



Fort Myers Beach Local Planning Agency

Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes

Tuesday, April 13, 2021

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Megan Heil, Forrest Critser, Dan Hughes, Jane Plummer, Scott Safford, Karen Swanbeck and Patrick Vanasse.

II. INVOCATION

LPA Member Critser.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. February 9, 2021 minutes

The microphone for LPA Member Hughes was not working while he commented on the minutes.

Amendments

Page 2: LPA Member Hughes amended his motion to remove the \$500 condition and LPA Member Plummer amended her second.

Page 4: Town Attorney Herin, Jr. remarked that the Town's LDC, comp plan and state law required rezoning ~~requests to have two opposing views to be~~ consistent with the comp plan.

LPA Member Hughes moved to approve the amended minutes; second by LPA Member Plummer.

Motion approved 7-0.

V. PUBLIC HEARINGS

A. Consumption on Premise for Bar/Cocktail Lounge and 4COP at 1250 Estero Blvd

Shuckers is seeking to eliminate the need to meet the minimum food sales requirement of 51% required to be considered a restaurant. They intend to acquire a 4COP with food service below 51%. The Town's LDC recognizes this use as a "bar/cocktail lounge" use. The proposed use is within 500 feet of a residential dwelling; as well as partially located within the Environmental Conservation zoning.

The applicant has requested a continuance to May 11th 2021 LPA meeting. They will be updating their request to address parking issues.

Director of Community Development Services Jason Green requested a continuance without a specific date to give the applicant time to modify their application.

LPA Member Plummer moved to approve the request for a continuance; second by LPA Member Critser.
Motion approved 7-0.

B. Text Amendment to LDC Sec 34-3273, Residential uses and setbacks on non-conforming lots

Request a recommendation of approval to the Town Council to amend LDC Sec 34-3273, Residential Uses on Non-conforming lots.

Director Green reviewed the changes. LPA Member Vanasse questioned whether they wanted to remove administrative deviations. Director Green replied that the section still existed in the administrative variance section. LPA Member Hughes noted that administrative variances were eliminated at one point. Director Green agreed that previous administrations granted some variances administratively, but now they were brought before the LPA.

Town Attorney Herin, Jr. stated that they would modify the ordinance so Section 34-268 referred to Section 34-3273.

No public comment.

LPA Member Vanasse moved to approve staff's recommended language with an edit where Section 34-268 would reference back to Section 34-3273; second by LPA Member Plummer.

Motion approved 7-0.

VI. ADMINISTRATIVE AGENDA

No items.

VII. LPA MEMBERS ITEMS/REPORTS

Chair Heil stated there was no interest from community members yet to join the Historic Preservation Advisory Committee (HPAC) so all requests for historic designation recognition would go through the Historic Preservation Board (HPB) to prevent a backlog. Director Green indicated that one application was received and would come before the HPB after it was processed. He commented that they needed at least one more person to join the HPAC to form a quorum. Chair Heil questioned whether they could change the ordinance to reduce the number of

required members. Town Attorney Herin, Jr. replied that the LPA could make the recommendation to Town Council and he agreed to provide a draft next month. LPA Member Plummer questioned whether property owners whose homes were already registered might be interested in serving on the HPAC. Director Green indicated the Town could send letters. LPA Member Safford offered to post the request on FaceBook.

LPA Member Safford thanked everyone on the Island for supporting businesses. LPA Member Hughes received an update on the dune boardwalk crossover case. LPA Member Swanbeck questioned whether there was any discussion regarding opening Town Hall. Director Green did not have any information. No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green commented that he distributed a video from the Clerk's office regarding an introduction to a digital format for voting and packets. He will recommend that the LPA be provided a paper copy of the packet for the first month.

X. ITEMS FOR NEXT MONTHS AGENDA

Historic Preservation Board and an amended ordinance. Director Green noted there were probably three or four other items.

XI. PUBLIC COMMENT

No public comment.

XII. ADJOURNMENT

LPA Member Plummer moved to adjourn; second by LPA Member Critser. Motion approved 7-0.
The meeting was adjourned at 9:39 a.m.

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2021-272**

1. Requested Motion:

Meeting Date: May 11, 2021

Adopt Approve/Approve with conditions/Deny: Vacation of a portion of Town right-of-way on School Street.

Why the action is necessary:

Pursuant to Chapter 2 Administration, Article VI Vacation of Town Interest in Real Property, a Resolution is required in order to approve or approve with conditions a request to vacate portions of Town right-of-way and plats. The request is intended to implement the site development plans for the Bay Oaks Recreational Campus Redevelopment.

What the action accomplishes:

Implements the agreement between the School Board and the Town of Fort Myers Beach.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution

5. Background:

An application has been submitted requesting vacation of a portion of right-of-way. The request is related to implementing the preliminary redevelopment plan of the Bay Oaks Recreational Campus Redevelopment. This is additional right-of-way negotiated with the School Board to be vacated.

The information provided includes legal descriptions and sketches of the proposed right-of-way wanting to be vacated. The attachment includes all of the the required items.

Attachments:

1. Vacate ROW Staff Report May 11 2021 LPA
2. Vacation Application ROW
3. LONO School Street Vacation- Lee County
4. Fire Dept Letter

Financial Impact:

N/A

6. Alternative Action

7. Staff Recommendations:

Recommend approval

8. Recommended Approval:

Date: May 05,
2021

Jason Green, Community Development
Services

Date: May 06,

2021

John R Herin Jr, Town Attorney

Date: May 06,
2021

Amy Baker, Town Clerk



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Vacate Town Right-of-Way, Portions of School Street

CASE NUMBER: VAC20210035

LPA: May 11, 2021

**PREPARED/
SUBMITTED BY:** Jason Green, AICP

I. APPLICATION SUMMARY

Applicant: Town of Fort Myers Beach/Chelsea O'Riley

Request: The applicant is seeking to vacate a portion of right-of-way located on a portion of School Street.

Subject property: See attachments for legal description and survey

II. BACKGROUND AND ANALYSIS

Background:

The applicant, Chelsea O'Riley (Town of Fort Myers Beach), is finalizing plans for Bay Oaks Recreational Campus and has worked with neighboring properties to secure the required lands for redevelopment, including the vacations of right-of-way and transfers of properties to better organize the area. The language in Ordinance 20-06 provides considerations and process for the right-of-way vacation requests.

Analysis:

The applicant has provided a letter of intent, pursuant to the requirements in Ordinance 20-06. The ordinance mandates three facts be established by this letter; summarized, these are:

- 1) That the vacation will not adversely affect ownership or rights of other landowners, nor the access of other landowners in a platted subdivision,
- 2) That the vacation will not adversely affect infrastructure and does not conflict with Town, county, or state plans regarding road right-of-way, and

- 3) The applicant has proven ownership of part of the subdivision, and vacation of the property will not affect ownership or rights of other owners in the subdivision.

The applicant's application and statement of intent confirms these three facts. The proposed vacation of the described right-of-way would result in redevelopment of the Bay Oaks Recreational Campus, exchange of property with the School District, and a better organized layout of uses; with no expected adverse effects to the public.

Ordinance 20-06, Vacation of Town Interest in Real Property, provides intent and procedures for this process, including review criteria. The application has been reviewed to determine the future likelihood the Town, county, or state may need the subject right-of-way. Agency letters have been provided for this submission. Pursuant to the procedure outlined in this ordinance, the report will further address the proposal's relationship to the goals, objectives, and policies in the Town's Comprehensive Plan and the Capital Improvement Plan (CIP).

Comprehensive Plan Compatibility:

The Future Transportation Element of the Fort Myers Beach Comprehensive Plan provides several references to vacation of rights-of-way. Object 7-J states:

"Although no future right-of-way needs have been identified, some existing town and county rights-of-way are substandard and few are wider than needed. The town shall not vacate or acquiesce in the vacationing of existing rights-of-way except where no public purpose would be served by retaining the right-of-way."

Policy 7-J-1 states: *"Town and county rights-of-way are needed for the undergrounding of utilities; for the expansion of sidewalks and bike paths; for water accesses; for on-street parking; for public transit and road improvements; and for other public purposes. The town shall strictly limit vacations of rights-of-way and easements to preserve future access for these purposes."*

The requested vacation of right-of-way allows for a greater public purpose, reaching Objective 7-J in the Future Transportation Element of the comprehensive plan. The proposed vacation of right-of-way would allow the Town to continue with the Bay Oaks Recreational Campus improvements while providing the necessary easements to local agencies.

III. CONCLUSION

Staff finds public purpose or benefit to the vacation of the right-of-way. The vacation of right-of-way will allow the Town to move forward with the Bay Oaks Recreational Campus improvements, coordinate efforts with the School District, and better serve the community. The vacation of the right-of-way enhances the redevelopment of Bay Oaks and School District property.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: ROW on School Street (unnamed street)

STRAP Number: ROW

Applicant: Town of Fort Myers Beach Phone: 239.765.0202

Contact Name: Chelsea O'Riley Phone: 239.765.0202

Email: Chelsea@fmbgov.com Fax: 239.765.0909

Current Zoning District: _____

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

- ☐ Special Exception
- ☐ Variance
- ☐ Conventional Rezoning
- ☐ Planned Development ☐ Commercial ☐ Residential
- ☐ Master Concept Plan Extension
- ☐ Appeal of Administrative Action
- ☒ Vacation of Platted Right-of-way and Easement
- ☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Town of Fort Myers Beach Phone: 239.765.0202

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 2525 Estero Boulevard, Fort Myers Beach, FL 33931

Email: Chelsea@fmbgov.com Fax: 239.765.0909

Contact Name: Chelsea O'Riley Phone: 239.765.0202



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* ☒ Other* (please indicate) <u>ROW</u> | | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Roger T. Hernstadt Phone: 239.765.0202
Address: 2525 Estero Boulevard, Fort Myers Beach, FL. 33931
Email: Roger@fmbgov.com Fax: 239.765.0909

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Chelsea O'Riley Phone: 239.765.0202
Address: 2525 Estero Boulevard, Fort Myers Beach, FL. 33931
Email: Chelsea@fmbgov.com Fax: 239.765.0909

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☒ Vacation

☒ Right-of-Way

☐ Easement

☐ Other. Please Explain: _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Town of Fort Myers Beach

Phone: 239.765.0202

Mailing Address: 2525 Estero Boulevard, Fort Myers Beach, FL. 33931

Email: Roger@fmbgov.com

Fax: 239.765.0909

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Roger T. Hernstadt swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.


Signature

Roger T. Hernstadt

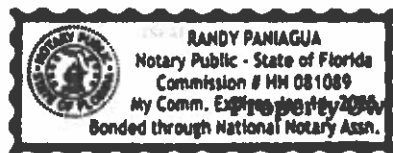
Printed Name

STATE OF Florida COUNTY OF Lee

The foregoing instrument was certified and subscribed before me by means of X physical presence OR _____ online notarization, this 30 day of April, 2021, by

Roger T. Hernstadt ☒ who is personally known to me OR ☐ who has produced

_____ as identification.



PART V

Property Ownership (Multiple Owners)


Notary Public Signature

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership

_____	_____
_____	_____
_____	_____
_____	_____

3/31/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

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COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____	Roger T. Hernstadt, Town Manager
Signature	Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this ____ day of _____, 20____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: N/A - Right of Way

Property Address: ROW at the end of unnamed road (extension of School Street)

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: Winkler Subdivision

Book: 8 Page: 45 Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: _____ ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Located in the mid-section of the island, the right of way is located on unnamed
street (the extension of School Street).

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☒ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☒ Attach a map showing the surrounding property owners as Exhibit 6-7.

☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density

☐ Marina

☐ Mixed Residential

☐ Recreation

☐ Boulevard

☐ Wetlands

☒ Pedestrian Commercial

☐ Platted Overlay



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Explanatory Notes – Part V

- A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
- B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
- C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
- D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

- A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at <http://www.leepa.org>. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
- B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy



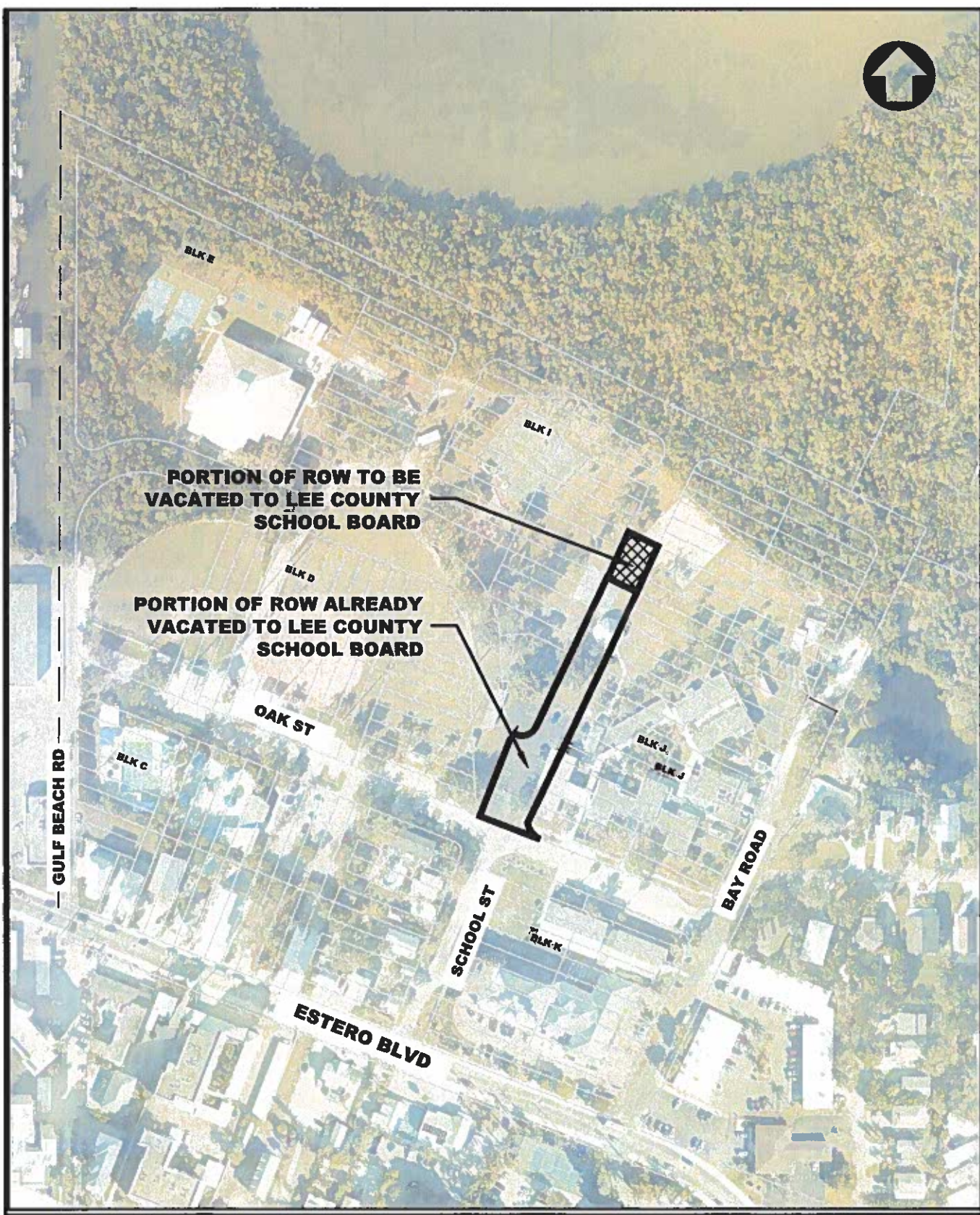
COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

line. Exhibit 6-2

- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
- D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
- E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
- F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
- G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
- H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
- I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.



RIGHT-OF-WAY VACATION

**EXHIBIT
A**

P:\Projects\19-0277\2028_Bay_Coln_100_Prelim_Design\19028\DWG\19028_0403_0004.dwg



Lee County
Southwest Florida

Board of County Commissioners

May 4, 2021

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Chelsea O'Riley
Town of Fort Myers Beach
2525 Estero Boulevard,
Fort Myers Beach, FL. 33931

SUBJECT: PROPOSED VACATION OF RIGHT-OF-WAY

STRAP(S) #: NA

ADDRESS(ES): A PORTION OF SCHOOL STREET

Dear Ms. O'Riley,

Lee County Utilities has ***no objection*** to the proposed vacation with respect to the Right-Of-Way as noted in your attachments.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 533-8162.

Sincerely,

William Hull
GIS Coordinator, GISP
Utilities Engineering Division
Lee County Utilities

Original Mailed: 05/04/2021

Town of Fort Myers Beach

MAY 6 2021

Received by: _____



FORT MYERS BEACH FIRE DEPARTMENT

LIFE SAFETY DIVISION

17091 SAN CARLOS BOULEVARD • FORT MYERS BEACH, FLORIDA 33931

FIRE CHIEF
MATTHEW R. LOVE

FIRE MARSHAL
RONALD L. MARTIN

DEPUTY FIRE MARSHAL
JENNIFER CAMPBELL

May 10, 2021

Ms. Chelsea O'Riley, CFM, MPA
Public Works Director
Town of Fort Myers Beach.
2525 Estero Blvd
Fort Myers Beach, FL 33931
chelsea@fmbgov.com

RE: Request for Letter of No Objection for proposed right-of-way vacations

Ms. O'Riley:

This letter is in response to your request regarding the proposed right-of-way vacations. The right-of-ways identified on the provided Exhibit "A" appear to be as follows:

1. **Portion of road "School Street" to be vacated to Lee County School District. This portion is North of Oak Street and is a dead-end.**

The proposed vacation shall not obstruct fire department and/or emergency access to any on-site structure(s) or areas of gathering. No objection with the understanding of the provided comment.

Approvals are based on information provided for review. If you should require any other assistance please contact our office.

Yours in Fire Safety,

Jennifer Campbell, Deputy Fire Marshal
Fort Myers Beach Fire Department
Life Safety Division

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2021-270**

1. Requested Motion:

Meeting Date: May 11, 2021

Discussion and Direction about Resolution 18-37, Designating and Establishing Historic Preservation Advisory Committee

Why the action is necessary:

The LPA requested an agenda item to discuss the Resolution

What the action accomplishes:

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

5. Background:

The Local Planning Agency asked to review and discuss the enabling Resolution for the Historic Preservation Advisory Committee (HPAC)

Attachments:

1. 18-37, Establishing Ad Hoc Advisory Committee - Historic Advisory Committee

Financial Impact:

N/A

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

Jason Green, Community Development
Services

Date: May 05,
2021

John R Herin Jr, Town Attorney

Date: May 06,
2021

Amy Baker, Town Clerk

Date: May 06,
2021

**RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 18-37**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT
MYERS BEACH, FLORIDA DESIGNATING AND ESTABLISHING AN
AD HOC ADVISORY COMMITTEE PROVIDING FOR COMPOSITION
AND TERMS OF OFFICE; OFFICERS, RULES OF PROCEDURE,
MEETINGS, VOTING AND RECORDS; AND PROVIDING AN
EFFECTIVE DATE**

Whereas, with the adoption of ordinance 02-01 in February 2002, the Town of Fort Myers Beach established a Historic Preservation Board (HPB); and

Whereas, the Town has had an unofficial Historic Advisory Committee assisting the Local Planning Agency (LPA) in its role as the Historic Preservation Board and Town Council on historical preservation matters; and

Whereas, the Town Council on behalf of property owners, residents, businesses and visitors recognize the ongoing need for such volunteer efforts to preserve our local historical elements and have determined that the formal creation of a Historic Preservation Advisory Committee (HPAC) is consistent with certain important objectives of the Town and is recognized as such in its Comprehensive Plan and the Land Development Code.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fort Myers Beach that the HPAC is formally created providing that its members adhere to the applicable criteria set forth in Ordinance 18-06 and shall operate within the guiding principles and mission set forth below until such time as Town Council sunsets the HPAC either by setting a specific sunset date or by a subsequent resolution of the Town Council of Fort Myers Beach..

Section 1. The Historic Preservation Advisory Committee (HPAC) consists of no less than five members and no more than seven members who shall meet the criteria of Ordinance 18-06 and that have an interest in Fort Myers Beach and the immediate vicinity and historic preservation. Board Members are appointed by the Town Council for staggered terms of two (2) years. A minimum of one (1) HPAC member will be a member of the LPA/Historic Preservation Board.

Section 2. This volunteer advisory committee analyzes, reports and advises the Local Planning Agency (LPA) in its role as the Historic Preservation Board and or Town Council on matters relating to preserving the historic elements, styles and structures as opportunities present themselves.

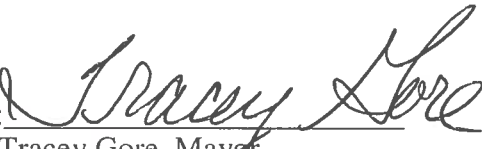
Section 3. HPAC recommends to the Town Council, via the LPA, historic property and landmark designations, as well as programs to stimulate public interest in historic preservation. HPAC may also advise property owners and local agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources when so requested by the LPA in its role as the Historic Preservation Board or directed by Town Council.

Section 4. This resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Cereceda and seconded by Vice Mayor Shamp and upon being put to a vote, the result was as follows:

Tracey Gore, Mayor	AYE	Joanne Shamp, Vice Mayor	AYE
Anita Cereceda, Council Member	AYE	Dennis C. Boback, Council Member	AYE
Bruce Butcher, Council Member	EXCUSED ABSENCE		

DULY PASSED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, THIS 15th DAY OF October 2018.

By: 
Tracey Gore, Mayor

ATTEST:
By: 
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: 
Peterson Law Group, Town Attorney

**Town of Fort Myers Beach
Agenda Item Summary**

Yellow Sheet Number: **2021-271**

1. Requested Motion:

Meeting Date: May 11, 2021

Variance(s) if ready for review - applicants are providing additional information
5-year Capital Improvement Plan (CIP) recommendation to the Town Council
HDD 20210037 - 3562 Estero Blvd.

Why the action is necessary:

Information Only

What the action accomplishes:

2. Agenda:

ITEMS FOR NEXT MONTHS
AGENDA

3. Requirement/Purpose:

5. Background:

Upcoming Items

Attachments:

Financial Impact:

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

Date: May 06,
2021

Jason Green, Community Development
Services