Fort Myers Beach Local Planning Agency

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931

Agenda **Tuesday, April 14, 2026** **9:00 AM**

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. APPROVAL OF MINUTES

VI. PUBLIC COMMENT

VII. OVERVIEW OF OUTRIGGER RESORT REDEVELOPMENT PROJECT (AKA LONDON BAY) PRESENTED BY 6200 ESTERO BLVD INVESTMENTS, LLC

VIII. FMB LOCAL PLANNING AGENCY POLICIES AND PROCEDURES

A. LPA Policies and Procedures, Adopted January 2025

IX. PUBLIC HEARINGS

A. Ordinance 26-04: CPA20240067, 6200 Estero Blvd, Outrigger Resort Mixed-use: CPA-Text

COMPREHENSIVE PLAN TEXT AMENDMENT (LEGISLATIVE)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TEXT IN THE FUTURE LAND USE ELEMENT, IN THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN-2045 ADOPTED DECEMBER 1, 2025, TO INCLUDE OUTRIGGER RESORT MIXED-USE LAND USE CATEGORY; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

B. Ordinance 26-03; CPA20240067, 6200 Estero Blvd, Outrigger Resort Mixed-use CPA- Map

FUTURE LAND USE MAP AMENDMENT (LEGISLATIVE)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH FUTURE LAND USE MAP-2045, ADOPTED DECEMBER 1, 2025, FOR THE PORTION OF PROPERTY LOCATED AT 6200 ESTERO BLVD, IDENTIFIED AS STRAP # 33-46-24-W3-00012.0000 THAT IS LANDWARD OF THE 1978 COASTAL CONSTRUCTION CONTROL LINE, IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

C. Ordinance 26-05, CPD20240061, 6200 Estero Blvd., Outrigger Resort Mixed-use

REZONING REQUEST (QUASI-JUDICIAL)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING A REZONING OF PROPERTY LOCATED AT 6200 ESTERO BLVD, FORT MYERS BEACH, GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W3-00012.0000 FROM A PREVIOUSLY APPROVED COMMERCIAL PLANNED DEVELOPMENT (OUTRIGGER BEACH RESORT) TO A COMMERCIAL PLANNED DEVELOPMENT WITH 12 DEVIATIONS TO ALLOW FOR A 46 DWELLING UNITS; 150 HOTEL ROOM AND 46000 SQUARE FEET OF COMMERCIAL USE AND 340 PARKING SPACES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

D. SEZ20240112, 6200 Estero Blvd., Outrigger Resort Mixed-Use Special Exception

SPECIAL EXCEPTION - CONSTRUCTION IN EC (QUASI-JUDICIAL)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO

ALLOW RECONSTRUCTION OF A MAJOR ACCESSORY STRUCTURE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

PUBLIC COMMENT

E. SEZ20240112, 6200 Estero Boulevard COP
SPECIAL EXCEPTION - COP (QUASI-JUDICIAL)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW EXPANSION OF CONSUMPTION ON PREMISES IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS PER LDC SECTION 34-1264. (G)(1). FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

PUBLIC COMMENT

F. VAR20250299, 6200 Estero Blvd. (Outrigger Redevelopment)
VARIANCE (QUASI-JUDICIAL)

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR 20250299, REQUESTING A VARIANCE OF 15 FEET REDUCTION TO THE REQUIRED 25-FOOT SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE TO THE OUTRIGGER RESORT IN THE EC ZONING DISTRICT TO ALLOW A 10 FOOT SIDE YARD SETBACK IN ORDER TO ACCOMMODATE HISTORICAL LOCATION OF THE TIKI HUT, FOR THE PROPERTY LOCATED AT 6200 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 33-46-24-W3-00012.0000 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.

PUBLIC COMMENT

X. ADMINISTRATIVE AGENDA

XI. LPA MEMBERS ITEMS/REPORTS

XII. LPA ATTORNEY ITEMS/REPORTS

XIII. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XIV. ITEMS FOR NEXT MONTHS AGENDA

XV. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF THE LOCAL PLANNING AGENCY UNANIMOUSLY APPROVES A REQUEST FOR A VARIANCE, EXTENSION OR SATISFACTION OF CONDITIONS, A REQUEST FOR AN ADDITIONAL HEARING BEFORE THE TOWN COUNCIL MAY BE MADE BY ANYONE IF THE REQUEST IS RECEIVED BY THE TOWN CLERK WITHIN 10 BUSINESS DAYS OF THE LOCAL PLANNING AGENCY DECISION PURSUANT TO SEC. 34-232 OF THE LAND DEVELOPMENT CODE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE LOCAL PLANNING AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED IN ACCORDANCE WITH FLORIDA STATUTE 286.0105.

	**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. 239-765-0202**

Town of Fort Myers Beach
Local Planning Agency
Policies and Procedures Manual
January 2025



Anita Cereceda, Chair

Jane Plummer, Vice-Chair

Jim Boan, Member

Jim Dunlap, Member

Doug Eckmann, Member

John McLean, Member

Don Sudduth, Member

1. Introduction

This Local Planning Agency (LPA) Policies and Procedures Manual is a guide to help LPA Members in the discharge of their duties. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of the LPA will find in one handy reference answers to questions that come up from time to time. By having an agreed-upon guide, members of the LPA also may develop common expectations on proper conduct of LPA meetings, dealings with the public, and the way it interacts with Town staff.

This manual should be used in conjunction with the Town Charter, Comprehensive Plan, Land Development Code (LDC), strategic plan and other applicable laws, as necessary. Any conflict between the information in this Manual and other codes shall be resolved in favor of the other codes.

Topics included in the Land Development Code shall not be included in this Manual:

1. Composition, appointment and compensation (Section 34-112, LDC)
2. Terms and vacancies (Section 34-114)
3. Forfeiture of office (Section 34-115)
4. Election and duties of officers (Section 34-116)
5. Support staff (Clerk-Section 34-117, Attorney–Section 34-124, Experts/Staff-Section 34-119)
6. Rules and Procedures (Section 34-118)
7. Functions, powers and duties regarding the Comprehensive Plan and LDC (Section 34-120)
8. Functions, powers and duties regarding zoning matters (Section 34-121)
9. Service as the Historic Preservation Board (Section 34-122)

Upon a majority vote, the LPA can waive application of these guidelines. Any waiver or disregard of a guideline shall not be a basis for challenge to any action by the LPA. The manual may be amended as needed and subject to review each year following the vote for LPA officers.

Training & Materials

Each new member of the Local Planning Agency will be provided an orientation and training by staff regarding the following resources, which are available on line or in print upon request:

- Town Charter
- Comprehensive Plan
- Land Development Code
- Florida Code of Ethics
- Florida Sunshine Laws

Election of Officers

Annually, at the first meeting of the Local Planning Agency, after expired member positions have been filled by the Town Council, a chair and vice chair will be chosen. An LPA member may nominate a person for each of these positions or state their own interest in service as Chair or Vice-Chair. Once all nominations are received, the LPA will vote in the same manner as the Town Council votes for appointments to committees, boards, and commissions. If nominated, the LPA member shall accept the nomination on the record. If a nominated LPA member is not present, acceptance of the nomination and a vote on all nominations shall be taken at the next LPA meeting.

Sunshine Issues

Members of Town advisory committees, boards, and agencies are subject to the Sunshine Law (F.S. 286.011). The same Sunshine rules that apply to Town Council apply to the members of the LPA and other Town advisory committees, boards and agencies.

Any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action to be taken by the committee. Examples of indirect discussions are the use of email to a committee member or communication through a spouse or other go-between.

Advisory committee members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or Civic Association regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met.

These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the

committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

2. Historic Preservation Board

The LPA also functions as the Historic Preservation Board (HPB) for the Town of Fort Myers Beach. The Historic Preservation Board has the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, and architectural resources in the Town as set forth in LDC section 22-74. For any quasi-judicial or legislative hearings that come before the HPB, the hearing process shall conform to those outlined in Section 7 of this manual.

Annually, at the first meeting of the Local Planning Agency, after expired member positions have been filled by the Town Council, a meeting of the HPB will be convened and a chair and vice chair will be chosen using the same methodology as LPA chair and vice chair election.

Also at that meeting, a sub-committee, the Historic Advisory Committee (HAC), comprised of an approximately equal number of LPA members and Estero Island Historic Society members is established. Members of the Estero Island Historic Society interested in being on the Historic Advisory Committee must submit a statement of interest to the Town Clerk prior to the first annual meeting of the LPA. This sub-committee comprised of a total of six or seven members shall be selected by the HPB.

The HAC sub-committee will meet as needed to discuss and make recommendations to be brought before the Historic Preservation Board for consideration. Recommendations will be consistent with the requirements of the Comprehensive Plan and Land Development Code. At its first meeting after re-formation, the HAC shall select a chair, vice chair and secretary.

3. Ad Hoc Sub-Committees and Interaction with Other Advisory Committees

The LPA has the authority to form other ad hoc sub-committees requesting participation by volunteers. The objectives of a sub-committee, expected products, membership and timelines should be clearly stated and agreed to by the LPA. One LPA member will be asked to chair the ad hoc sub-committee. The intent would be to minimize participation and action items directed at Staff. All Ad Hoc Sub-Committees will be subject to Sunshine and public records laws.

A standing ad hoc sub-committee named the Historic Advisory Committee was established by Resolution 2006-03 (Appendix B).

During discussions arising from land use cases, long-range planning and capital improvement discussions, the LPA will proactively communicate to other appropriate advisory committees while keeping Town Council informed. These interactions could result in the development of joint resolutions.

4. Meeting Preparation and Planning

Meeting Schedule

Section 34-118 of the Land Development Code (LDC) states: "The local planning agency shall meet at least 8 times per year and shall meet no less often than bimonthly…" Regularly planned meetings of the Local Planning Agency (LPA) are scheduled by mutual agreement between the LPA, LPA Attorney and Community Development Director. Special, continued or rescheduled meetings will be determined by consensus of the LPA members, the Director of the Department of Community Development and the LPA attorney.

Length of Agenda Items

In order to set reasonable LPA agendas, the Community Development Director will use best efforts to establish the time needed for presentations, public comment and subsequent discussions of agenda items by the LPA. Any person submitting administrative topics to the Community Development Director will provide an estimate of the time needed. If the time needed for a hearing, legislative matter or administrative topic exceeds the allotted time by more than 15 minutes, the Chair may table the item until later in the meeting or continue the item until a subsequent meeting.

Public Notice of LPA Quasi-Judicial Hearings

Except as specifically addressed in the Town Land Development Code, the Town Clerk shall notice all LPA quasi-judicial hearings as provided in the Land Development Code and Florida law.

Continued Hearings and Legislative Issues

It is the goal of the LPA to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any LPA member who missed the initial hearing should review the audio and/or videotapes prior to participating in the continued hearing or legislative discussion and resolution.

If the applicant submits new information or modification(s) to previously submitted information at the hearing, or immediately prior to the hearing, the LPA shall consult with the Director of the Department of Community Development and the LPA Attorney and vote to continue the hearing. Nothing contained in this section shall be construed to limit the Director's discretion to defer or continue the public hearing as set forth in LDC Section 34-213(3).

Meeting Preparation

Any LPA member, the Community Development Director, the LPA attorney, Town Council and Town Manager can submit meeting agenda topics for the LPA to the Community Development Director. Topics should be submitted at least fourteen (14) days prior to a planned meeting. The Director of the Department of Community Development and LPA attorney are responsible for scheduling hearings. Potential dates for hearings should be communicated to all participating parties as far in advance of the planned meeting as possible. All staff reports should be complete before a hearing is scheduled. Except in the case of an emergency, cancellation of a planned meeting should be at least 14 days in advance. Only under serious, extenuating circumstances should a hearing be cancelled after it has been publicly noticed.

The goal is to have finalized agenda and supporting material seven (7) days prior to a planned and noticed meeting. The Town Clerk shall email a copy of the agenda packet to all LPA members.

The LPA members' packets should include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.) A sincere effort is made to see that LPA packets are complete. As a general rule, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete. A copy of the agenda is available on the Town's website.

Occasionally an item may come up late and may be placed on an amended agenda, or as an "add on" (added too late to be included on the published agenda). Such additions are kept to an absolute minimum so as not to burden the LPA or the public with items not receiving sufficient advance notice. Important, potentially controversial items are not made as "add on items" except in extreme emergencies.

Attendance Policy

Section 34-115(3) of the Land Development Code (LDC) states: "A Local Planning Agency member shall forfeit office if the member is absent from three (3) regular local planning agency meetings per year without being excused by the local planning agency."

An LPA member should notify the Town Clerk of an anticipated absence. The Town Clerk will request a vote from the LPA regarding whether the absence is excused or unexcused. The LPA should be notified of a planned absence as soon as known. It is important that the LPA knows that it will have a quorum of its members as soon as possible prior to an LPA meeting The LDC implies that the LPA has the discretion to define what will be an "excused" absence. The policy of the LPA is that if an absence is reported at least fourteen (14) days prior to a planned meeting the absence will automatically be considered an excused absence. This will allow sufficient time for a planned meeting to be rescheduled if it appears that a quorum will be questionable.

Absence notification less than 7 days prior to a planned meeting is considered an "emergency". If an excused absence is desired in less than 7 days, a request must be forwarded to the Town Clerk with an explanation of the nature of the emergency. The Local Planning Agency will decide whether the request will be considered an excused absence. If the Town Clerk receives no request for an excused absence, the absence is counted as an unexcused absence. Three unexcused absences from regularly scheduled LPA meetings will result in automatic forfeiture of office.

"Chronic" absence is defined as missing three consecutive regularly scheduled meetings or four of the last six meetings of the LPA, regardless of whether the absence is excused or unexcused. If a chronic absence occurs, the Town Clerk will be asked to send a letter to the LPA member requesting an explanation of the reasons for the chronic absence. A copy of the letter will be sent to the Town Manager and Town Council. The LPA member will be asked to forward to the Town Clerk a statement of whether the LPA member wishes to remain on the LPA. Failure to reply will automatically make all absences unexcused and grounds for forfeiture of office. In order to provide a diverse representation, it is important that the LPA strive to have as full representation as possible when conducting the Town's business.

Meetings and Communication between LPA and Town Council

As needed, the Chair, at the request of the LPA members may appear before the Town Council and present information discussed at an LPA meeting or as otherwise requested by a vote of the LPA.

5. Meeting Procedures

LPA Code of Conduct

LPA members shall follow the Florida Code of Ethics for Public Officers and Employees found in Chapter 112 of Part III of the Florida Statutes.

Order of Agenda Items

The general order of the agenda will proceed as follows. However, the procedures may differ depending on what type of hearing is being held.

1. Call To Order – Identify for the record the committee that is meeting, the date of the meeting and who is present.
2. Pledge of Allegiance
3. Invocation
4. Changes to the Agenda
5. Public Comment on any topic – Chair will advise of opportunity to speak during the public hearing of a particular agenda item.
6. Approval of Minutes – Requires a motion and vote.

7. Public Hearings – Public Comment on the topic of the public hearing will be included as part of the record of the hearing
8. Administrative Agenda – Topics submitted by LPA members, staff, LPA Attorney or items from previous agendas
9. Adjourn as LPA; Reconvene as Historic Preservation Board (HPB) if needed
10. Adjourn as HPB; Reconvene as LPA
11. LPA Members Items and Reports
12. LPA Attorney Items
13. Community Development Director Items
14. Public Comment
15. Adjournment – Requires a motion and vote. A privileged motion allowing no discussion before voting.

Conduct of LPA Meetings

The Chair will conduct the LPA meetings, and in the Chair's absence by the Vice Chair. Robert's Rules of Order may be consulted for parliamentary procedure governing the conduct of the LPA meetings when not in conflict with the Town Charter or Florida Statutes and questions arise. Otherwise, the conduct of the meeting may follow as directed by the LPA. When the Chair recognizes a speaker during public comment, they will advance to the podium and state their name for the public record. Public comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by majority vote of the LPA. If a special interest group would prefer to have one person speak for a group of individuals in attendance their allotted times can be combined up to a maximum of 15 minutes. This process could save meeting time if the content of what each person of a special interest group intends to say is similar. It could also allow more time for a presentation containing detailed facts and data. If a special interest group chooses to have a spokesperson represent them, request cards having the names and addresses of all individuals present must be provided prior to the meeting. The public comment times are intended as opportunities for interested parties to present their viewpoints to the LPA members; they are not intended as question-and-answer sessions or as dialog with the LPA unless the LPA otherwise approves.

The time period for LPA members' comments is intended as an opportunity for LPA members to share their viewpoints with each other. Since this opportunity does not exist outside of LPA meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Community Development Director or Town Attorney which could be obtained outside of the LPA meeting.

Legislative Hearing Procedures

1. The Chair opens the hearing on (announce the agenda number)
2. The Chair or the LPA Attorney reads the ordinance title.
3. Staff and/or the LPA attorney present(s) a brief overview of the draft ordinance.
4. Public input is taken.

5. Public input is closed.
6. LPA members ask questions, if any, of staff/LPA attorney.
7. LPA members discuss ordinance, including changes, deletions, etc. and make a finding that the proposed Ordinance is consistent or not consistent with the Comprehensive Plan or otherwise is in conflict with the Land Development Code without other changes.
8. A Motion is made and seconded to either recommend approval of the Ordinance to Town Council, as-is or with modifications, or to take some other action. If the motion to approve fails, a member should make a motion to recommend denial and state the reason for denial and if it should be with prejudice or without prejudice.
9. The Motion is discussed and voted upon. If successful, the Chair declares the hearing on the ordinance to be concluded.

There is no ex parte disclosure requirement for legislative hearings. Members of the public are not sworn in.

Procedure for Quasi-Judicial Land Use Hearing

1. At the onset of the quasi-judicial matters, the LPA addresses matters relating to all items on the agenda that are quasi-judicial in nature.
2. The LPA Attorney explains the quasi-judicial process and asks whether there are any conflict-of-interest situations or predetermined results that would prevent a member from voting to make sure a quorum is present for that agenda item. If a conflict is disclosed, the LPA member shall announce and complete Form 8B as required by the Florida Code of Ethics.
3. The Town Clerk wears in all witnesses. Any individuals who would like to be considered as experts in a particular area should so state and ask to be accepted as an expert unless already qualified and considered as an expert which shall be disclosed on the record. The Town Clerk reports if all agenda items have been properly noticed and if needed advertised.
4. The Chair announces the agenda item.
5. The Chair asks if any LPA member has had an ex-parte communication regarding this matter. This includes any site visit, receipt of expert opinion, conducting of investigations, discussions with any person, or any direct or indirect communication in any form with any person outside a public hearing and not on the record. The Chair asks the Town Clerk if copies of any emails forwarded to the LPA have been provided to the applicant. The Chair asks if the applicant is present and has received a copy of the agenda materials.
6. Staff present a brief introduction of the agenda item.
7. The applicant presents its case and LPA asks questions.
8. Staff presents their case in response to the applicant's presentation and the LPA asks questions.
9. Public comment/testimony is opened. The applicant may question any public speaker. After public testimony/comment is concluded, the Chair closes public comment/testimony.

10. Staff makes any closing comments.
11. The Applicant presents rebuttal, if any to staff's presentation or any public comment and closing comments.
12. The testimony portion of the hearing is closed.
13. LPA discusses the matter and may direct questions to the applicant or staff
14. The Chair requests a motion on the agenda item.
15. LPA votes on the agenda item.

Voting Conflicts

Florida Statues have very specific rules regarding voting conflicts and municipal advisory committees, boards and agencies. These rules are different from the rules that apply to the Council.

If an LPA member has a voting conflict, he/she must disclose that conflict in writing to Town staff prior to the meeting in question and this disclosure must be publicly read. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. The committee member is permitted to participate in the discussion and vote on the subject. The specific rules are set out in F.S. 112.3145(4), quoted below:

> (4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by who he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.
>
> (a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
>
> (b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become

public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

6. LPA Meeting Output

Unless otherwise directed by the LPA, staff shall be responsible for reporting actions by the LPA to the Town Council. The Chair shall sign a resolution evidencing the LPA's findings and decision regarding any matter in which the LPA has final agency action.

It is noted that audio and /or video recordings of LPA meetings may be available for public, LPA, or Town Council review should clarification, additional understanding of discussions, or for finding errors or omissions.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-208**

1. **Request:** **Meeting Date: April 14, 2026**

COMPREHENSIVE PLAN TEXT AMENDMENT (LEGISLATIVE)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TEXT IN THE FUTURE LAND USE ELEMENT, IN THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN-2045 ADOPTED DECEMBER 1, 2025, TO INCLUDE OUTRIGGER RESORT MIXED-USE LAND USE CATEGORY; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Why the action is necessary:
The LPA makes comprehensive plan amendments recommendations to the Town Council.

What the action accomplishes:
The LPA's recommendation will be forwarded to the Town Council. Approval of the request will result in the addition of a new Future Land Use category to the Comprehensive Plan.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

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5. **Background:**

6200 Estero Blvd Investments, LLC, owner of the subject property, and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture, applicant, are requesting two applications regarding the changes in the 2045 Comprehensive Plan text and Future Land Use map.

The request includes: (1) a small-scale Comprehensive Plan text amendment to the 2045 Comprehensive Plan creating a site-specific Outrigger Resort Mixed-Use District with associated policies; and (2) a small-scale Future Land Use Map amendment from Medium Residential to Outrigger Resort Mixed-Use District.

The property was previously known as the Outrigger Resort. It is zoned CPD and located on the beachside of Estero Blvd. The property was developed with 144 units/rooms, which were substantially damaged by natural disasters. The CPD was approved by Lee County prior to incorporation of the Town of Fort Myers Beach with density/intensity exceeding the Town's Comprehensive Plan, as originally adopted following incorporation, and as amended._

The parcel contains land that is seaward of the 1978 Coastal Construction Control Line (CCCL) and is Recreation FLU and zoned EC. The applicant is not proposing a FLUM amendment for the Recreation FLU portion of the property.

The adopted 2045 Comprehensive Plan included the following policy:

POLICY FLU-1-B2c: "MIXED-USE" - This land use designation is designed for portions of the Town along Estero Boulevard to allow for intense commercial and multifamily residential development. Each mixed-use district is prescribed a maximum density and intensity. To obtain

approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the public realm as described in this Comprehensive Plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this Comprehensive Plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged on the upper floors. Within the Mixed-Use land use category, all existing "Marina" uses described shall be preserved and allowed to remain on parcels that were zoned for marinas prior to adoption of this plan.

These site-specific Mixed-Use Districts include geographically distinct developments with unique development standards, FARs and densities, including: the Cultural Center, Times Square, Santini Plaza and Center Island Mixed-Use Districts.

In addition to acknowledging that site-specific districts are an appropriate planning tool to guide future growth and redevelopment, the Comprehensive Plan also includes several policies relating to flexibility for site-specific development proposals, as discussed extensively during the Comprehensive Plan Update process.

The applicant has proposed a new site-specific category under Mixed-Use in the 2045 Comprehensive Plan framework as follows:

f. OUTRIGGER RESORT MIXED-USE (OR-MU) DISTRICT Purpose: The Outrigger Resort Mixed-Use district comprises approximately 3.55 acres. The intent of this district is to provide development and redevelopment opportunities for additional residential, resort, commercial, and public and private recreational amenities. Development within this district must be achieved by a unified Commercial Planned Development zoning district and must include contributions to the public realm. The Outrigger Resort Mixed-Use district is envisioned as a residential and resort-oriented lifestyle district with a mix of uses.

The Outrigger Resort Mixed-Use district's general boundaries are along the Gulf (westside) of Estero Boulevard, approximately two (2) miles north of Big Carlos Pass Bridge and 100 feet south of Fort Myers Beach Access Point 11, and is more specifically described as:

A PARCEL OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 1, FLAMINGO PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 66, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40'49" E., ALONG THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK, A DISTANCE OF 121.56 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 865); THENCE RUN ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,832.29 FEET, A CENTRAL ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40'49" E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING. CONTAINING 154,490.39 SQUARE FEET OR 3.547 ACRES, MORE OR LESS.

Permitted Uses: As limited by the land development regulations, permitted uses include resort and hospitality, lodging/hotel accommodations, residential (multifamily and hotel/condominium), various types of commercial retail to support guests and neighborhood residents such as retail sales and personal service establishments, restaurants (including outdoor dining), live entertainment venues, public beach access and passive recreational uses and other contributions to the public realm as identified through Planned Development rezoning. Public benefit uses include restaurants, bars, retail, event and meeting space, golf cart and bicycle parking, parks, public beach access, and coastal storm risk reduction improvements, subject to final permitting approval by the FDEP.

Height and Stories: The maximum building height is 195 feet, measured from the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) to the midpoint of the roof and 15 stories, inclusive of parking on the first two (2) floors.

Intensity: The floor-to-area ratio (FAR) for the Outrigger Resort Mixed-Use district shall not exceed 3.0, subject to the floor-to-area ratio (FAR) calculations in the Outrigger Resort Commercial Planned Development (CPD) zoning district. Non-residential uses open to the public are limited to 20,000 square feet and private non-residential uses are limited to 26,000 square feet.

Density: The proposed development is for 150 hotel/condominiums, and 46 multifamily units. The permitted density is 39.5 dwelling units per acre, subject to the hotel equivalency factor established for the Pedestrian Commercial Future Land Use Category (FLUC) in the Town of Fort Myers Beach Land Development Code (LDC) Section 34-1803(a)(1), and inclusive of hotel, hotel/condominium, and multifamily (including condominiums, timeshare, vacation clubs and fractional ownership), utilizing approximately 3.55 acres that is part of the Outrigger Resort Mixed-Use District and London Bay Outrigger CPD.

Development Standards: The site design and building development standards for the Outrigger Resort Mixed-Use District will comply with those standards adopted in the Planned Development Zoning District.

The companion application will address the FLUM amendment from Medium Residential to Outrigger Resort Mixed-Use District.

Attachments:

1. NS Ordinance 26-04 CPA Text Amendment (2)
2. Exhibit A_CPA Text Amendment -Outrigger Resort Mixed-Use
3. Outrigger Resort CPA Staff final
4. Exhibit A: FMB Comp Plan - GOP - Dec25
5. Exhibit B_CPA -Outrigger Resport Mixed-use Applicant (1)

Financial Impact:

unknown

6. **Alternative Action**

Recommend approval of the proposed amendments.

7. **Staff Recommendations:**

This is a legislative decision.

8. **Recommended Approval:**

_____ Date: March 31, 2026

Georgina Cid, Community Development Manager

_____ Date: March 31, 2026

Frankie Kropacek, Community Development Director

_____ Date: April 02, 2026

nancy stuparich, Town Attorney

_____ Date: April 07, 2026

Amy Baker, Town Clerk

ORDINANCE 26-04

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TEXT IN THE FUTURE LAND USE ELEMENT, IN THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN-2045 ADOPTED DECEMBER 1, 2025, TO INCLUDE OUTRIGGER RESORT MIXED-USE LAND USE CATEGORY; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, 6200 Estero Blvd Investments, LLC, Fred Drovdlic with RVi Planning, and Richard Yovanovich with CYK Law Firm, applicants and agents for the property owners, generally located at 6200 Estero Boulevard and identified as STRAP number 33-46-24-W3-00012.0000 in the Town of Fort Myers Beach, filed an application to amend the text of the Comprehensive Plan to create a new future land use category called "Outrigger Resort Mixed-Use, and

WHEREAS, the property is currently in the Medium Residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the applicant, as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was initially held before the Local Planning Agency ("LPA") on August 23,2024 to review a proposed redevelopment of the property and the LPA voted to reschedule review of the redevelopment project to a date in the future; and

WHEREAS, the applicant has now resubmitted an application for a text amendment to the recently updated FMB Comprehensive Plan -2045, which was adopted on December 1, 2025; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 14,2026, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA found the text amendment consistent with the remainder of the Comprehensive Plan and voted to recommend **approval/denial** of the text amendment to the Town Council; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, on May 18, 2026, the Town Council held a first reading of the proposed Ordinance containing the text amendment and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on the ___ day of _____, 2026 at which time the Town Council gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-92 of the LDC and Comprehensive Plan (2045); and

WHEREAS, Exhibit A is the proposed text change to the Future Land Use Element to create a new future land use category called the Outrigger Resort Mixed-Use land use category; and

WHEREAS, the Town Council finds the proposed text amendment request is consistent/not consistent with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to approve/deny the proposed Comprehensive Plan text change.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. Ratification of Recitals. The Town Council of the Town of Fort Myers Beach, Florida, hereby adopts and ratifies those matters as set forth in the foregoing "WHEREAS" recitals.

Section 2. The Town Council determines approving the requested text amendment **is/is not** in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/DENIES** the proposed text amendment contained in Exhibit A.

Section 3. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to void or declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 4. Repeal of Laws in Conflict. If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the Town of Fort Myers Beach, Florida, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent, may be authorized by the Town Manager, or the Town Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. Effective Date. The effective date of this text amendment to the Comprehensive Plan shall be thirty-one (31) days after the state land planning agency notifies the Town of Fort Myers Beach that the plan amendment package is complete. If challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to comply in accordance with Section 166.3184 (3)(c)(4), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member ____ and seconded by Council Member _____, and upon being put to a roll vote, the result was as follows:

Dan Allers, Mayor	___
Scott Safford, Vice Mayor	___
John R. King, Council Member	___
Rebecca Link, Council Member	___
John McLean, Council Member	___

ADOPTED this __ day of _____, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

DRAFT

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on _____.

Exhibit A: CPA Text Amendment – Outrigger Resort Mixed-Use

DRAFT

LONDON BAY OUTRIGGER
COMPREHENSIVE PLAN AMENDMENT
Proposed Text Amendment
REVISED FEBRUARY 2026

f. OUTRIGGER RESORT MIXED-USE (OR-MU) DISTRICT

Definition: MIXED-USE: This land use designation is designed for portions of the Town along Estero Boulevard to allow for commercial and multifamily residential development. Each mixed-use district is prescribed a maximum density and intensity. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged in upper floors.

Purpose: The Outrigger Resort Mixed-Use district comprises 3.55+/-acres. The intent of this district is to provide development and redevelopment opportunities for additional residential, resort, commercial, and public and private recreational amenities. Development within this district must be achieved by a unified Commercial Planned Development zoning district and must include contributions to the public realm. The Outrigger Resort Mixed-Use district is envisioned as a residential and resort-oriented lifestyle district with a mix of uses.

The Outrigger Resort Mixed-Use district's general boundaries are along the Gulf (westside) of Estero Boulevard, approximately two (2) miles north of Big Carlos Pass Bridge and 100-feet south of Fort Myers Beach Access Point 11, and is more specifically described as:

> A PARCEL OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> BEGIN AT THE NORTHEASTERLY CORNER OF LOT 1, FLAMINGO PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 66, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40'49" E., ALONG THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK, A DISTANCE OF 121.56 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 865); THENCE RUN ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,832.29 FEET, A CENTRAL ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40'49" E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,490.39 SQUARE FEET OR 3.547 ACRES, MORE OR LESS.

Permitted Uses: As limited by the land development regulations, permitted uses include resort and hospitality, lodging/hotel accommodations, residential (multifamily and hotel/condominium), various types of commercial retail to support guests and neighborhood residents such as retail sales and personal service establishments, restaurants (including outdoor dining), live entertainment venues, public access to the beach and passive recreational uses and other contributions to the public realm as identified through Planned Development rezoning. Public benefit uses include: restaurants, bars, retail, event and meeting space, golf cart and bicycle parking, parks, public beach access, and coastal storm risk reduction improvements, subject to final permitting approval by the FDEP.

Height and Stories: The maximum building height is 195 feet measured from Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) to midpoint of roof and 15 stories inclusive of parking on the first two (2) floors.

Intensity: The floor-to-area ratio (FAR) for the OR-MU district shall not exceed 3.0, subject to the floor-to-area ratio (FAR) calculations in the London Bay Outrigger Commercial Planned Development (CPD) zoning district. Non-residential uses open to the public are limited to 20,000 SF and private non-residential uses are limited to 26,000 SF.

Density: The proposed development is for 100 hotel rooms, 50 hotel/condominiums, and 46 multifamily units. The permitted density is 41 dwelling units per acre, subject to the hotel equivalency factor established for the Pedestrian Commercial Future Land Use Category (FLUC) in the Town of Fort Myers Beach Land Development Code (LDC) Section 34-1803(a)(1), and inclusive of hotel, hotel/condominium, and multifamily (including condominiums, timeshare, vacation clubs and fractional ownership), utilizing the 3.55+/-acres that is part of the Outrigger Resort Mixed-Use district and London Bay Outrigger CPD.

Development Standards: The site design and building development standards for the Outrigger Resort Mixed-Use district will comply with those standards adopted in the Planned Development zoning district.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Comprehensive Plan Amendment**
CASE NUMBER:	**CPA20240067**
CASE NAME:	**Outrigger Resort Mixed-Use Comprehensive Plan Text and Future Land Use Map Amendment**
LPA HEARING DATE:	**April 14, 2026**
PREPARED/ SUBMITTED BY:	**Jason Green, AICP**

I. APPLICATION SUMMARY

Applicant/Agent:	6200 Estero Blvd Investments, LLC/Fred Drovdlic, AICP with RVI Planning + Landscape Architecture
Request:	The request includes: 1) a small-scale Comprehensive Plan text amendment to the 2045 Comprehensive Plan to create a site-specific Outrigger Resort Mixed-Use District with associated policies; and (2) a small-scale Future Land Use Map Amendment from Medium Residential to Outrigger Resort Mixed-Use District.
Subject property:	See attached plan
Physical Address:	6200 Estero Blvd
STRAP #:	33-46-24-W3-00012.0000
FLU:	Medium Residential
Zoning:	Commercial Planned Development (CPD), Commercial Resort (CR), & Environmentally Critical (EC)

Adjacent zoning and land uses:

North:	RESIDENTIAL MULTIFAMILY (RM) AND RESIDENTIAL SINGLE FAMILY (RS), Medium Residential Future Land Use (FLU)
South:	RESIDENTIAL PLANNED DEVELOPMENT (RPD) Medium Residential FLU
East:	COMMERCIAL PLANNED DEVELOPMENT (CPD) AND COMMERCIAL BOULEVARD (CB), Boulevard Mixed-Use Arts and Theatre District FLU
West:	ENVIRONMENTALLY CRITICAL (EC), Recreation FLU

II. BACKGROUND AND ANALYSIS

Background:
6200 Estero Blvd Investments, LLC, owner of the subject property, and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture, applicant, are requesting two applications regarding the change in the 2045 Comprehensive Plan text and Future Land Use Map.

The request includes: 1) a small-scale Comprehensive Plan text amendment to the 2045 Comprehensive Plan to create a site-specific Outrigger Resort Mixed-Use District with associated policies; and (2) a small-scale Future Land Use Map amendment from Medium Residential to Outrigger Resort Mixed-Use District.

The property was previously known as the Outrigger Resort. It is zoned CPD and located on the beach side of Estero Blvd. The property was developed with 144 units/rooms, which was substantially damaged from natural disasters. The CPD was approved by Lee County prior to incorporation of the Town of Fort Myers Beach with density/intensity exceeding the Town's Comprehensive Plan, as originally adopted following incorporation, and as amended.

The parcel contains land that is seaward of the 1978 Coastal Construction Control Line (CCCL) and is Recreation FLU and zoned EC. The applicant is not proposing a FLUM amendment for the Recreation FLU portion of the property.

The adopted 2045 Comprehensive Plan included the following policy:

POLICY FLU-1-B2c: "MIXED-USE" - This land use designation is designed for portions of the Town along Estero Boulevard to allow for intense commercial and multifamily residential development. Each mixed-use district is prescribed a maximum density and intensity. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the

public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged on the upper floors. Within the Mixed-Use land use category, all existing "Marina" uses described shall be preserved and allowed to remain on parcels that were zoned for marinas prior to adoption of this plan.

These site-specific Mixed-Use Districts include geographically distinct developments with unique development standards, FARs and densities, including: the Cultural Center, Times Square, Santini Plaza and Center Island Mixed-Use Districts.

In addition to acknowledgement that site-specific districts are an appropriate planning tool to guide future growth and redevelopment, the Comprehensive Plan also includes several policies relating to flexibility for site-specific development proposals, as discussed extensively during the Comprehensive Plan Update process.

The applicant has proposed a new site-specific category under Mixed-Use in the 2045 Comprehensive Plan framework as follows:

f. OUTRIGGER RESORT MIXED-USE (OR-MU) DISTRICT Purpose: The Outrigger Resort Mixed-Use district comprises 3.55 ± acres. The intent of this district is to provide development and redevelopment opportunities for additional residential, resort, commercial, and public and private recreational amenities. Development within this district must be achieved by a unified Commercial Planned Development zoning district and must include contributions to the public realm. The Outrigger Resort Mixed-Use district is envisioned as a residential and resort-oriented lifestyle district with a mix of uses.

The Outrigger Resort Mixed-Use district's general boundaries are along the Gulf (westside) of Estero Boulevard, approximately two (2) miles north of Big Carlos Pass Bridge and 100-feet south of Fort Myers Beach Access Point 11, and is more specifically described as:

A PARCEL OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 1, FLAMINGO PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 66, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40'49" E., ALONG THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK, A DISTANCE OF 121.56 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 865); THENCE RUN ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,832.29 FEET, A CENTRAL

ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40'49" E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING.

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Height and Stories: The maximum building height is 195 feet measured from Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) to midpoint of roof and 15 stories inclusive of parking on the first two (2) floors.

Intensity: The floor-to-area ratio (FAR) for the Outrigger Resort Mixed-Use district shall not exceed 3.0, subject to the floor-to-area ratio (FAR) calculations in the Outrigger Resort Commercial Planned Development (CPD) zoning district. Non-residential uses open to the public are limited to 20,000 SF and private non-residential uses are limited to 26,000 SF.

Density: The proposed development is for 150 hotel/condominiums, and 46 multifamily units. The permitted density is 39.5 dwelling units per acre, subject to the hotel equivalency factor established for the Pedestrian Commercial Future Land Use Category (FLUC) in the Town of Fort Myers Beach Land Development Code (LDC) Section 34-1803(a)(1), and inclusive of hotel, hotel/condominium, and multifamily (including condominiums, timeshare, vacation clubs and fractional ownership), utilizing the 3.55 ± acres that is part of the Outrigger Resort Mixed-Use district and London Bay Outrigger CPD.

Development Standards: The site design and building development standards for the Outrigger Resort Mixed-Use district will comply with those standards adopted in the Planned Development zoning district

The companion application will address the FLUM amendment from Medium Residential to Outrigger Resort Mixed-Use District.

Analysis:

The following table provides a comparison of the 2045 Comprehensive Plan; the entitlement on the property though Lee County (Z-95-085) and the new proposed Outrigger Resort Mixed-Use district.

	Medium Residential (2045 FLUM)	Entitled (Z-95-085) *(Total acres= 3.92)*	Proposed Outrigger Resort Mixed-Use (3.55 ± acres)
Development	6 DU/1 acres = 21 units	144 hotel room + 10,000 SF Commercial	46 multifamily + 150(hotel rooms /Condos) + 46,000 SF commercial (20,000 SF Public + 26,000 SF Private)
FAR	1.5		3.0
Building Height	3 stories (30 feet above base flood level)	4 stories (including ground floor)	15 stories (195 feet from FDEP)

The Federal Emergency Management Agency (FEMA) Base Flood Elevation (BFE) is 14 feet and the Design Flood Elevation (DFE) at this location is 15 feet and the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) height is 20'-1" North American Vertical Datum (1988) (NAVD) which equals the 21'-3" National Geodetic Vertical Datum (1929) (NGVD).

The proposed tallest structure is 195 feet measured from FDEP LHSM. The revised application proposes the range of buildings from 3 to 11 along the Estero Blvd. with a maximum of 12 stories for the rooftop bar in hotel building adjacent to the beach, and 15-stories for the condominium building.

The proposed maximum floor-to-area ratio (FAR) for the OR-MU district is 3.0. The FAR permitted at this location in the surrounding Commercial Resort (CR) zoning district 1.2 while the maximum FAR permitted by FLU 1-B-2b is 1.5.

The combined development program incorporates 150 hotel/condominiums, and 46 multifamily.

• The signature residential building is comprised of 46 condominium units in a single terracing tower, reduced in height from the original proposal of 17 stories (inclusive of parking) to 15 stories (also inclusive of parking). This structure is substantially set back over 250 feet from the Estero Blvd. right-of-way to ensure the project's interface with the public roadway is pedestrian-scaled.

• The hotel and hotel service buildings adjacent to Estero Boulevard are 3 and 11 stories (reduced from 12 stories in the original application), inclusive of parking on the first two floors. The second part of the building is 12-story (inclusive of parking and rooftop bar) and is oriented towards the beach with a 150 setback from Estero Blvd., again to reinforce a more comfortable scale for pedestrians using the Estero Blvd. pathway.

The previously approved resolution Z-95-085 would allow the owners to rebuild 144 hotel/motel rental room units, and 10,000 square feet of commercial space. Thus, the existing Outrigger Planned Development vested hotel rental room density is 37 rental units/acre (according to table 3: Vested Density in phasing out FMB Comprehensive Plan). The proposed development is for 150 hotel rooms/hotel/condominium units and 46 multifamily units.

Table 3: Vested Density

Rental Rooms	Density	Per Acre
144 rooms (<450 SF)	144 hotel rental units	37 DU / AC
	48 equivalent units [1]	13.5 DU/AC (48 DU / 3.55 AC)

The Medium Residential FLU allows a density of 6 dwelling units for 1 acre and an intensity of FAR of 1.5. Under the existing FLU, the 3.55-acre property could support 231,957 square feet of development and a total of 21 dwelling units.

The properties to the north are single-family residential homes, maximum three stories, and a multifamily development Coquina Condominiums, with five-story structures. To the south is an RPD called Gulfside Twelve Condominiums, which are five story structures with rooftop amenities. Surrounding land uses in the immediate area (within ½ mile of the site) include high-rise condominiums, such as Gulfwing Beach Resort (12 stories), Pointe Estero Resort (15 stories).

Neighborhood Compatibility:

The properties directly adjacent to this site are Medium Residential FLU and are residential in nature. The properties on the opposite side of the site are Town Hall and mix of commercial and residential. The nearest high-rise is Sunset Condominium building at 12 stories, less than 200 feet south of the subject property, and Pointe

Estero Condominium at 15 stories less than ¼ mile south of the subject property, both of which were approved by Lee County. The proposed FLUM amendment will allow for additional hotel units and multifamily units above the number that the Outrigger Beach Resort was entitled to.

Infrastructure Impacts:
Evaluation of infrastructure impacts is important to ensure that the Town of Fort Myers Beach will be able to accommodate the additional development that will be allowed with the change from Medium Residential to Outrigger Resort Mixed-Use. The proposed intensity will have a higher impact on traffic, water use and stormwater.

Traffic:
The application is proposing an intensification of the site. Estero Boulevard is a constrained facility with little available real estate to add or expand lanes or multimodal improvements such as protected bike lanes. Lee Tran currently provides both a north and south bound stop within ¼ mile of the proposed development. The southbound stop is within the limits of the subject property.

Water
The applicant has provided data indicating that approximately 69,000 gallons of water will be required per day, that is an increase of approximately 48,900 gallons per day above the previous uses. Lee County has provided a letter of availability indicating that Lee County Utilities has sufficient capacity to provide potable water and sewer to this site.

Tetratech is in the process of completing a hydraulic model for the Town of Fort Myers Beach to determine future infrastructure needs. The applicant will need to have any infrastructure approved by the Town.

Stormwater
Stormwater is of high concern for development on a flood prone barrier island. All development will be required to meet the stormwater management requirements of the South Florida Water Management District and any local requirements. There may be exemptions based on the previous development of the site. The Applicant will be required to submit details relating to water quality and quantity as part of the Development Order process.

Schools
The applicant has provided a letter from the Lee County School District indicating that this proposed development would not have a negative impact on the school district.

Overall Impacts
Approval of the FLUM amendment will allow additional development on this 3.55 acres which will increase demand on infrastructure. The applicant has provided

letters from the appropriate agencies indicating that services are available. Estero Boulevard is a constrained facility.

Findings and Conclusions:

- Comprehensive Plan text Amendment:
  - Based on the adopted 2045 Fort Myers Beach Comprehensive Plan Text amendment on December 1, 2025, the Town Council elected not to increase the height, density and/or intensity.
  - The 2045 Comprehensive Plan provides policy guidance for Master Plan Development regarding site-specific height, density and intensity increases subject to consistency with the Comprehensive Plan as a whole, and supported by a directive to adopt a public benefits ordinance (which doesn't exist at this time). The Applicant has provided via the proposed CPA Text Amendment and companion CPD rezone, where they attempted to define the public benefit for the proposed site-specific application.
  - It is a policy decision to determine the sufficiency/appropriateness of the proposed public benefits package in relation to the proposed development's density, intensity, FAR and other design elements.
- FLUM Amendment
  - Policy FLU 1-C-11 Map Amendments: The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.
  - The previously assigned future land use category of Mixed Residential and the updated future land use category of Medium Residential indicates that this category of land use will retain a variety of housing types to ensure the neighborhood character of the town.
  - The properties directly adjacent to this site are Medium Residential FLU and are residential in nature. The properties on the opposite side of the site are Town Hall and mix of commercial and residential. The nearest high-rise is Sunset Condominium building at 12 stories and Island Winds Condominium at 13 stories were approved by Lee County. The proposed FLUM amendment will allow for additional hotel units and multifamily units above the number that the Outrigger Beach Resort was entitled.
  - The Outrigger Resort Mixed-Use District provides for site-specific subdistricts that allow for varying heights, densities and intensities. Such subdistricts include the Santini Plaza, Times Square and Center Island.

IV. CONCLUSION

Staff provide the above analysis of the proposed amendment in relation to the adopted Comprehensive Plan 2045.

The review and decision making of the two petitions are legislative in nature, relating to :1) small scale Comprehensive Plan text amendment to create a new site-specific Outrigger Resort Mixed-Use District; and 2) small scale amendment to the 2045 Future Land Use Map from Medium Residential to Outrigger Resort Mixed-use District relating to site-specific Mixed-Use District categories, master planned developments and defining the public benefit.



GOAL 4 FLU-1: To keep Fort Myers Beach a healthy and vibrant "small town," while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage to the natural and built environment that a hurricane, sea-level rise, and coastal erosion could inflict.

OBJECTIVE 4 FLU-1-A: SMALL-TOWN CHARACTER - Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented "public realm" that allows people to move throughout the island ~~around~~ without ~~their~~ the need of cars even in the midst of peak-season congestion.

POLICY ~~4 A-1~~ FLU-1-A-1: HUMAN SCALE DEVELOPMENT - Maintaining the ~~t~~Town's current "human scale" is a fundamental redevelopment principle. ~~Fort Myers Beach is best enjoyed from outside a car; n~~ New buildings ~~should~~ shall be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights. The Land Development Code shall ensure that improvements which potentially impact the appearance of Estero Boulevard, as well as major activity centers such as Times Square and Santini Marina Plaza, the mixed-use districts, the Town's shoreline, scenic views of the waterfront and tidal waters, public parks and other public grounds and institutions are managed and enhanced through application of the site plan review process.

Community character is reflected in Floor to Area Ratios (FAR), lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The Town shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent teardowns, encourage re-use, infill and new development.

POLICY ~~4 A-2~~ FLU-1-A-2: ENCOURAGE PEDESTRIAN-ORIENTED PUBLIC AMENITIES - The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the ~~t~~Town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm. All new development is encouraged to provide for amenities that enhance the public realm, including, but not limited to: art, benches, bike racks, trash receptacles, right-of-way landscaping, etc.

POLICY ~~4-A-3~~ FLU-1-A-3: RESIDENTIAL NEIGHBORHOOD ENCROACHMENT PROTECTION - The Ttown shall ~~should~~ protect residential neighborhoods from intrusive commercial activities ~~(see Policies 4-C-2 and 4-C-3 below)~~. Stable residential areas should be protected from encroachment by incompatible development. However, within residential areas, the Land Development Code shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses.

POLICY ~~4-A-4~~ FLU-1-A-4: PROTECT BEACH ACCESS - Easy walking access to the beach is a key element of the ttTown's human scale. Development trends that inhibit this access are undesirable. ~~(including traffic improvements to Estero Boulevard that would make it a barrier to the beach for pedestrians)~~. The Town shall not vacate, diminish, or otherwise impair publicly owned pathways (without replacement or demonstrated benefit to the Town), sidewalks, roads, ends of roads, parking areas, docks or boat launching facilities, and other access points currently used, or susceptible to use, by the public to access the shorelines, consistent with Comprehensive Plan, unless there is documented evidence that physical public access is destabilizing unaltered shorelines. Further, the Town shall not abandon any right-of-way, improved or unimproved, which terminates on a body of water.

POLICY FLU-1-A-5: PARKING - The Town shall explore opportunities to provide innovative parking solutions on the Island to meet future demands. The Town shall maximize efficient use of land, minimize gaps in the urban landscape, and improve urban form by: encouraging redevelopment of existing surface parking lots; discouraging creation of new surface lots; consolidating parking in strategically located parking structures; and managing parking as a system. The Town shall consider/encourage the use of shared parking.

POLICY ~~4-A-5~~ FLU-1-A-6: NATURAL RESOURCES PROTECTION - The ttTown contains many important natural resources ~~despite its urbanized character~~. Preservation of those resources is of the highest importance and is a frequent theme throughout this plan. Efforts shall be made to update the Town's Land Development Code to address development in floodplains, shoreline protection, wetlands protection, water quality, urban forestry and habitats for listed protected or endangered species.

POLICY ~~4-A-6~~ FLU-1-A-7: BEACH NOURISHMENT AND ACCESS - The beaches provide incomparable recreational and environmental benefits to the ttTown; careful management of the beach, including renourishment when necessary, can increase both. Frequent beach accesses are essential to the ttTown's character and shall be maintained and expanded where possible.

POLICY FLU-1-A-8: ADAPTING TO SEA LEVEL RISE AND STORM SURGES - The Town, together with the private sector, shall consider proactive steps and pilot programs to adapt for sea level rise and storm surges, including but not limited to preserving transportation options, increasing residential building resiliency, preserving landscaping and residential building aesthetics, and preserving water quality.

POLICY ~~4-A-7~~ FLU-1-A-9: ESTERO BAY - Estero Bay also provides great benefits to the ttTown and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal/Management Elements of this plan outline the ttTown's efforts on these matters.

POLICY ~~4-A-8~~ FLU-1-A-10: LAND DEVELOPMENT REGULATIONS - The ttTown shall establish clear and consistent rules and processes that govern private and public development. They~~~~ Town shall ~~be~~ consider the need to incorporated ~~into an~~ illustrated portions of the Land Development Code that:

i. Defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan;

ii. ~~illustrates~~ Illustrates the types and dimensions of allowable signs that will identify businesses and other destinations without damaging the aesthetic qualities of the ~~t~~Town;

iii. R~~r~~esolves inconsistencies between current zoning and land development regulations and this comprehensive plan ~~using the guidelines found in Chapter 15~~;

iv. E~~e~~ncourages the conservation and re-use of historic buildings as described in the Historic Preservation Element;

v. I~~i~~n existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and

vi. E~~e~~nsures the availability of public facilities at the levels of service specified in this plan concurrently with the impacts of development (see Capital Improvements Element for a summary of these levels of service plus guidelines for the ~~t~~Town's Concurrency Management System).

vii. Ensures that the approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

POLICY ~~4-A-9~~ FLU-1-A-11: HOTEL AND MOTEL BUILDBACK - ~~Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.~~ Hotels and motels with special incentives as provided by this plan may be rebuilt as post-disaster and pre-disaster buildback only if the current Hotel or Motel use is maintained.

POLICY ~~4-A-10~~ FLU-1-A-12: HOTEL AND MOTELS AS SEPARATE USE CATEGORIES - ~~Hotels and motels may be constructed or converted to condominium ownership provided they are operated as hotels or motels.~~ The Land Development Code shall provide~~s~~ detailed regulations that distinguish hotels and motels from residential uses and other types of lodging.

POLICY FLU-1-A-13: LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN CONSISTENCY - The Land Development Code shall be amended to be consistent with this Comprehensive Plan within 12 months of any Comprehensive Plan update.

POLICY FLU-1A-14: PUBLIC BENEFITS ORDINANCE - The Town will evaluate and may adopt as appropriate into its Land Development Code a Community Benefits/Public Benefits ordinance as an incentive program for development. Where accepted, public benefits shall be included in their respective development orders and development agreements, and as applicable. While not exclusively for the public use, **public benefits** are intended primarily to benefit the public for the lifetime of their respective agreements. Complying with the Town's code requirements shall not be a public benefit.

POLICY FLU-1A-15: VARIANCES REGULATIONS - The Town will evaluate and adopt into its Land Development Code, as appropriate, defined criteria for variances to ensure clarity, including categories, permissible variance requests, procedures, and evaluation criteria. No variance requests shall be granted outside of these defined criteria.

POLICY FLU-1A-16: SMALL LOTS - The Town shall regularly evaluate and adopt into its Land Development Code provisions, as appropriate, for small lots that will provide for increased flexibility for use and development.

POLICY FLU-1A-17: COMMUNITY REDEVELOPMENT - The Town will evaluate appropriate areas for redevelopment and shall provide for a Finding of Necessity report where necessary to encourage and implement the creation of a Community Redevelopment Agency, a Business Improvement District, or other framework that allows for value capture, branding, and focused community enhancement approaches.

OBJECTIVE ~~4-B~~ FLU-1-B: FUTURE LAND USE MAP CATEGORIES - Reduce the potential for further overbuilding through a new Future Land Use Map that protects and enhances the remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.

~~**POLICY 4-B-1: OVERBUILDING -** Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match road capacity and the physical environment. Since such planning came too late, the town must deal with today's congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights.~~

POLICY ~~4-B-2~~ FLU-1-B-1: MAP ADOPTION - The Town of Fort Myers Beach hereby adopts a Future Land Use Map ~~(Figure 16)~~ to govern further subdivision and development within its municipal boundary. The entire ~~t~~Town is located within the coastal high-hazard area, as shown on the Coastal High Hazard Areas map ~~Figure 17~~ which is part of the adopted Future Land Use Map series. This map advances the principles of this comprehensive plan by assigning one of ~~nine~~ eight categories to all land and water, based on its location, condition, and existing uses.

POLICY FLU-1-B-2: LAND USE CATEGORIES - The following Future Land Use designations shall be applied to the Future Land Use Map:

POLICY ~~4-B-3~~ FLU-1-B-2~~a~~3: "LOW DENSITY RESIDENTIAL" - D~~d~~esigned for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, and commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit's occupant that do not attract customers or generate additional traffic).

POLICY ~~4-B-4~~ FLU-1-B-2~~b~~4: "~~MIXED~~ MEDIUM RESIDENTIAL" - D~~d~~esigned for ~~older~~ subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. ~~For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units).~~ Commercial activities are appropriate primarily along Estero Boulevard and are ~~limited to lower impact uses such as offices, motels, churches, and public uses, and~~ must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. ~~These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 7.9% of the land in this category, and this percentage shall not exceed 12%.~~ The non-residential Floor Area Ratios (FAR) in Medium Residential shall not exceed 1.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

POLICY FLU-1-B-2c5: "MIXED-USE" - This land use designation is designed for portions of the Town along Estero Boulevard to allow for intense commercial and multifamily residential development. Each mixed-use district is prescribed a maximum density and intensity. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged on the upper floors. Within the Mixed-Use land use category, all existing "Marina" uses described shall be preserved and allowed to remain on parcels that were zoned for marinas prior to adoption of this plan. The following provides for the specific Mixed-Use Districts:

a. TIMES SQUARE MIXED-USED (TS-MU) DISTRICT

Purpose: The Times Square Mixed-Use District is an intense activity center that serves as the Town's main tourist destination. The district is located at the Town's northern gateway and is generally bounded by First Street to Estero Boulevard, and from Old San Carlos Boulevard to Pearl Street. The district shall encourage mixed-uses and compact urban design that enhances the pedestrian experience and limits the use of vehicles. The Town shall encourage the preservation of existing housing on the bay side of Estero Boulevard. Properties abutting Estero Boulevard shall be encouraged to develop to primarily meet the needs of visitors.

Uses which may be permitted: Where permissible and consistent with flood regulations, development on Estero Boulevard shall be in a mixed-use context with commercial uses required on the ground floor. Development shall encourage preservation or enhancement of existing hotel/motel and multifamily densities east of Estero Boulevard. Uses permitted include general retail, personal services, restaurants/bars (including outdoor dining), take-out and outdoor walk-up facilities, marine-dependent and marine-related uses, lodging/hotel accommodations, and live entertainment venues. New surface parking lots as a principal use are discouraged. The Land Development Code shall prescribe and limit the permitted uses in this district.

Intensity: The District's maximum building height shall be established by the Land Development Code. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town and provide for provisions for non-habitable ground floor space as applicable. The non-residential Floor Area Ratios (FAR) in the TS-MU shall not exceed 2.5.

Transient residential (hotel and motel) shall be counted as non-residential development and subject to rules on FAR.

Density: The permitted density is up to six (6) units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

b. CULTURAL CENTER MIXED-USE (CU-MU) DISTRICT

Purpose: The Cultural Mixed-Use District includes properties adjacent to Estero Boulevard from Chapel Street to Lover's Lane as provided for in the Future Land Use Map. The CU-MU District's core, approximately bounded by Chapel Street and School Street, is envisioned to support a mix of housing options and neighborhood-serving retail uses for the immediate residential cluster. The Town shall encourage the collocation of any redeveloped or new municipal

services and educational facilities within the district. Encroachment into the adjacent low-density residential districts shall continue to be prohibited. The use of landscaping, increased setbacks and reduced building heights shall be employed to serve as a transition between the land use categories.

Uses which may be permitted: As limited by the Land Development Code, permitted uses shall include civic/municipal uses, business and professional offices (including emergency, medical and dental), retail sales and personal service establishments, restaurants (including outdoor dining). Hotel/motel uses shall be conditional. Compact residential developments that support various housing types for permanent residents of the Island is encouraged in this district, including but not limited to Workforce Housing. When permitted, properties along Estero Boulevard shall be redeveloped in a mixed-use context only with retail or commercial uses required on the ground floor.

Intensity: The District's maximum building height shall be established by the Land Development Code. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town and provide for provisions for non-habitable ground floor space as applicable. The non-residential Floor Area Ratios (FAR) in the CU-MU shall not exceed 1.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

c. CENTER ISLAND MIXED-USE (CI-MU) DISTRICT

Purpose: The Center Island Mixed-Use District's general boundaries are generally from Estero Bay to the Gulf, and from Bayview Avenue to Madera Road. The Center Island Mixed-Use District is envisioned as a lifestyle retail center with a mix of uses that supports the existing marina. The intent of this district is to provide development opportunities for existing and new medium-intensity commercial uses to serve the Town.

Uses which may be permitted: As limited by the Land Development Code, permitted uses include various types of commercial business and professional offices (including medical and dental), retail sales and personal service establishments, restaurants (including outdoor dining), and residential (only in mixed-use context). Marine-related and marine-dependent uses that support an active waterfront and marina are highly encouraged. Elimination or reduction of the marina use is prohibited.

Intensity: The District's maximum building height shall be established by the Land Development Code. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town, and provide for provisions for non-habitable ground floor space as applicable. The non-residential Floor Area Ratios (FAR) in the CI-MU shall not exceed 1.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

d. CIVIC CENTER MIXED USE (CC-MU) DISTRICT

Purpose: The Civic Center Mixed-Use District is envisioned as the cultural, theater, and arts district for the Island. The CC-MU District is composed of the properties abutting Estero

Boulevard to the west, from Mound Road to Ibis Street, and includes the Beach Theatre site. The Town shall encourage the preservation of the theatre.

Uses which may be permitted: Uses that support and enhance the Town's cultural assets are encouraged in the CC-MU District. Permitted uses, as limited by the Land Development Code, includes commercial recreation, retail, restaurants (including outdoor dining), professional offices (including dental and medical), venue spaces, theaters, artisanal retail, art galleries, music and dance studios, arts education, and live/work units. Live/work units are permitted on the ground level. Exclusively residential uses will continue to be permitted only above the ground floor.

Intensity: The District's maximum building height shall be established by the Land Development Code. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town, and provide for provisions for non-habitable ground floor space as applicable. The non-residential Floor Area Ratios (FAR) in the CC-MU shall not exceed 1.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

e. SANTINI MARINA MIXED-USE (SM-MU) DISTRICT

Purpose: Santini Marina Mixed-Use District is the tallest and most dense district on the island with tourist supporting services and commercial uses. It is also envisioned as a redevelopment opportunity with more entertainment, tourist and neighborhood commercial uses at the southern gateway of the Island. The SM-MU District includes the existing Santini Marina Plaza Shops. The general boundaries include the properties along Estero Boulevard from Island Pines Way south to Bella Lago Drive as depicted on the Future Land Use map. The City's redevelopment plan for Santini Marina Plaza, prepared by Dover, Kohl & Partners established a vision for this area. The plan shall serve as a guide to the District's redevelopment. Special consideration shall be given to the existing marina. The marina site shall be redeveloped in a mixed-use context to promote an active waterfront with a mix of uses. The marina use shall not be eliminated by the site's redevelopment.

Uses which may be permitted: Uses shall serve the needs of residents and visitors, as limited by the Land Development Code. Permitted uses include general retail, amusement centers, bars, restaurants (including outdoor dining), residential, personal services, professional offices (including dental and medical), assisted living facilities, hotel/lodging accommodations, and marine-related/dependent uses. For properties abutting Estero Boulevard, commercial development will continue to be required on the ground floor, subject to FEMA regulations.

Intensity: The District's maximum building height shall be established by the Land Development Code. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town, and provide for provisions for non-habitable ground floor space as applicable.

The maximum non-residential FAR for the SM-MU district is 2.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

POLICY ~~4-B-5~~ FLU-1-B-2~~d~~-6: "BOULEVARD" - A~~a~~ mixed-use district along portions of Estero Boulevard, including less intense commercial areas, traditionally comprised of historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. ~~For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units).~~ To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. ~~These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.~~ The non-residential Floor Area Ratios (FAR) in the Boulevard shall not exceed 1.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue. Permitted new density may be increased up to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years. Those developments previously vested with 10 units under the "platted overlay" may continue.

POLICY ~~4-B-6~~ FLU-1-B-2~~e~~-~~7~~: "PEDESTRIAN COMMERCIAL" - A~~a~~ primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the ~~Villa~~ Santini Marina Plaza. ~~For new development, the maximum density is up to 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan).~~ Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy ~~4-B-7~~ FLU-1-B2f are also allowed on parcels that were zoned for marinas prior to adoption of this plan. ~~Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.~~ The Pedestrian Commercial district shall be limited to 2.5 FAR.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the "platted overlay" may continue.

POLICY ~~4-B-7~~ FLU-1-B-2f-~~8~~: "MARINA" - ~~designed for prime sites that can provide access to the valuable waters around Fort Myers Beach. This category provides services for recreational boating, including related accessory uses provided that don't displace recreational marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category. Specific regulations will be placed in the Land Development Code.~~ Existing Marinas are prime sites that can provide access to the valuable waters around Fort Myers Beach. Development within the Marina district shall continue to be limited to 1.5 FAR and 6 dwelling units per acre. This category shall prioritize services for limited industrial and recreational boating, including related accessory uses. Specific regulations will be placed in the Land Development Code.

POLICY ~~4-B-8~~ FLU-1-B-2g-9: "RECREATION AND OPEN SPACE" - This designation provides for ~~applied to~~ public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf

beaches that lie seaward of the 1978 ~~c~~Coastal ~~c~~Construction ~~c~~Control ~~l~~Line. Additional accretions of beach, whether by natural causes or through beach renourishment~~, will automatically be assigned to this category~~. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 Coastal Construction ~~c~~Control ~~l~~Line). The maximum density of residential development here is 1 dwelling unit per 20 acres, with all dwelling units to be constructed outside this category. ~~Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.~~

POLICY ~~4-B-9~~ FLU-1-B-2h~~-10~~: "~~WETLANDS~~" "CONSERVATION" - A ~~a~~ conservation district is established to provide for areas set aside for preserving natural resources, biodiversity, and cultural heritage, and shall also be applied to all remaining wetlands. The maximum density of residential development here is 1 dwelling unit per 20 acres. Other allowable uses, if compatible with the natural habitat of the property and/or wetland functions~~, are~~ include passive recreation, walking access to tidal waters (boardwalks and docks), and restoration of degraded habitats or as provided for in the Tidal Water subcategory. Prohibited activities include placement of fill material; dredging of boat basins and channels; placement of seawalls or other shoreline stabilization; and removal of native vegetation. Regulations for this district shall consider measures to minimize activities that would adversely affect the protection of federal and state protected species and their natural habitat. The primary purpose of this district is to maintain land and tidal water systems around Estero Island in its natural or near-natural state to protect ecosystems, wildlife habitats, and environmental quality. The Town may elect to provide for regulations supportive of habitat restoration and the management of public access for natural resource-based recreation and scientific studies within this land use as appropriate.

POLICY ~~4-B-10~~ FLU-1-B-2i~~-11~~: "TIDAL WATER CONSERVATION SUBCATEGORY" - The Conservation Land Use shall maintain a Tidal Water Conservation subcategory which shall be applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet). No residential development is permitted. Allowable uses are water sports, boating, swimming, fishing, and similar uses. Also allowed are fixed structures for water access provided they comply with Land Development Code provisions designed to avoid impeding navigation and to minimize environmental damage and interference with aesthetic enjoyment of surrounding waters.

POLICY ~~4-B-11~~ FLU-1-B-3~~-12~~: ~~PLATTED OVERLAY -~~ ~~This is not a separate category on the Future Land Use Map, but is applied in addition to one of the eight categories listed above. Allowable land uses are the same as in the underlying category, but the maximum residential density is 10 units per acre. This density level applies in the Pedestrian Commercial category only for affordable units consistent with the adopted redevelopment plan; in other categories it applies only to recognize existing dwelling units that were built legally but which would be non-conforming under a density cap of 6 units per acre.~~ The Mixed-Use, Boulevard, and Pedestrian Commercial future land use designations signify the areas within the Town envisioned for the most intense development and land use activities. The intensity of development is determined by the recommended Floor Area Ratio (FAR) specified for each land use district.

POLICY ~~4-B-12~~ FLU-1-B-4~~-13~~: LAND-USE TYPES DEFINED - For purposes of this comprehensive plan, land uses are divided into the following types:

i. Residential uses include detached homes, accessory apartments ~~(see Policy 4-C-7)~~, home occupations ~~(see Policy 4- B-3)~~, mobile homes, assisted living facilities, apartments, live-work units, accessory dwelling units, and condominiums, provided that no dwellings are rented for periods shorter than one week.

ii. Commercial uses involve the sale or rental of goods or services, including businesses such as art galleries, art/music/dance/theater studios, retail stores, offices (including medical and veterinary), urgent care facilities, restaurants/bars, service/craft/rental businesses, RV parks, and hotels/motels/resorts; churches and civic buildings are also included in this category.

iii. Marina uses involve the use of prime waterfront sites to support a mix of uses, including residential, commercial, recreational boating, such as wet or dry boat storage, sales/rentals of boats and supplies, and boat repair.

iv. Industrial uses such as manufacturing, seafood processing, and warehousing are not permitted in the Town of Fort Myers Beach, except for dry storage of boats at approved marinas.

v. Recreational uses include beaches, parks, playgrounds, indoor recreation, and similar uses.

vi. Mixed uses means some combination of the above land-use types in a single building, or on a single site, or on different sites within a single category on the Future Land Use Map, depending on the context.

POLICY ~~4-B-13~~ FLU-1-B-5~~-14~~: PUBLIC FACILITIES - ~~Most p~~Public facilities such as parks, schools, libraries, fire stations, and government buildings ~~will~~ may ~~continue~~ be located within the "Recreation" category (but only non-habitable park structures are allowed seaward of the 1978 Coastal Construction Control Line), and all mixed-use, commercial, and boulevard land use categories. ~~When no suitable sites can be found in the "Recreation" category, public facilities may also be located in "Mixed Residential," "Boulevard," and "Pedestrian Commercial" categories as may be allowed by the Land Development Code.~~

POLICY ~~4-B-14~~ FLU-1-B-6~~-15~~: SCHOOLS - Public and private schools may be located in Mixed-Use, Boulevard, Medium Residential (along Estero Boulevard), Recreation and Open Space land use categories, (provided that the school is ~~the following categories on the future land use map: Mixed Residential, Boulevard, Pedestrian Commercial "Mixed-Use", or Recreation (but never~~ not seaward of the 1978 ~~c~~Coastal ~~c~~Construction ~~c~~Control ~~l~~Line) and continue to be compliant with Flood and other regulations as established by the Land Development Code. The historic Beach Elementary School shall be exempted. ~~The maximum intensity of new or expanded schools shall not exceed a floor-area-ratio of 0.50 (the total floor area of the building divided by the buildable area of the site).~~ Governmental agencies providing parks, libraries and community centers are strongly encouraged to locate them near schools.

OBJECTIVE ~~4-C~~ FLU-1-C: APPLYING THE FUTURE LAND USE MAP - The Future Land Use Map shall be interpreted in accordance with the following policies.

POLICY ~~4-C-1~~ FLU-1-C-1: LEGAL EFFECT - The density limits and land-use restrictions described above for each category are legally binding immediately upon adoption of this comprehensive plan. During the preparation of the new Land Development Code that will fully implement this plan, conflicts may arise with previous regulations and zoning districts. ~~Chapter 15 of this plan describes how such conflicts will be resolved.~~

POLICY ~~4-C-2~~ FLU-1-C-2: COMMERCIAL INTENSITY - The maximum intensity of allowable commercial development in any category may be controlled by height and Floor to Area Ratio (FAR) regulations ~~(see Policy 4-C-4)~~ or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses on properties with frontage on Estero Boulevard and only in the "Pedestrian Commercial", "Mixed-Use", and "Boulevard" ~~category~~ categories. ~~The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-~~

~~ratios in the "Pedestrian Commercial" category as high as 2.5, and in other categories as high as 1.5,~~

POLICY ~~4-C-3~~ FLU-1-C-3: COMMERCIAL LOCATIONS - When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

i. No rezonings for purely commercial uses shall be allowed in the "Low Density Residential" category.

ii. Where new or expanded commercial uses are encouraged, ~~as in the "Pedestrian Commercial" category,~~ the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.

iii. In the "~~Mixed~~ Medium Residential" category, commercial uses are limited to lower impact uses such as offices, motels, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, satisfy concurrency requirements for public facilities, and meet the design concepts of this plan and the Land Development Code. ~~Landowners may seek commercial rezoning only through the planned development process.~~

iv. In the "Boulevard" and "Mixed-Use" category, ~~where~~ mixed-use development including ~~some~~ commercial and residential uses ~~may be~~ are permissible.~~, landowners may seek commercial rezoning only through the planned development process.~~ Proposals must be sensitive to nearby residential uses, ~~complement any adjoining commercial uses,~~ contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.

v. ~~The following principles shall be considered by the town w~~ When evaluating requests for new commercial uses: , shopping and services that contribute to the pedestrian character of the Town are strongly preferred over buildings designed primarily for vehicular access.

~~a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.~~

~~b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.~~

vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:

a. T~~t~~he type of commercial activities (such as traffic to be generated, hours of operation, and noise);

b. I~~i~~ts physical scale (such as the height, and bulk of proposed buildings); and

c. T~~t~~he orientation of buildings and parking). Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.

POLICY ~~4-C-4~~ FLU-1-C-4: BUILDING HEIGHTS - The Land Development Code shall limit the height of new buildings under most conditions to ~~two stories~~ 30 feet above flood elevation except where otherwise noted in this Comprehensive Plan Land Use categories and to provide for workforce housing units protected by a minimum 30-year covenant, ~~(exceptions may include the buildback situations (see Policies 4-D-1 and 4-E-1),~~ and different heights may be applied to officially designated ~~redevelopment~~ Mixed-Use areas ~~such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza)~~. Mixed-use district regulations shall include provisions to limit heights or provide for additional buffers when the development is located within 100 ft of detached single-family residences. In those few cases where individual parcels of land are so surrounded by tall buildings

on lots that are contiguous ~~(or directly across a street)~~ that this ~~two-story~~ 30 foot height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The ~~t~~Town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. ~~Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two three stories, including the ground story. In each case,~~ The Town may consider public benefits in exchange for height as part of a public benefits ordinance. Where the Town may consider additional height as provided in this section, the ~~t~~Town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal. Public benefits shall be included in their respective development orders and development agreements where applicable, and, while not exclusively for the public use, are intended primarily to benefit the public for the lifetime of their respective agreements. Complying with the Town's code requirements shall not be a public benefit.

POLICY ~~4-C-5~~ FLU-1-C-5: DENSITY - This plan establishes density levels as the maximum number of residential dwelling units allowed per acre of land (DU/acre). This acreage includes all residential land plus land within the development to be used for street and utility rights-of-way, recreation and open space, water management, and existing lakes that are entirely contained within the residential development. Commercial and other non-residential land shall not be included in this acreage; however, where mixed uses are permitted in a single building, residential densities will be computed without regard for commercial uses located on lower floors. When computing densities on existing subdivisions where lots are smaller than 15,000 square feet, one-half the width of adjoining streets and canals may be included in the acreage, and computed densities greater than 1.50 DU/acre may be rounded up to two dwelling units where multiple dwellings are permitted.

POLICY ~~4-C-6~~ FLU-1-C-6: ~~MOTEL~~ TRANSIENT DENSITIES - The Land Development Code shall provide for the usage of commercial, mixed-use, or transient residential FAR, and minimum hotel/motel unit sizes as the basis for calculating transient residential unit. ~~specify equivalency factors between guest units (which include motel rooms) and full dwelling units. These factors may vary based on size of guest unit and on land-use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).~~

POLICY ~~4-C-7~~ FLU-1-C-7: ACCESSORY DWELLING UNITS FOR RESIDENTIAL PROPERTIES ~~APARTMENTS~~ - Accessory dwelling units ~~apartments are common~~ provide an option for inclusive housing in ~~at~~ Fort Myers Beach ~~and may be legal under several circumstances.~~: For the purposes of density calculation, accessory dwelling units shall be counted as 0.5 units.

~~i. If the apartment is in a building that meets all requirements (including density limits in this plan); or~~

~~ii. If the apartment was built prior to zoning in 1962 and has been in continuous use, it may qualify as a "legally non-conforming use" and can continue in use until taken out of service; or~~

~~iii. If the apartment was built between 1962 and 1984 and complies with all requirements except the density cap of 6 dwelling units per acre and the floodplain elevation requirements (both of which took effect in 1984); or~~

~~iv. If a single existing apartment is in an owner- occupied home, it is not considered an independent dwelling unit and may be allowed under certain conditions as specified in the Land Development Code.~~

POLICY FLU-1-C-8: AUXILIARY DWELLING UNITS FOR COMMERCIAL PROPERTIES - The Town shall evaluate and provide for Land Development Code that provide auxiliary dwelling units in existing commercial structures, while maintaining commercial uses on the ground floor. The Town shall explore density transfer of existing transient units in properties designated Commercial, to facilitate the development of auxiliary dwelling units on properties with a land use designation of Commercial.

POLICY ~~4-C-8~~ FLU-1-C-9: DENSITY TRANSFERS - The Town Council may, at its discretion, permit the transfer of residential and transient (including hotel/motel) development rights from one parcel to another if the following conditions are met:

i. T~~t~~he transfer is clearly in the public interest, as determined by the Town Council;

~~ii. the parcels affected by the transfer are in close proximity to each other;~~

iii. T~~t~~he density of residential or hotel/motel units being transferred is based upon allowable density levels in the category from which the density is being transferred;

iii~~iv~~. T~~t~~he transfer is approved through the planned development rezoning process; and

iv. B~~b~~inding permanent restrictions are placed on the property from which development rights have been transferred to guarantee the permanence of the transfer.

POLICY ~~4-C-9~~ FLU-1-C-10: UTILITY SERVICES - Utility services may be constructed in any category on the Future Land Use Map provided all development regulations are met including proper zoning.

POLICY ~~4-C-10~~ FLU-1-C-11: MAP AMENDMENTS - The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.

~~**POLICY 4-C-11: SANTOS ROAD -** The town is interested in considering land-use alternatives for parcels bordering Palermo Circle, Santos Road, and Estero Boulevard. Alternatives may include: Santos Road being added into the pedestrian zone; limited retail on the ground floor along Santos, with shared off-site parking; better buffering of existing parking and refuse areas; and a clear separation between all commercial uses and the residential areas on Palermo Circle. These options would be explored by a privately-funded but town-initiated planning process, with full involvement of affected and nearby landowners.~~

POLICY ~~4-C-12~~ FLU-1-C-12: WETLAND BUFFERS - Upland development shall maintain a 75-foot separation between wetlands and buildings or other impervious surfaces. This requirement shall not apply to platted lots, or to a previously approved development order to the extent it cannot reasonably be modified to comply with this requirement ~~(see Chapter 15 of this plan for details)~~.

OBJECTIVE ~~4-D~~ FLU-1-D: POST-DISASTER REDEVELOPMENT - Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of flood- proofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster buildback policy.

POLICY ~~4-D-1~~ FLU-1-D-1: POST-DISASTER BUILDBACK POLICY - Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "buildback policy" begun by Lee County in 1989. This policy applies only where development is damaged by fire, hurricane or other natural disaster, and allows the following options:

i. Buildings/development damaged less than 50% of their replacement cost (measured at the time of damage can be rebuilt to their original condition, subject only to current building and life safety codes.

ii. Buildings/development damaged more than 50% of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, and size, ~~and style~~ provided the new construction complies with:

a. Current federal requirements for elevation above flood level;

b. A~~a~~ny building code requirements for floodproofing;

c. C~~c~~urrent building and life safety codes;

d. Coastal Construction Control Line requirements; and

e. A~~a~~ny required zoning or other development regulations (other than density or intensity), except where compliance with such regulations would preclude reconstruction otherwise intended by this policy.

iii. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the ~~t~~Town's Land Development Code~~s~~. To further implement this policy, the ~~t~~Town may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction. The Land Development Code may also establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.

POLICY FLU-1-D-2: ECONOMIC DEVELOPMENT AND RECOVERY: The Town shall regularly evaluate and implement studies of areas in need of incentives for development and recovery. The Town will implement as appropriate enhanced recovery mechanisms for Times Square and Santini Marina Plaza, via the establishment of new Community Redevelopment Agency and Business Improvement District(s) as planning and economic development frameworks.

OBJECTIVE ~~4-E~~ FLU-1-E: HAZARD MITIGATION - Mitigate the potential effects of storm surges, flooding, sea-level rise, coastal erosion, and hurricanes by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.

POLICY ~~4-E-1~~ FLU-1-E-1: PRE-DISASTER BUILDBACK POLICY - Owners of existing developments that exceed the current density or height limits may also be permitted to replace for the same use it at up to the existing lawful density ~~and intensity (up to the original square footage)~~ prior to a natural

disaster. The Town shall develop a streamlined administrative process for this purpose. ~~Landowners may request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners.~~ The ~~t~~Town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Such development shall be deemed legally non-conforming where applicable. The Town shall encourage that the new building be built to a higher resiliency standard as a condition to allow the non-conformity via adherence to applicable federal regulations and the Florida Building Code. ~~The Town Council may approve additional enclosed square-footage only if an existing building is being elevated on property that allows commercial uses; dry-flood-proofed commercial space at ground level could be permitted in addition to the replacement of the pre-existing enclosed square footage.~~

POLICY ~~4-E-2~~ FLU-1-E-2: COASTAL SETBACKS - To protect against future storm damage and to maintain healthy beaches, the Town of Fort Myers Beach wishes to see all buildings relocated landward of the 1978 Coastal Construction Control Line. This line has been used on the Future Land Use Map to delineate the edge of land-use categories allowing urban development. Some existing buildings lie partially seaward of this line; when these buildings are reconstructed (either before or after a natural disaster), they shall be rebuilt landward of this line. Exceptions to this rule may be permitted by the ~~t~~Town only where it can be scientifically demonstrated that the 1978 Coastal Construction Control Line ~~line~~ is irrelevant because of more recent changes to the natural shoreline. The ~~t~~Town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. (Exceptions must also comply with all state laws and regulations regarding coastal construction.)

POLICY ~~4-E-3~~ FLU-1-E-3: NATIONAL FLOOD INSURANCE ~~PROGRAM~~ - The ~~t~~Town will continually maintain a floodplain ordinance that reduces future damage from flooding and qualifies landowners for the National Flood Insurance Program (NFIP). The ~~t~~Town shall modify its current floodplain ordinance in accordance with this comprehensive plan through ~~measures such as:~~ means that encourage higher standards and strategies that will improve the Town's NFIP Community Rating System (CRS) rating and ensure availability of flood insurance and flood insurance premium discounts for residents.

~~i. not counting costs of strengthening buildings as "improvements" that are limited to 50% of a building's value; and~~

~~ii. minimizing the negative effects of the 50% rule on historic buildings; and~~

~~iii. adjusting the time period for calculating the 50% rule to encourage healthy redevelopment in this plan's "Pedestrian Commercial" "Mixed-Use" category; and~~

~~iv. providing reasonable alternatives for determining the value of older buildings.~~

POLICY ~~4-E-4~~ FLU-1-E-4: FLOODPROOFING OF COMMERCIAL BUILDINGS - Where commercial development is allowed by this comprehensive plan, full-height dry floodproofing is the most desirable alternative for providing ground-level commercial space in pedestrian areas.

~~**POLICY 4-E-5: COASTAL BUILDING REGULATIONS -** The town shall request state approval of an island-wide (rather than parcel-by-parcel) approach to limiting obstructions below flood elevation if this change is needed to avoid the loss of pedestrian activity near Times Square.~~

POLICY FLU-1-E-5: GROUND FLOOR AND FLOOR AREA RATIO - The Town shall regularly evaluate and adopt into its Land Development Code provisions for the exclusion of ground floors from floor area ratio calculations where the building's ground floor is designed solely as non-habitable space, including parking and storage, or where appropriate to encourage resilient building design.

POLICY FLU-1-E-6: RESILIENCY IN HEIGHT AND FREEBOARD ORDINANCE - The Town shall regularly evaluate and adopt into its Land Development Code provisions that allow for the building height to be calculated from above the ground floor when the building is designed for resiliency, with non-habitable space on the ground floor.

POLICY FLU-1-E-7: VULNERABILITY ASSESSMENT - The Town shall implement any recommendations, as appropriate, resulting from its findings in its Vulnerability Assessment. The Vulnerability Assessment shall be updated by the Town as needed.

OBJECTIVE ~~4-F~~ FLU-1-F: REDEVELOPMENT - Take positive steps to redevelop areas that are reaching obsolescence or beginning to show blight by designing and implementing public improvements near Times Square to spur private redevelopment there, by supporting the conversion of the ~~Villa~~ Santini Marina Plaza into a pedestrian precinct, by providing an opportunity for landowners to replace vulnerable mobile homes and recreational vehicles with permanent structures in the Gulfview Colony/Red Coconut area, and the proposed Civic Center district, and by providing building code relief for historic buildings.

POLICY ~~4-F-1~~ FLU-1-F-1: HISTORIC BUILDINGS - The protection of historic buildings is of great importance to the ~~t~~Town, and shall be aided by implementing the policies set forth in other elements of this comprehensive plan.

POLICY ~~4-F-2~~ FLU-1-F-2: SPECIFIC REDEVELOPMENT PLANS - This comprehensive plan anticipates substantial redevelopment over the coming years. Specific concepts have been developed for ~~three specific areas:~~ the Gulfview Colony/Red Coconut Village, and Santini Marina Plaza.

~~i. Times Square – The Estero Island CRA's plan for the Times Square area is reflected in this plan, bounded by the "Pedestrian Commercial" category at Times Square. Implementation of that plan will be on-going as discussed through this comprehensive plan and in accordance with the specific regulations provided in the Land Development Code. The Times Square redevelopment plan is described in Community Design Policies 3-D-1 through 3-D-13.~~

~~ii. Villa Santini Plaza – This area is shown as "Pedestrian Commercial" the Future Land Use Map. Existing land uses may continue. If landowners wish to redevelop part or all of this property, the following concepts shall apply:~~

~~a. buildings are brought closer to the street;~~

~~b. drainage has been placed underground to make room for wide sidewalks, street trees, and some on-street parking (once passive traffic calming activities have reduced speeding on Estero Boulevard);~~

~~c. the shopping center is reconfigured with a central green plaza and better ties to the marina to the rear; and~~

~~d. off-street loading areas are provided for delivery vehicles; This redevelopment plan can only be accomplished through a public-private partnership as described in Community Design Policies 3-C-1 and 3-C-2.~~

~~This area is shown as "Mixed Residential" and "Boulevard" the Future Land Use Map.~~ If landowners wish to redevelop part or all of this property, the following concepts are encouraged, and shall form the basis for a pre-approved redevelopment option in the Land Development Code:

a. T~~t~~raditional neighborhood design emphasizing porches on the front; primary entrances visible from the street; and cars to the rear (except for on-street parking);

b. Ddetached houses or cottages (with optional accessory apartments) abutting existing single-family homes;

c. Llow-rise townhouses or apartments allowed toward the center;

d. Wwalkable narrow streets with shade trees that double as view corridor to the Preserve and Gulf;

e. Ssubstantial open space with views to be maintained from Estero Boulevard to the Gulf;

f. Mmixed commercial and residential uses along the Bay side of Estero Boulevard;

g. Qquiet internal street connections to the north and south;

h. Ssignificantly reduced density from the existing level of 27 RV/mobile homes per acre at the Red Coconut to a maximum level of 15 dwelling units per acre;

i. Pprovision for a publicly acquired access point to the Matanzas Pass Preserve. ~~This redevelopment plan is described in Community Design Policies 3-A-5 and 3-A-6.~~;

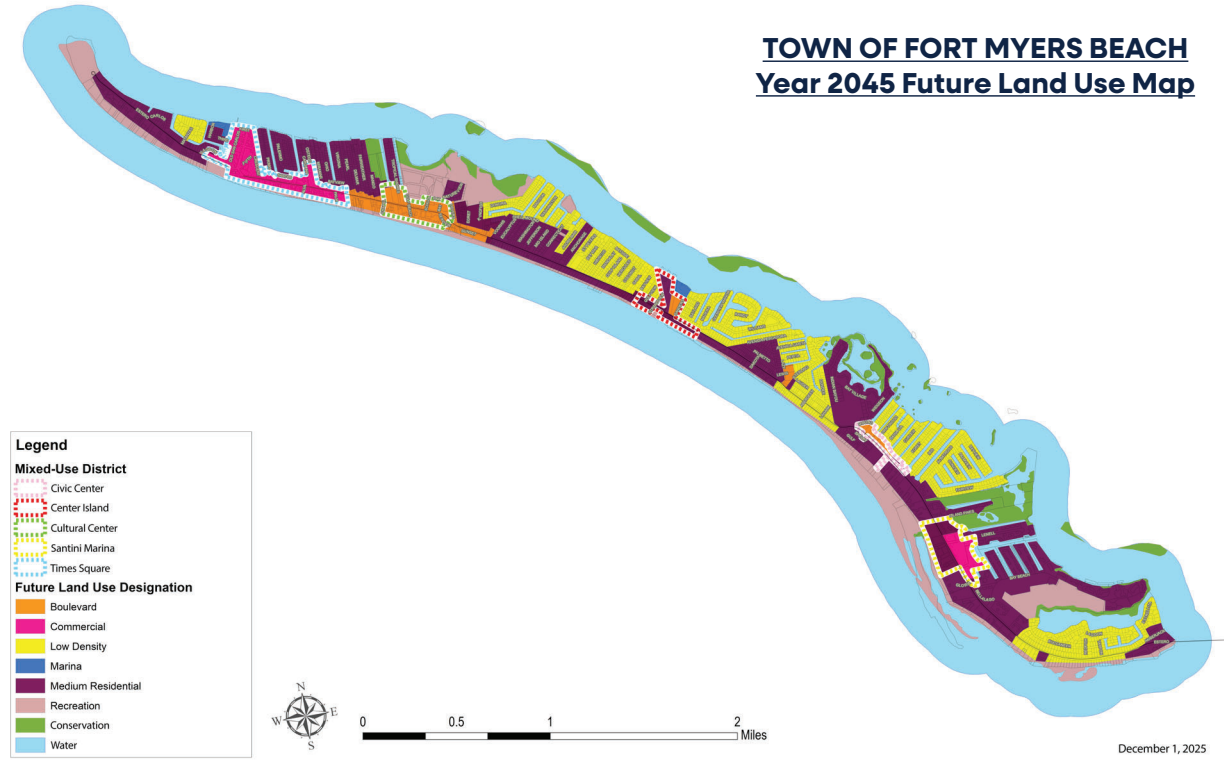
j. Floor area ratios shall not exceed 1.5; and

k. Residential density shall allow up to 15 dwelling units per acre for redevelopment in accordance with this section.

Different redevelopment concepts that are consistent with this comprehensive plan may also be proposed for any of these areas through the planned development rezoning process.

POLICY FLU-1-F-3 WORKFORCE HOUSING DENSITY: The Town shall evaluate the implementation of a workforce housing policy to allow additional density and building heights in the mixed-use areas. To qualify, developers shall provide a minimum of 10% of workforce housing as covenanted for a minimum of 30 years unless otherwise noted in the Land Use Designations in this Comprehensive Plan. Additional building height can be achieved as an incentive for providing workforce housing on or nearby off island. The Town's Land Development Code provides the guidelines for additional building height and density.

TOWN OF FORT MYERS BEACH
Year 2045 Future Land Use Map



LONDON BAY OUTRIGGER

COMPREHENSIVE PLAN AMENDMENT

Proposed Text Amendment

REVISED FEBRUARY 2026

f. OUTRIGGER RESORT MIXED-USE (OR-MU) DISTRICT

Definition: MIXED-USE: This land use designation is designed for portions of the Town along Estero Boulevard to allow for commercial and multifamily residential development. Each mixed-use district is prescribed a maximum density and intensity. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged in upper floors.

Purpose: The Outrigger Resort Mixed-Use district comprises 3.55+/-acres. The intent of this district is to provide development and redevelopment opportunities for additional residential, resort, commercial, and public and private recreational amenities. Development within this district must be achieved by a unified Commercial Planned Development zoning district and must include contributions to the public realm. The Outrigger Resort Mixed-Use district is envisioned as a residential and resort-oriented lifestyle district with a mix of uses.

The Outrigger Resort Mixed-Use district's general boundaries are along the Gulf (westside) of Estero Boulevard, approximately two (2) miles north of Big Carlos Pass Bridge and 100-feet south of Fort Myers Beach Access Point 11, and is more specifically described as:

> A PARCEL OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> BEGIN AT THE NORTHEASTERLY CORNER OF LOT 1, FLAMINGO PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 66, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40'49" E., ALONG THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK, A DISTANCE OF 121.56 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 865); THENCE RUN ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,832.29 FEET, A CENTRAL ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40'49" E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,490.39 SQUARE FEET OR 3.547 ACRES, MORE OR LESS.

Permitted Uses: As limited by the land development regulations, permitted uses include resort and hospitality, lodging/hotel accommodations, residential (multifamily and hotel/condominium), various types of commercial retail to support guests and neighborhood residents such as retail sales and personal service establishments, restaurants (including outdoor dining), live entertainment venues, public access to the beach and passive recreational uses and other contributions to the public realm as identified through Planned Development rezoning. Public benefit uses include: restaurants, bars, retail, event and meeting space, golf cart and bicycle parking, parks, public beach access, and coastal storm risk reduction improvements, subject to final permitting approval by the FDEP.

Height and Stories: The maximum building height is 195 feet measured from Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) to midpoint of roof and 15 stories inclusive of parking on the first two (2) floors.

Intensity: The floor-to-area ratio (FAR) for the OR-MU district shall not exceed 3.0, subject to the floor-to-area ratio (FAR) calculations in the London Bay Outrigger Commercial Planned Development (CPD) zoning district. Non-residential uses open to the public are limited to 20,000 SF and private non-residential uses are limited to 26,000 SF.

Density: The proposed development is for 100 hotel rooms, 50 hotel/condominiums, and 46 multifamily units. The permitted density is 41 dwelling units per acre, subject to the hotel equivalency factor established for the Pedestrian Commercial Future Land Use Category (FLUC) in the Town of Fort Myers Beach Land Development Code (LDC) Section 34-1803(a)(1), and inclusive of hotel, hotel/condominium, and multifamily (including condominiums, timeshare, vacation clubs and fractional ownership), utilizing the 3.55+/-acres that is part of the Outrigger Resort Mixed-Use district and London Bay Outrigger CPD.

Development Standards: The site design and building development standards for the Outrigger Resort Mixed-Use district will comply with those standards adopted in the Planned Development zoning district.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-206**

1. **Request:** **Meeting Date: April 14, 2026**

FUTURE LAND USE MAP AMENDMENT (LEGISLATIVE)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH FUTURE LAND USE MAP-2045, ADOPTED DECEMBER 1, 2025, FOR THE PORTION OF PROPERTY LOCATED AT 6200 ESTERO BLVD, IDENTIFIED AS STRAP # 33-46-24-W3-00012.0000 THAT IS LANDWARD OF THE 1978 COASTAL CONSTRUCTION CONTROL LINE, IN FORT MYERS BEACH; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Why the action is necessary:
The LPA hears and makes recomendations regarding Comprehensive Plan Amendments.

What the action accomplishes:
The LPA will provide guidance regarding the request.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

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5. **Background:**

6200 Estero Blvd Investments, LLC, owner of the subject property, and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture, applicant, are requesting two applications regarding changes to the 2045 Comprehensive Plan text and Future Land Use Map.

The request includes: (1) a small-scale Comprehensive Plan text amendment to the 2045 Comprehensive Plan to create a site-specific Outrigger Resort Mixed-Use District with associated policies; and (2) a small-scale Future Land Use Map amendment from Medium Residential to Outrigger Resort Mixed-Use District.

The property was previously known as the Outrigger Resort. It is zoned CPD and located on the beachside of Estero Blvd. The property was developed with 144 units/rooms, which were substantially damaged by natural disasters. The CPD was approved by Lee County prior to incorporation of the Town of Fort Myers Beach**,** with density/intensity exceeding the Town's Comprehensive Plan, as originally adopted following incorporation**, and as subsequently amended**.

The parcel contains land that is seaward of the 1978 Coastal Construction Control Line (CCCL) and is designated Recreation FLU and zoned EC. The applicant is not proposing a FLUM amendment for the Recreation FLU portion of the property.

The adopted 2045 Comprehensive Plan includes the following policy:

POLICY FLU-1-B2c: "MIXED-USE" — This land use designation is designed for portions of the Town along Estero Boulevard to allow for intense commercial and multifamily residential

development. Each mixed-use district is prescribed a maximum density and intensity. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this Comprehensive Plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged on the upper floors. Within the Mixed-Use land use category, all existing "Marina" uses described shall be preserved and allowed to remain on parcels that were zoned for marinas prior to adoption of this plan.

These site-specific Mixed-Use districts include geographically distinct developments with unique development standards, FARs and densities, including: the Cultural Center, Times Square, Santini Plaza and Center Island Mixed-Use Districts.

In addition to acknowledging that site-specific districts are an appropriate planning tool to guide future growth and redevelopment, the Comprehensive Plan also includes several policies relating to flexibility for site-specific development proposals, as discussed extensively during the Comprehensive Plan update process.

The applicant has proposed a new site-specific category under Mixed-Use in the 2045 Comprehensive Plan framework as follows:

f. OUTRIGGER RESORT MIXED-USE (OR-MU) DISTRICT Purpose: The Outrigger Resort Mixed-Use district comprises approximately 3.55 acres. The intent of this district is to provide development and redevelopment opportunities for additional residential, resort, commercial, and public and private recreational amenities. Development within this district must be achieved through a unified Commercial Planned Development zoning district and must include contributions to the public realm. The Outrigger Resort Mixed-Use district is envisioned as a residential and resort-oriented lifestyle district with a mix of uses.

The Outrigger Resort Mixed-Use district's general boundaries are along the Gulf (west side) of Estero Boulevard, approximately two (2) miles north of Big Carlos Pass Bridge and 100 feet south of Fort Myers Beach Access Point 11, and are more specifically described as:

A PARCEL OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 1, FLAMINGO PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 66, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40'49" E., ALONG THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK, A DISTANCE OF 121.56 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 865); THENCE RUN ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,832.29 FEET, A CENTRAL ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40'49" E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,490.39 SQUARE FEET OR 3.547 ACRES, MORE OR LESS.

Permitted Uses: As limited by the land development regulations, permitted uses include resort and hospitality, lodging/hotel accommodations, residential (multifamily and hotel/condominium), various types of commercial retail to support guests and neighborhood residents such as retail sales and personal service establishments, restaurants (including outdoor dining), live entertainment venues, public beach access, passive recreational uses and other contributions to the public realm as identified through Planned Development rezoning. Public benefit uses include restaurants, bars, retail, event and meeting space, golf cart and bicycle parking, parks, public beach access, and coastal storm risk reduction improvements, subject to final permitting approval by the FDEP.

Height and Stories: The maximum building height is 195 feet, measured from the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) to the midpoint of the roof and 15 stories, inclusive of parking on the first two (2) floors.

Intensity: The floor area ratio (FAR) for the Outrigger Resort Mixed-Use district shall not exceed 3.0, subject to the floor-to-area ratio (FAR) calculations in the Outrigger Resort Commercial Planned Development (CPD) zoning district. Non-residential uses open to the public are limited to 20,000 square feet, and private non-residential uses are limited to 26,000 square feet.

Density: The proposed development includes 150 hotel/condominiums, and 46 multifamily units. The permitted density is 39.5 dwelling units per acre, subject to the hotel equivalency factor established for the Pedestrian Commercial Future Land Use Category (FLUC) in the Town of Fort Myers Beach Land Development Code (LDC) Section 34-1803(a)(1), and inclusive of hotel, hotel/condominium, and multifamily (including condominiums, timeshares, vacation clubs and fractional ownership), utilizing the approximately 3.55 acres within the Outrigger Resort Mixed-Use district and London Bay Outrigger CPD.

Development Standards: Site design and building development standards for the Outrigger Resort Mixed-Use district will comply with those adopted in the Planned Development zoning district.

The companion application will address the FLUM amendment from Medium Residential to Outrigger Resort Mixed-Use District.n Control Line (CCCL) and is Recreation FLU and zoned EC. The applicant is not proposing a FLUM amendment for the Recreation FLU portion of the property.

Attachments:

1. NS Ordinance 26-03 CPA Map Amendment 2026 (2)
2. Outrigger CPA Staff final
3. Exhibit A: 2045 FLU Map (adopted Dec1,2025)
4. Exhibit B: MCP- Outrigger Resort Mixed-use (updated copy 4.13.16)

Financial Impact:

None

6. **Alternative Action**

Approve or Recommend Amendment

7. **Staff Recommendations:**

This is a legislative decision.

8. **Recommended Approval:**

_____ Date: March 31, 2026
Georgina Cid, Community Development Manager

_____ Date: March 31, 2026
Frankie Kropacek, Community Development Director

_____ Date: April 02, 2026
nancy stuparich, Town Attorney

_____ Date: April 07, 2026
Amy Baker, Town Clerk

ORDINANCE 26-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH FUTURE LAND USE MAP-2045, ADOPTED DECEMBER 1, 2025, FOR THE PORTION OF PROPERTY LOCATED AT 6200 ESTERO BLVD, IDENTIFIED AS STRAP # 33-46-24-W3-00012.0000 THAT IS LANDWARD OF THE 1978 COASTAL CONSTRUCTION CONTROL LINE, IN FORT MYERS BEACH FROM MEDIUM RESIDENTIAL FUTURE LAND USE TO OUTRIGGER RESORT MIXED-USE FUTURE LAND USE DISTRICT TO ALLOW A NEW BEACH RESORT DEVELOPMENT; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend. or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, 6200 Estero Blvd Investment, LLC ("Owner"), of the property generally located at 6200 Estero Blvd, identified by STRAP number 33-46-24-W3-00012.0000 ("Property"), filed an application for a small-scale future land use map amendment from Medium Residential future land use to Outrigger Resort Mixed-Use future land use designation to allow for redevelopment of a new beach resort; and

WHEREAS, the Property is currently in the Medium Residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the owners as listed in the public records of Lee County Property Appraiser; and

WHEREAS, a public hearing was held before the Local Planning Agency ("LPA") on August 23,2024, at which time the LPA voted to reschedule review of the application to a future date; and

WHEREAS, the applicant resubmitted the application with an intent to comply with the updated Comprehensive Plan -2045 adopted on December 1, 2025 (see Exhibit "A") and now desired to amend its Future Land Use Map designation to the newly created Outrigger Resort Mixed-Use future land use designation (see Exhibit "B"); and

WHEREAS, a subsequent public hearing was held before the LPA on April 14, 2026, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA found the request to be consistent with the Comprehensive Plan and voted to recommend approval/denial to the small scale map amendment; and

WHEREAS, on May 18, 2026, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the Applicant, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the Fort Myers Beach Land Development Code ("LDC"); and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on June 15, 2026; at which time the Town Council gave full and complete consideration to the request of the applicant, the recommendation of the LPA, the recommendation of staff, including the consideration and findings in the staff report, the documents in the record, and the testimony of all interested persons, as required by Section 34-92 of the LDC and Policy FLU-1-C-11 of the 2024 Comprehensive Plan (2024); and

WHEREAS, the Town Council finds the proposed small-scale map amendment request is consistent/not consistent with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to approve/deny the requested change.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. Ratification of Recitals. The Town Council of the Town of Fort Myers Beach, Florida, hereby adopts and ratifies those matters as set forth in the foregoing "WHEREAS" recitals.

Section 2. The Town Council determines the Applicant **did/did not** meet its burden of proof that the requested small scale map amendment request **does/does not** meet the requirements of the Town Comprehensive Plan 2045 and LDC and approving the request for a small-scale Future Land Use Map Amendment from Medium Residential to "Outrigger Resort Mixed-Use" to support a new beach resort development **is/is not** in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/DENIES** the requested small scale future use map amendment (see Exhibit "B").

Section 3. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to void or declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 4. Repeal of Laws in Conflict. If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the Town of Fort Myers Beach, Florida, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent, may be authorized by the Town Manager, or the Town Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the Town of Fort Myers Beach that the plan amendment package is complete. If timely challenged, this

amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to comply in accordance with 166.3184 (3)(c)(4), Florida Statute. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member ____ and seconded by Council Member _____, and upon being put to a roll vote, the result was as follows:

Dan Allers, Mayor ___
Scott Safford, Vice Mayor ___
John R. King, Council Member ___
Rebecca Link, Council Member ___
John McLean, Council Member ___

ADOPTED this __ day of _____, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on _____.

Exhibits

Exhibit A Future Land Use Map- Comprehensive Plan 2045

Exhibit B: Proposed Future Land Use Map

DRAFT

DRAFT

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Comprehensive Plan Amendment**
CASE NUMBER:	**CPA20240067**
CASE NAME:	**Outrigger Resort Mixed-Use Comprehensive Plan Text and Future Land Use Map Amendment**
LPA HEARING DATE:	**April 14, 2026**
PREPARED/ SUBMITTED BY:	**Jason Green, AICP**

I. APPLICATION SUMMARY

Applicant/Agent:	6200 Estero Blvd Investments, LLC/Fred Drovdlic, AICP with RVI Planning + Landscape Architecture
Request:	The request includes: 1) a small-scale Comprehensive Plan text amendment to the 2045 Comprehensive Plan to create a site-specific Outrigger Resort Mixed-Use District with associated policies; and (2) a small-scale Future Land Use Map Amendment from Medium Residential to Outrigger Resort Mixed-Use District.
Subject property:	See attached plan
Physical Address:	6200 Estero Blvd
STRAP #:	33-46-24-W3-00012.0000
FLU:	Medium Residential
Zoning:	Commercial Planned Development (CPD), Commercial Resort (CR), & Environmentally Critical (EC)

Adjacent zoning and land uses:

North:	RESIDENTIAL MULTIFAMILY (RM) AND RESIDENTIAL SINGLE FAMILY (RS), Medium Residential Future Land Use (FLU)
South:	RESIDENTIAL PLANNED DEVELOPMENT (RPD) Medium Residential FLU
East:	COMMERCIAL PLANNED DEVELOPMENT (CPD) AND COMMERCIAL BOULEVARD (CB), Boulevard Mixed-Use Arts and Theatre District FLU
West:	ENVIRONMENTALLY CRITICAL (EC), Recreation FLU

II. BACKGROUND AND ANALYSIS

Background:
6200 Estero Blvd Investments, LLC, owner of the subject property, and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture, applicant, are requesting two applications regarding the change in the 2045 Comprehensive Plan text and Future Land Use Map.

The request includes: 1) a small-scale Comprehensive Plan text amendment to the 2045 Comprehensive Plan to create a site-specific Outrigger Resort Mixed-Use District with associated policies; and (2) a small-scale Future Land Use Map amendment from Medium Residential to Outrigger Resort Mixed-Use District.

The property was previously known as the Outrigger Resort. It is zoned CPD and located on the beach side of Estero Blvd. The property was developed with 144 units/rooms, which was substantially damaged from natural disasters. The CPD was approved by Lee County prior to incorporation of the Town of Fort Myers Beach with density/intensity exceeding the Town's Comprehensive Plan, as originally adopted following incorporation, and as amended.

The parcel contains land that is seaward of the 1978 Coastal Construction Control Line (CCCL) and is Recreation FLU and zoned EC. The applicant is not proposing a FLUM amendment for the Recreation FLU portion of the property.

The adopted 2045 Comprehensive Plan included the following policy:

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public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged on the upper floors. Within the Mixed-Use land use category, all existing "Marina" uses described shall be preserved and allowed to remain on parcels that were zoned for marinas prior to adoption of this plan.

These site-specific Mixed-Use Districts include geographically distinct developments with unique development standards, FARs and densities, including: the Cultural Center, Times Square, Santini Plaza and Center Island Mixed-Use Districts.

In addition to acknowledgement that site-specific districts are an appropriate planning tool to guide future growth and redevelopment, the Comprehensive Plan also includes several policies relating to flexibility for site-specific development proposals, as discussed extensively during the Comprehensive Plan Update process.

The applicant has proposed a new site-specific category under Mixed-Use in the 2045 Comprehensive Plan framework as follows:

f. OUTRIGGER RESORT MIXED-USE (OR-MU) DISTRICT Purpose: The Outrigger Resort Mixed-Use district comprises 3.55 ± acres. The intent of this district is to provide development and redevelopment opportunities for additional residential, resort, commercial, and public and private recreational amenities. Development within this district must be achieved by a unified Commercial Planned Development zoning district and must include contributions to the public realm. The Outrigger Resort Mixed-Use district is envisioned as a residential and resort-oriented lifestyle district with a mix of uses.

The Outrigger Resort Mixed-Use district's general boundaries are along the Gulf (westside) of Estero Boulevard, approximately two (2) miles north of Big Carlos Pass Bridge and 100-feet south of Fort Myers Beach Access Point 11, and is more specifically described as:

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ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40'49" E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING.

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Height and Stories: The maximum building height is 195 feet measured from Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) to midpoint of roof and 15 stories inclusive of parking on the first two (2) floors.

Intensity: The floor-to-area ratio (FAR) for the Outrigger Resort Mixed-Use district shall not exceed 3.0, subject to the floor-to-area ratio (FAR) calculations in the Outrigger Resort Commercial Planned Development (CPD) zoning district. Non-residential uses open to the public are limited to 20,000 SF and private non-residential uses are limited to 26,000 SF.

Density: The proposed development is for 150 hotel/condominiums, and 46 multifamily units. The permitted density is 39.5 dwelling units per acre, subject to the hotel equivalency factor established for the Pedestrian Commercial Future Land Use Category (FLUC) in the Town of Fort Myers Beach Land Development Code (LDC) Section 34-1803(a)(1), and inclusive of hotel, hotel/condominium, and multifamily (including condominiums, timeshare, vacation clubs and fractional ownership), utilizing the 3.55 ± acres that is part of the Outrigger Resort Mixed-Use district and London Bay Outrigger CPD.

Development Standards: The site design and building development standards for the Outrigger Resort Mixed-Use district will comply with those standards adopted in the Planned Development zoning district

The companion application will address the FLUM amendment from Medium Residential to Outrigger Resort Mixed-Use District.

Analysis:

The following table provides a comparison of the 2045 Comprehensive Plan; the entitlement on the property though Lee County (Z-95-085) and the new proposed Outrigger Resort Mixed-Use district.

	Medium Residential (2045 FLUM)	Entitled (Z-95-085) *(Total acres= 3.92)*	Proposed Outrigger Resort Mixed-Use (3.55 ± acres)
Development	6 DU/1 acres = 21 units	144 hotel room + 10,000 SF Commercial	46 multifamily + 150(hotel rooms /Condos) + 46,000 SF commercial (20,000 SF Public + 26,000 SF Private)
FAR	1.5		3.0
Building Height	3 stories (30 feet above base flood level)	4 stories (including ground floor)	15 stories (195 feet from FDEP)

The Federal Emergency Management Agency (FEMA) Base Flood Elevation (BFE) is 14 feet and the Design Flood Elevation (DFE) at this location is 15 feet and the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) height is 20'-1" North American Vertical Datum (1988) (NAVD) which equals the 21'-3" National Geodetic Vertical Datum (1929) (NGVD).

The proposed tallest structure is 195 feet measured from FDEP LHSM. The revised application proposes the range of buildings from 3 to 11 along the Estero Blvd. with a maximum of 12 stories for the rooftop bar in hotel building adjacent to the beach, and 15-stories for the condominium building.

The proposed maximum floor-to-area ratio (FAR) for the OR-MU district is 3.0. The FAR permitted at this location in the surrounding Commercial Resort (CR) zoning district 1.2 while the maximum FAR permitted by FLU 1-B-2b is 1.5.

The combined development program incorporates 150 hotel/condominiums, and 46 multifamily.

• The signature residential building is comprised of 46 condominium units in a single terracing tower, reduced in height from the original proposal of 17 stories (inclusive of parking) to 15 stories (also inclusive of parking). This structure is substantially set back over 250 feet from the Estero Blvd. right-of-way to ensure the project's interface with the public roadway is pedestrian-scaled.

• The hotel and hotel service buildings adjacent to Estero Boulevard are 3 and 11 stories (reduced from 12 stories in the original application), inclusive of parking on the first two floors. The second part of the building is 12-story (inclusive of parking and rooftop bar) and is oriented towards the beach with a 150 setback from Estero Blvd., again to reinforce a more comfortable scale for pedestrians using the Estero Blvd. pathway.

The previously approved resolution Z-95-085 would allow the owners to rebuild 144 hotel/motel rental room units, and 10,000 square feet of commercial space. Thus, the existing Outrigger Planned Development vested hotel rental room density is 37 rental units/acre (according to table 3: Vested Density in phasing out FMB Comprehensive Plan). The proposed development is for 150 hotel rooms/hotel/condominium units and 46 multifamily units.

Table 3: Vested Density

Rental Rooms	Density	Per Acre
144 rooms (<450 SF)	144 hotel rental units	37 DU / AC
	48 equivalent units [1]	13.5 DU/AC (48 DU / 3.55 AC)

The Medium Residential FLU allows a density of 6 dwelling units for 1 acre and an intensity of FAR of 1.5. Under the existing FLU, the 3.55-acre property could support 231,957 square feet of development and a total of 21 dwelling units.

The properties to the north are single-family residential homes, maximum three stories, and a multifamily development Coquina Condominiums, with five-story structures. To the south is an RPD called Gulfside Twelve Condominiums, which are five story structures with rooftop amenities. Surrounding land uses in the immediate area (within ½ mile of the site) include high-rise condominiums, such as Gulfwing Beach Resort (12 stories), Pointe Estero Resort (15 stories).

Neighborhood Compatibility:

The properties directly adjacent to this site are Medium Residential FLU and are residential in nature. The properties on the opposite side of the site are Town Hall and mix of commercial and residential. The nearest high-rise is Sunset Condominium building at 12 stories, less than 200 feet south of the subject property, and Pointe

Estero Condominium at 15 stories less than ¼ mile south of the subject property, both of which were approved by Lee County. The proposed FLUM amendment will allow for additional hotel units and multifamily units above the number that the Outrigger Beach Resort was entitled to.

Infrastructure Impacts:
Evaluation of infrastructure impacts is important to ensure that the Town of Fort Myers Beach will be able to accommodate the additional development that will be allowed with the change from Medium Residential to Outrigger Resort Mixed-Use. The proposed intensity will have a higher impact on traffic, water use and stormwater.

Traffic:
The application is proposing an intensification of the site. Estero Boulevard is a constrained facility with little available real estate to add or expand lanes or multimodal improvements such as protected bike lanes. Lee Tran currently provides both a north and south bound stop within ¼ mile of the proposed development. The southbound stop is within the limits of the subject property.

Water
The applicant has provided data indicating that approximately 69,000 gallons of water will be required per day, that is an increase of approximately 48,900 gallons per day above the previous uses. Lee County has provided a letter of availability indicating that Lee County Utilities has sufficient capacity to provide potable water and sewer to this site.

Tetratech is in the process of completing a hydraulic model for the Town of Fort Myers Beach to determine future infrastructure needs. The applicant will need to have any infrastructure approved by the Town.

Stormwater
Stormwater is of high concern for development on a flood prone barrier island. All development will be required to meet the stormwater management requirements of the South Florida Water Management District and any local requirements. There may be exemptions based on the previous development of the site. The Applicant will be required to submit details relating to water quality and quantity as part of the Development Order process.

Schools
The applicant has provided a letter from the Lee County School District indicating that this proposed development would not have a negative impact on the school district.

Overall Impacts
Approval of the FLUM amendment will allow additional development on this 3.55 acres which will increase demand on infrastructure. The applicant has provided

letters from the appropriate agencies indicating that services are available. Estero Boulevard is a constrained facility.

Findings and Conclusions:

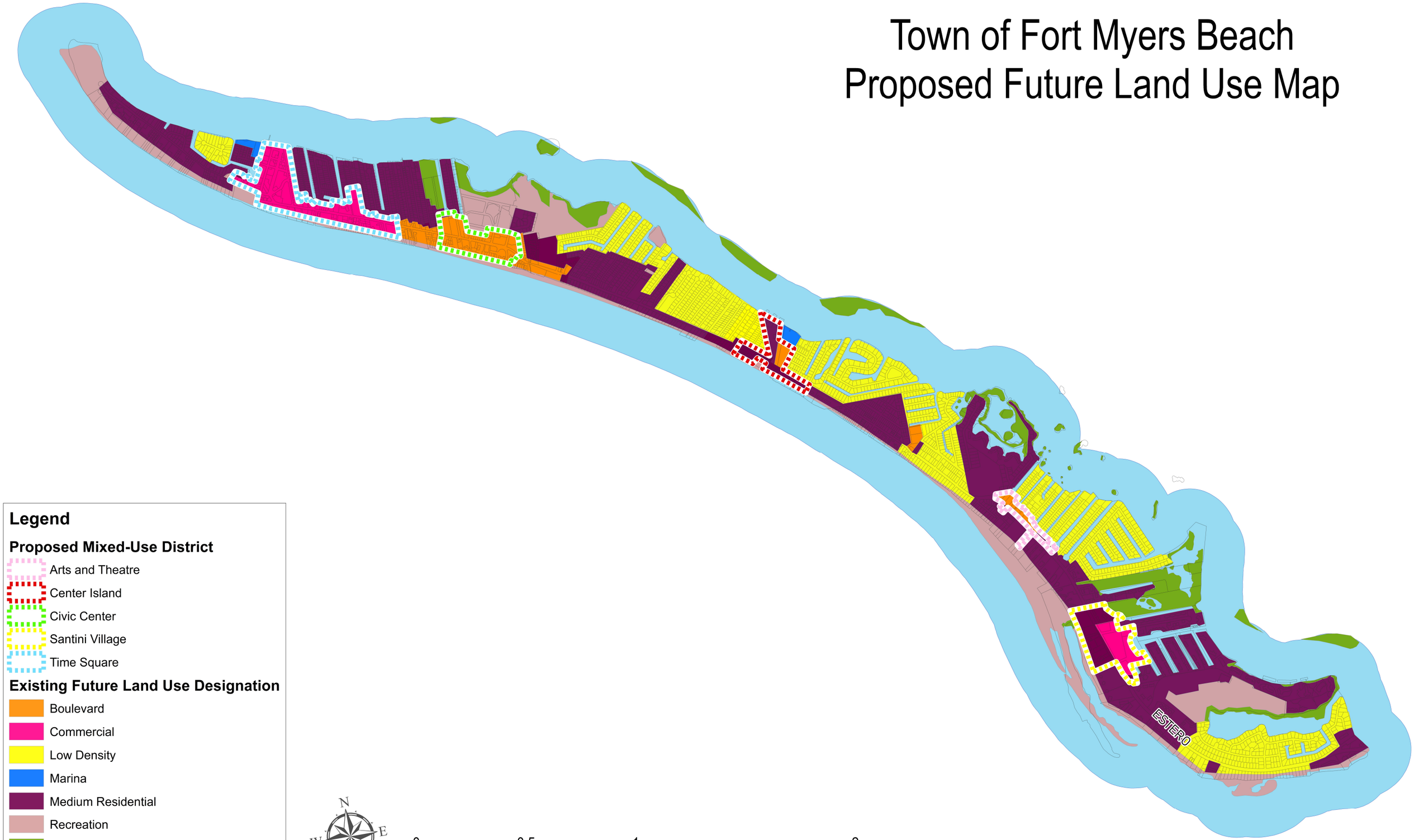
- Comprehensive Plan text Amendment:
  - Based on the adopted 2045 Fort Myers Beach Comprehensive Plan Text amendment on December 1, 2025, the Town Council elected not to increase the height, density and/or intensity.
  - The 2045 Comprehensive Plan provides policy guidance for Master Plan Development regarding site-specific height, density and intensity increases subject to consistency with the Comprehensive Plan as a whole, and supported by a directive to adopt a public benefits ordinance (which doesn't exist at this time). The Applicant has provided via the proposed CPA Text Amendment and companion CPD rezone, where they attempted to define the public benefit for the proposed site-specific application.
  - It is a policy decision to determine the sufficiency/appropriateness of the proposed public benefits package in relation to the proposed development's density, intensity, FAR and other design elements.
- FLUM Amendment
  - Policy FLU 1-C-11 Map Amendments: The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.
  - The previously assigned future land use category of Mixed Residential and the updated future land use category of Medium Residential indicates that this category of land use will retain a variety of housing types to ensure the neighborhood character of the town.
  - The properties directly adjacent to this site are Medium Residential FLU and are residential in nature. The properties on the opposite side of the site are Town Hall and mix of commercial and residential. The nearest high-rise is Sunset Condominium building at 12 stories and Island Winds Condominium at 13 stories were approved by Lee County. The proposed FLUM amendment will allow for additional hotel units and multifamily units above the number that the Outrigger Beach Resort was entitled.
  - The Outrigger Resort Mixed-Use District provides for site-specific subdistricts that allow for varying heights, densities and intensities. Such subdistricts include the Santini Plaza, Times Square and Center Island.

IV. CONCLUSION

Staff provide the above analysis of the proposed amendment in relation to the adopted Comprehensive Plan 2045.

The review and decision making of the two petitions are legislative in nature, relating to :1) small scale Comprehensive Plan text amendment to create a new site-specific Outrigger Resort Mixed-Use District; and 2) small scale amendment to the 2045 Future Land Use Map from Medium Residential to Outrigger Resort Mixed-use District relating to site-specific Mixed-Use District categories, master planned developments and defining the public benefit.

Town of Fort Myers Beach
Proposed Future Land Use Map



Legend

Proposed Mixed-Use District

- Arts and Theatre
- Center Island
- Civic Center
- Santini Village
- Time Square

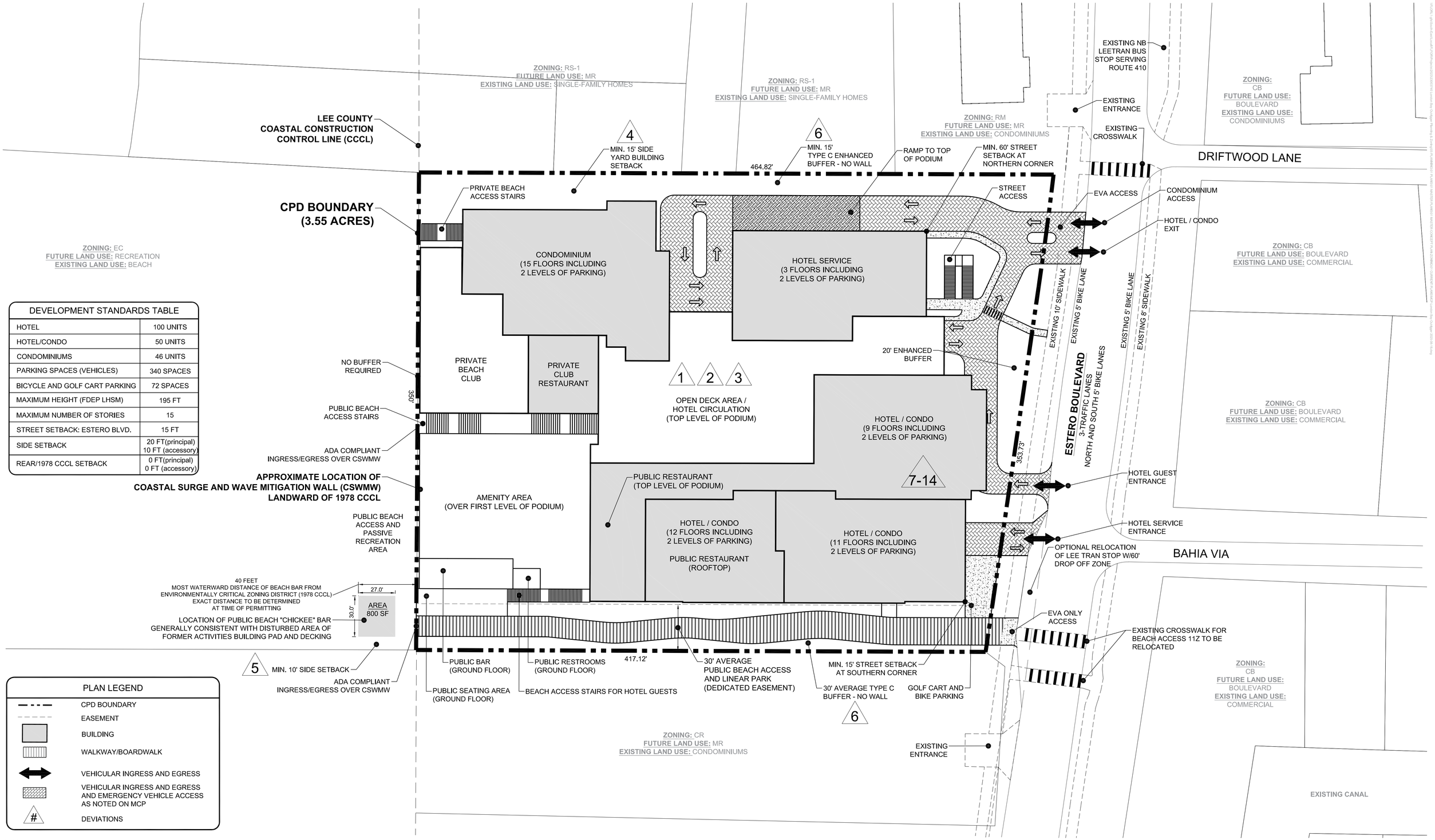
Existing Future Land Use Designation

- Boulevard
- Commercial
- Low Density
- Marina
- Medium Residential
- Recreation
- Wetlands
- Tidal Water

N W E S

0 0.5 1 2 Miles

May 1, 2024



DEVELOPMENT STANDARDS TABLE	
HOTEL	100 UNITS
HOTEL/CONDO	50 UNITS
CONDOMINIUMS	46 UNITS
PARKING SPACES (VEHICLES)	340 SPACES
BICYCLE AND GOLF CART PARKING	72 SPACES
MAXIMUM HEIGHT (FDEP LHSM)	195 FT
MAXIMUM NUMBER OF STORIES	15
STREET SETBACK: ESTERO BLVD.	15 FT
SIDE SETBACK	20 FT(principal) 10 FT (accessory)
REAR/1978 CCCL SETBACK	0 FT(principal) 0 FT (accessory)

PLAN LEGEND	
	CPD BOUNDARY
	EASEMENT
	BUILDING
	WALKWAY/BOARDWALK
	VEHICULAR INGRESS AND EGRESS
	VEHICULAR INGRESS AND EGRESS AND EMERGENCY VEHICLE ACCESS AS NOTED ON MCP
#	DEVIATIONS

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LONDON BAY OUTRIGGER CPD • MASTER CONCEPT PLAN

6200 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA
2025-08-25
2300-3740
6200 ESTERO BOULEVARD INVESTMENTS, LLC

0 15' 30' 60'
SCALE: 1" = 30'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-201**

1. **Request:** **Meeting Date: April 14, 2026**

REZONING REQUEST (QUASI-JUDICIAL)

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING A REZONING OF PROPERTY LOCATED AT 6200 ESTERO BLVD, FORT MYERS BEACH, GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W3-00012.0000 FROM A PREVIOUSLY APPROVED COMMERCIAL PLANNED DEVELOPMENT (OUTRIGGER BEACH RESORT) TO A COMMERCIAL PLANNED DEVELOPMENT WITH 12 DEVIATIONS TO ALLOW FOR A 46 DWELLING UNITS; 150 HOTEL ROOM AND 46000 SQUARE FEET OF COMMERCIAL USE AND 340 PARKING SPACES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC COMMENT

Why the action is necessary:
The LPA must hear and make recommendations to the Town Council regarding rezoning requests.

What the action accomplishes:
The LPA recommendation will be forwarded to Town Council for their decision regarding this request.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

---

5. **Background:**
6200 Estero Blvd Investments, LLC,(owner) and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (applicant) are requesting a rezoning of approximately 3.55 acres, from Commercial Planned Development (CPD) and Commercial Resort (CR) to Outrigger Resort CPD for the development of a mixed use resort. The application includes a new master concept plan for the site.

The subject property was previously developed as the Outrigger Resort. It was zoned CPD and CR and is located on the beach side of Estero Blvd. The parcel contains land that is seaward of the 1978 Coastal Construction Control Line (CCCL) zoned Environmentally Critical (EC). The applicant is not proposing to rezone the EC portion of the property. The EC portion of the property is addressed by a special exception request for consumption on premises and an Outrigger-Resort bar/chickee hut (open-sided wooden thatched structure).

The existing CPD for the Outrigger Beach Resort was approved through Z-95-085. The previously approved Master Concept Plan (MCP) is not fully legible; therefore, staff relies on applicant-provided documentation; The previous development included 144 hotel efficiency units, and approximately 10,000 square feet of commercial uses. In addition to the hotel use, the allowed uses include bar or cocktail lounge, commercial use of beachfront seaward of the water body setback line, consumption on premises, and convenience store.

The new proposal requests a total of 196 units (150 hotel/condominium and 46 multifamily) and 46,000 square feet of commercial use (private 26,000 SF and public 20,000 SF), and 340 parking spaces. The maximum proposed height is 195 feet as measured by the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) and 15 stories (with parking and mechanical on the first two floors).

The proposed development includes five buildings that range from 15 stories (including 2 stories of parking) to a residential condo and hotel/condominium ranging from 12 stories (with rooftop restaurant), 11, 9 and 3 stories, all including parking. The site plan also includes private club restaurants, a private beach club, an amenity area, and an open deck area.

The application includes a request for 12 deviations from the Land Development Code.

This application is accompanied by other applications including a small-scale Comprehensive Plan text amendment that would create the Outrigger Resort Mixed Use category and a Future Land Use Map amendment from the Medium Residential of the 2045 Comprehensive Plan to the Outrigger Resort Mixed Use category (CPA **20240067**); and a Special Exception (SEZ20240112) to allow accessory use and consumption on premises seaward of the Lee County 1978 Coastal Construction Control Line (CCCL) with the previously mentioned chickee hut beach bar. This structure is proposed to be placed in the same location as a resort structure lost to the hurricanes.

Attachments:

1. NS Ordinance 26-04-CPD (1)
2. Exhibit A: MCP-Outrigger Resort Mixed-use (updated 4.13.26)
3. Exhibit B: Schedule of Uses, Development Regulations and Design Standards
4. Exhibit C: Requested Deviations
5. Exhibit D CPD Condition for approval
6. CPD staff report- Final
7. Exhibit E: Survey and Legal -Outriggers Signed
8. Map Exhibits
9. 27979943-Architectural Renderings 2025-08-20 (1)
10. Conceptual Landscape Plan (updated 4.13.26)
11. Public Beach Access Easement DRAFT

Financial Impact:

unknown

6. **Alternative Action**

approve or approve with conditions

7. **Staff Recommendations:**

If the companion Comprehensive Plan text amendment is found to be consistent with the Comprehensive Plan and approved, then the conditions for approval serve as a starting point to assist the Town's LPA and Town Council in considering the CPD application.

8. **Recommended Approval:**

_____ Date: April 01, 2026

Georgina Cid, Community Development Manager

_____ Date: April 01, 2026

Frankie Kropacek, Community Development Director

_____ Date: April 02, 2026

nancy stuparich, Town Attorney

_____ Date: April 07, 2026

Amy Baker, Town Clerk

ORDINANCE 26-05

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING A REZONING OF PROPERTY LOCATED AT 6200 ESTERO BLVD, FORT MYERS BEACH, GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W3-00012.0000 FROM A PREVIOUSLY APPROVED COMMERCIAL PLANNED DEVELOPMENT (OUTRIGGER BEACH RESORT) TO A COMMERCIAL PLANNED DEVELOPMENT WITH 12 DEVIATIONS TO ALLOW FOR A 46 DWELLING UNITS; 150 HOTEL ROOM AND 46000 SQUARE FEET OF COMMERCIAL USE AND 340 PARKING SPACES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, 6200 Estero Blvd Investments, LLC, Fred Drovdlic with RVi Planning, and Richard Yovanovich with CYK Law Firm, applicants and agents for the property owners ("Applicant"), generally located at 6200 Estero Boulevard and identified as STRAP number 33-46-24-W3-00012.0000 ("Property") in the Town of Fort Myers Beach, filed applications to rezone the Property, landward of the 1978 Lee County Coastal Construction Control Line (CCCL), to Commercial Planned Development (CPD); and

WHEREAS, prior to incorporation of the Town of Fort Myers Beach, the Property was a Master Planned Commercial Planned Development ("Outrigger Resort" CPD) approved by Lee County as a Resolution Z-95-085, for the construction of an upscale iconic resort project on Fort Myers Beach; and

WHEREAS, the property is currently in the Medium Residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach, and is under common control of the applicant, as listed in the public records of Lee County Property Appraiser; and

WHEREAS, the Applicant is requesting rezoning of the Property to Commercial Planned Development with a Master Concept plan and 12 deviations to allow for the construction 46 dwelling units: 150 room hotel and 46000 square feet of commercial use (private 26,000 SF and public 20,000 SF) and 340 parking spaces. and a Floor Area Ratio of 3; and

WHEREAS, a public hearing was held before the Local Planning Agency ("LPA") on August 23,2024, at which time the LPA voted to reschedule the request to a future date.

WHEREAS, the Applicant has resubmitted an application with an intent to comply with the updated Comprehensive Plan -2045 adopted on December 1, 2025.

WHEREAS, the rezoning request was reviewed by the LPA at a public hearing on April 14, 2026; and

WHEREAS, at the public hearing, the LPA gave full and complete consideration to the requested rezoning, the recommendations by staff, the documents in the record, and the testimony of the property owner and all interested persons, as required by Section 34-85 of the Town Land Development Code and found the request to be **consistent/not** consistent with the Town's Comprehensive Plan and the requirements of the Land Development Code ("LDC") and voted ___ to ___ to recommend **approval/approval with conditions/denial**; and

WHEREAS, on May 18, 2026, the Town Council held a first reading of the title to the proposed Ordinance 26-05 and gave full and complete consideration to the request of the property owner, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons, as required by Section 34-85 of the LDC; and

WHEREAS, the Town Council voted to approve Ordinance 26-05 and schedule a second reading of the title to Ordinance 26-05 and adoption hearing on June 15, 2026; and

WHEREAS, notice of the _____ second reading of the title to Ordinance 26-05 and the adoption hearing was properly noticed and published in the Fort Myers News-Press on the _____ day of _____, 2026, which is more than 10 days prior to the Town Council's final public hearing on the __ day of _____ __, 2026; and

WHEREAS, the property owner has paid all outstanding fees associated with notice, advertisement, and consulting services required by the Town related to this rezoning request; and

WHEREAS, a Business Impact Estimate has been prepared and published on the Town's website; and

WHEREAS, Exhibit A is the approved Master Concept Plan (MCP), which future development should be substantially in compliance with; and

WHEREAS, Exhibit B provides the approved development regulations and the schedule of uses during the development process; and

WHEREAS, Exhibit C provides the requested Deviations; and

WHEREAS, Exhibit D provides a list of conditions if this CPD rezoning is approved

WHEREAS, the Town Council finds that this request to rezone the property from the CPD to CPD with the attached Exhibits in order to develop a mixed use residential, hotel and commercial as provided herein is a unique application based on the history of the development of the Property, which does not set precedent for future development or rezoning applications; and

WHEREAS, Section 34-216 of the LDC requires a public hearing before the LPA and provides that the LPA's recommendation to the Town Council must be supported by the rezoning

guidelines set forth in § 34-85 of the LDC as well as compliance with the following criteria:

a) The rezoning would carry out the policies and requirements of the Comprehensive Plan and Land Development Code.
b) The Town Council carefully considered the testimony of the applicant, the recommendations of staff and of the local planning agency, and testimony from the public.
c) The rezoning would be consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses in the Comprehensive Plan.
d) The rezoning would meet or exceed all performance and locational standards set forth for the proposed use.
e) Urban services are available and adequate to serve the proposed use.
f) The rezoning would protect, conserve, or preserve environmentally critical areas and natural resources.
g) The rezoning would be compatible with existing and planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
h) The rezoning would not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
i) The rezoning, with the mitigating factors volunteered by the applicant and the special conditions imposed by the Town Council, is consistent with the Fort Myers Beach Comprehensive Plan, Land Development Code, and other applicable town ordinances or codes.
j) The proposed use or mix of uses is appropriate at the subject location.
k) Sufficient safeguards for the public interest are provided by the recommended special conditions to the Master Concept Plan and by other applicable regulations.
l) All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

WHEREAS, Section 34-216(4) further provides that "[if]f the local planning agency determines that a proposed condition is insufficient, it may recommend an alternate condition for consideration by the town council" and "if the application includes a schedule of deviations pursuant to §§ 34-212(3) and 34-932(b) of this chapter, the local planning agency's recommendation must approve, approve with modification, or reject each requested deviation based upon a finding that:

a. Each item enhances the achievement of the objectives of the planned development; and
b. The general intent of this chapter to protect the public health, safety and welfare will be preserved and promoted; and
c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

WHEREAS, the Town Council finds that approval of Ordinance 26-05 is consistent/inconsistent with the Town of Fort Myers Beach Comprehensive Plan and LDC and voted to approve/approve with conditions/deny the Application.

.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. Ratification of Recitals. The Town Council of the Town of Fort Myers Beach, Florida, hereby adopts and ratifies those matters as set forth in the foregoing "WHEREAS" recitals.

Section 2. The Town Council determines the Applicant met its burden of proof that the request to approve Ordinance. 26-05 **does/does not** meet the requirements of the Town's Comprehensive Plan and LDC. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the requested application. The attached Exhibits are incorporated by reference and a part of the approval.

Section 3. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to void or declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 4. Repeal of Laws in Conflict. If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the Town of Fort Myers Beach, Florida, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors, which do not affect the intent, may be authorized by the Town Manager without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. This Ordinance will take effect immediately upon adoption by the Town Council.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by Council Member ____ and seconded by Council Member _____, and upon being put to a roll vote, the result was as follows:

Dan Allers, Mayor	___
Scott Safford, Vice Mayor	___
John R. King, Council Member	___
Rebecca Link, Council Member	___
John McLean, Council Member	___

ADOPTED this __ day of _____, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

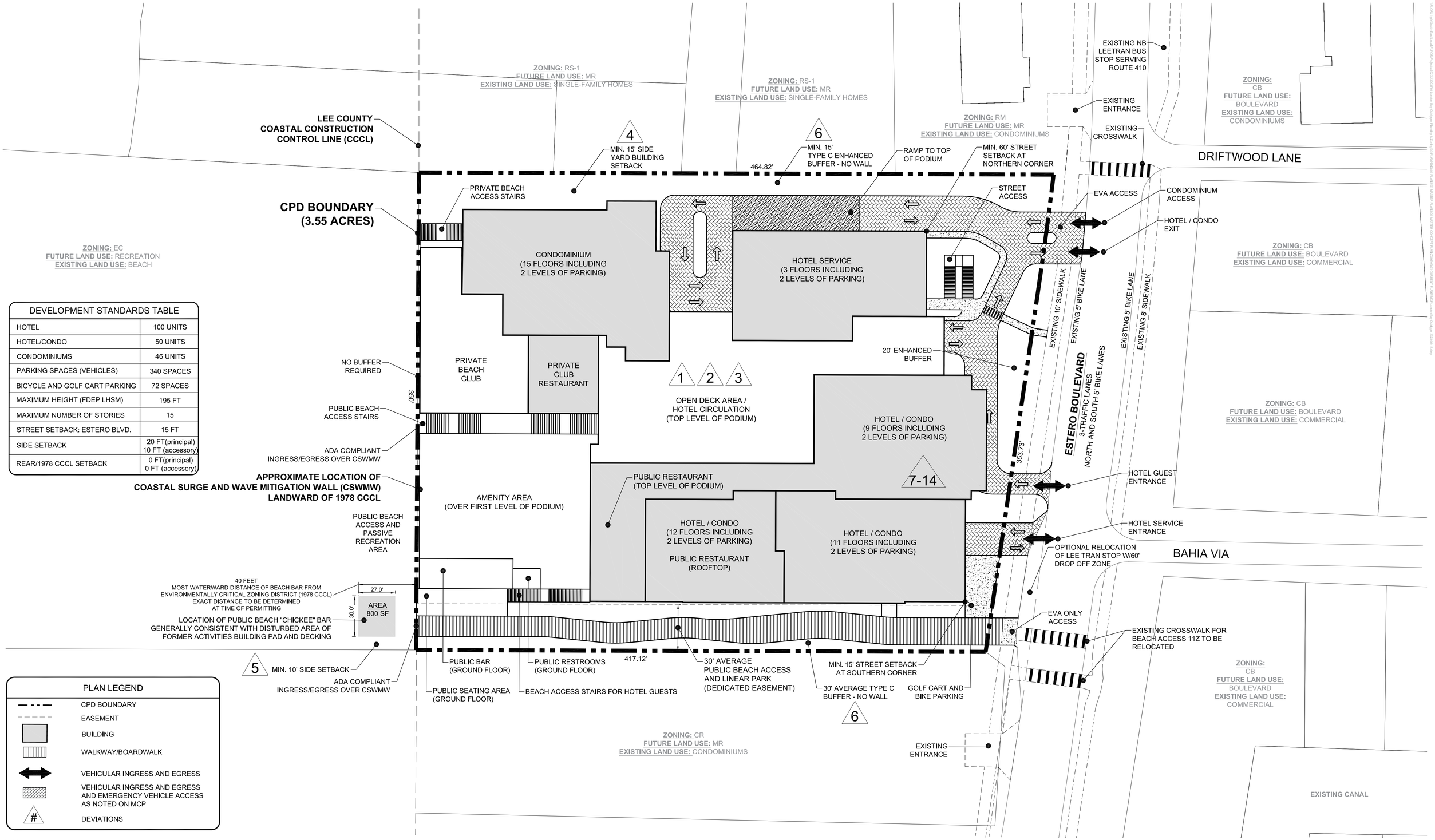
APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on _____.

Exhibits:

Exhibit A – Master Concept Plan
Exhibit B – Schedule of Uses and Development Regulations
Exhibit C – Requested Deviations
Exhibit D – Conditions of Approval



DEVELOPMENT STANDARDS TABLE	
HOTEL	100 UNITS
HOTEL/CONDO	50 UNITS
CONDOMINIUMS	46 UNITS
PARKING SPACES (VEHICLES)	340 SPACES
BICYCLE AND GOLF CART PARKING	72 SPACES
MAXIMUM HEIGHT (FDEP LHSM)	195 FT
MAXIMUM NUMBER OF STORIES	15
STREET SETBACK: ESTERO BLVD.	15 FT
SIDE SETBACK	20 FT(principal) 10 FT (accessory)
REAR/1978 CCCL SETBACK	0 FT(principal) 0 FT (accessory)

PLAN LEGEND	
	CPD BOUNDARY
	EASEMENT
	BUILDING
	WALKWAY/BOARDWALK
	VEHICULAR INGRESS AND EGRESS
	VEHICULAR INGRESS AND EGRESS AND EMERGENCY VEHICLE ACCESS AS NOTED ON MCP
#	DEVIATIONS

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LONDON BAY OUTRIGGER CPD • MASTER CONCEPT PLAN

6200 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA
2025-08-25
2300-3740
6200 ESTERO BOULEVARD INVESTMENTS, LLC

0 15' 30' 60'
SCALE: 1" = 30'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

LONDON BAY OUTRIGGER CPD

Schedule of Uses, Development Regulations and Design Standards

REVISED AUGUST 2025

1. **SCHEDULE OF USES:**

RESIDENTIAL

Principal:

- Dwelling unit, multi-family
- Timeshare units (fractional ownership, vacation club)
- Sales center/office

Accessory:

- Essential services
- Essential service equipment
- Home occupation (no outside help)
- Parking, surface and garage
- Recreation, private on-site and private, off-site
- Residential accessory uses

LODGING

Principal:

- Hotel/motel
- Hotel/condo
- Rental of any permitted dwelling unit for periods of one day or longer
- Resort
- Timeshare units (fractional ownership, vacation club)
- Recreational facilities – commercial and private on-site, off-site
- Sales center/office

Accessory:

Resort accessory uses, including:

- Mini bars (in the hotel rooms)
- On-premises sales and consumption of alcoholic beverages in the restaurant and bar, and the chickee style beach bar building located seaward of 1978 CCCL/CCSL, including sale of wine, beer, and liquor as permitted by state law
- Off-premises sales of alcohol out of the sundry store as permitted by state law
- Essential services and essential service equipment
- Rental of beach furniture and cabanas
- Personal watercraft and parasailing operations office
- Meeting space and business center
- Signs

- Parking, surface and garage
- Subordinate commercial uses

RETAIL

Principal:

- Recreational facilities – commercial
- Commercial uses including restaurant, café, personal services, and retail store
- On-premises sales and consumption of alcoholic beverages in the restaurant and bar, and the chickee style beach bar building located seaward of 1978 CCCL/CCSL, including sale of wine, beer, and liquor as permitted by state law
- Off-premises sales of alcohol out of the sundry store as permitted by state law

Accessory:

- ATM
- Commercial accessory uses
- Essential services and essential service equipment
- Parking, surface and garage
- Subordinate commercial uses

OFFICE

Principal:

- Administrative offices

Accessory:

- Home occupation (no outside help)
- Commercial accessory use
- Essential services and essential service equipment
- Parking, surface and garage
- Subordinate commercial uses

CIVIC

Principal:

- Public beach access
  - Use by the public for beach access according to posted hours of operation
  - Use by the Town for emergency access
- Park, neighborhood
- Public restrooms
- Essential services and essential service equipment

COMMERCIAL PARKING

Principal:

- Public parking, surface and garage

2. DEVELOPMENT STANDARDS:

Minimum Setbacks:

- Estero Boulevard: 10 feet
- Side: 20 feet (principal) and 10 feet (accessory)
  *15-feet to provide for balcony extensions on floors 3-15
- Rear/CCCL: 0 feet (principal) and 0 feet (accessory)

Minimum Open Space: Per LDC Section 10-415

Maximum Building Height: 15 stories (13 stories over 2 stories of structured parking)
195 feet measured from FDEP Lowest Horizontal Structural Member (LHSM). See also Deviation #4.

Maximum FAR:		3.0 FAR*
Density:	Residential Multifamily	46 dwelling units
Lodging:	Hotel/Hotel-Condo	150 rooms
Commercial:	Public	20,000 SF
	Private	26,000 SF
Parking:		340 spaces**

* See also Deviation #2
**See also Deviation #1.

3. DESIGN STANDARDS:

This section addresses architectural standards specific to the Planned Development request as alternatives to the standards set forth in LDC Chapter 34, Division 7. See also Deviations 7-14.

A. Beach Bar

The beach bar spaces at the end of the beach access and linear park shall not be required to comply with the ground-floor window and retail standards.

B. Principal and Accessory Structures

1) Exterior Walls

The parking, service and MEP areas are not required to meet the following requirements:

- Transparent windows must cover at least 30 percent of the wall area below the expression line and at least ten percent of the wall area between the expression line and the cornice. These requirements shall not apply to walls facing and roughly

parallel to rear lot lines, or to side walls being built closer than five feet to a side lot line if the adjoining lot also has a building with a side wall closer than five feet to the same side lot line.

2) Principal Façade Walls

- Façade Elements: Expression lines and cornices are encouraged but not required.
- Windows: Visible sills and lintels on the exterior wall are encouraged but not required.
- Entrances: Excluding parking areas, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.
- First-story windows: The parking, service and MEP areas are not required to have transparent windows meeting the following requirements:
    - Window openings shall cover at least 60 percent of the wall area below the expression line;
    - The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and
    - These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.
- Upper-story windows:
    - With the exception of parking, service, and MEP areas, all stories above the first story of every commercial building's principal facade shall contain between 15 percent and 75 percent of the wall area with transparent windows.
    - No single pane of glass may exceed 36 square feet in area.

3) Roofs

Sloped roofs with wells to conceal mechanical equipment are permitted.

4) Plazas and Courtyards

- Build-to-line: Build to requirements are not applicable to this development.
- Courtyards: New commercial buildings that are on larger lots may include interior courtyards designed for public or private usage.
    - Vehicular circulation is permitted through the courtyard areas.
    - Parking shall be permitted in the courtyard areas and may be parallel, angled, or 90-degree spaces.

Exhibit C – CPD Outrigger: Requested 12 Deviations

1. Deviate from LDC §34-2020(d)(2) to allow for a 211-parking space reduction (38% reduction) in required vehicular parking spaces for the non-residential floor area within the mixed-use development.
2. Deviate from LDC §34-633 where the gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking; to exclude the vaults for elevated planters and stormwater, balconies and covered terraces, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment (MEP), parking structures and vehicular service areas from the Outrigger FAR calculation; and establish an FAR of 3.0 for the CPD.
3. Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where height in the CR District is limited to 30 feet and 3 stories and building size in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging (LDC 34-953); to allow a maximum height of 195 feet as measured from the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) and up to 15 stories.
4. Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where side yard setbacks for waterfront lots in the CR District is 20 feet and building placement in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging (LDC 34-953); to allow a minimum setback of 15 feet to provide for 5-foot balconies extending from the façade into the setback on the upper living levels (floors 3-15-~~17~~).

~~(5) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where side yard setbacks for buildings in the EC District is 25 feet; to allow a minimum side yard setback of 10 feet from the southern boundary for the tiki bar~~.

5. Deviate from LDC §10-416(d)(2) Table 10-8 requiring a Type C buffer with a wall when a proposed commercial use is next to a residential property; to allow a Type C buffer with no wall on the north and south boundaries.
6. Deviate from LDC Chapter 34, Division 7, Sec. 34-994(c)(1) that requires transparent windows to cover at least 30 percent of the wall area below the expression line and at least ten percent of the wall area between the expression line and the cornice; to allow the parking, service, and MEP areas to not meet the requirements.
7. Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(1)b.1 requiring every principal facade to contain transparent windows on each story with visible sills and lintels on the exterior wall; to not apply to the floors of the project.
8. Deviate from LDC Chapter 34, Division 7, Sec. 34-995(b)(4) where building frontages exceed 50 feet to require operable doors or entrances with public access to be provided along streets at intervals averaging no greater than 50 feet; to not apply to the façade.
9. Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(2) that requires first-story windows of every commercial building's principal facade to have transparent windows;

to exempt the parking, service and MEP areas from meeting the following requirements:

a) Window openings shall cover at least 60 percent of the wall area below the expression line;
b) The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and
c) These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.

10. Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(3) that requires upper story windows of every commercial building's principal facade to meet the following requirements:

a) All stories above the first story of every commercial building's principal facade shall contain between 15 percent and 75 percent of the wall area with transparent windows
b) No single pane of glass may exceed 36 square feet in area. to allow the parking, service and MEP areas to meet the requirements.

11. Deviate from LDC Chapter 34, Division 7, Sec. 34-996 that allows sloped roofs with wells to conceal mechanical equipment; to allow alternative roof designs.

12. Deviate from LDC Chapter 34, Division 7, Sec. 34-997(b) that requires plazas and courtyards to conform to "build-to lines" that require new commercial buildings to be placed near public sidewalks; to allow build to requirements to not be applicable to this development.

Exhibit D: CONDITIONS FOR APPROVAL

The conditions below are mixture of applicants and staff recommendations.

1. ~~1.~~ Master concept Plans shall be updated if recommended by the council prior to the signature of the ordinance~~.~~
2. Development is limited to 150 lodging rooms (hotel/condominium); 46 multi-family dwelling units, and 46,000 SF of commercial uses.
3. Building heights shall comply with the MCP and shall not exceed 15 stories, including parking.
4. A local development order is required prior to any development of the site, in accordance with this planned development approval.
5. The applicant must obtain applicable local, state and federal permits prior to commencing site development.
6. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131.
7. The developer commits to constructing the following public features and benefits identified on the Master Concept Plan (MCP), subject to approval by the applicable permitting agencies, including the special exception approval (SEZ20240112): ~~identifies certain important public features that will require separate actions by the Town and by the landowner at a later date with these understandings:~~

    a. The landowner has agreed to construct and dedicate an average thirty-foot wide (30') * perpetual public access easement and linear park for a new pedestrian beach access at the "south" boundary that meets ADA accessibility requirements.

    **Certain points along the easement area and linear park may be reduced to less than 30' to meet setback and design standard requirements, provided the average width of the linear park and easement area is no less than 30'.*

    - The improvements within the easement shall be constructed, completed, and open to the public prior to the issuance of the first certificate of occupancy (CO).
    - Prior to the issuance of the first certificate of occupancy, the landowner will execute instruments to complete the easement(s) or dedication for the pedestrian beach access in a form reasonably ~~suitable~~ acceptable to the Town Attorney.
    - The beach access and linear park will be installed and maintained in perpetuity by the property owner or its resort operator.

- Directional signage approved by the Town as to design, installation methodology, and location shall be erected along Estero Boulevard that advises the public of the public beach access.
- The linear park and beach access shall include landscaping, public seating and bike racks.

b. The CPD shall provide at least one publicly accessible restaurant, event space available for public rental, a sundry store and "grab and go" food and beverage options, which may be located inside the sundry store or in a separate location within the CPD.

c. Landscaping improvements to the frontage of the property on Estero Boulevard and the north, east and south property lines, including the linear park, will be generally consistent with the conceptual landscape plan A detailed landscaping plan will be provided at the time of development order application.

d. The developer shall provide the following traffic calming measures at the time of local development order approval:

- bicycle and golf cart parking.
- Airport shuttle services.
- Golf cart parking and golf cart shuttle services within a 2-mile radius of the project for residents and guests of the project.
- Access to public transportation will be via Lee Tran bus service.
- Property Owner and resort operator will make a good faith effort to promote a "Don't Rent a Car" program to encourage all guests to use alternative modes of transportation rather than drive a vehicle to or while on Fort Myers Beach.

e. The Owner/Developer will pursue the design, permitting and construction of coastal storm risk reduction improvements intended to attenuate wave energy and enhance site resiliency, generally situated in the vicinity of the Lee County 1978 CCCL/CCSL, contingent upon approval by applicable regulatory agencies.

f. Ground level public restrooms and foot wash stations landward of the 1978 Lee County CCCL in the general location shown on the MCP pending approval by the applicable state and federal agencies. In order to guarantee the general public's permanent right to use these amenities, the landowner will execute an instrument that guarantees access in a form reasonably acceptable to the Town Attorney.

g. A beach bar seaward of the 1978 Lee County CCCL in the general area indicated on the MCP and on the companion Special Exception site plan (SEZ20240112). The beach bar is to be open to the public and limited to a floor area of 800 square feet.

h. Access to a water taxi shuttle for residents of Salt leaf on Estero Bay to the property via the Fish Tale Marina or other local marina, subject to availability and agreement between the parties.

8. All applicable Lee County Department of Transportation, South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (FWC), and Florida Department of Environmental Protection (FDEP) approvals must be received by the applicant prior to issuance of a building permit by the Town.

9. On-premises sale and consumption of alcoholic beverages is permitted including sale of wine, beer, and liquor as permitted by state law.

    a. Alcoholic beverage service in the public restaurant(s) and bar areas(s) are limited to 7:00 a.m. to midnight except for private special events such as weddings that can serve until 2:00 a.m., and the sale of alcoholic beverages in mini-bars within hotel rooms which is permitted 24 hours per day.

    b. Alcoholic beverages sales are permitted in the Environmental Conservation (EC) zoning district seaward of 1978 Lee County CCCL, approved by special exception by Town of Fort Myers Beach. SEZ20240112, and subject to the following conditions:

        i. Alcoholic beverage service in the Chickee bar area is limited to 11 a.m. 11 p.m. unless additional hours are granted by a special event permit.

        ii. Alcoholic beverages may not be served off premises at locations other than those shown on the MCP unless approved by special use permit, special exception or by administrative approval, as provided in 34-1264 of the LDC.

10. Off-premises sales of alcohol are permitted out of the sundry store as permitted by state law.

11. Outdoor and indoor music shall follow the town noise regulations. Amplified music in outdoor or unenclosed areas is limited to 11:00 a.m. to 10:00 p.m. Amplified music indoors or within enclosed areas are limited to 7:00 a.m. to midnight, except private events, such as weddings, may extend the time to 2:00 a.m.

12. A detailed lighting plan, including any light signage, must be provided with the development order application; this plan must comply with LDC requirements in 10-154(8) and 14-76 for sea turtle conservation.

13. All necessary dune plantings and walkovers shall be provided in compliance with Town codes and ordinances.

14. Individual signs may be placed on this site during and after development as may be allowed by the LDC regulations that are in effect at that time.

15. Murals and public art are permitted in compliance with LDC regulations.

16. The following transportation and access features are shown on the Master

Concept Plan (MCP) and are an integral part of this approval:

a. Vehicular access to the site will be limited to the access point on Estero Boulevard as shown on the MCP.

b. Emergency vehicles will have access from Estero Boulevard to the beach access and to the service access as depicted on the MCP.

17. Additional approvals of special events are allowed. Application for such special event approvals shall be submitted through the Town's adopted Special Event processes and may temporarily alter hours of operation, amplified music limits, and public user capacity, among other items.

18. Construction staging shall be authorized when in compliance with all applicable Town codes, except that concrete delivery/pumping for the building's foundations and terrace may occur no earlier than 4:00 am. No other approvals are inferred from approval of the CPD. The landowner or developer shall be responsible for submittal of any requests for additional staging or construction management approvals from the Town Council. The first development order submittal shall include a plan to mitigate construction nuisances such as, but not limited to noise, dust and odors.

19. Any violation of the CPD conditions of approval or deviation, as determined by a court of competent jurisdiction or through a properly noticed code enforcement proceeding, shall constitute a maximum $500 per day civil violation.

20. No additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. The intent of this condition is to require that any future changes to this CPD must comply with the Town of Fort Myers Beach Plan and LDC in effect at the time of any future application.

21. Redevelopment and future uses on the subject property must be consistent with the attached Master Concept Plan as approved by the Town Council as part of this request. All prior Master Concept Plans, CPD zoning approvals, special conditions, and development agreements for the subject property are no longer valid. All development activities and future uses must comply with all the requirements of the Town of Town of Fort Myers Beach Land Development Code at the time of Development Order approval, except as explicitly modified by this CPD approval. If changes to this approval are requested, they will be reviewed as requests to formally modify this CPD.

22. The applicant shall have installed a button-activated flashing beacon or other appropriate, agreed upon device to identify points for pedestrians crossing.

23. The applicant shall provide a cross-access easement to the Town to allow access to the beach for beach renourishment and other beach maintenance related activities.

24. All approvals are subject to flood compliance that may supersede any conditional or policy approvals related to use, density, intensity and construction techniques.

25. Development shall comply with the following minimum architectural standards:
    a. Principal and Accessory Structures. The parking, service and Mechanical, Electrical and Plumbing (MEP) areas are not required to meet the following requirements:
        i. Exterior Walls.
            1. Transparent windows must cover at least 30 percent of the wall area below the expression line and at least ten percent of the wall area between the expression line and the cornice. These requirements shall not apply to walls facing and roughly parallel to rear lot lines, or to side walls being built closer than five feet to a side lot line if the adjoining lot also has a building with a side wall closer than five feet to the same side lot line.
        ii. Principal Façade Walls.
            1. Windows: Visible sills and lintels on the exterior wall are encouraged but not required.
            2. Entrances: Excluding parking areas, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.
            3. First-story windows: The parking, service and MEP areas are not required to have transparent windows meeting the following requirements:
                a. Window openings shall cover at least 60 percent of the wall area below the expression line;
                b. The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and
                c. These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.
            4. Upper-story windows.
                a. With the exception of parking, service, and MEP areas, all stories above the first story of every commercial building's principal facade shall contain between 15 percent and 75 percent of the wall area with transparent windows.
                b. No single pane of glass may exceed 50 square feet in area.
            5. Roofs. Sloped roofs with wells to conceal mechanical equipment are permitted.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: **Commercial Planned Development Rezoning**

CASE NUMBER: **CPD20240061**

CASE NAME: **Outrigger Resort Commercial Planned Development Rezoning - 6200 Estero Blvd**

LPA HEARING DATE: **April 14, 2026**

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

I. APPLICATION SUMMARY

Applicant/Agent: 6200 Estero Blvd Investments, LLC/Fred Drovdlic, AICP with RVI Planning + Landscape Architecture

Request: Rezoning of 3.55 acres from Commercial Planned Development (CPD) and Commercial Resort (CR) to CPD for development of a Mixed-Use Resort.

Physical Address: 6200 Estero Blvd

STRAP #: 33-46-24-W3-00012.0000

FLU: Medium Residential & Recreation (Current)
Outrigger Resort Mixed-Use (Proposed)

Zoning: Commercial Planned Development (CPD), Commercial Resort (CR), & Environmentally Critical (EC)

Adjacent zoning and land uses:

North: RESIDENTIAL MULTIFAMILY (RM) AND RESIDENTIAL SINGLE FAMILY (RS), Medium Residential Future Land Use (FLU)

South: RESIDENTIAL PLANNED DEVELOPMENT (RPD) Medium Residential FLU

East: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND COMMERCIAL BOULEVARD (CB), Boulevard Mixed-Use Arts and Theatre District FLU

West: ENVIRONMENTALLY CRITICAL (EC), Recreation FLU

II. BACKGROUND AND ANALYSIS

Background:

6200 Estero Blvd Investments, LLC,(owner) and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (applicant) are requesting a rezoning of approximately 3.55 acres, from Commercial Planned Development (CPD) and Commercial Resort (CR) to Outrigger Resort CPD for the development of a Mixed-Use resort. The application includes a new master concept plan for the site.

The subject property was previously developed as the Outrigger Resort. It was zoned CPD and CR and is located on the beach side of Estero Blvd. The parcel contains land that is seaward of the 1978 Coastal Construction Control Line (CCCL) zoned Environmentally Critical (EC). The applicant is not proposing to rezone the EC portion of the property. The EC portion of the property is addressed by a special exception request for consumption on premises and Outrigger-Resort bar/chickee hut (open-sided wooden thatched structure).

The existing CPD for the Outrigger Beach Resort was approved through Z-95-085. The previously approved Master Concept Plan (MCP) is not fully legible; therefore, staff relies on applicant-provided documentation; The previous development included 144 hotel efficiency units, and approximately 10,000 square feet of commercial uses. In addition to the hotel use, the allowed uses include Bar or Cocktail Lounge, Commercial Use of Beach Front Seaward of the Water Body Setback Line, Consumption on Premises, and Convenience Store.

The new proposal requests a total of 196 units (150 hotel/condominium and 46 multifamily) and 46,000 square feet of commercial use (private 26,000 SF and public 20,000 SF) and 340 parking spaces. The maximum proposed height is 195 feet as measured by the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) and 15 stories (parking and mechanical on the first two floors).

The proposed development includes five buildings that range from 15 stories (including 2 stories of parking) to a residential condo and hotel/condominium ranging from 12 stories (with rooftop restaurant), 11, 9 and 3 stories, all including parking. The site plan also includes private club restaurants, a private beach club, an amenity area, and open deck area.

The application includes a request for 12 deviations from the Land Development Code. They are as follows:

1) Deviate from LDC §34-2020(d)(2) to allow for a 211-parking space reduction (38% reduction) in required vehicular parking spaces for the non-residential floor area within the mixed-use development.
2) Deviate from LDC §34-633 where the gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking; to exclude the vaults for elevated planters and stormwater, balconies and covered terraces, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment (MEP), parking structures and vehicular service areas from the Outrigger FAR calculation; and establish an FAR of 3.0 for the CPD.
3) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where height in the CR District is limited to 30 feet and 3 stories and building size in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging (LDC 34-953); to allow a maximum height of 195 feet as measured from the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) and up to 15 stories.
4) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where side yard setbacks for waterfront lots in the CR District is 20 feet and building placement in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging (LDC 34-953); to allow a minimum setback of 15 feet to provide for 5-foot balconies extending from the façade into the setback on the upper living levels (floors 3-15).

~~(5) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where side yard setbacks for buildings in the EC District is 25 feet; to allow a minimum side yard setback of 10 feet from the southern boundary for the tiki bar~~. [Note: Outrigger Bar/Chickee Hut is not within CPD boundary. Therefore, this deviation is addressed in the companion Special Exception governing the EC-zoned portion of the site.]

5) Deviate from LDC §10-416(d)(2) Table 10-8 requiring a Type C buffer with a wall when a proposed commercial use is next to a residential property; to allow a Type C buffer with no wall on the north and south boundaries.
6) Deviate from LDC Chapter 34, Division 7, Sec. 34-994(c)(1) that requires transparent windows to cover at least 30 percent of the wall area below the expression line and at least ten percent of the wall area between the expression line and the cornice; to allow the parking, service, and MEP areas to not meet the requirements.

7) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(1)b.1 requiring every principal facade to contain transparent windows on each story with visible sills and lintels on the exterior wall; to not apply to the floors of the project.
8) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(b)(4) where building frontages exceed 50 feet to require operable doors or entrances with public access to be provided along streets at intervals averaging no greater than 50 feet; to not apply to the façade.
9) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(2) that requires first-story windows of every commercial building's principal facade to have transparent windows; to exempt the parking, service and MEP areas from meeting the following requirements:
    a) Window openings shall cover at least 60 percent of the wall area below the expression line;
    b) The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and
    c) These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.
10) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(2) that requires first-story windows of every commercial building's principal facade to have transparent windows; to allow the Beach Bar area at the end of the beach access and linear park to not be required to comply and have an open-air tiki style concept. [Note: Outrigger Bar/Chickee Hut is not within CPD boundary. Therefore, this deviation is addressed in the companion Special Exception governing the EC-zoned portion of the site.]
11) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(3) that requires upper story windows of every commercial building's principal facade to meet the following requirements:
    a) All stories above the first story of every commercial building's principal facade shall contain between 15 percent and 75 percent of the wall area with transparent windows
    b) No single pane of glass may exceed 36 square feet in area. to allow the parking, service and MEP areas to meet the requirements.
12) Deviate from LDC Chapter 34, Division 7, Sec. 34-996 that allows sloped roofs with wells to conceal mechanical equipment; to allow alternative roof designs.
13) Deviate from LDC Chapter 34, Division 7, Sec. 34-997(b) that requires plazas and courtyards to conform to "build-to lines" that require new commercial buildings to be placed near public sidewalks; to allow build to requirements to not be applicable to this development.

This application is accompanied by other applications including a small scale Comprehensive Plan Text Amendment that would create the Outrigger Resort Mixed Use category and a Future Land Use Map amendment from the Medium Residential of the 2045 Comprehensive Plan to the Outrigger Resort Mixed Use category (CPA**20240067**);

and a Special Exception (SEZ20240112) to allow accessory use and consumption on premises seaward of the Lee County 1978 Coastal Construction Control Line (CCCL) with the previously mentioned chickee hut beach bar. This structure is proposed to be placed in the same location as a resort structure lost to the hurricanes.

Analysis:

The Applicant is requesting a rezoning of approximately 3.55 acres developable land currently zoned CPD and CR to a CPD. This includes a new master concept plan (MCP). The portion of the property seaward of the CCCL will remain zoned EC. The property also includes approximately 5.45 acres seaward of the CCCL, this area is not included in the CPD or companion CPA request. These acreages are based on the applicant's survey.

The proposed MCP shows a single public entrance on Estero Blvd. with an extended driveway leading to a central courtyard to mitigate traffic and stacking on Estero Blvd. There is a service and emergency vehicle access point on the north end and one required emergency vehicle access going through the linear park, on the south end.

The development is requesting a mix of hotel, hotel-condominium multifamily, and resort-oriented commercial retail uses, which the applicant states will complement the surrounding development pattern and provide goods, services to the surrounding residents and transient visitors. The primary residential building is comprised of 46 condominium units in a single tower, reduced in height from the original proposal of 17 stories to 15 stories (also inclusive of parking). This structure is set back over 250 feet from Estero Blvd. right-of-way. The site will provide 340 vehicle parking spaces and up to 72 spaces for bicycles, golf carts, and e-charge stations for scooters.

Based on the application, the applicant anticipates developing a retaining/wave dissipation wall or other structure, subject to approval by the FDEP, landward of the 1978 CCCL, intended to reduce the flood zone on this parcel from flood Zone VE to flood Zone AE. The MCP also shows a public restroom and sand rinse station within the linear park. The Applicant has obtained a Conditional Letter of Map Revision by FEMA to allow for the construction of these, subject to final permitting approval from the FDEP. Seaward of the 1978 CCCL, at the end of the linear park/beach access the applicant is also proposing a chickee hut beach bar (construction is dependent upon approval of the special exception request by the Town Council). Most items shown beyond the boundary of the CPD are subject to other approvals, including but not limited to a Special Exception and a Variance.

The CPD rezoning and master concept plan will allow for a mixed-use resort development with higher intensity, density, and height than what existed on the parcel prior to hurricane Ian. The proposed development requests a floor area ratio (FAR) of 3.0 where 1.5 is currently the maximum allowed by both the previous Mixed Use Residential category and recently adopted Medium Residential category. The existing maximum allowed FAR (1.5) would allow 231,957 square feet of development, the

proposed FAR (3.0) would allow 463,914 square feet of development. However, the applicant with deviation #2 is asking for excluding the vaults for elevated planters and stormwater, balconies and covered terraces, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment (MEP), parking structures and vehicular service areas from the Outrigger FAR calculation; this will increase the overall total square footage of the buildings.

The previously approved CPD for this site allowed a maximum building height of 35 feet over base flood elevation (BFE) and a total of four stories. The CR zoning district, the base district to compare primarily lodging CPDs to, would allow a maximum height of 30 feet above BFE and three stories.

Neighborhood Compatibility:

The parcel at 6200 Estero Boulevard is surrounded primarily by residential uses. The north portion of the property abuts three (3) single family homes and a five (5) story multi-family building known as Coquina Condominiums. The south portion of the property abuts a short-term vacation rental known as Carousel Inn, which was also significantly damaged due to Hurricane Ian and a portion of the property was developed into a multifamily condominium known as Gulfside Twelve.

The adjacent properties to the north are single-family residential homes, maximum of three stories, and a multifamily development Coquina Condominiums, with five-story structures. To the south is a Residential Planned Development (RPD) called Gulfside Twelve Condominiums, which are five story structures with rooftop amenities. The properties on the opposite side of Estero Blvd are zoned Commercial Boulevard (CB) and are in the Civic Center Mixed-Use district. The uses are commercial, community facilities, and diagonal across the street are condominiums.

It should be noted building heights range between 6 and 15 stories south of the site. For example, the nearest high-rise is Sunset Condominium building 12 stories in height and just 300 feet south of the Outrigger property. Further south, Island Winds Condominium is 13 stories, Gullwing Resort is 12 stories, and Pointe Estero Resort is 15 stories. All of these referenced buildings are within 1/2 of a mile from the subject property.

The proposed uses in the Outrigger Resort Mixed-Use district are similar to the previous Outrigger Resort; however, the density, intensity, and height requests are greater than what was previously developed. The proposed development includes an additional 150 hotel units and 46 multifamily units above the number that the Outrigger Beach Resort contained. The requested CPD is not consistent with the current Comprehensive Plan. The CPD approval is conditioned upon the Council making the policy decision to approve the accompanying map and text amendments to the 2045 plan to establish the Outrigger Resort Mixed Use District.

Requested Deviations:

i. Deviate from LDC §34-2020(d)(2) to allow for a 211-parking space reduction (38%) in required vehicular parking spaces for the non-residential floor area within the mixed-use development.

The site will provide 340 vehicle parking spaces and up to 72 spaces for bicycles, golf carts, and e-charge stations for scooters

Applicant Justification: *Parking for the proposed development will be located on site through two levels of parking under the hotel and residential buildings. The table below outlines the proposed uses and the required parking by the Land development Code (LDC).*

According to the minimum parking requirements of the LDC, the application is requesting a deviation for a 211-space reduction in required vehicular parking spaces, a 38% reduction. The table shows the reduction limited to the non-residential portion of the development. The hotel/condominium units are fully parked.

The original Outrigger CPD (Z-95-085) was approved with a 29% reduction in parking. Overall, that was focused on the non-residential uses (216 required vs 153 provided). The deviation was granted despite a much more limited package of incentives, modern programs, alternative forms of transportation accommodation and mixed-use components.

Table 1: Parking Breakdown

Use	Density / Floor Area	Use Breakdown	LDC Parking Requirement	Required # Spaces	Trip Capture Reduction	Provided
Hotel	100		1.20 spaces per unit [1]	120	-	120
Hotel / Condo	0 (Studio)		1.00 spaces per unit [2]	0	-	0
	40 (1-2 BR)		1.25 spaces per unit [2]	50	-	50
	10 (3 BR)		1.50 spaces per unit [2]	15	-	15
Condo	22 (1-2 BR)		1.25 spaces per unit [2]	28	-	28
	24 (3-4 BR)		1.50 spaces per unit [2]	51	-	36
Commercial (public)	20,000 sf	Hotel grab-n-go	8/1,000 sf. Assume 150 sf dedicated to seating [3]	2	-	2
		Hotel lobby bar (indoor area)	15 spaces/1000sf [4]	29	70%	9
		Hotel lobby bar (outdoor area)	1 space/4 seats or 75sf of outdoor seating, whichever is greater [4]	25	70%	7
		Hotel 3-Meal Restaurant (indoor area)	8/1,000sf [3]	23	70%	7
		Hotel 3-Meal Restaurant (outdoor area)	8/1,000sf [3]	22	70%	7
		Rooftop Specialty Rest.& Bar (indoor area)	8/1,000sf [3]	11	60%	4
		Rooftop Specialty Rest.& Bar (outdoor area)	8+5 spaces = 13 spaces/1,000sf due to bar/lounge [5]	37	70%	11
		Beach Bar + Chickee Hut Bar (outdoor area)	1 space/4 seats or 75sf of outdoor seating, whichever is greater [6]	38	70%	11
Commercial (private)	26,000 sf	Beach Club (includes club restaurant, outdoor covered seating area, pool terrace)	4 spaces/1,000 sf [6]	100	70%	30
TOTALS				**551**	**38%**	**340**

1 LDC Section 34-2020(d)(2)e.
2 LDC Section 34-2020(d)(1)b.
3 LDC Section 34-2020(d)(2)h.
4 LDC Section 34-2020(d)(2)a.
5 LDC Section 34-2020(d)(4)b.1.

Justification for the parking reduction is as follows:
1. Parking analysis: TR Transportation produced a parking analysis based on national ULI traffic studies for like uses which resulted in a need for 316-weekday parking spaces, while weekends require a total of 342 parking stalls.

2. Alternative forms of transportation: It is anticipated that alternative means of transportation will be utilized when accessing the site. The site design encourages alternative modes of transportation by providing bicycle, golf cart and e-scooter parking, access to water taxi shuttles, airport shuttles, and public transportation via the FMB Trolley & Tram. Pedestrian traffic will also be encouraged through the design of street level landscaping and shading of walkways, public plaza at the entrance to the Public Beach access and linear park, and seating and shaded areas in the park as well.

3. Vehicular traffic reduction efforts: Resort implemented programs to encourage the use of the DRAC Program (Don't Rent A Car) and ride sharing and, as mentioned above, and the resort will provide airport shuttle services and access to a water taxi.

4. Trip capture: Because of the nature of the mixed-use development a significant amount of usage of the amenities and public spaces will not need to rely on vehicles. Residents of the development will be among the users of the onsite amenities and publicly accessible non-residential areas. Those staying in the hotel or renting a hotel condominium will also be able to use the amenities without need for transportation. Residents of nearby condos will also use the public restaurants and active beach areas who will be able to choose alternatives to car travel.

5. The Outrigger CPD (Z-95-085) approved two parking deviations that resulted in a 29% reduction in overall parking:
• Deviation #4 – 153 parking spaces (216 required)
• Deviation #5 – Waiver of parking requirements for the 10,000 square feet of commercial uses

Staff Comment: The proposed parking deviation will result in a total of 340 parking spaces for 46,000 square feet commercial area plus the residential and hotel. The commercial areas include: a restaurant, hotel lobby bar, hotel grab-n-go, rooftop bar, beach bar, and the beach club. The code requires a total of 551 parking spaces, and the applicant is proposing a reduction of 211 spaces, a 38% decrease.
Additionally, there is no parking offered for the linear park/beach access.

2) Deviate from LDC §34-633 where the gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking; to exclude the vaults for elevated planters and stormwater, balconies and covered terraces, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment (MEP), parking structures and vehicular service areas from the Outrigger FAR calculation; and establish an FAR of 3.0 for the CPD.

Applicant Justification: *The FAR permitted at this location in the surrounding Commercial Resort (CR) zoning district per is 1.2 with the applicant proposing a Comprehensive Plan Amendment and CPD zoning to allow an FAR up to 3.0.*

Per LDC §34-633 the gross floor area includes the total floor area of all stories of a building within the surrounding exterior walls (whether the walls are solid or screened), plus all area below an elevated building that is six feet or more in height, plus all stories of covered parking, but not including any area whose roof is screened rather than solid (such as swimming pool enclosures).

The land area used in the calculation is the gross square footage within the site's private property line, minus wetlands, canals or other waterbodies, and minus any land designated "recreation" on the comprehensive plan's future land use map. The area of the subject property landward of the 1978 Lee County CCCL is 3.55 acres or 154,638 square feet.

"The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls, excluding the vaults for elevated planters and stormwater, balconies and covered terraces, enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment (MEP), parking structures and vehicular service areas."

It is our understanding that the Town staff, LPA and Council have moved towards future LDC amendments making this request permanent thus the request meets the intent of the will of the Town.

Staff Comment: This request will allow the development of meet the FAR described in the proposed text amendment but does so by redefining what is included in the calculation of the FAR.

3) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where height in the CR District is limited to 30 feet and 3 stories and building size in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging (LDC 34-953); to allow a maximum height of 195 feet as measured from the Florida Department of Environmental Protection (FDEP) Lowest Horizontal Structural Member (LHSM) and 15 stories.

Applicant Justification: *The CPD process allows for deviations from the height and stories with an approved resolution that is in compliance with the master concept plan and any special conditions may provide additional restrictions. According to the Town's Comprehensive Plan Policy 4-C-4, the request for additional height can be made and "the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal." The CPD proposes five significant public benefits. The height is at a suitable location in the "High-Rise Resort" area outlined in the Town's Comprehensive Plan.*
The revised application suggests that the buildings are staggered with 3-9 stories along Estero and 12-15 story buildings setback between 150-270 feet from Estero Blvd. to create a visual interest and maintain pedestrian scale development along Estero Blvd and public pathway. To further offset the intensity, a 20-foot-wide landscape buffer with screening along the right way is proposed.

Staff Comment: The proposed maximum height is taller than the neighborhood, in part due to significant changes in the minimum base flood elevation per FEMA. The adjacent properties contain buildings with much lower heights and these buildings will likely feel

very large in comparison. However, there are buildings ranging in height from 12-15 stories within 1/2 mile of the property. Historically, the southern end of Estero Island is formally known as the High-Rise Resort district due to this development pattern.

4) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where side yard setbacks for waterfront lots in the CR District is 20 feet and building placement in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging (LDC 34-953); to allow a minimum setback of 15 feet to provide for 5-foot balconies extending from the façade into the setback on the upper living levels (floors 3-17).

Applicant Justification: *The primary building façade will be setback 20-feet in compliance with the regulation on the podium levels (first two floors) and provide flexibility for balconies extending into the setback. A label has been added on the north side of the MCP along with deviation #4. The setback on the south side is a minimum of 30 feet to allow for the beach access easement.*

Staff Comment: The requested deviation does not seem appropriate. The proposed buildings are 13 and 15 stories tall, directly adjacent to the single-family residences. Allowing the balconies to extend five additional feet into the setback may impact adjacent properties.

~~**5) Deviate from LDC Chapter 34, Division 4, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, where side yard setbacks for buildings in the EC District is 25 feet; to allow a minimum side yard setback of 10 feet from the southern boundary for the tiki bar.**~~

~~Applicant Justification: *The historical location of the activities building the tiki bar is replacing was located 5-7 feet off the abutting property line. This reduction will be important for FDEP and FWC permitting of the tiki bar seaward of the CCSL so that we able to substantially place the new structure in the historically disturbed area. The reduction to 10 feet balances the placement of the historical structure and compatibility with abutting uses to the south.*~~

Staff Comment: This deviation is deleted and is addressed as a separate Variance application for EC zoning district.

5) Deviate from LDC §10-416(d)(2) Table 10-8 requiring a Type C buffer with a wall when a proposed commercial use is next to a residential property; to allow a Type C buffer with no wall on the north and south boundaries.

Applicant Justification*: The site plan offers enhanced planting over the typical Type C buffer. According to the conceptual landscape plan attached to the end of the documents the north buffer includes understory trees in addition to the required Type C plantings. On the south boundary the public beach access and linear park offer an average 30-foot buffer.*

The Type C buffer wall requires plantings to be on the residential side of the wall. On the northern border most of the buildings are raised above grade at the buffer setback leaving the building to act as the wall. A buffer wall would be redundant. The justification is similar on the southern boundary where the 30-beach access and easement would be split to place the wall at the correct location and again the building is above grade at the setback acting as the wall with plantings on the residential side.

Staff Comment: Enhance planting is preferred over walls and similar hard structures.

6) Deviate from LDC Chapter 34, Division 7, Sec. 34-994(c)(1) that requires transparent windows to cover at least 30 percent of the wall area below the expression line and at least ten percent of the wall area between the expression line and the cornice; to allow the parking, service, and MEP areas to not meet the requirements.

Applicant Justification: *Deviations 6-13 provide flexibility in terms of design, particularly on lower levels and podium floors where there is parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.*

Staff Comment: The commercial design standards are required to be met. If a design standard is not met at the CPD review, then an applicant runs the risk of requiring an amendment to the CPD in order to receive a deviation. The Town Council has the authority to accept the preliminary design as meeting the design standards.

7) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(1)b.1 requiring every principal facade to contain transparent windows on each story with visible sills and lintels on the exterior wall; to not apply to the floors of the project.

Applicant Justification: Deviations 6-13 provide flexibility in terms of design, particularly on lower levels and podium floors where there is parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.

Staff Comment: The Town Council has the authority to accept the preliminary design as meeting the design standards.

8) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(b)(4) where building

frontages exceed 50 feet to require operable doors or entrances with public access to be provided along streets at intervals averaging no greater than 50 feet; to not apply to the façade.

Applicant Justification: *Deviations 6-13 provide flexibility in terms of design, particularly on lower levels and podium floors where there is parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.*

Staff Comment: The Town Council has the authority to accept the preliminary design as meeting the design standards.

9) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(2) that requires first-story windows of every commercial building's principal facade to have transparent windows; to exempt the parking, service and MEP areas from meeting the following requirements:

a. Window openings shall cover at least 60 percent of the wall area below the expression line;

b. The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and

c. These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.

Applicant Justification: *Deviations 6-13 provide flexibility in terms of design, particularly on lower levels and podium floors where there is parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.*

Staff Comment: The space below the flood elevation must meet flood requirements. The Town Council has the authority to accept the preliminary design as meeting the design standards.

~~**10) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(2) that requires first-story windows of every commercial building's principal facade to have transparent windows; to allow the Beach Bar area at the end of the beach access and linear park to not be required to comply and have an open-air tiki style concept.**~~

Applicant Justification: *Removed and addressed in companion Variance application for*

the EC zoning district.

Staff Comment: Structures in the EC are not subject to design standards. The proposed structure is in the EC and deviations to requirements for structures outside of the CPD boundary are inappropriate.

10) Deviate from LDC Chapter 34, Division 7, Sec. 34-995(c)(3) that requires upper story windows of every commercial building's principal facade to meet the following requirements:
a. All stories above the first story of every commercial building's principal facade shall contain between 15 percent and 75 percent of the wall area with transparent windows.
b. No single pane of glass may exceed 36 square feet in area. to allow the parking, service and MEP areas to meet the requirements.

Applicant Justification: *Deviations 6-13 provide flexibility in terms of design, particularly on lower levels and podium floors where there is parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.*

Staff Comment: The submitted architectural renderings doesn't illustrate an table or the rendering to evaluate the requested deviation.

11) Deviate from LDC Chapter 34, Division 7, Sec. 34-996 that allows sloped roofs with wells to conceal mechanical equipment; to allow alternative roof designs.

Applicant Justification: *Deviations 6-13 provide flexibility in terms of design, particularly on lower levels and podium floors where there is parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.*
Staff Comment: The commercial design standards will be reviewed at the Development Order stage.

12) Deviate from LDC Chapter 34, Division 7, Sec. 34-997(b) that requires plazas and courtyards to conform to "build-to lines" that require new commercial buildings to be placed near public sidewalks; to allow build to requirements to not be applicable to this development.

Applicant Justification: *Deviations 6-13 provide flexibility in terms of design, particularly*

on lower levels and podium floors where there are parking and MEP, as the LDC standards were drafted decades ago for 2-story structures, much smaller in scale, and built at much lower base flood elevations. The proposed deviations will allow for aesthetically pleasing design, as intended by the LDC, while ensuring public health, safety and welfare is upheld via the construction of new, safe structures to current local, state and federal codes and requirements.

Staff Comment: This would be a common deviation to grant and may be appropriate based on considering the height of the building along Estero Blvd and having the building further from the road will make the height less impactful.

Public Benefit:

The applicant has provided a list of proposed public benefits with explanation that can be found in Exhibit C of this packet, in the Request Narrative document. Public benefits are often offered by an applicant when a development request exceeds the by-right limitations found in the Land Development Code (LDC).

Below is a summary of those items submitted by the applicant as public benefits.

1. 1. Coastal Surge and Wave Mitigation Wall (CSWMW)
   The Applicant has obtained a Conditional Letter of Map Revision (CLOMR) approval for the Outrigger "CLOMR Wave Mitigation Wall". The Applicant has also submitted to the FDEP for a CCCL Permit for the installation of the wall. Upon completion of the wall and record survey, a Letter of Map Revision (LOMR) will be submitted to FEMA for final approval and map adoption. The wall is designed to protect the upland property to surge and wave impacts, making the project more resilient and safer for future residents and guests. The surrounding landward property owners will benefit from safer redevelopment of the site. The CLOMR Approval of the wall also ensures the proposed at grade public improvements, such as public beach restrooms are permittable, provided appropriate floodproofing measures are incorporated per the Florida Building Code, ASCE 24, and local regulations.
2. Public Beach Access and Linear Park with View Corridor:
   The applicant is proposing a 30-foot-wide beach access/linear park with an ADA compliant path to the beach, wide enough for use by emergency vehicles. The beach access/linear park will include seating, plantings, public art, parking for golf carts, scooters, and bicycles, a water feature, at grade restrooms (contingent upon approval by permitting agencies), and sand rinse station. The applicant is proposing to install and maintain the park in perpetuity. The park will extend from Estero Blvd to the 1978 CCCL along the southern property line, up against an existing five-foot beach access easement. Beyond the 1978 CCCL, the applicant is proposing a tiki bar, contingent upon approval of a special exception.

3. Publicly Accessible Amenities:
   The amenities provided with this development will be open to the public, including

the beach tiki bar (if approved by special exception), the park with restrooms, a hotel ballroom and event terrace, café and market, restaurant, hotel lobby lounge, rooftop bar and terrace. The commercial amenities are open to the public.

4. Traffic Mitigation Measures:
   The applicant provides a list of ways that the resort will encourage guests and visitors to utilize modes of transportation other than cars.

5. Landscaping Improvements:
   Landscaping improvements to the frontage of the property on Estero Boulevard and landscaping on the north and south boundaries and FDEP compliant landscaping seaward of the 1978 CCCL/CCSL is proposed. The maintenance of the landscaping will be by the property owner in perpetuity. A detailed landscaping plan will be provided at the time of development order application. A 20' wide enhanced right-of-way buffer is proposed along Estero Blvd. with a mix of canopy trees, understory trees and shrubs/ground cover to screen the building and providing shading for pedestrians. The preexisting Outrigger Resort landscaping was nearly non-existent and did not provide proper shading along public rights of ways or within the resort. Provided as part of the CPD zoning package is a conceptual landscape plan for improvements to Estero Boulevard and the north and south property buffers that the new resort would pay for and maintain in perpetuity. The Town receives the benefit of improved landscaping and pedestrian oriented infrastructure without cost to the Town now or in the future. A 15' wide enhanced north buffer is provided with Type C plantings plus 3 additional understory trees per 100 linear feet to provide additional screening and softening. The buffer requests a deviation (#6) to allow the building to act as the wall. Lastly, the linear beach park will be beautifully landscaped with plantings meandering throughout the 30' wide park area. The south buffer will include required Type C plantings. The buffer requests a deviation (#6) to allow the building to act as the wall.

6. Beachfront Public Restrooms
   Landward of the 1978 Lee County CCCL/CCSL, at the terminus of the linear beach park, public restrooms will be provided in the general location shown on the Master Concept Plan (MCP), subject to required state and federal permitting. To guarantee the general public's permanent right to use these amenities, the landowner will execute an instrument that guarantees access in a form reasonably acceptable to the Town Attorney. The Conditional Letter of Map Revision (CLOMR) has been issued for the wave dissipation wall to ensure the facilities can be permitted/constructed and is now under FDEP review.

7. Historical Outrigger Beach Bar
   The Applicant also committed to reconstruct the historic Outrigger Beach Bar, including a chickee hut, for full public access and enjoyment. It is understood that Fort Myers Beach residents want to hold onto the unique character and nostalgia of the town dating back to the 1960's and 70's. While natural disasters, modern

construction requirements and land values are reshaping Fort Myers Beach, redevelopment can incorporate the past into the Town's future. As homage to the legacy of Outrigger, London Bay will construct the public features and benefits as listed below.

- Beach Bar "Chickee Hut". Located seaward of the 1978 Lee County CCCL in the general area indicated on the Master Concept Plan (MCP) labelled as Tiki Bar in the general area of the former activities hut. The beach bar is to be open to the public and limited to a floor area of 800 square feet.
- Beach Bar. Located landward of the 1978 Lee County CCCL in the general area indicated on the Master Concept Plan (MCP) at the terminus of the Beach Access.

Findings and Conclusions:

LDC Sec. 34-85(b) and (c) and 34-216(2) sets forth the required considerations and findings for the approval of a rezoning.

(b) Considerations. In reaching its decision, the Town Council shall consider the following, whenever applicable:

(1) Whether there exists an error or ambiguity which must be corrected.

Staff response: No errors or ambiguities exist.

(2) Whether there exist changed or changing conditions which make approval of the request appropriate.

Staff response: The previous structure was destroyed by Hurricane Ian and the site is open for redevelopment. The property owner has the ability to develop the property under a post-disaster policy and LDC regulations

The 2045 Comprehensive Plan also includes several policy directives: allowing for master planned developments to redevelop with density, intensity and height greater than standard future land use categories in exchange for public benefits. However, the Public Benefit Ordinance has not been adopted by the Town when the application was submitted.

(3) The impact of a proposed change on the intent of this chapter.

Staff response: The intent of the chapter is listed in 34-1 as:
The purpose of this chapter is to encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of the Town of Fort Myers Beach, to recognize and promote real property rights, and to provide:
(1) For efficiency and economy in the process of development;
(2) For the appropriate and best use of land;
(3) For preservation, protection, development, and conservation of the historical and natural resources of land, water and air;
(4) For convenience of traffic and circulation of people and goods;
(5) For the use and occupancy of buildings;

(6) For healthful and convenient distribution of population;
(7) For adequate public utilities and facilities;
(8) For promotion of the amenities of beauty and visual interest;
(9) For protection of the character and maintenance of the stability of residential and business areas; and
(10) For development in accordance with the Fort Myers Beach Comprehensive Plan.

The proposed CPD is not consistent with the Town of Fort Myers Comprehensive Plan unless the associated Comprehensive Plan text amendment to create the Outrigger Mixed Use District category and Future Land Use Map amendment to identify that category on the subject property is approved.

(4) The testimony of any applicant.
(5) The recommendation of staff and of the local planning agency.

(6) The testimony of the public.

(7) Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.

Staff response:
This CPD request is not consistent with the Comprehensive Plan as it exists today, unless the Comprehensive Plan text amendment and site specific FLUM is approved to create the Outrigger Resort Mixed-Use District with a density of 150 hotel/hotel condominiums, 46 dwelling units and intensity of 3.0 FAR.

(8) Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

Staff response: The development will need to comply with turtle lighting regulations to ensure no impact on sea turtles. The proposed development should meet performance standards set forth in 34-2031 and 34-2032. There are no special location standards for mixed use developments.

(9) Whether urban services are, or will be, available and adequate to serve a proposed land use change.

Staff response: The urban services exist in this location, and the applicant has submitted letters of availability from appropriate departments.

(10) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
Staff response: The special exception request for the chickee hut beach bar is within the EC zoning district and must be evaluated per the special exception criteria.

(11) Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

Staff response: The property has housed a smaller-scale resort for years with 144 rooms; therefore, the hotel/motel resort uses are not of concern. However, the sizes of the proposed structures and the intensity of the development may have negative impacts on nearby properties. The Applicant has provided examples of the nearby 12-15 story building within 1/2 mile of the site.

(12) Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.

> *Staff response: This application proposes an intensification to the previous land use and Estero Blvd is a constrained facility.* The applicant provides a list of ways that the resort will encourage guests and visitors to utilize modes of transportation other than cars.

(13) For planned development rezonings, see § 34-216 for additional considerations.

(c) Findings. Before granting any rezoning, the Town Council shall find that the requested zoning district complies with:

(1) The Fort Myers Beach Comprehensive Plan.

Staff response: It is not consistent with the adopted 2045 Comprehensive Plan, unless the companion future land use map and text amendments are adopted.

(2) This chapter.

Staff response: The proposed uses comply with this chapter except in regard to the deviations.

(3) Any other applicable town ordinances or codes.

Staff response: The proposed request complies with the town ordinances and codes, except in regard to the deviations.

(4) For planned development rezonings, see § 34-216 of this chapter for additional findings.

§ 34-216 Public hearing

(a) *Hearing before the local planning agency.* After an application is complete, the application will be scheduled for a public hearing before the local planning agency.

(1) At the public hearing the local planning agency will consider the application in accordance with article II of this chapter.

(2) The recommendation made to the Town Council must be supported by the guidelines set forth in § 34-85 of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

a. The proposed use or mix of uses is appropriate at the subject location;

Staff response: The use of resort existed on this site previously, at a lower intensity and density.

b. Sufficient safeguards for the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations;

Staff response: Staff recommends denial of the deviation for additional encroachment into the side yard setback and recommends an additional height buffer from the single-family residences.

c. All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
Staff response: All conditions are related to the impacts on the public interest.

d. The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development, such as the following:

1. Policies 4-B-4 and 4-C-3 on commercial uses in the "mixed residential" category.

Staff response: Not consistent with the 2045 Comprehensive Plan. However, the applicant is proposing a new FLU category, Outrigger Resort Mixed-Use.

2. Policies 4-B-5 and 4-C-3 on commercial rezonings in the "boulevard" category.

Staff response: Not applicable.

3. Policy 4-C-4 on building heights taller than the standard height limit.

Staff response: The request for additional height is proposed as part of the planned development rezoning and comprehensive plan amendment. The requested height is consistent with the proposed comprehensive plan amendment.

4. Policy 4-C-8 on density transfers.

Staff response: The applicant is asking for additional density through the approval of an associated Comprehensive Plan text and map amendments.

However, as per the new added policy to the Comprehensive plan 2045 (POLICY FLU-1-F-3); if the applicant is ready to provide minimum of 10% of workforce housing as

covenanted for minimum 30 years, the Town Council can discuss the intensity and density increase on the proposed site.

POLICY FLU-1-F-3 WORKFORCE HOUSING DENSITY: The Town shall evaluate the implementation of a workforce housing policy to allow additional density and building heights in the mixed-use areas. To qualify, developers shall provide a minimum of 10% of workforce housing as covenanted for a minimum of 30 years unless otherwise noted in the Land Use Designations in this Comprehensive Plan. Additional building heights can be achieved as an incentive for providing workforce housing on or nearby off island. The Town's Land Development Code provides the guidelines for additional building height and density.

5. Policy 4-E-1 on pre-disaster build back.
Staff response: Not applicable.

6. Policy 7-J-2 on traffic impact analyses and potential design improvements that could offset traffic impacts.

Staff response: The proposed development increases the intensity of the uses on site and is likely to impact on traffic. The applicant is proposing programs to encourage guests and visitors to use bicycles and golf cart shuttles. There are no recommended design improvements to offset traffic impacts.

Findings for Deviation Requests:

Per Sec. 34-216(4) all deviations must be approved, approved with modification, or rejected based upon a finding that:

a. Each item enhances the achievement of the objectives of the planned development; and
Staff response: The requested deviations allow the development of the site as proposed.

b. The general intent of this chapter to protect the public health, safety and welfare will be preserved and promoted; and

Staff response: Deviations to setbacks in order to accommodate upper story balcony encroachment into the determined setback is not designed to protect the public health, safety and welfare.

c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and

Staff response: Staff does not recommend approval of the decrease in the side setback for balconies.

d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

Staff response: The deviations related to side setbacks impacting adjacent development are not consistent with the Comprehensive Plan.
Deviation#2 is redefining what is to be calculated under FAR which is inconsistent with previous Town Council decisions.

I. RECOMMENDATION

Staff find that the CPD with deviations CPD20240061 as amended by the applicant, does not meet the criteria set forth in Sec. 34-85(b) and (c) and 34-216(2) of the LDC unless the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed-Use District is approved.

If the companion Comprehensive Plan text amendment is found to be consistent with the Comprehensive Plan and approved, then the following conditions for approval serve as a starting point to assist the Town's LPA and Town Council in considering the CPD application. The conditions below are mixture of applicants and staff recommendations.

II. CONDITIONS OF APPROVAL

~~1.~~ Master concept Plans shall be updated if recommended by the council prior to the signature of the ordinance~~.~~

2. Development is limited to 150 lodging rooms (hotel/condominium); 46 multi-family dwelling units, and 46,000 SF of commercial uses.
3. Building height shall comply with the MCP and shall not exceed 15 stories, including parking.
4. A local development order is required prior to any development of the site, in accordance with this planned development approval.
5. The applicant must obtain applicable local, state and federal permits prior to commencing site development.
6. All signage and landscaping must meet the Vehicle Visibility at Intersection requirements found in Sec. 34-3131.
7. The developer commits to constructing the following public features and benefits identified on the Master Concept Plan (MCP), subject to approval by the applicable permitting agencies, including the special exception approval (SEZ20240112): ~~identifies certain important public features that will require separate actions by the Town and by the landowner at a later date with these understandings:~~

    a. The landowner has agreed to construct and dedicate an average thirty-foot wide (30') * perpetual public access easement and linear park for a new pedestrian beach access at the "south" boundary that meets ADA accessibility requirements.

    **Certain points along the easement area and linear park may be reduced*

to less than 30' to meet setback and design standard requirements, provided the average width of the linear park and easement area is no less than 30'.

- The improvements within the easement shall be constructed, completed, and open to the public prior to the issuance of the first certificate of occupancy (CO).
- Prior to the issuance of the first certificate of occupancy, the landowner will execute instruments to complete the easement(s) or dedication for the pedestrian beach access in a form reasonably ~~suitable~~ acceptable to the Town Attorney.
- The beach access and linear park will be installed and maintained in perpetuity by the property owner or its resort operator.
- Directional signage approved by the Town as to design, installation methodology, and location shall be erected along Estero Boulevard that advises the public of the public beach access.
- The linear park and beach access shall include landscaping, public seating and bike racks.

b. The CPD shall provide at least one publicly accessible restaurant, event space available for public rental, a sundry store and "grab and go" food and beverage options, which may be located inside the sundry store or in a separate location within the CPD.

c. Landscaping improvements to the frontage of the property on Estero Boulevard and the north, east and south property lines, including the linear park, will be generally consistent with the conceptual landscape plan A detailed landscaping plan will be provided at the time of development order application.

d. The developer shall provide the following traffic calming measures at the time of local development order approval:

- bicycle and golf cart parking.
- Airport shuttle services.
- Golf cart parking and golf cart shuttle services within a 2-mile radius of the project for residents and guests of the project.
- Access to public transportation will be via Lee Tran bus service.
- Property Owner and resort operator will make a good faith effort to promote a "Don't Rent a Car" program to encourage all guests to use alternative modes of transportation rather than drive a vehicle to or while on Fort Myers Beach.

e. The Owner/Developer will pursue the design, permitting and construction of

coastal storm risk reduction improvements intended to attenuate wave energy and enhance site resiliency, generally situated in the vicinity of the Lee County 1978 CCCL/CCSL, contingent upon approval by applicable regulatory agencies.

f. Ground level public restrooms and foot wash stations landward of the 1978 Lee County CCCL in the general location shown on the MCP pending approval by the applicable state and federal agencies. In order to guarantee the general public's permanent right to use these amenities, the landowner will execute an instrument that guarantees access in a form reasonably acceptable to the Town Attorney.

g. A beach bar seaward of the 1978 Lee County CCCL in the general area indicated on the MCP and on the companion Special Exception site plan (SEZ20240112). The beach bar is to be open to the public and limited to a floor area of 800 square feet.

h. Access to a water taxi shuttle for residents of Salt leaf on Estero Bay to the property via the Fish Tale Marina or other local marina, subject to availability and agreement between the parties.

8. All applicable Lee County Department of Transportation, South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (FWC), and Florida Department of Environmental Protection (FDEP) approvals must be received by the applicant prior to issuance of a building permit by the Town.

9. On-premises sale and consumption of alcoholic beverages is permitted including sale of wine, beer, and liquor as permitted by state law.

    a. Alcoholic beverage service in the public restaurant(s) and bar areas(s) are limited to 7:00 a.m. to midnight except for private special events such as weddings that can serve until 2:00 a.m., and the sale of alcoholic beverages in mini-bars within hotel rooms which is permitted 24 hours per day.

    b. Alcoholic beverages sales are permitted in the Environmental Conservation (EC) zoning district seaward of 1978 Lee County CCCL, approved by special exception by Town of Fort Myers Beach. SEZ20240112, and subject to the following conditions:

        i. Alcoholic beverage service in the Chickee bar area is limited to 11 a.m. 11 p.m. unless additional hours are granted by a special event permit.

        ii. Alcoholic beverages may not be served off premises at locations other than those shown on the MCP unless approved by special use permit, special exception or by administrative approval, as provided in 34-1264 of the LDC.

10. Off-premises sales of alcohol are permitted out of the sundry store as permitted by state law.

11. Outdoor and indoor music shall follow the town noise regulations. Amplified music

in outdoor or unenclosed areas is limited to 11:00 a.m. to 10:00 p.m. Amplified music indoors or within enclosed areas are limited to 7:00 a.m. to midnight, except private events, such as weddings, may extend the time to 2:00 a.m.

12. A detailed lighting plan, including any light signage, must be provided with the development order application; this plan must comply with LDC requirements in 10-154(8) and 14-76 for sea turtle conservation.
13. All necessary dune plantings and walkovers shall be provided in compliance with Town codes and ordinances.
14. Individual signs may be placed on this site during and after development as may be allowed by the LDC regulations that are in effect at that time.
15. Murals and public art are permitted in compliance with LDC regulations.
16. The following transportation and access features are shown on the Master Concept Plan (MCP) and are an integral part of this approval:
    a. Vehicular access to the site will be limited to the access point on Estero Boulevard as shown on the MCP.
    b. Emergency vehicles will have access from Estero Boulevard to the beach access and to the service access as depicted on the MCP.
17. Additional approvals of special events are allowed. Application for such special event approvals shall be submitted through the Town's adopted Special Event processes and may temporarily alter hours of operation, amplified music limits, and public user capacity, among other items.
18. Construction staging shall be authorized when in compliance with all applicable Town codes, except that concrete delivery/pumping for the building's foundations and terrace may occur no earlier than 4:00 am. No other approvals are inferred from approval of the CPD. The landowner or developer shall be responsible for submittal of any requests for additional staging or construction management approvals from the Town Council. The first development order submittal shall include a plan to mitigate construction nuisances such as, but not limited to noise, dust and odors.
19. Any violation of the CPD conditions of approval or deviation, as determined by a court of competent jurisdiction or through a properly noticed code enforcement proceeding, shall constitute a maximum $500 per day civil violation.
20. No additional development may occur beyond that which is approved by this CPD without prior approval of the Town Council. The intent of this condition is to require that any future changes to this CPD must comply with the Town of Fort Myers Beach Plan and LDC in effect at the time of any future application.
21. Redevelopment and future uses on the subject property must be consistent with the attached Master Concept Plan as approved by the Town Council as part of this request. All prior Master Concept Plans, CPD zoning approvals, special

conditions, and development agreements for the subject property are no longer valid. All development activities and future uses must comply with all the requirements of the Town of Town of Fort Myers Beach Land Development Code at the time of Development Order approval, except as explicitly modified by this CPD approval. If changes to this approval are requested, they will be reviewed as requests to formally modify this CPD.

22. The applicant shall have installed a button-activated flashing beacon or other appropriate, agreed upon device to identify points for pedestrians crossing.

23. The applicant shall provide a cross-access easement to the Town to allow access to the beach for beach renourishment and other beach maintenance related activities.

24. All approvals are subject to flood compliance that may supersede any conditional or policy approvals related to use, density, intensity and construction techniques.

25. Development shall comply with the following minimum architectural standards:
    a. Principal and Accessory Structures. The parking, service and Mechanical, Electrical and Plumbing (MEP) areas are not required to meet the following requirements:
        i. Exterior Walls.
            1. Transparent windows must cover at least 30 percent of the wall area below the expression line and at least ten percent of the wall area between the expression line and the cornice. These requirements shall not apply to walls facing and roughly parallel to rear lot lines, or to side walls being built closer than five feet to a side lot line if the adjoining lot also has a building with a side wall closer than five feet to the same side lot line.
        ii. Principal Façade Walls.
            1. Windows: Visible sills and lintels on the exterior wall are encouraged but not required.
            2. Entrances: Excluding parking areas, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.
            3. First-story windows: The parking, service and MEP areas are not required to have transparent windows meeting the following requirements:
                a. Window openings shall cover at least 60 percent of the wall area below the expression line;
                b. The bottoms of the window opening can be no higher than 30 inches from sidewalk level; and
                c. These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.
            4. Upper-story windows.

a. With the exception of parking, service, and MEP areas, all stories above the first story of every commercial building's principal facade shall contain between 15 percent and 75 percent of the wall area with transparent windows.
b. No single pane of glass may exceed 50 square feet in area.

5. Roofs. Sloped roofs with wells to conceal mechanical equipment are permitted.

OUTRIGGERS ABOVE LEE COUNTY
COASTAL CONSTRUCTION SETBACK LINE

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 1, FLAMINGO PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 66, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.50°40’49” E., ALONG THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK, A DISTANCE OF 121.56 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD (COUNTY ROAD 865); THENCE RUN ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2,832.29 FEET, A CENTRAL ANGLE OF 01°40'21", AN ARC LENGTH OF 82.68 FEET, A CHORD LENGTH OF 82.68 FEET, AND A CHORD BEARING OF S. 31°56'13" E. 2) S.31°14'53"E., A DISTANCE OF 270.69 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, RUN S.50°40'49"W., A DISTANCE OF 417.12 FEET TO A POINT ON THE LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE; THENCE RUN ALONG SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE N.39°10'05"W., A DISTANCE OF 350.00 FEET TO THE SOUTHEASTERLY LINE OF SAID FLAMINGO PARK; THENCE DEPARTING SAID LEE COUNTY COASTAL CONSTRUCTION SETBACK LINE, RUN N. 50°40’49” E.,ALONG SAID SOUTHEASTERLY LINE OF SAID FLAMINGO PARK A DISTANCE OF 343.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,490.39 SQUARE FEET OR 3.547 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID IF PRINTED, OR WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL SURVEYOR AND MAPPER SHOWN HEREON.
2. NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED BY THIS FIRM.
3. THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
4. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
5. THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.
6. THIS LEGAL DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY, AS SUCH.
7. ATTENTION IS DIRECTED TO THE FACT THAT THIS MAP MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
8. BEARINGS SHOWN HEREON ARE ASSUMED, DERIVING A BEARING OF S 31°14'53" E ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ESTERO BOULEVARD.

LEGEND & SYMBOLS

POB	=	POINT OF BEGINNING
POC	=	POINT OF COMMENCEMENT
POT	=	POINT OF TERMINATION
SEC	=	SECTION
TWN	=	TOWNSHIP
RNG	=	RANGE
PB	=	PLAT BOOK
ORB	=	OFFICIAL RECORDS BOOK
PG	=	PAGE
SQ.FT.	=	SQUARE FEET
AC	=	ACRES
CCCL	=	COASTAL CONSTRUCTION CONTROL LINE

CCCL LINE

PROPERTY LINE

RIGHT-OF-WAY LINE

TRACY W. BIRCH License Number 5579 STATE OF FLORIDA Professional Surveyor and Mapper

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PARTS OF THIS SKETCH HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA, 5J-17, F.A.C., TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. NOT VALID WITHOUT A SIGNATURE AND RAISED SEAL FROM THE SURVEYOR.

Tracy W Birch

Tracy W Birch
2024.01.31
12:57:04 -05'00'

TRACY W. BIRCH, P.S.M. DATE
FLORIDA LICENSE #5579

THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ORGANIZATIONS IDENTIFIED BELOW AND ITS CERTIFICATION IS NON-TRANSFERABLE. ANY COPY HEREOF, TO BE CONSIDERED VALID, MUST BE EMBOSSED WITH THE SEAL OF A REGISTERED SURVEYOR EMPLOYED BY THIS FIRM.

CERTIFICATION

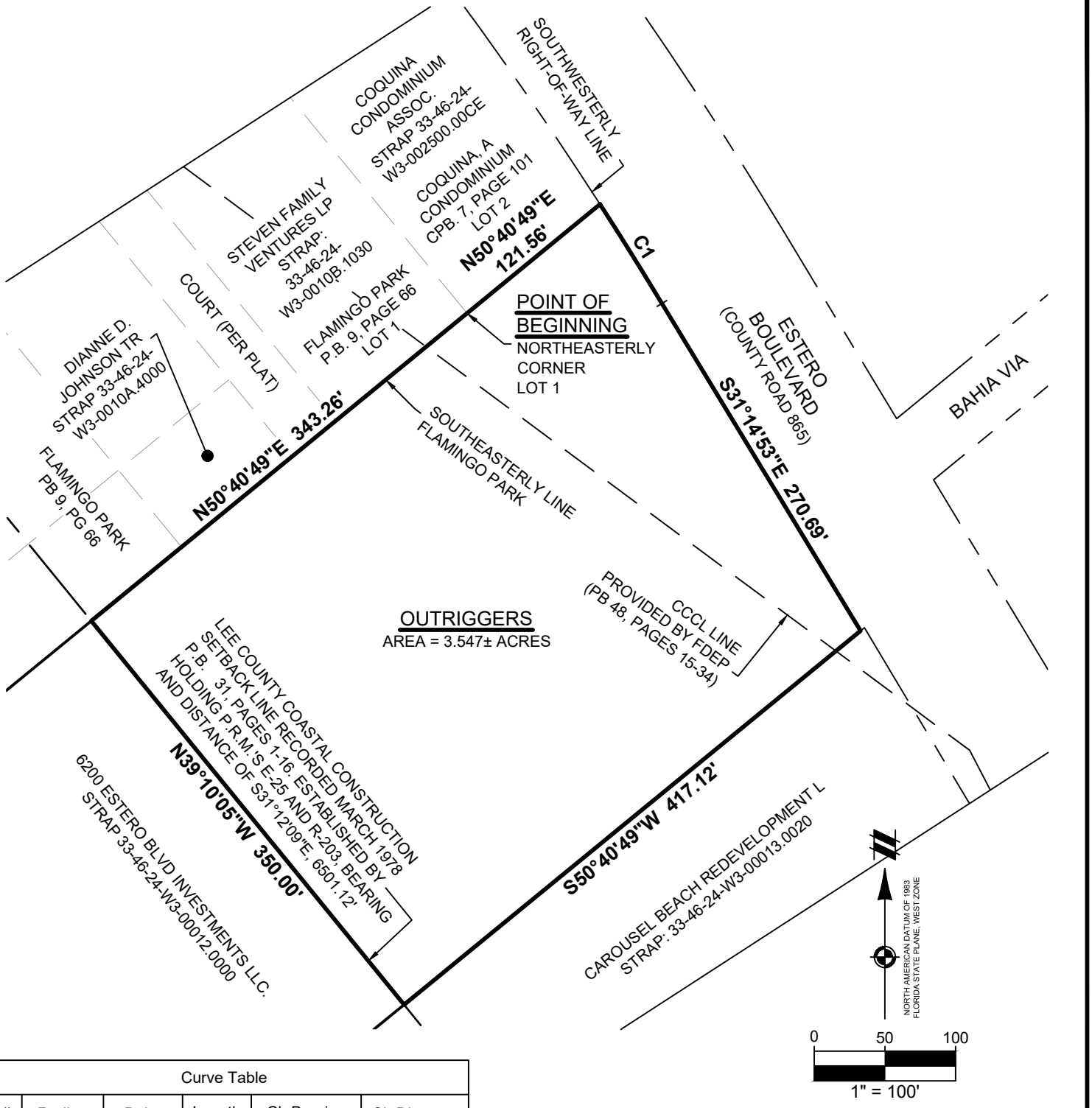
THIS SKETCH IS NOT A SURVEY

SHEET 1	OF	2
DRW: MC	CHK: MC	PM: TB
SEC: 33 & 34	TWN: 46S	RNG: 24E
PLOT DATE: 2024-01-31		
FILE: 23000972-outriggersaboveleecountyccsl_ds		

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OUTRIGGERS ABOVE LEE COUNTY
COASTAL CONSTRUCTION SETBACK LINE

SKETCH OF DESCRIPTION



Curve Table					
C#	Radius	Delta	Length	Ch Bearing	Ch Distance
C1	2832.29'	1°40'21"	82.68'	S31°56'13"E	82.68'

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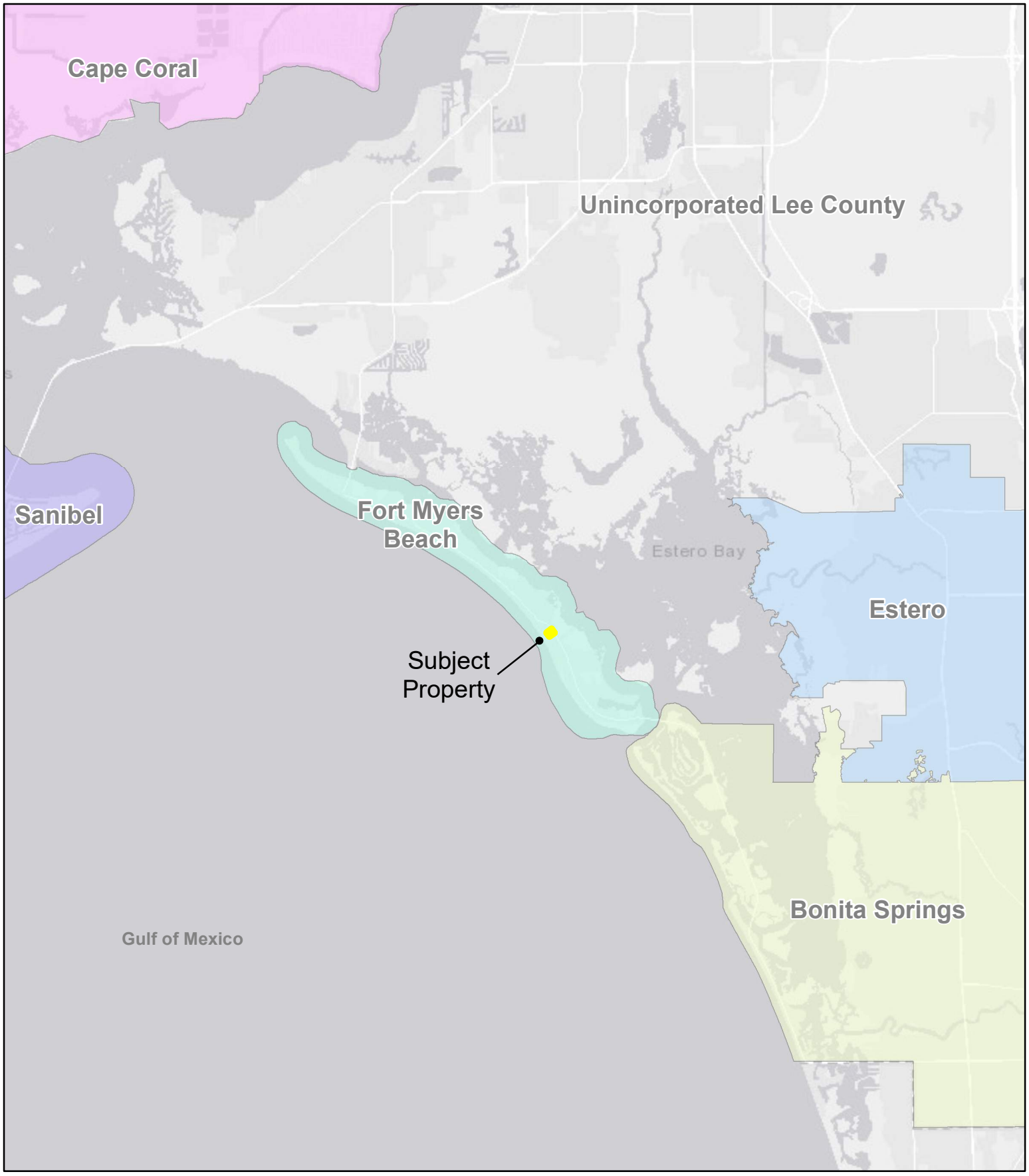
CERTIFICATION

THIS SKETCH IS NOT A SURVEY

SHEET	**2**	OF	**2**		
DRW:	**MC**	CHK:	**MC**	PM:	**TB**
SEC:	**33 & 34**	TWN:	**46S**	RNG:	**24E**
PLOT DATE: **2024-01-31**					
FILE: 23000972-outriggersaboveleecountyccsl_ds					

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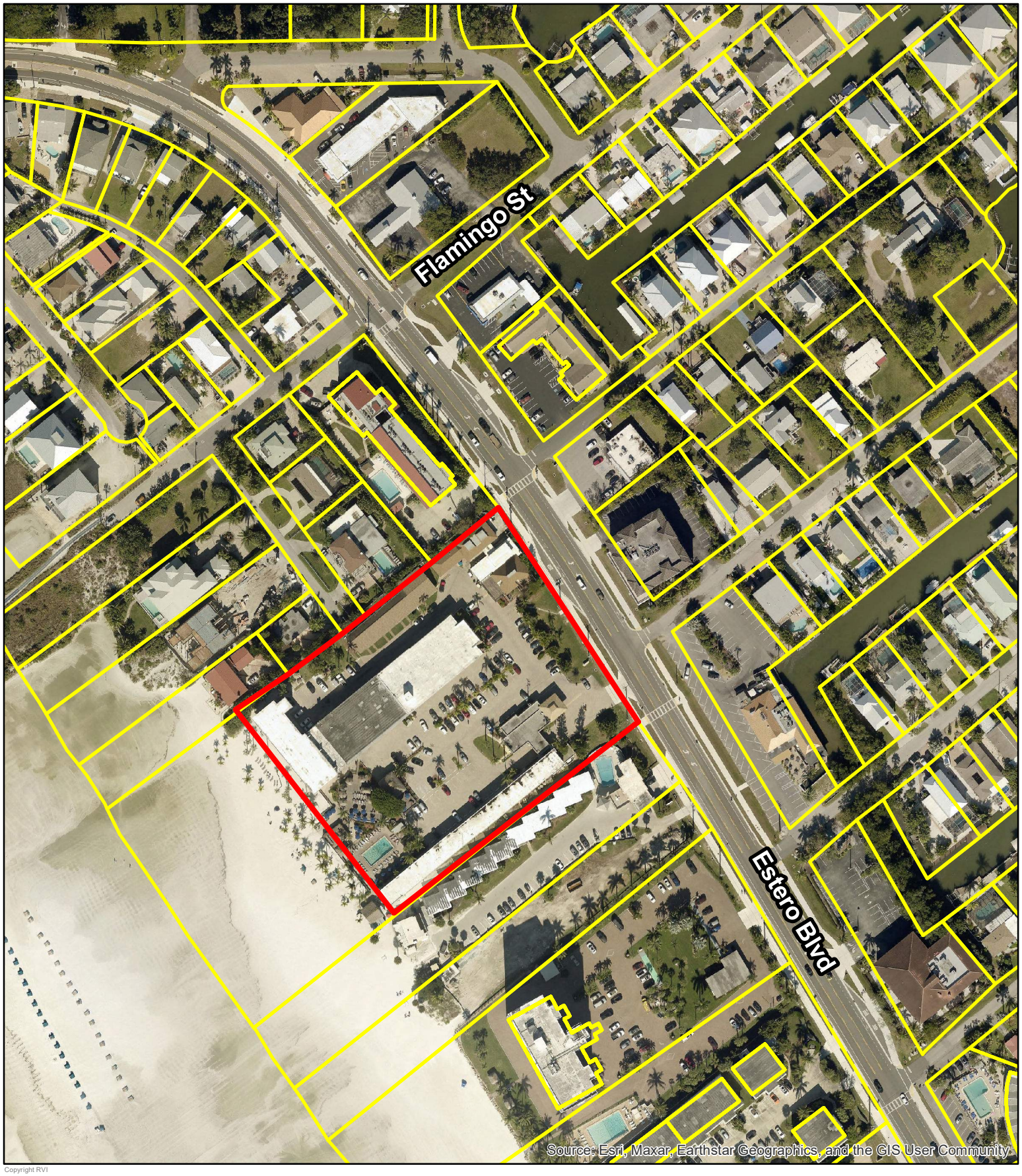
RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

LONDON BAY OUTRIGGER• **LOCATION MAP**

Fort Myers Beach, FL
Date: 3/27/2024
22006872
London Bay

0 0.4 0.8 1.6 2.4
Miles

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Copyright RVI

LONDON BAY OUTRIGGER • **AERIAL MAP (2022)**

2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

Subject Parcels

Lee County Parcels

0 30 60 120 180

Feet

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LONDON BAY OUTRIGGER • **AERIAL MAP (2023)**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

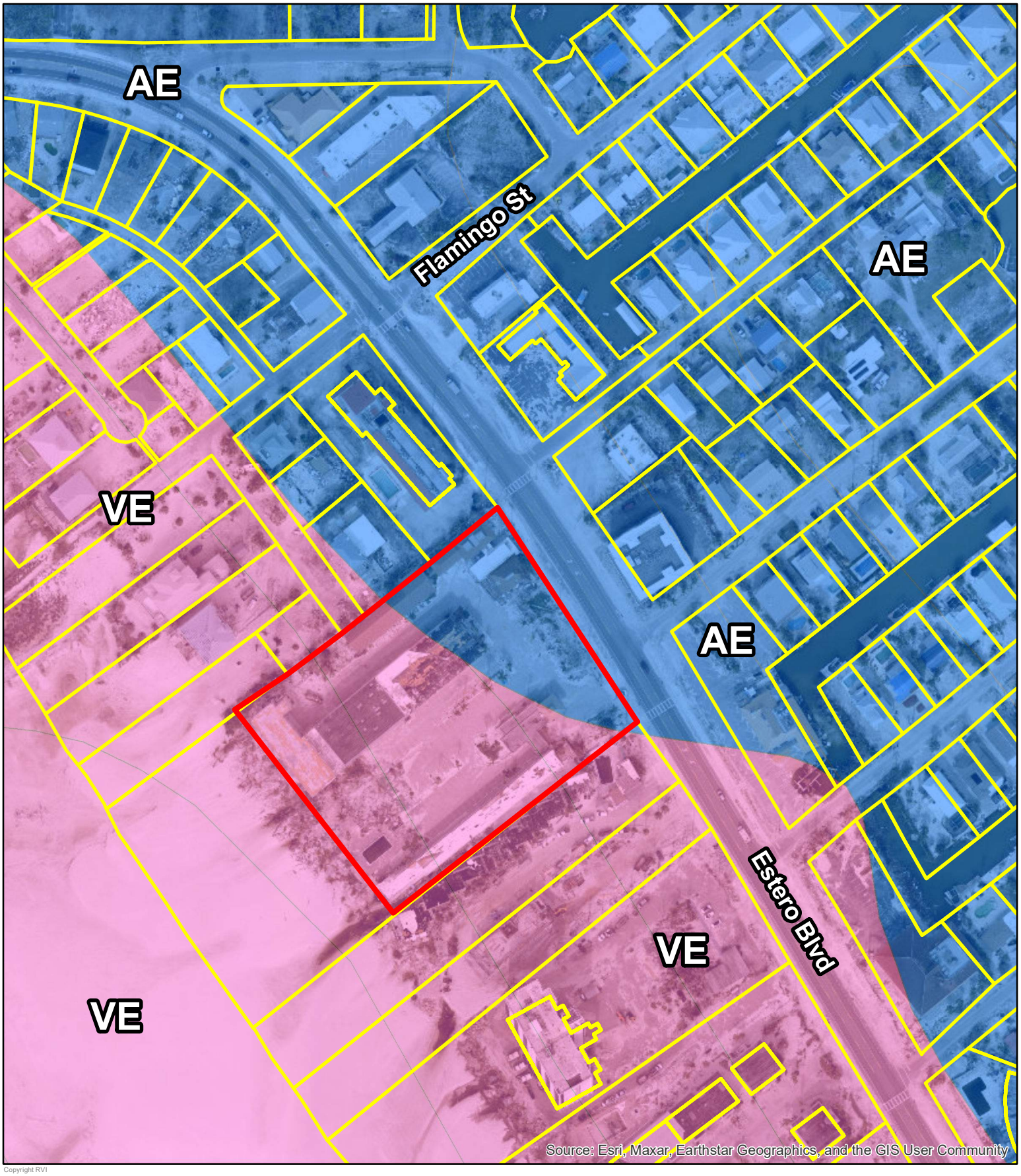
Subject Parcels

Lee County Parcels

0 30 60 120 180

Feet

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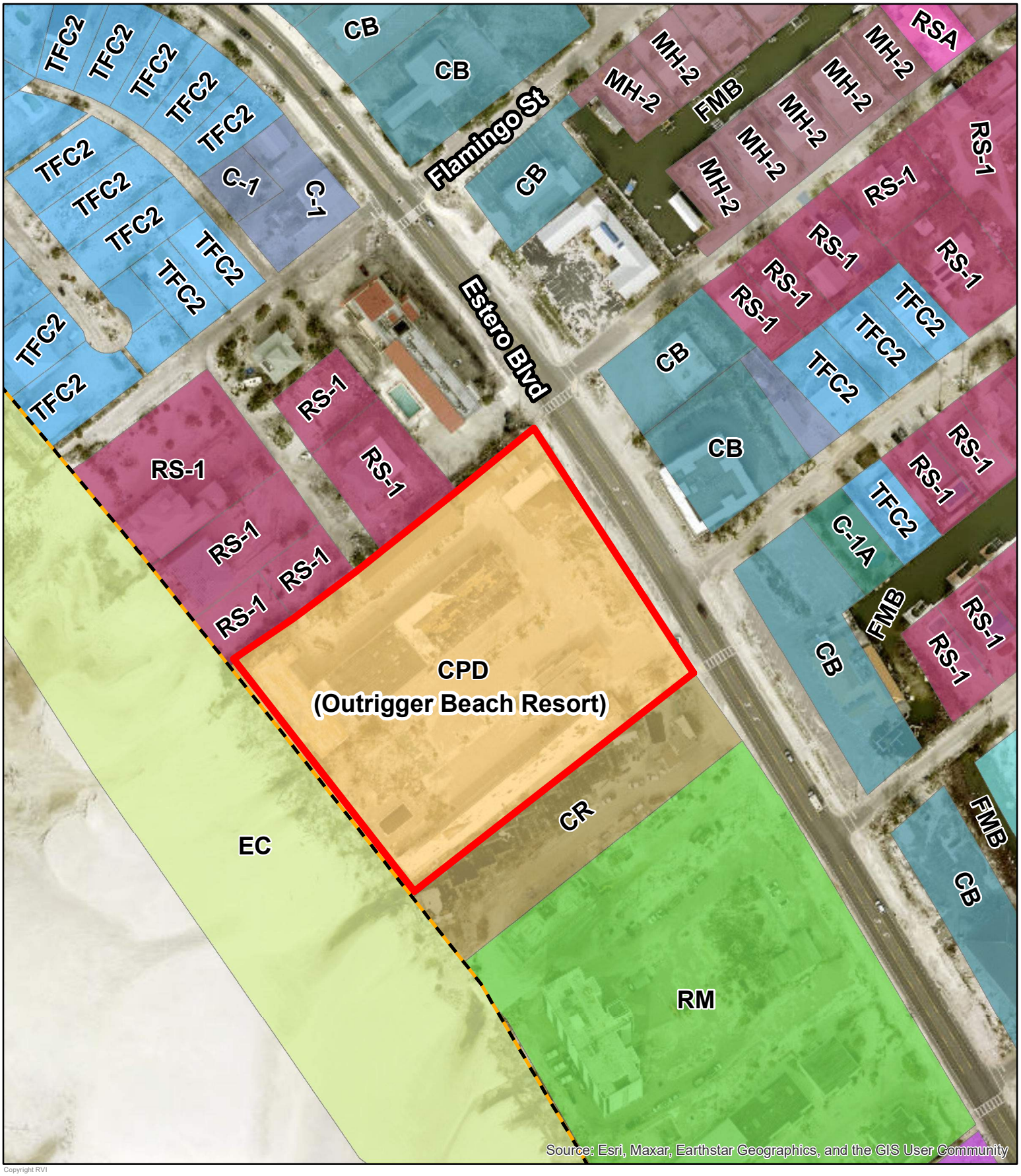
LONDON BAY OUTRIGGER • **FEMA FLOOD ZONE MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

Subject Parcels
Lee County Parcels
Flood Zone AE
Flood Zone VE

0 30 60 120 180
Feet

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LONDON BAY OUTRIGGER • **EXISTING ZONING MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

Coastal Construction Control Line (1978)

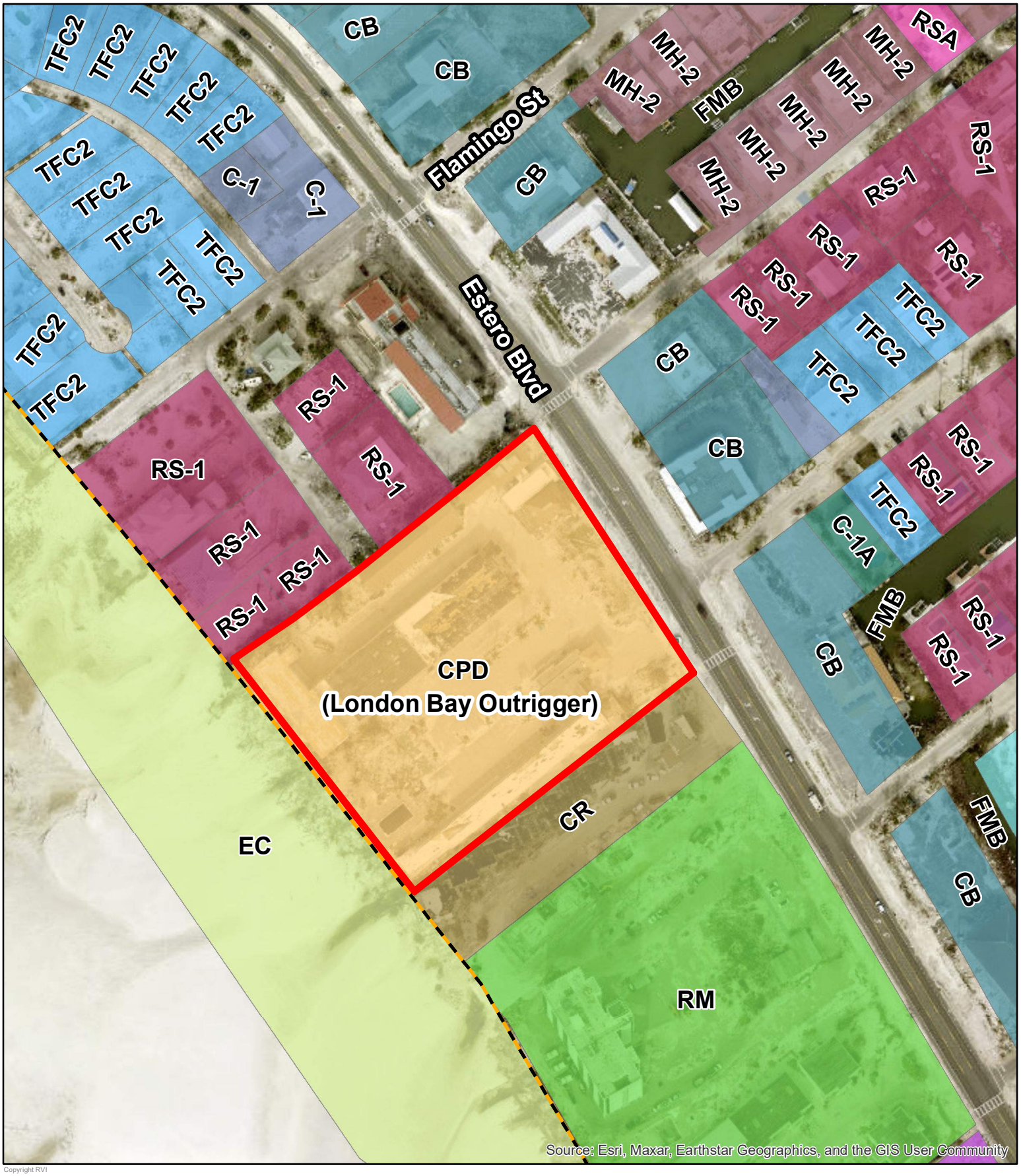
Subject Area

N

0 30 60 120 180

Feet

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LONDON BAY OUTRIGGER • **PROPOSED ZONING MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

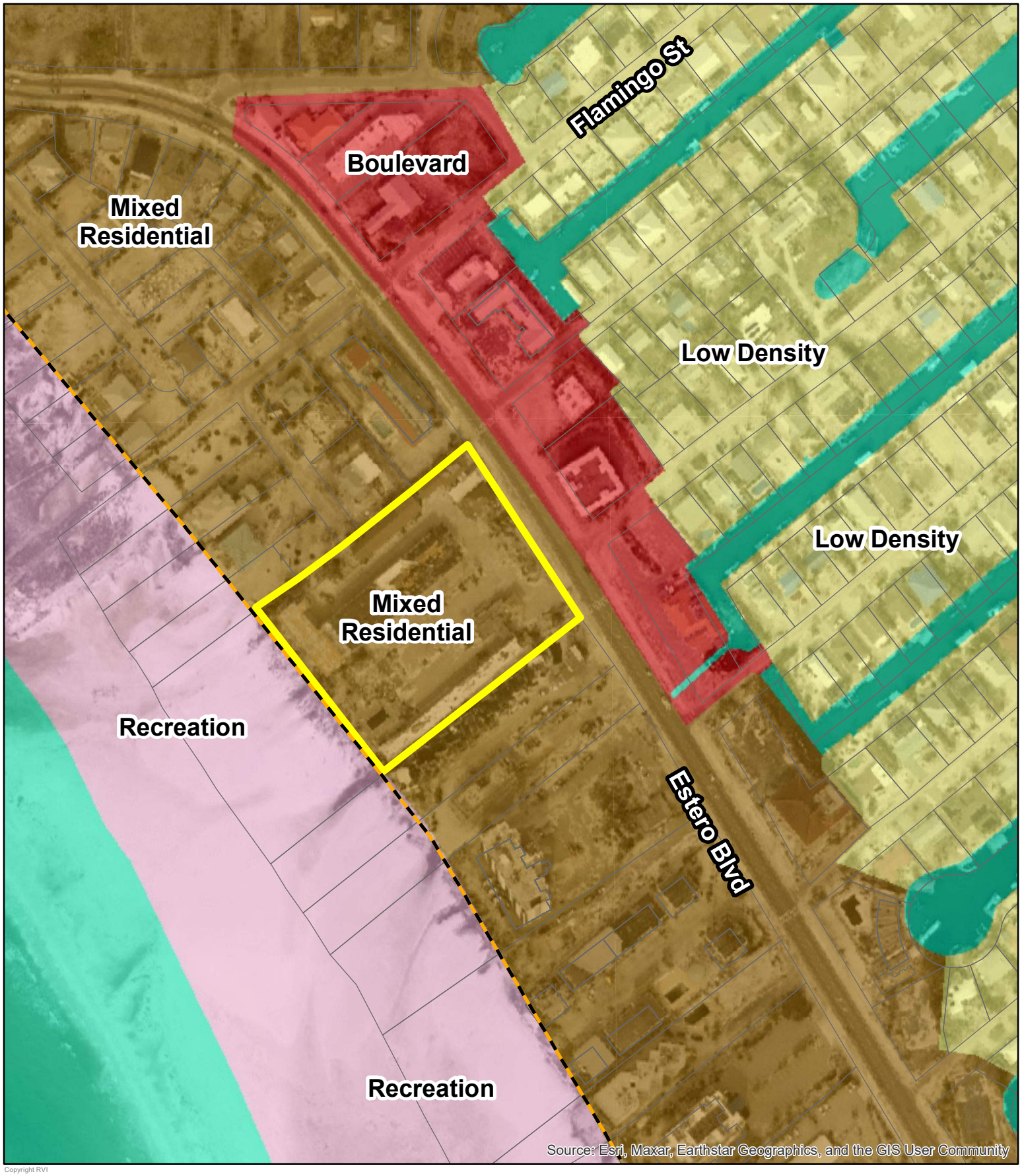
Coastal Construction Control Line (1978)

Subject Area

N

0 30 60 120 180
Feet

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LONDON BAY OUTRIGGER • **CURRENT FUTURE LAND USE MAP**

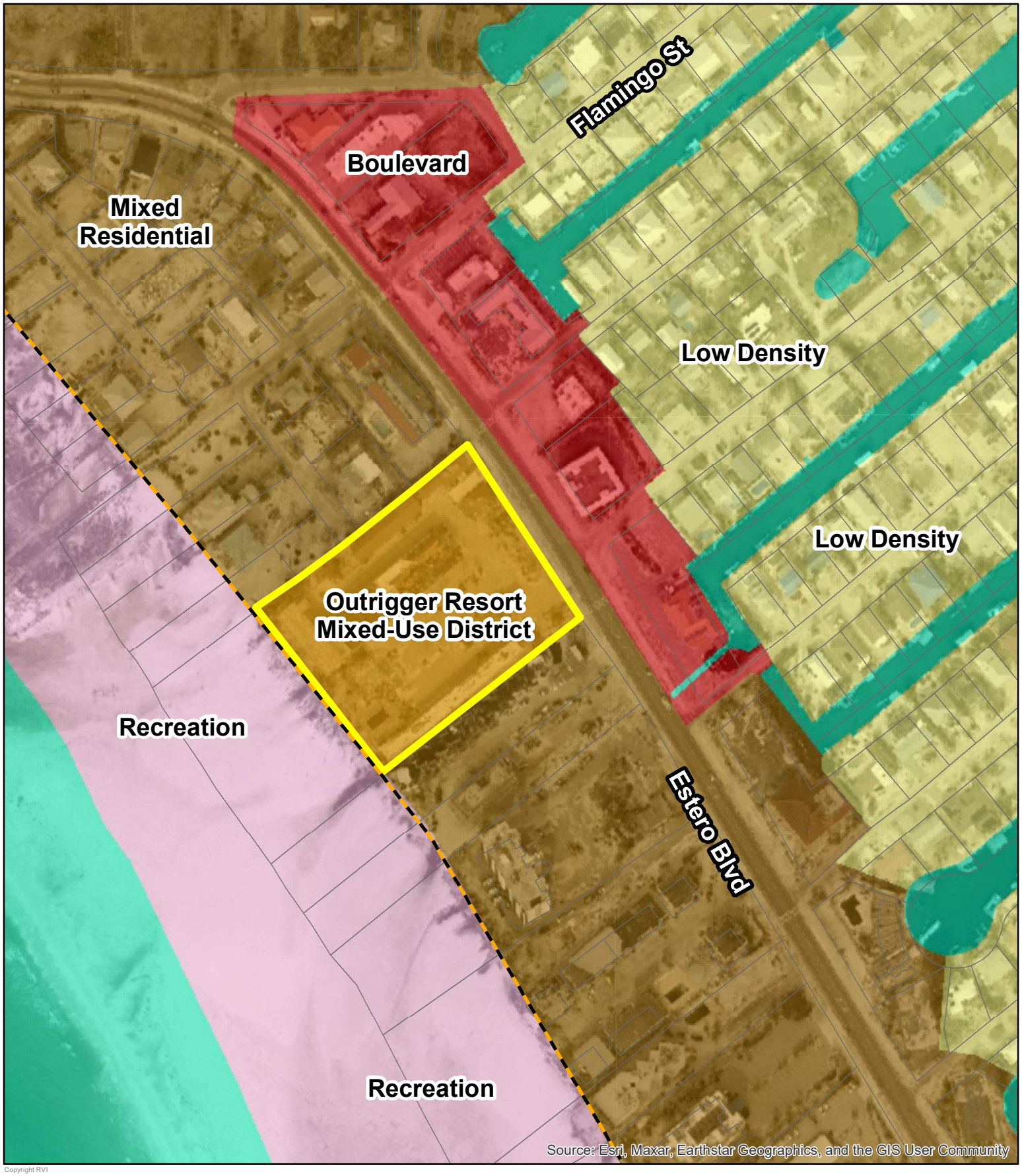
- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

- Coastal Construction Control Line (1978)
- Subject Area
- Lee County Parcels

N

0 50 100 200 300
Feet

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LONDON BAY OUTRIGGER • **PROPOSED FUTURE LAND USE MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

- Coastal Construction Control Line (1978)
- Subject Area
- Lee County Parcels

0 50 100 200 300
Feet

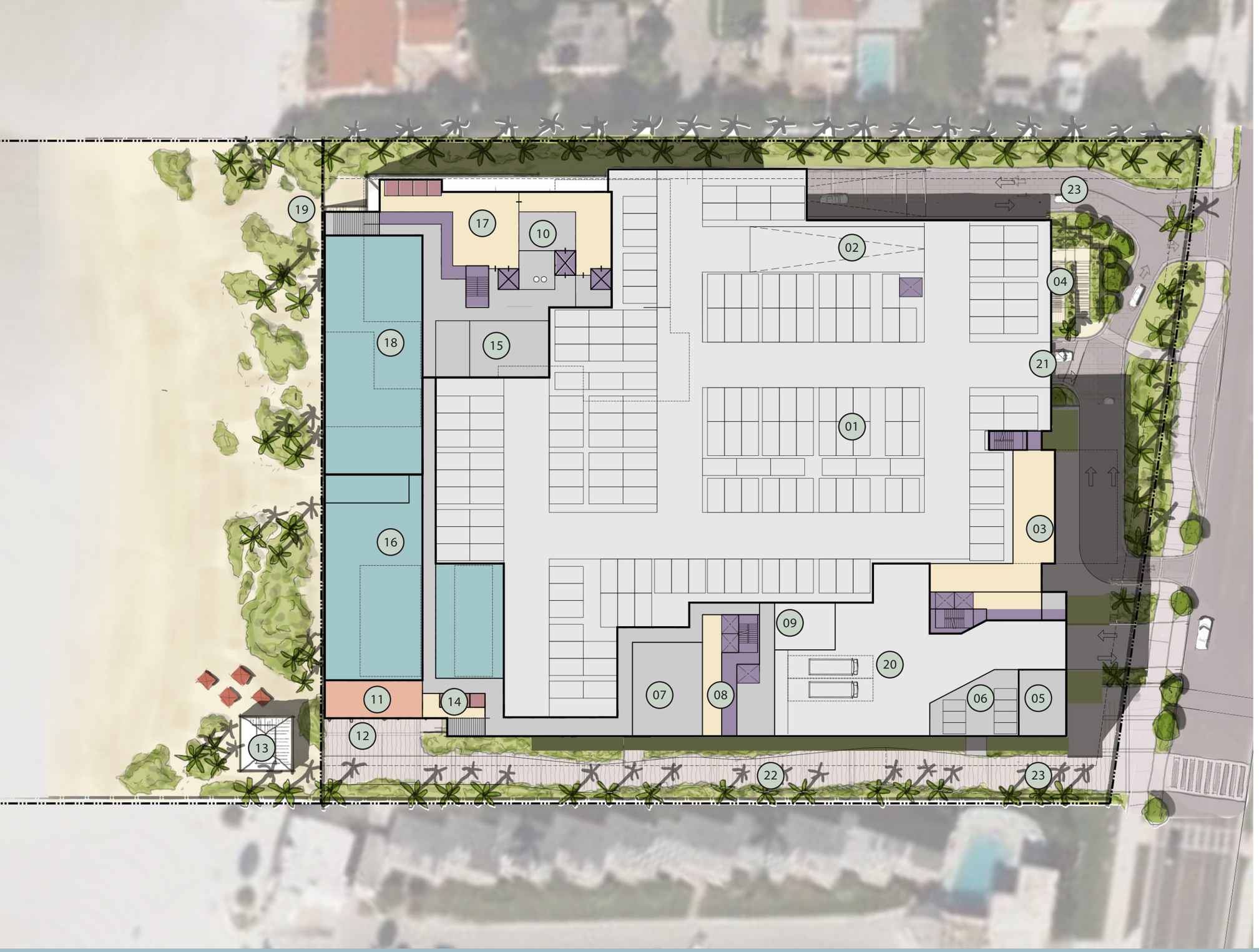
N

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01 Vehicular Entry - Hotel*
02 Vehicular Entry - Beach Club & Condo
03 Hotel Drop-off*
04 Beach Club Drop-off
05 Parking Access
06 Hotel/Condo-Hotel Building
07 Beach Club & Condo Building
08 Beach Club & Condo Amenities
09 Hotel Ballroom Function & Service
10 Linear Park/Public Beach Access*
11 Vehicular Service Access
12 Chickee Hut Beach Bar*
13 Emergency Vehicle Access

*Notes site features open to public



01 Parking
02 Ramp to Upper Parking
03 "Street Entry" Lobby
04 Fire Access Open Stair
05 Bike parking
06 Cart Parking
07 Back-Of-House / Storage
08 Beach Elevator Lobby
09 Dock / Sec. / Trash
10 Residential Storage
11 Outrigger Bar
12 Terrace Seating
13 Chickee Hut Beach Bar*
14 Public Restrooms*
15 Beach Club Storage
16 Stormwater Retention Vault
17 Beach Club Elevator Access
18 Beach Club Pool/Terrace Vault
19 Beach Club Beach Access
20 Service
21 Parking Access
22 Linear Park/Public Beach Access*
23 Emergency Vehicle Access

*Notes site features open to public



01 Beach Club & Condo Drop-off
02 Parking (Mechanized)
03 Internal Vehicular Ramp
04 Storage / BOH
05 Fitness
06 Restrooms (Pool Terr. & Cabana)
07 Cabanas
08 Beach Access Stair
09 Hotel/Condo Hotel Pool Terrace
10 Beach Club Cafe
11 Condo/Beach Club Kitchen
12 Resi/B.C. Pool Restrooms
13 Resi/B.C. Pool Terrace
14 Beach Club Reception & Lounge
15 Condo Lobby
16 Beach Club Elevator Lobby
17 Open to Space Below
18 Pool Bar Kiosk
19 Parking Access

*Notes site features open to public



01 Hotel Skylobby & Reception*
02 Hotel Lobby Bar (Indoor & Outdoor)*
03 Hotel Elevator Lobby
04 Hotel Restaurant*
05 Hotel Restaurant Dining Terrace*
06 Hotel Central Kitchen
07 Hotel Restrooms*
08 Hotel Store*
09 Hotel Grab n' Go*
10 Hotel Ballroom Function*
11 Hotel Ballroom Pre-function*
12 Hotel Function Kitchen
13 Hotel Function Service
14 Hotel Meeting Rooms*
15 BOH/Admin/Emp. Serv.
16 Lobby Grand Stair
17 Beach Club Bar
18 Condo Fitness
19 Condo Lounge
20 Fire Access Stair
21 FCC
22 MEP

*Notes site features open to public



01 Rooftop Restaurant & Bar*

02 Dining Terrace*

03 Kitchen

04 Condos

*Notes site features open to public


CONDO RESIDENCES TOWER
CONDO PH LEVEL
LEVEL 15
LEVEL 14
LEVEL 13
LEVEL 12
LEVEL 11
LEVEL 10
CONDO TYP. LEVEL
LEVEL 9
LEVEL 8
LEVEL 7
LEVEL 6
LEVEL 5
LEVEL 4
PODIUM LEVEL
(RES. FITNESS AND LOUNGE, CLUB BAR)
LEVEL 3
POOL DECK LEVEL
(CLUB/RESI POOL DECK, CLUB RECEPTION, RESI LOBBY, CLUB RESTAURANT)
LEVEL 2
GROUND LEVEL
(CLUB/RESI BEACH ACCESS LOBBY, SERVICE/ STORAGE)
LEVEL 1
CLUB BAR
CLUB RESTAURANT
HOTEL & CONDO-HOTEL TOWER
LEVEL 12
HOTEL SPECIALTY RESTAURANT & ROOFTOP BAR
LEVEL 11
CONDO HOTEL UPPER LEVELS
LEVEL 10
LEVEL 10
LEVEL 9
LEVEL 8
CONDO HOTEL LOWER LEVELS
LEVEL 7
LEVEL 6
LEVEL 5
HOTEL GUESTROOM LEVELS
LEVEL 4
HOTEL RECEPTION AND LOBBY BAR
HOTEL 3-MEAL RESTAURANT
LEVEL 3
HOTEL PODIUM LE VEL
(MEETING SPACES, RECEPTION, 3-MEAL RESTAURANT, LOBBY BAR, ADMIN, MEP, GARDEN)
LEVEL 2
HOTEL POOL DECK LEVEL
(POOL AND POOL BAR, POOL CABANAS, FITNESS, PARKING)
LEVEL 1
HOTEL GROUND LEVEL
(LOBBY ENTRANCE, CHICKEE HUT BEACH BAR, POOL VAULTS, SERVICE BOH, PARKING, GOLF CART PARKING)

HOTEL
CONDO-HOTEL
CONDO
BEACH CLUB
PARKING/PODIUM

SITE MASSING
VIEW FROM EAST/ESTERO BLVD.

LONDON BAY
FORT MYERS BEACH

HOTEL
CONDO-HOTEL
CONDO
BEACH CLUB
PARKING/PODIUM



MASSING
VIEW FROM BEACH

LONDON BAY
FORT MYERS BEACH



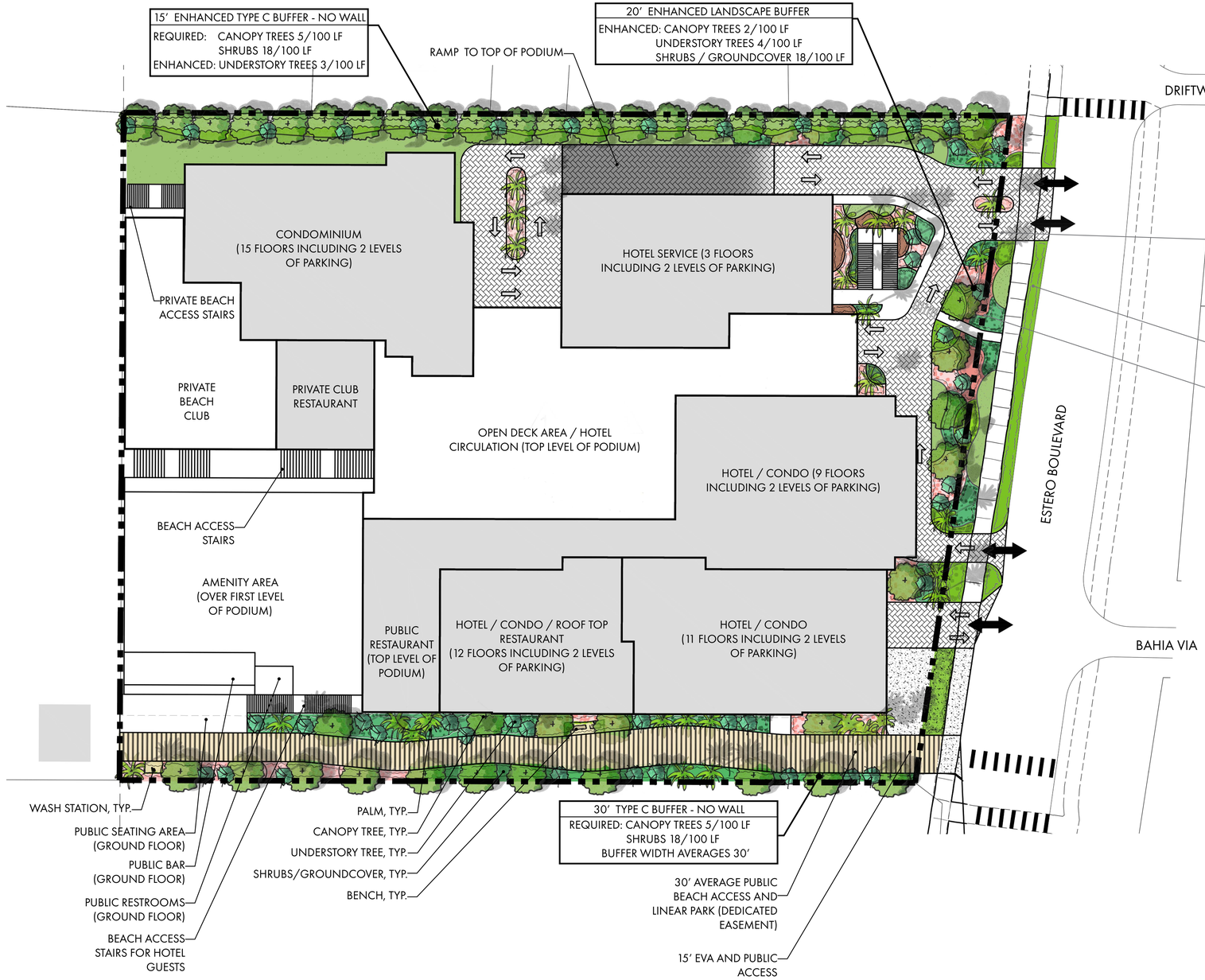
MASSING
VIEW FROM ESTERO BLVD.

LONDON BAY
FORT MYERS BEACH



MASSING
VIEW FROM ESTERO BLVD.

LONDON BAY
FORT MYERS BEACH



PLAN

NOTE: TREES WITHING THE R.O.W BUFFER MUST BE APPROPRIATELY SIZED TO AVOID CONFLICTS WITH OVERHEAD UTILITIES, LIGHTING, AND SIGNS. THE CLUSTERING OF TREES AND USE OF PALMS WITHING THE R.O.W BUFFER ADD DESIGN FLEXIBILITY AND REDUCE CONFLICTS. TREES AND SHRUBS MAY NOT BE PLANTED CLOSER THAN THREE FEET TO ANY SIDEWALK OR BIKE PATH OF TO THE RIGHT-OF-WAY OF ESTERO BOULEVARD (SEE §6-4 OF FORT MYERS BEACH LDC).

CANOPY TREES	SIZE	NATIVE	SALT TOLERANCE
Bursera simaruba / Gumbo Limbo	10'-12' HT	Yes	Moderate
Bucida buceras / Shady Lady Black Olive	10'-12' HT	No	High
Plumeria / Frangipani	10'-12' HT	No	Moderate
Piscidia piscipula / Jamaican Dogwood	10'-12' HT	Yes	Moderate-Low

PALMS	SIZE	NATIVE	SALT TOLERANCE
Sabal palmetto / Cabbage Palm	10`-18`CT, Staggered Heights	Yes	High
Roystonea regia / Royal Palm	12' CT	Yes	Low
Ravenala madagascariensis / Travelers Palm	10'-12'OA	No	Low
Coccothrinax argentata / Silver Thatch Palm	5'-6' OA	Yes	High
Phoenix sylvestris / Sylvester Date Palm	10-12' CT	No	Moderate
Wodyetia bifurcata / Foxtail Palm	10'-12' CT	No	Moderate

MIDSTORY		NATIVE	SALT TOLERANCE
Caesalpinia pulcherrima / Dwarf Poinciana	8' HT	No	Moderate
Coccoloba uvifera / Seagrape	8' HT	Yes	High
Conocarpus erectus / Green Buttonwood	8' HT	Yes	High
Conocarpus erectus sericeus / Silver Buttonwood	8' HT	Yes	High
Cordia sebestena / Orange Geiger	6' HT	No	High
Coccoloba diversifolia / Pigeon Plum	8' HT	Yes	Moderate
Capparis cynophallophora / Jamaican Caper	6' HT	Yes	High

SHRUBS & ACCENTS		NATIVE	SALT TOLERANCE
Chrysobalanus icaco 'Red Tip'/ Red Tip Cocoplum	24"H x 18"S	Yes	High
Hibiscus rosa-sinensis / Hibiscus	36"H x 24"S	No	Low
Conocarpus erectus / Green Buttonwood	24"H x 18"S	Yes	High
Conocarpus erectus sericeus / Silver Buttonwood	24"H x 18"S	Yes	High
Chamaerops humilis / European Fan Palm	36" H	No	Low
Serenoa repens 'Silver' / Silver Saw Palmetto	24"x 24"S	Yes	High
Uniola paniculata / Sea Oats	24"H x 18"S	Yes	High
Chrysobalanus icaco 'Horizontal' / Horizontal Cocoplum	18H x 18"S	Yes	High
Pittosporum tobira 'Variegata' / Variegated Pittosporum	24"H x 18"S	No	High

GROUNDCOVER		NATIVE	SALT TOLERANCE
Ipomoea pes-caprae / Railroad Vine	15"H x 20"S	Yes	High
Helianthus debilis / Dune Sunflower	18"H x 15"S	Yes	High
Muhlenbergia capillaris / Pink Muhly Grass	24"H x 18"S	Yes	High
Tripsacum floridanum / Dwarf Fakahatchee Grass	24"H x 18"S	Yes	Moderate
Evolvulus glomeratus / Blue Daze	18"H x 18"S	No	High
Paspalum vaginatum / Seashore paspalum	18"H x 18"S	Yes	High
Panicum amarum / Bitter Panic Grass	4"	Yes	High
Sesuvium portulacastrum / Sea Purslane	6"	Yes	HIgh
Phyla nodiflora / Frogfruit	4"	Yes	Moderate
Mimosa strigillosa / Sunshine Mimosa	6"	Yes	Moderate

CONCEPTUAL SPECIES LIST

Disclaimer:
The artistic renderings, specifications, and interpretation contained within are conceptual in nature and reflect development plans at various stages of completion. All graphical representations should be considered incomplete and subject to change. All presentation graphics, notes and narratives are part of larger presentations involving considerable oral commentary, and require intimate project knowledge for a thorough understanding. This is a conceptual landscaping plan being provided for illustrative purposes only. The conceptual species list is not intended to be all inclusive and is being provided for illustrative purposes only. The final landscaping plan, which is subject to approval by Florida Department of Environmental Protection (FDEP) and the Town of Fort Myers Beach, will be submitted for review at the time of the application for development order.

Copyright RVi

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

OUTRIGGER • CONCEPTUAL PERIMETER BUFFER & ESTERO BLVD LANDSCAPE PLAN

Fort Myers Beach, FL
August 27, 2025
24004271

LONDON BAY DEVELOPMENT GROUP

0 30' 60'
SCALE: 1" =30'-0"

TREES & PALMS


GUMBO LIMBO


SHADY LADY BLACK OLIVE


PLUMERIA

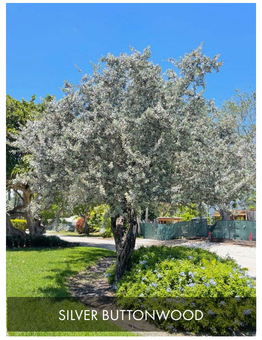

ROYAL PALM


SABAL PALM


TRAVELERS PALM


SILVER THATCH PALM

MIDSTORY


SILVER BUTTONWOOD


GEIGER


GREEN BUTTONWOOD


DWARF POINCIANA


SEAGRAPE

SHRUBS & ACCENTS


SEA OATS


COCOPLUM


EUROPEAN FAN PALM

SouthFloridaPlantGuide.com

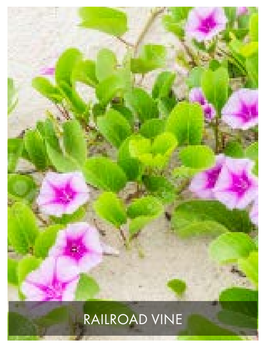

SILVER SAW PALMETTO


HIBISCUS

GROUND COVER


MUHLY GRASS


FAKAHATCHEE GRASS


RAILROAD VINE


DUNE SUNFLOWER


BLUE DAZE


SEASHORE PASPALUM

Copyright RVi

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

OUTRIGGER • **LANDSCAPE PALETTE**

Fort Myers Beach, FL

August 27, 2025

24004271

LONDON BAY DEVELOPMENT GROUP

This instrument was prepared
without an opinion of title and
after recording return to:
Richard Yovanovich, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103
(239) 435-3535

(Space above this line for recording data)

PUBLIC PARK AND BEACH ACCESS EASEMENT

THIS PUBLIC ACCESS EASEMENT (the "**Easement**") made this _____ day of _____, 2024, by 6200 Estero Blvd Investments, LLC, a Florida limited liability company("**Grantor**"), whose address is 2210 Vanderbilt Road, Suite 1300, Naples, Florida 34109, and the Town of Fort Myers Beach, a Florida municipal corporation ("**Grantee**") whose address is 2525 Estero Blvd., Fort Myers Beach, Florida, 33928, for the use, enjoyment and benefit of the public.

W I T N E S S E T H:

Whereas, Grantor is the owner of the real property depicted and described on Exhibit "A" attached hereto and incorporated herein by this reference (the "**Grantor Property**"); and

Whereas, pursuant to Ordinance No. _____ adopted ____, 2024 (the "**Ordinance**"), the real property depicted and described on Exhibit "B" attached hereto and incorporated herein by this reference (the "**Easement Area**") is required to be dedicated to the public for use as a beach access, linear public park and [insert other uses from approved ordinance] .

Now therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in accordance with the terms and conditions of the Ordinance, Grantor does hereby grant to Grantee, and dedicate for the use of the public, a perpetual non-exclusive easement over the Easement Area for beach access, linear public park, and [insert other uses from approved ordinance] (the "Easement Area Improvements") subject to the following:

1. The Grantor, its successors and/or assigns, retain the right to use the Easement Area for any purpose which does not unreasonably interfere with the intended purpose of the Easement, including, without limitation, temporary construction access and staging, pedestrian and vehicular access to and from and within the Grantor Property, pathways, signage, art, benches, utilities, drainage, water management, setback areas, lot coverage calculations, density calculations, open space, landscaping for the benefit of the Grantor Property, the right to temporarily suspend access or use of the Easement Area (or any portion thereof) during periods of construction or maintenance; the right to grant other easements on a non-exclusive basis to third parties, including but not limited to utility companies; and subject the Easement Area to rules and regulations, declarations, covenants, permits, approvals, plats and/or jurisdiction of any condominium, homeowners, master and/or community associations applicable to all or any portion of the Grantor Property.

DRAFT

2. The Grantor shall design, permit, and construct the Easement Area Improvements at its sole expense, and in its sole discretion, subject to the Ordinance and any governmental permitting requirements. The completion of construction of the Easement Area Improvements shall be a condition precedent to Grantor obtaining a certificate of occupancy for the last building to be constructed on the Grantor Property, and the Grantee shall cooperate with Grantor in this undertaking. Construction will be in accordance with local, state, and federal laws and permits.

3. Grantor, or its designee or assignee, shall be responsible for maintenance of the Easement Area Improvements to a standard which equals or exceeds the prevailing level of maintenance of Town of Fort Myers Beach parks and parkways operated by the Town of Fort Myers Beach. Grantor shall be released from its maintenance obligations upon its assignment of those obligations to a successor in title and/or to any condominium, homeowners, master, or community association established to administer all or any portion of the Grantor Property.

4. Grantor warrants that: (i) it is the fee simple title owner of the Easement Area; (ii) the Easement Area is free and clear of liens and encumbrances excepting easements, restrictions and reservations of record; and (iii) Grantor has good right and lawful authority to convey the easements established hereby.

5. To the maximum extent permitted by law, Grantee shall indemnify and hold Grantor harmless from and against all claims, liabilities and expenses (including reasonable attorneys' fees) relating to accidents, injuries, loss, or damage of or to any person or property arising from the negligent, intentional or willful acts or omissions of Grantee, its contractors, employees, agents, or others acting on behalf of Grantee, or arising out of or relating to the use of the Easement Area by Grantee, its contractors, employees, agents, or others acting on behalf of Grantee.

6. This Public Park and Beach Access Easement shall be construed and enforced in accordance with the laws of the State of Florida, exclusive of choice of law rules. Venue for any legal action arising out of this Public Park and Beach Access Easement shall lie exclusively in the state courts of Lee County, Florida

7. The foregoing covenants, terms and conditions shall attach to and run with the land and shall be binding on the parties' successors, heirs and assigns.

DRAFT

GRANTOR:

6200 ESTERO Blvd Investement, LLC
a Florida Limited Liability Company

_____
Witness Signature

_____
Printed Name

By_____
Print Name __
Its: _____

_____
Witness Signature

_____
Printed Name

STATE OF _____

COUNTY OF _____

I hereby certify that the foregoing instrument was acknowledged and executed before me by __ means of physical presence or __ online notarization this _____ day of _____, 2024, by _____, Manager of 6200 Estero Blvd Investment, LLC, a Florida Limited Liability Company. He is [ ] personally known to me, or [ ] has produced _____ as identification.

[Notary Seal]

_____
Notary Public, State of _____
Printed Name:_____
My Commission Expires:_____

DRAFT

EXHIBIT A

GRANTOR PROPERTY

DRAFT

EXHIBIT B

EASEMENT AREA

DRAFT

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-204**

1. **Request:** **Meeting Date: April 14, 2026**

SPECIAL EXCEPTION - CONSTRUCTION IN EC (QUASI-JUDICIAL)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW RECONSTRUCTION OF A MAJOR ACCESSORY STRUCTURE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

PUBLIC COMMENT

Why the action is necessary:
The LPA hears special exceptions and recommends action to the Town Council.

What the action accomplishes:
The LPA will assist the Town Council in determining if it is appropriate to expand the COP into the EC and construct a tiki structure in the EC.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

---

5. **Background:**
6200 Estero Blvd Investments, LLC (the owner), and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (agent to the owner) are requesting a special exception to reconstruct a 800 SF Outrigger-Resort bar/chickee hut (open-sided wooden thatched structure) in the location of the 800 SF Pre-Ian activity building per Sec. 6-366 and to allow expansion of consumption on premises (COP) in a portion of the EC zoning as per Sec. 34-1264. (g)(1). There were two buildings seaward of the 1978 CCCL affecting 950 square feet of floor area: 1) the Outrigger Beach Resort Bar and 2) an activity building (800 sq ft).

The applicant is proposing an 800 square foot Outrigger Resort bar/ open-sided wooden thatched structure in the location of the activities building. The applicant is proposing a 150 SF decrease to the previously constructed activity building and Outrigger beach bar areas seaward of the 1978 CCCL, and a 50% reduction to the previously approved COP area in the EC zoning district

The COP application is an extension of the historic COP approval attached to the Outrigger Beach Resort. The extent of the proposed COP is between 605 feet and 652 feet seaward into the EC district across the width of the property, which is 350 feet. The extent of the proposed COP is situated on the west half of the EC zone abutting the 1978 CCCL The total requested COP area in the EC is approximately 2.5 acres. The special exception site plan shows the extent of the COP in the EC District with a 50-foot setback from mean high water for public right of passage.

The Applicant is proposing to build an 800 square foot Outrigger bar/ open-sided wooden thatched structure, similar in location and area (including the area of the previously existing

walkways) of the pre-Ian activity center, in the EC zoning district. The applicant is proposing hours of operation for the COP on the CPD property (not the chickee hut) from 7am to 11pm. The applicant is also proposing the Outrigger bar/ open-sided wooden thatched structure hours and hours of amplified music in outdoor or unenclosed areas from 11:00 a.m. to 10:00 p.m. Amplified music is proposed in enclosed areas or indoors (on the CPD property) between 7:00 a.m. to midnight, and 7:00 am to 2:00 a.m. for private events.

Attachments:

1. MCP-London Bay Outrigger
2. 1985 LIQUOR LICENSE-OUTRIGGER_BEACH_RESORT
3. Resolution 26-XX SEZ for TIKI in EC NS
4. Resolution26-XX COP in EC (1)
5. Staff Report Outrigger SEZ
6. Exhibit A -Outrigger MCP COP area 2026-SEZ

Financial Impact:

unknown

6. **Alternative Action**

approve or approve with conditions

7. **Staff Recommendations:**

Find that the requests do not meet the criteria for a special exception and deny the request.

8. **Recommended Approval:**

_____ Date: January 26, 2026

Georgina Cid, Community Development Manager

_____ Date: January 28, 2026

Frankie Kropacek, Community Development Director

_____ Date: February 10, 2026

nancy stuparich, Town Attorney

_____ Date: March 31, 2026

Amy Baker, Town Clerk

ZONING: RS-1
FUTURE LAND USE: MR
EXISTING LAND USE: SINGLE-FAMILY HOMES

ZONING: RS-1
FUTURE LAND USE: MR
EXISTING LAND USE: SINGLE-FAMILY HOMES

ZONING: RM
FUTURE LAND USE: MR
EXISTING LAND USE: CONDOMINIUMS

ZONING: EC
FUTURE LAND USE: RECREATION
EXISTING LAND USE: BEACH

LEE COUNTY COASTAL CONSTRUCTION CONTROL LINE (CCCL)

CPD BOUNDARY (3.55 ACRES)

4 MIN. 20' SIDE YARD BUILDING SETBACK

464.82'

15' TYPE C BUFFER

SERVICE ACCESS TO INTERNAL TRASH COMPACTOR

SERVICE ACCESS AND EVA

CONDOMINIUM (13 FLOORS INCLUDING PARKING)

CONDOMINIUM (15 FLOORS INCLUDING PARKING)

CONDOMINIUM (15 FLOORS INCLUDING PARKING)

2 3

CONDOMINIUM (17 FLOORS INCLUDING PARKING)

NO BUFFER REQUIRED

350'

AMENITY AREA (OVER FIRST LEVEL OF PODIUM)

HOTEL (3 FLOORS INCLUDING PARKING)

1

HOTEL (10 FLOORS INCLUDING PARKING)

2 3

HOTEL (12 FLOORS INCLUDING PARKING)

HOTEL (11 FLOORS INCLUDING PARKING)

APPROXIMATE RETAINING/WAVE DISSIPATION WALL LOCATION (LANDWARD OF 1978 CCCL)

PUBLIC BEACH ACCESS AND PASSIVE RECREATION AREA

40 FEET
MOST WATERWARD DISTANCE OF BEACH BAR FROM ENVIRONMENTALLY CRITICAL ZONING DISTRICT (1978 CCCL)
EXACT DISTANCE TO BE DETERMINED AT TIME OF PERMITTING

27.0'

30.0'

AREA 800 SF

PROPOSED LOCATION OF CHICKEE HUT BEACH BAR GENERALLY CONSISTENT WITH DISTURBED AREA OF FORMER ACTIVITIES BUILDING PAD AND DECKING

5 MIN. 10' SIDE SETBACK

417.12'

PUBLIC RESTROOMS
APPROXIMATE LOCATION
LANDWARD 1978 CCCL

PUBLIC WASH STATIONS
APPROXIMATE LOCATION
LANDWARD OF 1978 CCCL

APPROXIMATE LOCATION OF BICYCLE PARKING

30' AVERAGE PUBLIC BEACH ACCESS AND LINEAR PARK (DEDICATED EASEMENT)

15' TYPE C BUFFER

15' EVA

GOLF CART AND BICYCLE PARKING

ZONING: CR
FUTURE LAND USE: MR
EXISTING LAND USE: CONDOMINIUMS

NO BUFFER REQUIRED (ENHANCED LANDSCAPING PROVIDED)

353.73'

TIERED LANDSCAPING

EXISTING NB LEETRAN BUS STOP SERVING ROUTE 410

EXISTING ENTRANCE

EXISTING CROSSWALK

EXISTING 10' SIDEWALK

EXISTING 5' BIKE LANE

EXISTING SB LEETRAN BUS STOP SERVING ROUTE 410

ESTERO BOULEVARD
3-TRAFFIC LANES
NORTH AND SOUTH 5' BIKE LANES

EXISTING 5' BIKE LANE

EXISTING 8' SIDEWALK

PROPOSED CROSSWALK

PUBLIC PLAZA AT BEACH ACCESS ENTRANCE

EVA ONLY ACCESS

EXISTING CROSSWALK TO BEACH ACCESS 11Z

EXISTING ENTRANCE

DRIFTWOOD LANE

BAHIA VIA

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: CONDOMINIUMS

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

DEVELOPMENT TABLE	
HOTEL	100 UNITS
HOTEL/CONDO	50 UNITS
CONDOMINIUMS	46 UNITS
PARKING SPACES (VEHICLES)	300 SPACES
BICYCLE AND GOLF CART PARKING	72 SPACES
MAXIMUM HEIGHT	200 FEET
MAXIMUM NUMBER OF STORIES	17
STREET SETBACK: ESTERO BLVD.	10 FEET
SIDE SETBACK	20 FT(principal)* 10 FT (accessory)
REAR/1978 CCCL SETBACK	0 FT(principal) 0 FT (accessory)

** See Deviation 4*

PLAN LEGEND

- CPD BOUNDARY
- EASEMENT
- BUILDING
- WALKWAY/BOARDWALK
- VEHICULAR INGRESS AND EGRESS
- # DEVIATIONS

NOTES:

1. The MCP and Development Standards of the CPD establishes the maximum building heights, density, intensity, and minimum setbacks from property lines. Building footprints are subject to modification/reconfiguration at time of local development order.
2. Height shall not exceed 200 feet measured from FDEP LHSM to midpoint of roof, density shall not exceed 196 combined total units, and FAR shall not exceed 3.0.
3. Deviations six (6) through 15 address design standards of the buildings and site improvements.

Copyright RVI

LONDON BAY OUTRIGGER CPD • MASTER CONCEPT PLAN

6200 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA
2024-08-15
2300-3740
6200 ESTERO BOULEVARD INVESTMENTS, LLC

0 15' 30' 60'
SCALE: 1" = 30'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

DBR 709L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
APPLICATION TRANSMITTAL

ATR

11-435

Business Name: Outrigger Beach Resort

Applicant: Colorado Southern Inc. ✓

Location Address: 6220 Estero Blvd. (Street Number) Ft. Myers Beach (Municipality) Lee (County)

License Number: 46-1385 S SERIES: 4 COP

Date RECEIVED by District: 12/2/85

Date ASSIGNED to Investigator: 12/2/85

APPLICANT INFORMATION:

APPLICANTS NAME	CURRENT LICENSEE	DATE FINGERPRINTED	DISQUALIFYING RECORD
David W. Fagerness		2/22/85	no
Raymond N. Joeckel		1/23/85	no
Malcolm D. Young		7/18/85	no

Date COMPLETED by Investigator: 1-15-86

RECOMMENDATION: (X) APPROVAL ( ) DISAPPROVAL

INVESTIGATOR'S SIGNATURE: [signature]

COMMENTS:

Date REVIEWED by Supervisor: 1/20/86

RECOMMENDATION: (X) APPROVAL ( ) DISAPPROVAL

SUPERVISOR'S SIGNATURE: [signature]

COMMENTS:

CENTRAL OFFICE
(DATE RECEIVED)

RECEIVED
JAN 23 1986
DIVISION OF BEVERAGE
TALLAHASSEE, FLORIDA

DATE INDEXED:

DATE COMPLETED: 1-27-86

FINAL DECISION: (X) Approval ( ) Disapproval

SIGNATURE: [signature]

DATE MICROFILMED:

COMMENTS:

DBR 7051
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSE APPLICATION ANALYSIS

	YES	NO
1. Is there any indication that applicant(s) or any disclosed interest is under 19 years of age?		✓
2. Is there any indication that applicant(s) or any disclosed interest may be impaired pursuant to 561.14(4) or (5), 561.15, 561.22, 561.24, 561.25, or 210.15, Florida Statutes?		✓
3. Is there a need to send out of state letters based on the applicant holding or having held or having had an interest in an alcoholic beverage license or cigarette permit in another state?		✓
4. Is there any indication that applicant(s) or any disclosed interest has any pending criminal case, the conviction of which would be disqualifying?		✓
5. Did the applicant(s) or any disclosed interest declare an arrest record on the personal questionnaire which could be disqualifying?		✓
6. Is there any indication that applicant(s) or any disclosed interest is not legally in the United States?		✓
7. Is there any indication that current licensee is no longer qualified to hold the alcoholic beverage license?		✓
8. Is there any indication of error(s), omission(s), perjury, misrepresentation(s), false statement(s), conflicting information, or lack of requested information as sworn to on the application or on any of the supporting documents?		✓
9. Is there any indication that the financial documentation does not support the information on the application?		✓
10. Is there any indication of anyone not disclosed on the application having an interest in the business?		✓
11. Does the type of license applied for require a site inspection?	✓	
12. Is there any indication the premises or location does not qualify for this type of alcoholic beverage license?		✓
13. Do the records at the district office indicate that a license has been revoked at the proposed location?		✓
14. Is license on delinquent list?		✓
15. Is there any administrative action by the Division or any pending litigation which should delay final action?		✓
16. Is there any indication the Division needs to correspond with the applicant for further information within 30 days from the receipt of this application pursuant to Chapter 120, the Administrative Procedure Act?	✓	
17. Is this application for the change of a quota license that has been issued within the last 3 years based on the drawing system?		✓

If any question here, on the personal questionnaire or the application (with the exception of Section II, 4., E. through G.) is answered YES, indicate the question number and give a brief narrative as to the final findings. (Attach extra sheets if necessary.)

11. Fourteen day letter given 12/2/85 recd. 12-9-85
11. Site inspection done. 1-15-86 by A. Duff

Authorized Signature

DBR 7841
Rev. 7-84

COR

STATE OF FLORIDA

DEPARTMENT OF BUSINESS REGULATION

THE JOHNS BUILDING
725 SOUTH BRONOUGH STREET
TALLAHASSEE, FLORIDA 32301

Bob Graham, Governor
Gary R. Rutledge, Secretary

Howard M. Rasmussen, Director
Division of Alcoholic
Beverages and Tobacco

December 2, 1985

Re: Outrigger Beach Resort

Dear Applicant:

We have reviewed your pending application as referenced above. Based on our review we find that additional information is required. Please furnish the following to our office within fourteen days (14) from the date of this letter. Failure to provide the requested information will result in the denial of your application.

A letter from the President, Mr. Fagerness stating that Daniel G. Reinfried and Joan are stockholders only and have no control over the operation of the business.

Also please advise who the treasurer of the corporation is.

If after your review of this letter you have any questions, please feel free to contact this office. You may forward the requested information to:

Kathy Lux
Div. of Alc. Bev. & Tob.
2665 Cleveland Ave. Suite 205/07
Ft. Myers Fla. 33901

Sincerely,

HOWARD M. RASMUSSEN, DIRECTOR

By: Kathy Lux

HMR/

The OUTRIGGER
BEACH RESORT

P.O. Box 271, Branch 1
6200 Estero Boulevard
Fort Myers Beach, FL 33931
(813) 463-3131

December 5, 1985

State of Florida
Division of Alcohol Beverages and Tobacco
2665 Cleveland Avenue - Suite 205
Fort Myers, Florida 33901

Attn: Ms Kathy Lux

Re: Permit #46-13355

Dear Sir or Madam;

In response to your letter of December 2nd please be advised of the following:

1) Ms Joan Fagerness and Mr. Daniel G. Reinfried are minority stockholders of Colorado Southern, Inc. and as such are not in a position to control the activities of the corporation without the consent of other stockholders. Neither of these stockholders is involved in the management or operation of the Outrigger Beach Resort except in their roles as minority stockholders.

2) On reviewing the corporate minutes I am reminded that Mr. Malcolm D. Young is the treasurer of Colorado Southern, Inc. Please indicate this fact either on our application or in your files.

Thank you for your assistance in issuing the COP permit to the Outrigger Resort.

Yours very truly,

Colorado Southern, Inc.

David W. Fagerness

David W. Fagerness, Pres.

RECEIVED
DEPT. OF BUSINESS REGULATIONS
DEC 09 1985
DIVISION OF BEVERAGE
FORT MYERS, FLORIDA

DBR 710L
Rev. 7-84

PDS

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERSONAL QUESTIONNAIRE

FULL NAME: (Do Not Use Initials)	[redacted]	Date of Birth:	Age:
David Wayne Fagerness		July 15, 1931	54

Place of Birth:	Race:	Sex:	Home Phone Number:
Worthington, Minnesota	Cauc.	Male	303 722 6097

Current Residence Address:
916 South Race (Race) Street
Denver, Colorado 80209

Business Phone: 813 463 3131

Are you a citizen of the United States? . . . . . Yes (x) No ( )
If the answer is no, complete the following:
Have you legally entered this country? . . . . . Yes ( ) No ( )

Alien Registration Number: Country of Origin:

TRADE NAME OF BUSINESS TO BE LICENSED:	BUSINESS ADDRESS: (Number, Street, City)
Outrigger Beach Resort	6220 Estero Boulevard Fort Myers Beach, Florida 33931

LIST EMPLOYMENT FOR PAST FIVE YEARS - INCLUDE ANY PERIOD OF UNEMPLOYMENT

Period FROM	Period TO	JOB TITLE	EMPLOYER'S NAME & ADDRESS WITH ZIP CODE INCLUDE SELF EMPLOYMENT
1973	1981	Crude oil marketing manager	Petro Lewis Corporation Denver, Colorado
1981	1984	Personal financial planner	Self employed - Denver
1984	Pres.	Managing partner	Outrigger Beach Resort - Fort Myers Beach

Have you ever been in this state, any other state, by the United States or by any foreign country:	YES	NO
1. Arrested, charged or convicted of any violation of the law excluding minor traffic violations?		x
2. Have you in the past or presently, individually or as an officer of a corporation:		
a. Held, or had an interest in a beverage license or cigarette permit? .		x
b. Been denied a beverage license or cigarette permit?		x
c. Had a beverage license or cigarette permit revoked?		x
d. Held stock or had any interest in, affiliated or connected with, directly or indirectly any business which manufactures, distributes, imports, exports or sells at retail any alcoholic beverages?		x
3. Are you an official with state police powers granted by the Florida Legislature?		x

If answer to any of these questions is YES, list full particulars which include charge(s), date and place of arrest(s), arresting agencies, whether convicted and give business name(s), city(ies), state(s) and date(s). (Attach extra sheets if necessary.)

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

List the total amount of funds you are investing in the business: $ None

A. Personal Funds: $ _____

How were these personal funds obtained? _____

B. Loans and Mortgages: $ _____

List the name of any person(s), firm(s) or corporation(s) that has or will advance you money for the operation of this business or that holds any mortgage or security agreement against this business to account for the total amount of loans listed:

FULL NAME	ADDRESS	RELATIONSHIP	AMOUNT
(This lounge operation will be financed completely with funds generated from the resort which we have owned and operated since 1968)			

(Attach extra sheets if necessary.)

Where will your banking business be conducted?

1. Business: Gulf Coast First National Bank - Fort Myers Beach
   Name Address

   Business: _____
   Name Address

2. Personal: First Interstate Bank - Denver, Colorado
   Name Address

   Personal: _____
   Name Address

The undersigned individual hereby authorizes the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, State of Florida, to examine and/or copy any and all records including but not limited to personal, financial or criminal data relating to the information contained herein, during normal business hours from this date forward.

"I swear or affirm under penalty of perjury as provided for in 559.791, 562.45, and 837.06 Florida Statutes that the foregoing information is true and correct to the best of my knowledge."

Sworn to and subscribed before me at _____,

this 20th day of NOVEMBER, 19 85.

David Wayne Fagerness 11-19-85
(Signature of Applicant) (Date)

Catherine E. Yoak
Notary Public

My Commission Expires June 17, 1987

WARNING

Read carefully, this instrument is a sworn document. False answers could result in criminal prosecution, subject to fine and/or imprisonment and denial of your application.

DER 710L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERSONAL QUESTIONNAIRE

FULL NAME: (Do Not Use Initials)		Date of Birth:	Age:
Raymond Neal Joecke!	[redacted]	12-6-25	59

Place of Birth:	Race:	Sex:	Home Phone Number:
Presho So Dak.	W	M	303-674-6044

Current Residence Address: 25057 Giant Gulch Rd Evergreen, Colo 80439

Business Phone: 303-563-0800

Are you a citizen of the United States? . . . . . Yes (X) No ( )
If the answer is no, complete the following:
Have you legally entered this country? . . . . . Yes ( ) No ( )

Alien Registration Number: Country of Origin:

TRADE NAME OF BUSINESS TO BE LICENSED:	BUSINESS ADDRESS: (Number, Street, City)
Colorado Southern (Outrigger Motel)	6200 Estero Blvd, Ft Myers Beach Florida

LIST EMPLOYMENT FOR PAST FIVE YEARS - INCLUDE ANY PERIOD OF UNEMPLOYMENT

Period FROM	Period TO	JOB TITLE	EMPLOYER'S NAME & ADDRESS WITH ZIP CODE INCLUDE SELF EMPLOYMENT
Nov. 1960	Present	President	Eagle Exploration Company Suite 2100 1775 Sherman St. Denver, Colo 80203

Have you ever been in this state, any other state, by the United States or by any foreign country:	YES	NO
1. Arrested, charged or convicted of any violation of the law excluding minor traffic violations?		X
2. Have you in the past or presently, individually or as an officer of a corporation:		
a. Held, or had an interest in a beverage license or cigarette permit? .		X
b. Been denied a beverage license or cigarette permit?		X
c. Had a beverage license or cigarette permit revoked?		X
d. Held stock or had any interest in, affiliated or connected with, directly or indirectly any business which manufactures, distributes, imports, exports or sells at retail any alcoholic beverages?		X
3. Are you an official with state police powers granted by the Florida Legislature?		X

If answer to any of these questions is YES, list full particulars which include charge(s), date and place of arrest(s), arresting agencies, whether convicted and give business name(s), city(ies), state(s) and date(s). (Attach extra sheets if necessary.)

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

List the total amount of funds you are investing in the business. $ N A

A. Personal Funds: $ N A

How were these personal funds obtained? N A

B. Loans and Mortgages: $ N A

List the name of any person(s), firm(s) or corporation(s) that has or will advance you money for the operation of this business or that holds any mortgage or security agreement against this business to account for the total amount of loans listed:

FULL NAME	ADDRESS	RELATIONSHIP	AMOUNT
N A			

(Attach extra sheets if necessary.)

Where will your banking business be conducted?

1. Business: Gulf Coast National Bank (Name) Eglin Blvd Ft. Myers Beach Florida (Address)

Business: _____ (Name) _____ (Address)

2. Personal: First Federal Savings Bank (Name) P.O. Box 17024 FA Denver, Colo 80217 (Address)

Personal: _____ (Name) _____ (Address)

The undersigned individual hereby authorizes the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, State of Florida, to examine and/or copy any and all records including but not limited to personal, financial or criminal data relating to the information contained herein, during normal business hours from this date forward.

"I swear or affirm under penalty of perjury as provided for in 559.791, 562.45, and 837.06 Florida Statutes that the foregoing information is true and correct to the best of my knowledge."

Sworn to and subscribed before me at _____,

this 20th day of NOVEMBER, 19 95.

_____ (Signature of Applicant) 11-19-95 (Date)

_____ Notary Public

My Commission Expires June 17, 1997

WARNING

Read carefully, this instrument is a sworn document. False answers could result in criminal prosecution, subject to fine and/or imprisonment and denial of your application.

DBR 710L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERSONAL QUESTIONNAIRE

FULL NAME: (Do Not Use Initials)	[redacted]		Date of Birth:	Age:
Doyle MALCOLM X. YOUNG, JR.			7/7/24	21
Place of Birth:	Race:	Sex:		
Pittsburgh, Pennsylvania	W	M	Home Phone Number: 303-861-7784	
Current Residence Address:			Business Phone:	
200 Pearl St., No. 307, Denver, Colo. 80203			As Above	

Are you a citizen of the United States? . . . . . Yes (X) No ( )
If the answer is no, complete the following:
Have you legally entered this country? . . . . . Yes ( ) No ( )

Alien Registration Number: Country of Origin:

TRADE NAME OF BUSINESS TO BE LICENSED:	BUSINESS ADDRESS: (Number, Street, City)
OUTRIGGER Beach Resort	6200 Estero Blvd., Ft. Myers Beach, Fla 33931

LIST EMPLOYMENT FOR PAST FIVE YEARS – INCLUDE ANY PERIOD OF UNEMPLOYMENT

Period FROM	Period TO	JOB TITLE	EMPLOYER'S NAME & ADDRESS WITH ZIP CODE INCLUDE SELF EMPLOYMENT
1960's	present	Consultant Petroleum Geologist	(Self-employed) 200 Pearl St, No. 307, Denver, Colo. 80203

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

Have you ever been in this state, any other state, by the United States or by any foreign country:

	YES	NO
1. Arrested, charged or convicted of any violation of the law excluding minor traffic violations?		X
2. Have you in the past or presently, individually or as an officer of a corporation:		
a. Held, or had an interest in a beverage license or cigarette permit? .	X	
b. Been denied a beverage license or cigarette permit?		X
c. Had a beverage license or cigarette permit revoked?		X
d. Held stock or had any interest in, affiliated or connected with, directly or indirectly any business which manufactures, distributes, imports, exports or sells at retail any alcoholic beverages?	X	
3. Are you an official with state police powers granted by the Florida Legislature?		X

If answer to any of these questions is YES, list full particulars which include charge(s), date and place of arrest(s), arresting agencies, whether convicted and give business name(s), city(ies), state(s) and date(s). (Attach extra sheets if necessary.)

1. As part owner & lessee of Charley Brown's Restaurant, 6225 Estero Blvd, Ft Myers Beach, Fla 33931
2. As part owner & lessee of Gulf Shore Restaurant, 1270 Estero Blvd., Ft Myers Beach, Fla 33931

List the total amount of funds you are investing in the business. $ N/A

A. Personal Funds: $ N/A

How were these personal funds obtained? N/A

B. Loans and Mortgages: $ N/A

List the name of any person(s), firm(s) or corporation(s) that has or will advance you money for the operation of this business or that holds any mortgage or security agreement against this business to account for the total amount of loans listed:

FULL NAME	ADDRESS	RELATIONSHIP	AMOUNT
N/A	N/A	N/A	N/A

(Attach extra sheets if necessary.)

Where will your banking business be conducted?

1. Business: GULF COAST FIRST NATIONAL BANK, ESTERO BLVD FT. MYERS BEACH FL 33931
   Name Address

   Business: — —
   Name Address

2. Personal: FIRST INTERSTATE BANK of DENVER 633 17TH ST. DENVER, COLO 80 270
   Name Address

   Personal: — —
   Name Address

The undersigned individual hereby authorizes the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, State of Florida, to examine and/or copy any and all records including but not limited to personal, financial or criminal data relating to the information contained herein, during normal business hours from this date forward.

"I swear or affirm under penalty of perjury as provided for in 559.791, 562.45, and 837.06 Florida Statutes that the foregoing information is true and correct to the best of my knowledge."

Sworn to and subscribed before me at

_____,

this 20th day of NOVEMBER,

19 95.

Catherine E Yoest
Notary Public

My Commission Expires June 13, 1997
1997

Melvin David Young Jr. 11/18/95
(Signature of Applicant) (Date)

WARNING

Read carefully, this instrument is a sworn document. False answers could result in criminal prosecution, subject to fine and/or imprisonment and denial of your application.

DBR 7000
Rev. 4-84

APP

STATE OF FLORIDA
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Section I

1. TYPE OF APPLICATION: Check Appropriate Box(es)

(N) New	( ) Decrease in Series	( ) Change of Business Name
( ) New - Temporary	( ) Change in Series	( ) Change of Officers
( ) Transfer	( ) Change of Location	( ) Correction _____
( ) Transfer - Temporary	( ) Change of Location-Temporary	( ) Other _____
( ) Increase in Series		

2. Current Business Name: Colonnade Southern Inc/Sanctuary Beach Resort. Alt

Current Location Address: 6220 Estero Blvd Fort Myers Beach FL.

Current License Number: 46-1385 Current Series: 4COPS

3. TYPE OF APPLICANT: Check Appropriate Box and List Charter Number, if Applicable

( ) Individual ( ) Partnership
(N) Corporation ( ) Limited Partnership Charter Number: 331406 Alt

4. Applicant's Full Name: Colonnade Southern Inc.

46-1385
52818
01-28-96
L L L

Business Name: Outrigger Beach Resort.

Location Address: 6220 Estero Blvd (Street Number) Fort Myers Beach (City) Lee (County) Zip

Mailing Address: Same. (Street Number) (City) FL. (State) Zip

Alt

5. Type of License Desired: (Series 4COP-S) If you are an applicant for a special or club alcoholic beverage license the following must also be completed:

The special liquor license is issued pursuant to 561.20 Florida Statutes or Special Acts, and as such we acknowledge the following minimum requirements must be met and maintained:

Alt 100 TRANSIENT GUEST ROOMS

6. List below names not listed above for all those connected directly or indirectly in the business for which the license is sought: (This includes Partner(s), Spouse, Director(s), Stockholder(s), Corporate Officer(s), Limited or General Partner(s), Corporation(s), or any form of entity which is connected with this business. Attach extra sheets if necessary).

A. Corporation:

	NAME	INTEREST
1. President:	DAVID W. FAGERNESS	Stock % 12.5 Alt
2. ~~Vice President:~~ Stockholder	DANIEL G. REINFRIED	Stock % 25.0 Alt
3. Secretary:	RAYMOND N. JOECKEL	Stock % 25.0 Alt
4. ~~Treasurer:~~ Stockholder	JOAN E. FAGERNESS	Stock % 12.5 Alt
5. ~~Stockholder:~~ Treasurer	Malcolm D. Young	Stock % 25.0 Alt

B. Limited Partnership:

1. Limited Partner: _____ %
2. General Partner: _____ %

C. Direct Interest: _____ %

Direct Interest: _____ %

D. Indirect Interest: _____

Indirect Interest: _____

SECTION II

1. SALES TAX: To be completed by the Department of Revenue.

Certification by Florida Department of Revenue:

Please review the records of your Department for the current status of the aforementioned account. The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation needs this information in order to process this application.

X [signature] (Owner or Authorized Signature)

This is to certify that this account is in good standing.

By: [signature]

Title: Collection Specialist

Date: 11/25/85

Department of Revenue Stamp

[signature]

2. ZONING: To be completed by the Local Zoning Authorities.

The above location (X) Does Comply ( ) ~~Does Not Comply~~ with zoning requirements for the sale of alcoholic beverages pursuant to this application. If this premises is located within the limits of an incorporated municipality, indicate the name, and if not indicate the county.

Signed: Pamela E. Hall Title: Principal Planner 11-5-85

If City: _____ (Name) If County: Lee (Name) 11-14-85

3. HEALTH: To be completed by the State/County Health Authority.

The above establishment (X) Does Comply ( ) Does Not Comply with requirements of the Florida Sanitary Code.

Signed: [signature] Date: 11-15-85
Sanitarian/County Health Department

	YES	NO
4. RIGHT OF OCCUPANCY:		
A. Is the proposed premises other than a permanent structure, movable or able to be moved?		✓
B. Is the proposed premises located in a shopping center, shopping mall, or office building?		✓
C. Is the premises occupied by anyone other than as listed on this application?		✓
D. Is there any access through the premises to any area over which you do not have dominion and control?		✓
E. Does applicant have a legal right of occupancy to the premises?	✓	
F. Does applicant own the property?	✓	
G. Does applicant rent, lease or sublease the property?		✓
H. If answer to G. is yes, is anyone else listed as lessee or sublessee who is not on the application?		✓

I. If applicant rents, leases or subleases give the following:

Name of landlord: _____

Address of landlord: _____

How long is agreement for and what is the landlord paid as rent?: _____

5. FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: Complete A., B., or C.

A. Federal Employer's Identification Number 59-1212729142612

B. Not required ( )

C. Not Available ( ) I will submit to your agency as soon as possible.

SECTION III

These questions must be answered about this business for every person or entity listed. Copies of agreements and documentation to support the financial arrangements must be submitted with this application.

	YES	NO
1. Is there a management contract or service agreement in connection with this business?		✓
2. Are there any agreements which require a payment of a percentage of gross or net receipts from the business operation?		✓
3. Does anyone hold a mortgage or security agreement for this business?	✓	
4. Have you or anyone listed on this application borrowed money from or accepted money, equipment, fixtures, or anything of value from an owner or representative of a distiller, rectifier, blender, bottler, manufacturer, brewer, distributor, exporter, importer or retailer or secured a loan from any source connected with the alcoholic beverage industry? 46-1385		✓

5. List the total investment: . . . . . $ _____

A. Total cash invested: . . . . . $ 25,000, AHA

B. Total loans invested: . . . . . $ _____

6. If purchasing the business, what is the total purchase price?. . $ _____

7. List the names of all persons, firms or corporations that have or will advance any money for the operation of this business or that hold any mortgage or security agreement against this business or have the right or ability to receive money from the business.

NAME	TYPE OF LOAN	AMOUNT OF LOAN
(FUNDS FOR THE BAR/LOUNGE HAVE BEEN GENERATED INTERNALLY THROUGH THE OUTRIGGER RESORT WHICH WE HAVE OWNED AND OPERATED SINCE 1968) AHA		

FOR DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO USE ONLY

CENTRAL OFFICE USE ONLY

New 1 2nd
000 875

DISTRICT OFFICE DATE STAMP

RECEIVED
Application for Processing
DEC 02 [illegible]
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

AFFIDAVIT OF APPLICANT(S)

"I, the undersigned individual, or if a corporation for itself, its officers and directors, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such I hereby swear or affirm that the attached sketch or blueprint is substantially a true and correct representation of the premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by Officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for purposes of determining compliance with the beverage law.

"I swear under oath or affirmation under penalty of perjury as provided for in 559.791, 562.45, and 837.06, Florida Statutes, that the foregoing information is true to the best of my knowledge and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license or business for which these statements are made and that all of the above listed persons or entities meet the qualifications necessary to hold an interest in an alcoholic beverage license."

(OUTRIGGER BEACH RESORT)

STATE OF FLORIDA
County of Lee
Sworn to and subscribed before me
this 15 day of Nov, 1985

Patricia K Beckman
Notary Public

COLORADO SOUTHERN, INC.
(Applicant)

David W. Fagerness
(Applicant)

My Commission Expires 4-28-88

AFFIDAVIT OF SELLER(S)

"I, the undersigned, hereby swear or affirm that I am duly authorized to make this affidavit and do hereby consent, on my behalf or on behalf of the seller, to the above transfer, and represent to the Division of Alcoholic Beverages and Tobacco that the license which is being transferred is as shown in the application and that a bona fide sale in good faith has been made to the within applicant of the business for which the foregoing transfer of license is sought."

(OUTRIGGER BEACH RESORT)

STATE OF FLORIDA
County of Lee
Sworn to and subscribed before me
this 15 day of Nov., 1985

Patricia K Beckman
Notary Public

COLORADO SOUTHERN, INC.,
(Seller or Authorized Officer)

David W. Fagerness
(Seller or Authorized Officer)

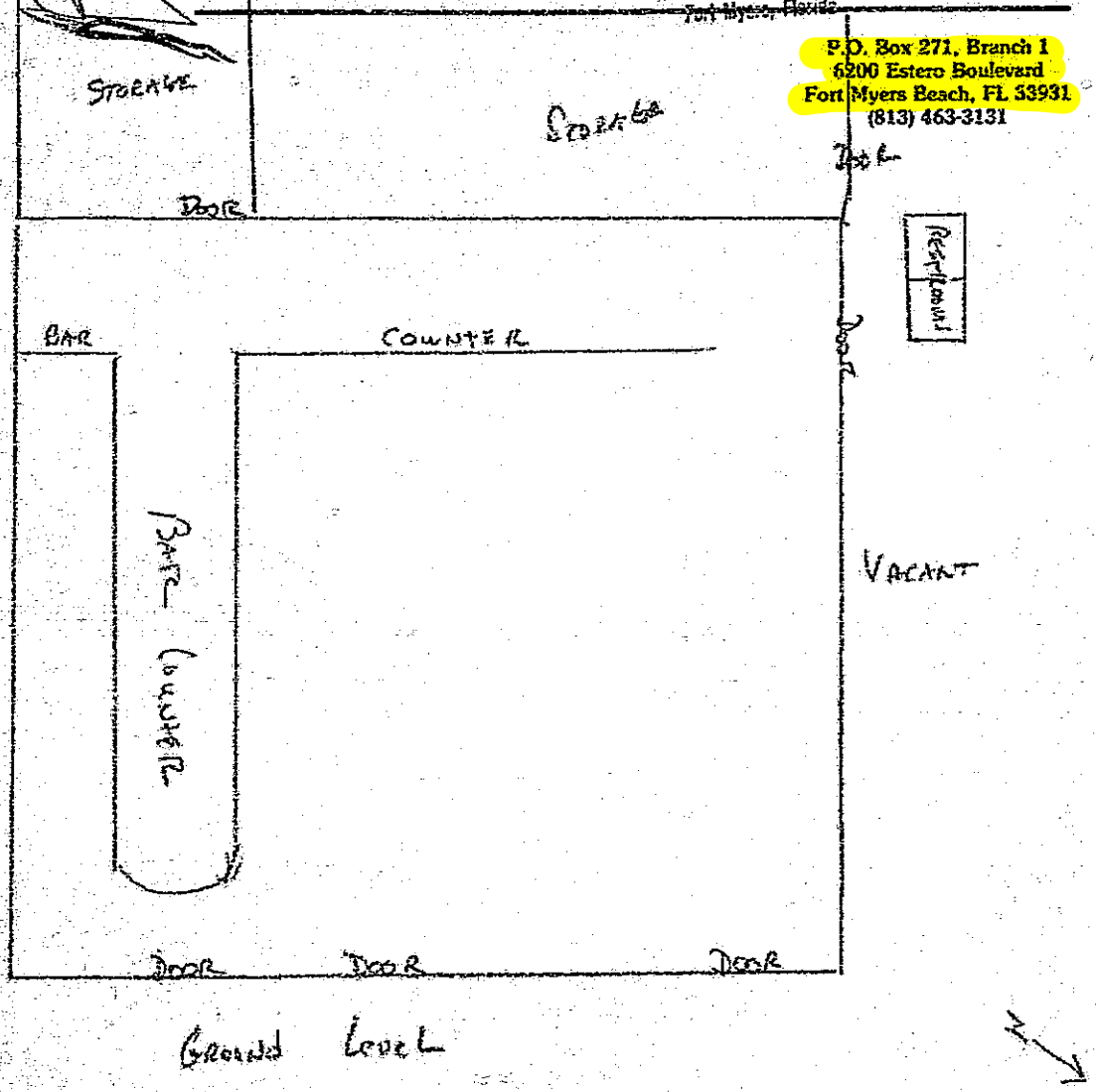
My Commission Expires 4-28-88

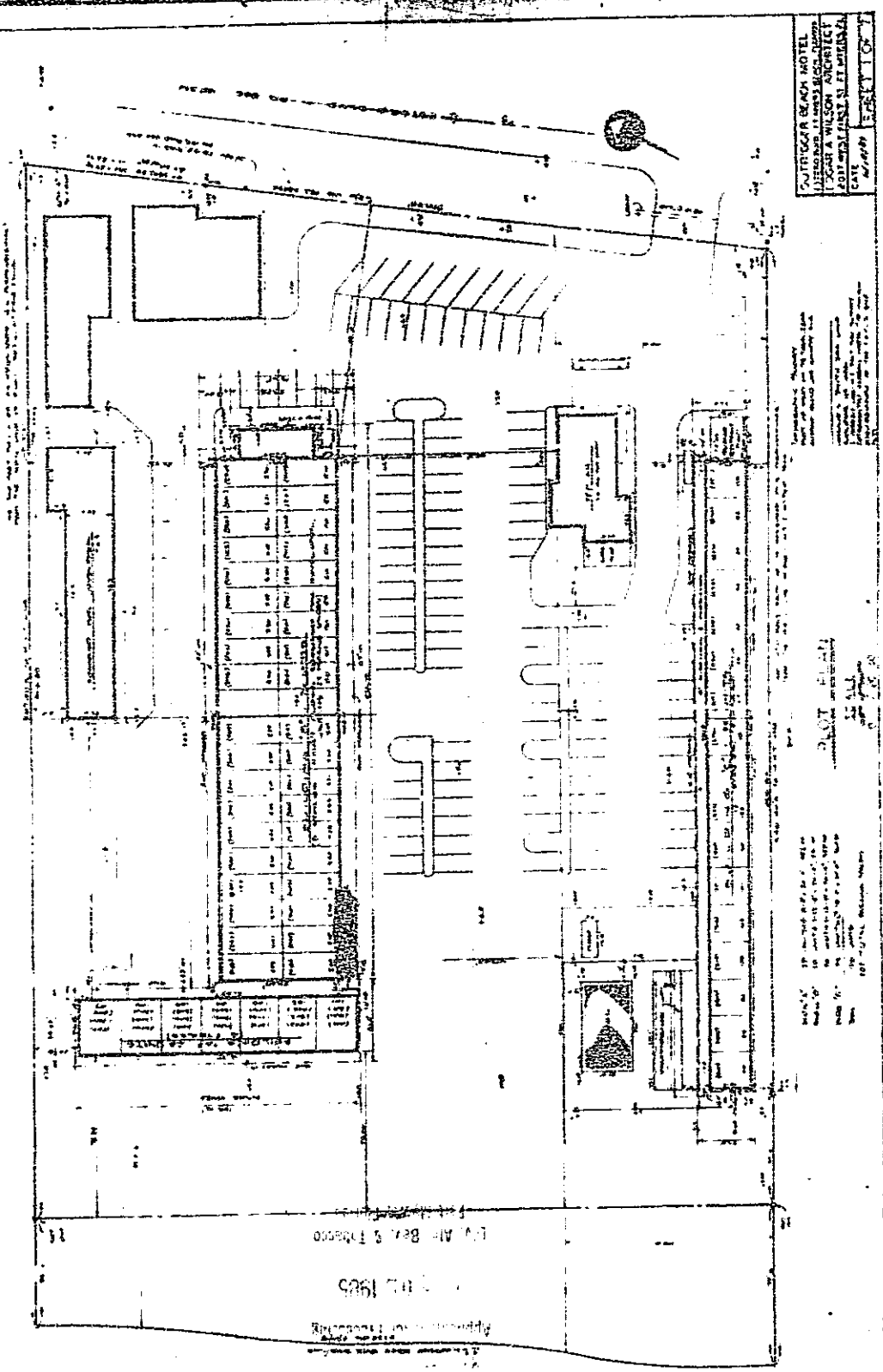
SKETCH OF LICENSED PREMISES

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

The OUTRIGGER
BEACH RESORT

P.O. Box 271, Branch 1
6200 Estero Boulevard
Fort Myers Beach, FL 33931
(813) 463-3131





OFF REC 1677 PG 681

RESOLUTION NUMBER 26-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW RECONSTRUCTION OF A MAJOR ACCESSORY STRUCTURE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Applicant 6200 Estero Blvd Investments LLC is requesting a special exception to repair an accessory structure in the EC zoning district per Sec. 6-366 of the Town of Fort Myers Land Development Code; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-00012.0000; and

WHEREAS, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the "Environmentally Critical" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 14, 2026, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted ___ to ___ recommending approval/ approval with conditions/ denial of the variance; and

WHEREAS, on _____ _____, 2026 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the to allow reconstruction of a major accessory structure in the EC zoning district per section 6-366.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

A. Changed or changing conditions which make approval of the request appropriate.
B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
C. The request meets all performance and locational standards for the proposed use.
D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

A. Any repairs must comply with all relevant local and state floodplain regulations.
B. Repairs may not damage existing dunes or dune vegetation.
C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

1. A new special exception must be applied for each time the structure is repaired.
2. Construction shall not occur during sea turtle nesting season.
3. Any repairs must comply with all relevant local and state floodplain regulations.

4. Repairs may not damage existing dunes or dune vegetation.

5. All development must be consistent with the Master Concept Plan (MCP) titled " Outrigger Resort Mixed Use Development (CPD) " or "Outrigger MCP" submitted with the submission in 2025.

6. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

7. Failure to comply with any of the above-mentioned conditions of approval for the Special exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor

Scott Stafford, Vice Mayor

Jim Atterholt, Council Member

John R. King, Council Member

Rebbeca King, Council Member

ADOPTED this ___day of __, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____

Dan Allers, Mayor

ATTEST:

_____

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of ___, 2026.

RESOLUTION NUMBER 26- XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW EXPANSION OF CONSUMPTION ON PREMISES IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS PER LDC SECTION 34-1264. (G)(1). FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Applicant 6200 Estero Blvd Investments LLC is requesting a special exception to allow expansion of consumption on premises in the Environmentally Critical zoning district as per Sec. 34-1264. (g)(1); and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-00012.0000; and

WHEREAS, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the "Environmentally Critical" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) April 14, 2026, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted ___ to ___ recommending approval/ approval with conditions/ denial of the variance; and

WHEREAS, on ___ ____, 2026 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the expansion of consumption on premises as shown in Exhibit A in the EC zoning as per LDC Section 34-1264. (g)(1).

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

A. Changed or changing conditions which make approval of the request appropriate.
B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
C. The request meets all performance and locational standards for the proposed use.
D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

1. All development must be consistent with the Master Concept Plan (MCP) titled " Outrigger Resort Mixed Use Planned Development (CPD) " or "Outrigger MCP" submitted with this application in 2025.

2. The area of expansion of licensed premises in the EC zoning district must be under the same ownership as the principal upland licensed premises (as licensed by the State of Florida Division of Alcoholic Beverages and Tobacco) and the upland licensed premises must be located immediately adjacent to and contiguous with the EC zoning district.

3. Patrons of the permitted establishments may not bring any alcoholic beverages or coolers into the licensed premises in the EC zoning district, nor may they consume any alcohol that has not been purchased from the permitted establishment

4. Alcohol served in the EC zoning district may not be dispensed in glass or aluminum containers of any type.
5. The permit holder shall be responsible for ensuring that the licensed premises in the EC zoning district is free of litter and debris. Refuse containers that meet the requirements of § 34-1264(g)(1) b.4(iv) must be provided.

6. Hours of service and consumption for the area of the licensed premises that is located in the EC zoning district shall be limited to between the hours of 11:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier, except for any additional hours that may have been granted by a special events permit.

7. Entertainment within the area of the licensed premises that is located in the EC zoning district may only be accomplished by special exception or special events permit, unless previously granted by special exception.

8. The applicant shall maintain a valid certificate of insurance that covers the area of the licensed premises that is located in the EC zoning district.

9. The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.

10. The property shall comply with all sea turtle protection requirements contained in chapter 14 of the Land Development Code.

11. Rope and post requirements:
    (i) The permit holder shall establish dominion and control of the area of expansion in the EC zoning district with rope and post.
    (ii) Rope and post shall have the same side yard setback as the principal structure in the adjacent upland zoning district. New dune vegetation may be planted on the outer side of the rope and post.
    (iii) A maximum of one six-foot wide pedestrian access opening is allowed per 100 feet of the rope and post along the side parallel to the waterline.
    (iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.
    (v) Each access point in the rope and post to the beach shall contain a sign, at each entrance, stating on both sides, "NO ALCOHOL ALLOWED BEYOND THIS POINT." The sign shall have maximum dimensions of two feet by one foot.

12. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of

the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

13. Failure to comply with any of the above-mentioned conditions of approval for the Special exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor

Scott Stafford, Vice Mayor

Jim Atterholt, Council Member

John R. King, Council Member

Rebbeca King, Council Member

ADOPTED this ___day of _____, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of _____, 2026.

Exhibit A: COP area in the Master Concept Plan for Outrigger-Resort Mixed-use.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Special Exception**
CASE NUMBER:	**SEZ20240112**
CASE NAME:	**Special Exception to reconstruction of an accessory structure in the EC zoning and allow expansion of consumption on premises in EC Zoning.**
LPA HEARING DATE:	**April 14, 2026, at 9.00 AM**
PREPARED/ SUBMITTED BY:	**Jason Green, AICP**

I. APPLICATION SUMMARY

Applicant/Owner:	6200 Estero Blvd Investments, LLC
Request:	1. Special Exception to allow expansion of consumption on premises in the EC zoning district per Sec. 34-1264. (g) and 2. Special Exception to allow reconstruction of an accessory structure seaward of the Lee County 1978 Coastal Construction Control Line (CCCL) per Sec. 6-366.
Physical Address:	6200 Estero Blvd
STRAP #:	33-46-24-W3-00012.0000
FLU:	Recreational
Zoning:	Environmentally Critical (EC)

Adjacent zoning and land uses:

North:	ENVIRONMENTALLY CRITICAL (EC) AND RESIDENTIAL SINGLE FAMILY (RS), Medium Residential (FLU)
South:	ENVIRONMENTALLY CRITICAL (EC) AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) Medium Residential FLU

East: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND COMMERCIAL RESORT (CR), Medium Residential FLU

West: ENVIRONMENTALLY CRITICAL (EC), Recreation FLU

II. BACKGROUND AND ANALYSIS

Background:

6200 Estero Blvd Investments, LLC (the owner), and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (agent to the owner) are is requesting a special exception to reconstruct a 800 SF Outrigger-Resort bar/chickee hut (open-sided wooden thatched structure) in the location of the 800 SF Pre-Ian activity building per Sec. 6-366 and to allow expansion of consumption on premises (COP) in a portion of the EC zoning as per Sec. 34-1264. (g)(1). There were two buildings seaward of the 1978 CCCL affecting 950 square feet of floor area: 1) the Outrigger Beach Resort Bar and 2) an activity building (800 sq ft).

The applicant is proposing an 800 square foot Outrigger Resort bar/ open-sided wooden thatched structure in the location of the activities building. The applicant is proposing a 150 SF decrease to the previously constructed activity building and Outrigger beach bar areas seaward of the 1978 CCCL, and a 50% reduction to the previously approved COP area in the EC zoning district

The COP application is the extension of the historic COP approval attached to the Outrigger Beach Resort. The extent of the proposed COP is between 605 feet and 652 feet seaward into the EC district across the width of the property, which is 350 feet. The extent of the proposed COP is situated on the west half of the EC zone abutting the 1978 CCCL The total requested COP area in the EC is approximately 2.5 acres. The special exception site plan shows the extent of the COP in the EC District with a 50-foot setback from mean high water for public right of passage.

The applicant is proposing to build an 800 square foot Outrigger bar/ open-sided wooden thatched structure, similar in location and area (including the area of the previously existing walkways) of the pre-Ian activity center, in the EC zoning district. The Applicant is proposing hours of operation for the COP on the CPD property (not the chickee hut) from 7am to 11pm. The applicant is also proposing the Outrigger bar/ open-sided wooden thatched structure hours and hours of amplified music in outdoor or unenclosed areas from 11:00 a.m. to 10:00 p.m. Amplified music is proposed in enclosed areas or indoors (on the CPD property) between 7:00 a.m. to midnight, and 7:00 am to 2:00 a.m. for private events.

Analysis:

6200 Estero Blvd has supported a resort with accessory uses including an activity building and COP in in the EC zoning district for decades prior to hurricane Ian. The development was substantially damaged during Hurricane Ian. The previous structures did not meet current flood requirements. The Applicant is proposing two special exceptions, 1) to build

an 800-square-foot, Outrigger-Resort bar/chickee hut in the same approximate location and size (including the area of the previously existing walkways) of the pre-Ian activity building in the EC zoning district, and 2) to expand the COP area into the EC zoning district, , to re-establish the historic COP areas attached to the Outrigger Resort per Lee County CPD zoning and ATB approvals.

Construction in the EC

The LDC Sec. 6-366 allows repairs to accessory structures in the EC zoning district through approval of a special exception. There were two existing buildings in the EC zoning district prior to Hurricane Ian, 1) an activity building and surrounding walkways impacting approximately 800 square feet and. and 2) a 150 SF portion of the former Outrigger Resort Beach Bar that supported COP over the entirety of the property's EC zone / beach area However, the previous building was an activities building, not a chickee hut. The proposed use of a Outrigger-Resort bar/chickee hut is more intense than the use of an activities building. Staff does not feel that this request meets the intent of the LDCs special exception process intended to allow the reconstruction of facilities that were destroyed by the hurricane. This SEZ is a part of the new master plan development, with opportunity to move the chickee hut landward of the 1978 CCCL.

Expansion of Consumption on Premises

The applicant is requesting an expansion of consumption of premises from the CPD into the EC zoning. As per LDC Section 34-1264. (h)(1), *The term "expansion," as used in this subsection, shall include the enlargement of space for such use and uses incidental thereto.* However, the request is to construct a new foot Outrigger bar/ open-sided wooden thatched structure in the EC and to allow the area of COP to extend from the 1978 CCCL to 50 feet from the mean high-water line. This area is approximately 2.5 acres in the EC. At the same time a new bar is proposed in the EC zoning district. Per LDC Table 34-2 Consumption on premises is not a use permitted in the EC zoning district by right or by special exception.

The EC district is intended to prevent public harm by precluding the use of land for purposes for which it is unsuited in its natural state, and which injures the rights of others or otherwise adversely affects a defined public interest. Sec. 34-1264(g)(1)b. allows *The area of expansion of a COP licensed premises extending seaward into the EC zoning district, shall be limited to no more than 33 percent of the land area between the landward EC zoning district boundary and the mean high water line (up to a maximum of 100 feet);* and (g)(1)b.(viii) allows *The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.* Both code sections allow 5,000 square feet of expansion into the EC. The applicant is proposing an expansion of the proposed COP between 605 feet and 652 feet seaward into the EC district across the width of the property, which is 350 feet. The total requested COP area in the EC is approximately 2.5 acres, which is the same historic area as the former resort, less the public right of passage setback. Adherence to this criterion

would allow only 5,000 square feet, a significant reduction from the historic permitted use.

The applicant is requesting for expansion of COP on the beach; however, it appears that this request is not for expansion of consumption on premises use in the EC zoning district as per LDC Section 34-1264(g) but for a new beach bar use in the EC zoning district and consumption on premises for 2.5 acres of the EC zoning district.

Section 34-1264(g)(1)b.1. lists a set of requirements for expansion of COP in the EC.

1. *Standard conditions of approval. The following requirements shall be applicable to all premises that are approved for COP in the EC zoning district. Violation of any of the following provisions may be grounds for revocation in accordance with § 34-1264(i):*
   - *(i) The area of expansion of licensed premises in the EC zoning district must be under the same ownership as the principal upland licensed premises (as licensed by the State of Florida Division of Alcoholic Beverages and Tobacco) and the upland licensed premises must be located immediately adjacent to and contiguous with the EC zoning district.*
   - *(ii) Patrons of the permitted establishments may not bring any alcoholic beverages or coolers into the licensed premises in the EC zoning district, nor may they consume any alcohol that has not been purchased from the permitted establishment.*
   - *(iii) Alcohol served in the EC zoning district may not be dispensed in glass or aluminum containers of any type.*
   - *(iv) The permit holder shall be responsible for ensuring that the licensed premises in the EC zoning district are free of litter and debris. Refuse containers that meet the requirements of § 34-1264(g)(1)b.4(iv) must be provided.*
   - *(v) Hours of service and consumption for the area of the licensed premises that is located in the EC zoning district shall be limited to between the hours of 11:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier, except for any additional hours that may have been granted by a special events permit. Hours granted by a previously granted special exception shall prevail.*
   - *(vi) Entertainment within the area of the licensed premises that is located in the EC zoning district may only be accomplished by special exception or special events permit, unless previously granted by special exception.*
   - *(vii) Applicant shall maintain a valid certificate of insurance that covers the area of the licensed premises that is located in the EC zoning district.*
   - *(viii) The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.*
   - *(ix) The property shall comply with all sea turtle protection requirements contained in chapter 14 of the Land Development Code.*

2. All conditions applicable to the upland area, as previously approved, shall likewise apply within the expanded area. In the event of any conflict with conditions for the

expanded area of licensed premises in the EC zoning district established herein, the provisions herein shall prevail within the expanded area.
3. No additional parking shall be required for the area of expansion in the EC zoning district.
4. Rope and post requirements:

- *(i) The permit holder shall establish dominion and control of the area of expansion in the EC zoning district with rope and post.*
- *(ii) Rope and post shall have the same side yard setback as the principal structure in the adjacent upland zoning district. New dune vegetation may be planted on the outer side of the rope and post.*
- *(iii) A maximum of one six-foot wide pedestrian access opening is allowed per 100 feet of the rope and post along the side parallel to the waterline.*
- *(iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.*
- *(v) Each access point in the rope and post to the beach shall contain a sign, at each entrance, stating on both sides, "NO ALCOHOL ALLOWED BEYOND THIS POINT." The sign shall have maximum dimensions of two feet by one foot.*

Neighborhood Compatibility:
Consumption of premises is not permitted use in EC zoning district and expansion of COP into the EC is strictly limited by the above conditions. The Applicant has proffered to use 50% of the EC area, less the public right of passage setback, as a good faith effort to provide a reduction from the historic COP area. The Applicant has also modified the request to adhere to hours of operation for COP in the EC zone from 11 a.m. to 9 p.m. in accordance with the LDC criteria

Findings and Conclusions:

Section 6-366(b)(3) Regulations and Considerations **for Construction in EC**
LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

a. *Any repairs must comply with all relevant local and state floodplain regulations.*

   Staff response: The development will be required to meet all local and state floodplain regulations.

b. *Repairs may not damage existing dunes or dune vegetation.*

   Staff response: The repairs are proposed for landward of the dune and native vegetation will not be impacted.

c. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*

   Staff response: Conditions of approval will disallow construction during sea turtle nesting season.

d. *A new special exception must be applied for each time the structure is repaired.*

   Staff response: This will be a condition of the special exception approval.

Special Exception Findings **for Construction in EC**

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception:

a. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

   Staff response: The previous activity building and Outrigger Bar were destroyed by Hurricane Ian. As per the Town's built back policy, the applicant may re-build the activity center. The proposed structure is a different structure and use than the previously existed in this location.

b. *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

   Staff response: The request is not consistent with goals, objectives, policies, and intent of the Fort Myers Beach 2045 Comprehensive Plan. However, the proposed SEZ application is subject to approval of the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed-Use.

c. *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

   Staff response: The request can meet performance and location standards if approved and conditioned appropriately.

d. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

   Staff response: The request could impact environmentally critical areas. The Outrigger Bar will be landward of the proposed dune, however appropriate turtle lighting and adequate plantings to protect the dune will be necessary. Staff finds that the proposed use may increase beach litter, requiring enhanced compliance with refuse management requirements. The applicant proposed that all required FDEP and Town permits will be obtained prior to construction to mitigate any impacts.

e. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

Staff response: The bar may cause nuisance to nearby residents due to the hours of operation and potential noise.

f. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

Staff response: The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows repair of major accessory structures also.

Special Exception Findings **for Expansion of COP in EC Zoning**

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception (staff analysis applicable only to the consumption on premises):

g. Whether there exist changed or changing conditions which make approval of the request appropriate.

Staff response: Consumption on premises is not permitted use in EC zoning district. Expansion of COP can be approved through a special exception. The applicant argues that the site supported a beach bar prior to the activity building. However, adequate evidence has not been produced.

For the reasons mentioned above in the analysis section, staff does not find the request appropriate.

h. Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

Staff response: The request is not consistent with goals, objectives, policies, and intent of the old and updated Fort Myers Beach 2045-Comprehensive Plan. However, the proposed SEZ application is subject to approval of the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed-Use.

i. Whether the request meets or exceeds all performance and locational standards for the proposed use.

Staff response: The request meets performance and location standards if approved and conditioned appropriately.

j. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

Staff response: The request will impact environmentally critical areas and natural resources. The proposed expansion areas consist of the entire 2.5 acres up to 50 feet from mean high water. This area contains wildlife, dunes, and vegetation which could be damaged by patrons.

k. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

Staff response: An expanded COP area across 2.5 acres of the EC zoned portion of the property could lead to a nuisance with neighboring residences. Proposed hours of operation in compliance with the LDC requirements further mitigate impacts to neighboring residences

l. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

The requested use for expansion of consumption on premises is not a replacement for the previously existing activity building and cannot be reviewed as an extension of the consumption of premises use in the EC zoning district.

III. CONCLUSION

Staff find the application for rebuilding the Outrigger Bar/ in EC district and extension of COP in EC district not in compliance with the old and updated town of Fort Myers Beach Comprehensive Plan; unless the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed Use District is approved, and a policy decision is made that significant reduction to the former COP area appropriately mitigates the impact of the request.

IV. CONDITIONS OF APPROVAL

If the Town's LPA recommends approval for the special Exception, town's staff recommends the following conditions of approval:

1. Additional repairs to major structures in the EC zoning district will require a new special exception.

2. Construction shall not occur during sea turtle nesting season.

3. Music or entertainment activities are subject to the Town's noise ordinance.

4. All development must be consistent with the Master Concept Plan (MCP) titled " Outrigger-Resort Commercial Planned Development (CPD) " or "Outrigger

MCP" and marked with a revision date of March 20, 2026.

5. The area of expansion of licensed premises in the EC zoning district must be under the same ownership as the principal upland licensed premises (as licensed by the State of Florida Division of Alcoholic Beverages and Tobacco) and the upland licensed premises must be located immediately adjacent to and contiguous with the EC zoning district.

6. Patrons of the permitted establishments may not bring any alcoholic beverages or coolers into the licensed premises in the EC zoning district, nor may they consume any alcohol that has not been purchased from the permitted establishment

7. Alcohol served in the EC zoning district may not be dispensed in glass or aluminum containers of any type.

8. The permit holder shall be responsible for ensuring that the licensed premises in the EC zoning district are free of litter and debris. Refuse containers that meet the requirements of § 34-1264(g)(1) b.4(iv) must be provided.

9. Hours of service and consumption for the area of the licensed premises that is located in the EC zoning district shall be limited to between the hours of 11:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier, except for any additional hours that may have been granted by a special events permit.

10. Entertainment within the area of the licensed premises that is located in the EC zoning district may only be accomplished by special exception or special events permit, unless previously granted by special exception.

11. The applicant shall maintain a valid certificate of insurance that covers the area of the licensed premises that is located in the EC zoning district.

12. The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.

13. The property shall comply with all sea turtle protection requirements contained in chapter 14 of the Land Development Code.

14. . Rope and post requirements:
    (i) The permit holder shall establish dominion and control of the area of expansion in the EC zoning district with rope and post.
    (ii) Rope and post shall have the same side yard setback as the principal structure in the adjacent upland zoning district. New dune vegetation may be planted on the outer side of the rope and post.
    (iii) A maximum of one six-foot wide pedestrian access opening is allowed per 100 feet of the rope and post along the side parallel to the waterline.

(iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.

(v) Each access point in the rope and post to the beach shall contain a sign, at each entrance, stating on both sides, "NO ALCOHOL ALLOWED BEYOND THIS POINT." The sign shall have maximum dimensions of two feet by one foot.

15. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

16. Failure to comply with any of the above-mentioned conditions of approval for the Special exception will render this approval null and void.

17. <u>There shall be no dune walkovers from the property to the beach.</u>

LONDON BAY OUTRIGGER SPECIAL EXCEPTION • CONCEPT PLAN

6200 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA
2026-03-22
2300-3740
6200 ESTERO BOULEVARD INVESTMENTS, LLC

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

LEE COUNTY 1978 COASTAL CONSTRUCTION CONTROL LINE (CCCL)
655' TO MEAN HIGH WATER
MEAN HIGH WATER LINE, ELEVATION 0.27' NAVD 88 AS LOCATED ON MARCH 15, 2023
50.0' PUBLIC RIGHT OF PASSAGE
CPD BOUNDARY (3.55 ACRES)
464.82'
AREA OF SPECIAL EXCEPTION
EXTENT OF COP 2.5 ACRES
AREA OF CPD
COP INCLUDES ENTIRE CPD AREA
350'
ADA COMPLIANT INGRESS/EGRESS OVER CSWMW
APPROXIMATE LOCATION OF COASTAL SURGE AND WAVE MITIGATION WALL (CSWMW) LANDWARD OF 1978 CCCL
PUBLIC BEACH ACCESS AND PASSIVE RECREATION AREA
40 FEET
MOST WATERWARD DISTANCE OF BEACH BAR FROM ENVIRONMENTALLY CRITICAL ZONING DISTRICT (1978 CCCL)
EXACT DISTANCE TO BE DETERMINED AT TIME OF PERMITTING
27.0'
30.0'
AREA 800 SF
LOCATION OF PUBLIC BEACH "CHICKEE" BAR GENERALLY CONSISTENT WITH DISTURBED AREA OF FORMER ACTIVITIES BUILDING PAD AND DECKING
702' TO MEAN HIGH WATER
MIN. 10' BUILDING SETBACK
BUIDLING SETBACK FROM 1978 CCCL TO BE DETERMINED AT PERMITTING
ADA COMPLIANT INGRESS/EGRESS OVER CSWMW
417.12'
30' AVERAGE PUBLIC BEACH ACCESS AND LINEAR PARK (DEDICATED EASEMENT)
EXISTING CROSSWALK TO BEACH ACCESS 11Z TO BE RELOCATED
EXISTING ENTRANCE
383.73'

ZONING: EC
FUTURE LAND USE: RECREATION
EXISTING LAND USE: BEACH

ZONING: RS-1
FUTURE LAND USE: MR
EXISTING LAND USE: SINGLE-FAMILY HOMES

ZONING: RS-1
FUTURE LAND USE: MR
EXISTING LAND USE: SINGLE-FAMILY HOMES

ZONING: RM
FUTURE LAND USE: MR
EXISTING LAND USE: CONDOMINIUMS

ZONING: CR
FUTURE LAND USE: MR
EXISTING LAND USE: CONDOMINIUMS

EXISTING NB LEETRAN BUS STOP SERVING ROUTE 410
EXISTING ENTRANCE
EXISTING CROSSWALK
DRIFTWOOD LANE
BAHIA VIA
EXISTING CANAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: CONDOMINIUMS

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

EXISTING 10' SIDEWALK
EXISTING 5' BIKE LANE
EXISTING 5' BIKE LANE
EXISTING 8' SIDEWALK

ESTERO BOULEVARD
3-TRAFFIC LANES
NORTH AND SOUTH 5' BIKE LANES

SB LEETRAN BUS STOP SERVING ROUTE 410 TO OPTION TO BE RELOCATED PER PERMITTING BY LEE COUNTY AND OTHER APPLICABLE AGENCIES

PLAN LEGEND

- EC DISTRICT BOUNDARY
- EASEMENT
- BUILDING
- WALKWAY/BOARDWALK
- VEHICULAR INGRESS AND EGRESS

CONDITIONS

1. INCLUDE A DUNE ENHANCEMENT AREA WITH DUNE VEGETATION AREA INSTALLED ACROSS A MINIMUM OF 75% OF TOTAL SHORE PARALLEL WIDTH OF PROPERTY (350 LFX 75% = 262 LF).

2. THE DUNE VEGETATION INSTALLATION SHALL INCLUDE A MINIMUM OF 150% OF THE BEACH BAR WIDTH AS PART OF THE OVERALL 75% REQUIRED COVERAGE.

SCALE: 1" = 30'-0"

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Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-428**

1. **Request:** **Meeting Date: April 14, 2026**

SPECIAL EXCEPTION - COP (QUASI-JUDICIAL)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW EXPANSION OF CONSUMPTION ON PREMISES IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS PER LDC SECTION 34-1264. (G)(1). FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

PUBLIC COMMENT

Why the action is necessary:
The LPA hears special exceptions and recommends action to the Town Council.

What the action accomplishes:
The LPA will assist the Town Council in determining if it is appropriate to expand the COP into the EC and construct a tiki structure in the EC.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

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5. **Background:**
6200 Estero Blvd Investments, LLC (the owner), and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (agent to the owner) are requesting a special exception to allow expansion of consumption on premises (COP) in a portion of the EC zoning as per Sec. 34-1264. (g)(1).

The COP application is an extension of the historic COP approval attached to the Outrigger Beach Resort. The extent of the proposed COP is between 605 feet and 652 feet seaward into the EC district across the width of the property, which is 350 feet. The extent of the proposed COP is situated in the west half of the EC zone abutting the 1978 CCCL The total requested COP area in the EC is approximately 2.5 acres (50% reduction to the previously approved COP area in the EC zoning district). The special exception site plan shows the extent of the COP in the EC District with a 50-foot setback from mean high water for public right of passage.

The applicant proposes hours of operation for the COP on the CPD property (excluding the chickee hut) from 7:00 a.m. to 11:00 p.m. The applicant is also proposing a special exception to construct an 800-square-foot Outrigger Resort bar/open-sided wooden thatched structure in the EC zoning district. The Outrigger bar/ open-sided wooden thatched structure offers hours of amplified music in outdoor or unenclosed areas from 11:00 a.m. to 10:00 p.m. Amplified music is proposed in enclosed areas or indoors (on the CPD property) between 7:00 a.m. to midnight, and 7:00 am to 2:00 a.m. for private events.

Attachments:
1. Resolution26-XX COP in EC (1)
2. Staff Report Outrigger SEZ

3. Exhibit A -Outrigger MCP COP area 2026-SEZ
4. MCP-London Bay Outrigger
5. 1985 LIQUOR LICENSE-OUTRIGGER_BEACH_RESORT
6. Resolution 26-XX SEZ for TIKI in EC NS

Financial Impact:
unknown

6. **Alternative Action**
approve or approve with conditions

7. **Staff Recommendations:**
Find that the requests do not meet the criteria for a special exception and deny the request.

8. **Recommended Approval:**

_____ Date: April 07, 2026
Kendra Rosa, Zoning Coordinator

_____ Date: April 07, 2026
Georgina Cid, Community Development Manager

_____ Date: April 07, 2026
Frankie Kropacek, Community Development Director

_____ Date: April 07, 2026
nancy stuparich, Town Attorney

_____ Date: April 07, 2026
Amy Baker, Town Clerk

RESOLUTION NUMBER 26- XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW EXPANSION OF CONSUMPTION ON PREMISES IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS PER LDC SECTION 34-1264. (G)(1). FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Applicant 6200 Estero Blvd Investments LLC is requesting a special exception to allow expansion of consumption on premises in the Environmentally Critical zoning district as per Sec. 34-1264. (g)(1); and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-00012.0000; and

WHEREAS, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the "Environmentally Critical" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) April 14, 2026, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted ___ to ___ recommending approval/ approval with conditions/ denial of the variance; and

WHEREAS, on ___ ____, 2026 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the expansion of consumption on premises as shown in Exhibit A in the EC zoning as per LDC Section 34-1264. (g)(1).

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

A. Changed or changing conditions which make approval of the request appropriate.
B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
C. The request meets all performance and locational standards for the proposed use.
D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

1. All development must be consistent with the Master Concept Plan (MCP) titled " Outrigger Resort Mixed Use Planned Development (CPD) " or "Outrigger MCP" submitted with this application in 2025.

2. The area of expansion of licensed premises in the EC zoning district must be under the same ownership as the principal upland licensed premises (as licensed by the State of Florida Division of Alcoholic Beverages and Tobacco) and the upland licensed premises must be located immediately adjacent to and contiguous with the EC zoning district.

3. Patrons of the permitted establishments may not bring any alcoholic beverages or coolers into the licensed premises in the EC zoning district, nor may they consume any alcohol that has not been purchased from the permitted establishment

4. Alcohol served in the EC zoning district may not be dispensed in glass or aluminum containers of any type.
5. The permit holder shall be responsible for ensuring that the licensed premises in the EC zoning district is free of litter and debris. Refuse containers that meet the requirements of § 34-1264(g)(1) b.4(iv) must be provided.

6. Hours of service and consumption for the area of the licensed premises that is located in the EC zoning district shall be limited to between the hours of 11:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier, except for any additional hours that may have been granted by a special events permit.

7. Entertainment within the area of the licensed premises that is located in the EC zoning district may only be accomplished by special exception or special events permit, unless previously granted by special exception.

8. The applicant shall maintain a valid certificate of insurance that covers the area of the licensed premises that is located in the EC zoning district.

9. The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.

10. The property shall comply with all sea turtle protection requirements contained in chapter 14 of the Land Development Code.

11. Rope and post requirements:
    (i) The permit holder shall establish dominion and control of the area of expansion in the EC zoning district with rope and post.
    (ii) Rope and post shall have the same side yard setback as the principal structure in the adjacent upland zoning district. New dune vegetation may be planted on the outer side of the rope and post.
    (iii) A maximum of one six-foot wide pedestrian access opening is allowed per 100 feet of the rope and post along the side parallel to the waterline.
    (iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.
    (v) Each access point in the rope and post to the beach shall contain a sign, at each entrance, stating on both sides, "NO ALCOHOL ALLOWED BEYOND THIS POINT." The sign shall have maximum dimensions of two feet by one foot.

12. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of

the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

13. Failure to comply with any of the above-mentioned conditions of approval for the Special exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor

Scott Stafford, Vice Mayor

Jim Atterholt, Council Member

John R. King, Council Member

Rebbeca King, Council Member

ADOPTED this ___day of _____, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of _____, 2026.

Exhibit A: COP area in the Master Concept Plan for Outrigger-Resort Mixed-use.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: **Special Exception**

CASE NUMBER: **SEZ20240112**

CASE NAME: **Special Exception to reconstruction of an accessory structure in the EC zoning and allow expansion of consumption on premises in EC Zoning.**

LPA HEARING DATE: **April 14, 2026, at 9.00 AM**

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

I. APPLICATION SUMMARY

Applicant/Owner: 6200 Estero Blvd Investments, LLC

Request: 1. Special Exception to allow expansion of consumption on premises in the EC zoning district per Sec. 34-1264. (g) and 2. Special Exception to allow reconstruction of an accessory structure seaward of the Lee County 1978 Coastal Construction Control Line (CCCL) per Sec. 6-366.

Physical Address: 6200 Estero Blvd

STRAP #: 33-46-24-W3-00012.0000

FLU: Recreational

Zoning: Environmentally Critical (EC)

Adjacent zoning and land uses:

North: ENVIRONMENTALLY CRITICAL (EC) AND RESIDENTIAL SINGLE FAMILY (RS), Medium Residential (FLU)

South: ENVIRONMENTALLY CRITICAL (EC) AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) Medium Residential FLU

East: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND COMMERCIAL RESORT (CR), Medium Residential FLU

West: ENVIRONMENTALLY CRITICAL (EC), Recreation FLU

II. BACKGROUND AND ANALYSIS

Background:

6200 Estero Blvd Investments, LLC (the owner), and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (agent to the owner) are is requesting a special exception to reconstruct a 800 SF Outrigger-Resort bar/chickee hut (open-sided wooden thatched structure) in the location of the 800 SF Pre-Ian activity building per Sec. 6-366 and to allow expansion of consumption on premises (COP) in a portion of the EC zoning as per Sec. 34-1264. (g)(1). There were two buildings seaward of the 1978 CCCL affecting 950 square feet of floor area: 1) the Outrigger Beach Resort Bar and 2) an activity building (800 sq ft).

The applicant is proposing an 800 square foot Outrigger Resort bar/ open-sided wooden thatched structure in the location of the activities building. The applicant is proposing a 150 SF decrease to the previously constructed activity building and Outrigger beach bar areas seaward of the 1978 CCCL, and a 50% reduction to the previously approved COP area in the EC zoning district

The COP application is the extension of the historic COP approval attached to the Outrigger Beach Resort. The extent of the proposed COP is between 605 feet and 652 feet seaward into the EC district across the width of the property, which is 350 feet. The extent of the proposed COP is situated on the west half of the EC zone abutting the 1978 CCCL The total requested COP area in the EC is approximately 2.5 acres. The special exception site plan shows the extent of the COP in the EC District with a 50-foot setback from mean high water for public right of passage.

The applicant is proposing to build an 800 square foot Outrigger bar/ open-sided wooden thatched structure, similar in location and area (including the area of the previously existing walkways) of the pre-Ian activity center, in the EC zoning district. The Applicant is proposing hours of operation for the COP on the CPD property (not the chickee hut) from 7am to 11pm. The applicant is also proposing the Outrigger bar/ open-sided wooden thatched structure hours and hours of amplified music in outdoor or unenclosed areas from 11:00 a.m. to 10:00 p.m. Amplified music is proposed in enclosed areas or indoors (on the CPD property) between 7:00 a.m. to midnight, and 7:00 am to 2:00 a.m. for private events.

Analysis:

6200 Estero Blvd has supported a resort with accessory uses including an activity building and COP in in the EC zoning district for decades prior to hurricane Ian. The development was substantially damaged during Hurricane Ian. The previous structures did not meet current flood requirements. The Applicant is proposing two special exceptions, 1) to build

an 800-square-foot, Outrigger-Resort bar/chickee hut in the same approximate location and size (including the area of the previously existing walkways) of the pre-Ian activity building in the EC zoning district, and 2) to expand the COP area into the EC zoning district, , to re-establish the historic COP areas attached to the Outrigger Resort per Lee County CPD zoning and ATB approvals.

Construction in the EC

The LDC Sec. 6-366 allows repairs to accessory structures in the EC zoning district through approval of a special exception. There were two existing buildings in the EC zoning district prior to Hurricane Ian, 1) an activity building and surrounding walkways impacting approximately 800 square feet and. and 2) a 150 SF portion of the former Outrigger Resort Beach Bar that supported COP over the entirety of the property's EC zone / beach area However, the previous building was an activities building, not a chickee hut. The proposed use of a Outrigger-Resort bar/chickee hut is more intense than the use of an activities building. Staff does not feel that this request meets the intent of the LDCs special exception process intended to allow the reconstruction of facilities that were destroyed by the hurricane. This SEZ is a part of the new master plan development, with opportunity to move the chickee hut landward of the 1978 CCCL.

Expansion of Consumption on Premises

The applicant is requesting an expansion of consumption of premises from the CPD into the EC zoning. As per LDC Section 34-1264. (h)(1), *The term "expansion," as used in this subsection, shall include the enlargement of space for such use and uses incidental thereto.* However, the request is to construct a new foot Outrigger bar/ open-sided wooden thatched structure in the EC and to allow the area of COP to extend from the 1978 CCCL to 50 feet from the mean high-water line. This area is approximately 2.5 acres in the EC. At the same time a new bar is proposed in the EC zoning district. Per LDC Table 34-2 Consumption on premises is not a use permitted in the EC zoning district by right or by special exception.

The EC district is intended to prevent public harm by precluding the use of land for purposes for which it is unsuited in its natural state, and which injures the rights of others or otherwise adversely affects a defined public interest. Sec. 34-1264(g)(1)b. allows *The area of expansion of a COP licensed premises extending seaward into the EC zoning district, shall be limited to no more than 33 percent of the land area between the landward EC zoning district boundary and the mean high water line (up to a maximum of 100 feet);* and (g)(1)b.(viii) allows *The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.* Both code sections allow 5,000 square feet of expansion into the EC. The applicant is proposing an expansion of the proposed COP between 605 feet and 652 feet seaward into the EC district across the width of the property, which is 350 feet. The total requested COP area in the EC is approximately 2.5 acres, which is the same historic area as the former resort, less the public right of passage setback. Adherence to this criterion

would allow only 5,000 square feet, a significant reduction from the historic permitted use.

The applicant is requesting for expansion of COP on the beach; however, it appears that this request is not for expansion of consumption on premises use in the EC zoning district as per LDC Section 34-1264(g) but for a new beach bar use in the EC zoning district and consumption on premises for 2.5 acres of the EC zoning district.

Section 34-1264(g)(1)b.1. lists a set of requirements for expansion of COP in the EC.

1. *Standard conditions of approval. The following requirements shall be applicable to all premises that are approved for COP in the EC zoning district. Violation of any of the following provisions may be grounds for revocation in accordance with § 34-1264(i):*
   - *(i) The area of expansion of licensed premises in the EC zoning district must be under the same ownership as the principal upland licensed premises (as licensed by the State of Florida Division of Alcoholic Beverages and Tobacco) and the upland licensed premises must be located immediately adjacent to and contiguous with the EC zoning district.*
   - *(ii) Patrons of the permitted establishments may not bring any alcoholic beverages or coolers into the licensed premises in the EC zoning district, nor may they consume any alcohol that has not been purchased from the permitted establishment.*
   - *(iii) Alcohol served in the EC zoning district may not be dispensed in glass or aluminum containers of any type.*
   - *(iv) The permit holder shall be responsible for ensuring that the licensed premises in the EC zoning district are free of litter and debris. Refuse containers that meet the requirements of § 34-1264(g)(1)b.4(iv) must be provided.*
   - *(v) Hours of service and consumption for the area of the licensed premises that is located in the EC zoning district shall be limited to between the hours of 11:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier, except for any additional hours that may have been granted by a special events permit. Hours granted by a previously granted special exception shall prevail.*
   - *(vi) Entertainment within the area of the licensed premises that is located in the EC zoning district may only be accomplished by special exception or special events permit, unless previously granted by special exception.*
   - *(vii) Applicant shall maintain a valid certificate of insurance that covers the area of the licensed premises that is located in the EC zoning district.*
   - *(viii) The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.*
   - *(ix) The property shall comply with all sea turtle protection requirements contained in chapter 14 of the Land Development Code.*

2. All conditions applicable to the upland area, as previously approved, shall likewise apply within the expanded area. In the event of any conflict with conditions for the

expanded area of licensed premises in the EC zoning district established herein, the provisions herein shall prevail within the expanded area.
3. No additional parking shall be required for the area of expansion in the EC zoning district.
4. Rope and post requirements:

- *(i) The permit holder shall establish dominion and control of the area of expansion in the EC zoning district with rope and post.*
- *(ii) Rope and post shall have the same side yard setback as the principal structure in the adjacent upland zoning district. New dune vegetation may be planted on the outer side of the rope and post.*
- *(iii) A maximum of one six-foot wide pedestrian access opening is allowed per 100 feet of the rope and post along the side parallel to the waterline.*
- *(iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.*
- *(v) Each access point in the rope and post to the beach shall contain a sign, at each entrance, stating on both sides, "NO ALCOHOL ALLOWED BEYOND THIS POINT." The sign shall have maximum dimensions of two feet by one foot.*

Neighborhood Compatibility:
Consumption of premises is not permitted use in EC zoning district and expansion of COP into the EC is strictly limited by the above conditions. The Applicant has proffered to use 50% of the EC area, less the public right of passage setback, as a good faith effort to provide a reduction from the historic COP area. The Applicant has also modified the request to adhere to hours of operation for COP in the EC zone from 11 a.m. to 9 p.m. in accordance with the LDC criteria

Findings and Conclusions:

Section 6-366(b)(3) Regulations and Considerations **for Construction in EC**
LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

a. *Any repairs must comply with all relevant local and state floodplain regulations.*

   Staff response: The development will be required to meet all local and state floodplain regulations.

b. *Repairs may not damage existing dunes or dune vegetation.*

   Staff response: The repairs are proposed for landward of the dune and native vegetation will not be impacted.

c. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*

   Staff response: Conditions of approval will disallow construction during sea turtle nesting season.

d. *A new special exception must be applied for each time the structure is repaired.*

   Staff response: This will be a condition of the special exception approval.

Special Exception Findings **for Construction in EC**

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception:

a. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

   Staff response: The previous activity building and Outrigger Bar were destroyed by Hurricane Ian. As per the Town's built back policy, the applicant may re-build the activity center. The proposed structure is a different structure and use than the previously existed in this location.

b. *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

   Staff response: The request is not consistent with goals, objectives, policies, and intent of the Fort Myers Beach 2045 Comprehensive Plan. However, the proposed SEZ application is subject to approval of the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed-Use.

c. *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

   Staff response: The request can meet performance and location standards if approved and conditioned appropriately.

d. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

   Staff response: The request could impact environmentally critical areas. The Outrigger Bar will be landward of the proposed dune, however appropriate turtle lighting and adequate plantings to protect the dune will be necessary. Staff finds that the proposed use may increase beach litter, requiring enhanced compliance with refuse management requirements. The applicant proposed that all required FDEP and Town permits will be obtained prior to construction to mitigate any impacts.

e. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

Staff response: The bar may cause nuisance to nearby residents due to the hours of operation and potential noise.

f. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

Staff response: The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows repair of major accessory structures also.

Special Exception Findings **for Expansion of COP in EC Zoning**

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception (staff analysis applicable only to the consumption on premises):

g. Whether there exist changed or changing conditions which make approval of the request appropriate.

Staff response: Consumption on premises is not permitted use in EC zoning district. Expansion of COP can be approved through a special exception. The applicant argues that the site supported a beach bar prior to the activity building. However, adequate evidence has not been produced.

For the reasons mentioned above in the analysis section, staff does not find the request appropriate.

h. Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

Staff response: The request is not consistent with goals, objectives, policies, and intent of the old and updated Fort Myers Beach 2045-Comprehensive Plan. However, the proposed SEZ application is subject to approval of the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed-Use.

i. Whether the request meets or exceeds all performance and locational standards for the proposed use.

Staff response: The request meets performance and location standards if approved and conditioned appropriately.

j. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

Staff response: The request will impact environmentally critical areas and natural resources. The proposed expansion areas consist of the entire 2.5 acres up to 50 feet from mean high water. This area contains wildlife, dunes, and vegetation which could be damaged by patrons.

k. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

Staff response: An expanded COP area across 2.5 acres of the EC zoned portion of the property could lead to a nuisance with neighboring residences. Proposed hours of operation in compliance with the LDC requirements further mitigate impacts to neighboring residences

l. Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

The requested use for expansion of consumption on premises is not a replacement for the previously existing activity building and cannot be reviewed as an extension of the consumption of premises use in the EC zoning district.

III. CONCLUSION

Staff find the application for rebuilding the Outrigger Bar/ in EC district and extension of COP in EC district not in compliance with the old and updated town of Fort Myers Beach Comprehensive Plan; unless the companion Comprehensive Plan Amendment to establish the Outrigger Resort Mixed Use District is approved, and a policy decision is made that significant reduction to the former COP area appropriately mitigates the impact of the request.

IV. CONDITIONS OF APPROVAL

If the Town's LPA recommends approval for the special Exception, town's staff recommends the following conditions of approval:

1. Additional repairs to major structures in the EC zoning district will require a new special exception.

2. Construction shall not occur during sea turtle nesting season.

3. Music or entertainment activities are subject to the Town's noise ordinance.

4. All development must be consistent with the Master Concept Plan (MCP) titled " Outrigger-Resort Commercial Planned Development (CPD) " or "Outrigger

MCP" and marked with a revision date of March 20, 2026.

5. The area of expansion of licensed premises in the EC zoning district must be under the same ownership as the principal upland licensed premises (as licensed by the State of Florida Division of Alcoholic Beverages and Tobacco) and the upland licensed premises must be located immediately adjacent to and contiguous with the EC zoning district.

6. Patrons of the permitted establishments may not bring any alcoholic beverages or coolers into the licensed premises in the EC zoning district, nor may they consume any alcohol that has not been purchased from the permitted establishment

7. Alcohol served in the EC zoning district may not be dispensed in glass or aluminum containers of any type.

8. The permit holder shall be responsible for ensuring that the licensed premises in the EC zoning district are free of litter and debris. Refuse containers that meet the requirements of § 34-1264(g)(1) b.4(iv) must be provided.

9. Hours of service and consumption for the area of the licensed premises that is located in the EC zoning district shall be limited to between the hours of 11:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier, except for any additional hours that may have been granted by a special events permit.

10. Entertainment within the area of the licensed premises that is located in the EC zoning district may only be accomplished by special exception or special events permit, unless previously granted by special exception.

11. The applicant shall maintain a valid certificate of insurance that covers the area of the licensed premises that is located in the EC zoning district.

12. The maximum area of expansion for the first 100 linear feet (or portion thereof) of property fronting the Gulf shall be 2,500 square feet. An additional ten square feet may be added to the area of expansion for each additional foot of frontage on the Gulf.

13. The property shall comply with all sea turtle protection requirements contained in chapter 14 of the Land Development Code.

14. . Rope and post requirements:
    (i) The permit holder shall establish dominion and control of the area of expansion in the EC zoning district with rope and post.
    (ii) Rope and post shall have the same side yard setback as the principal structure in the adjacent upland zoning district. New dune vegetation may be planted on the outer side of the rope and post.
    (iii) A maximum of one six-foot wide pedestrian access opening is allowed per 100 feet of the rope and post along the side parallel to the waterline.

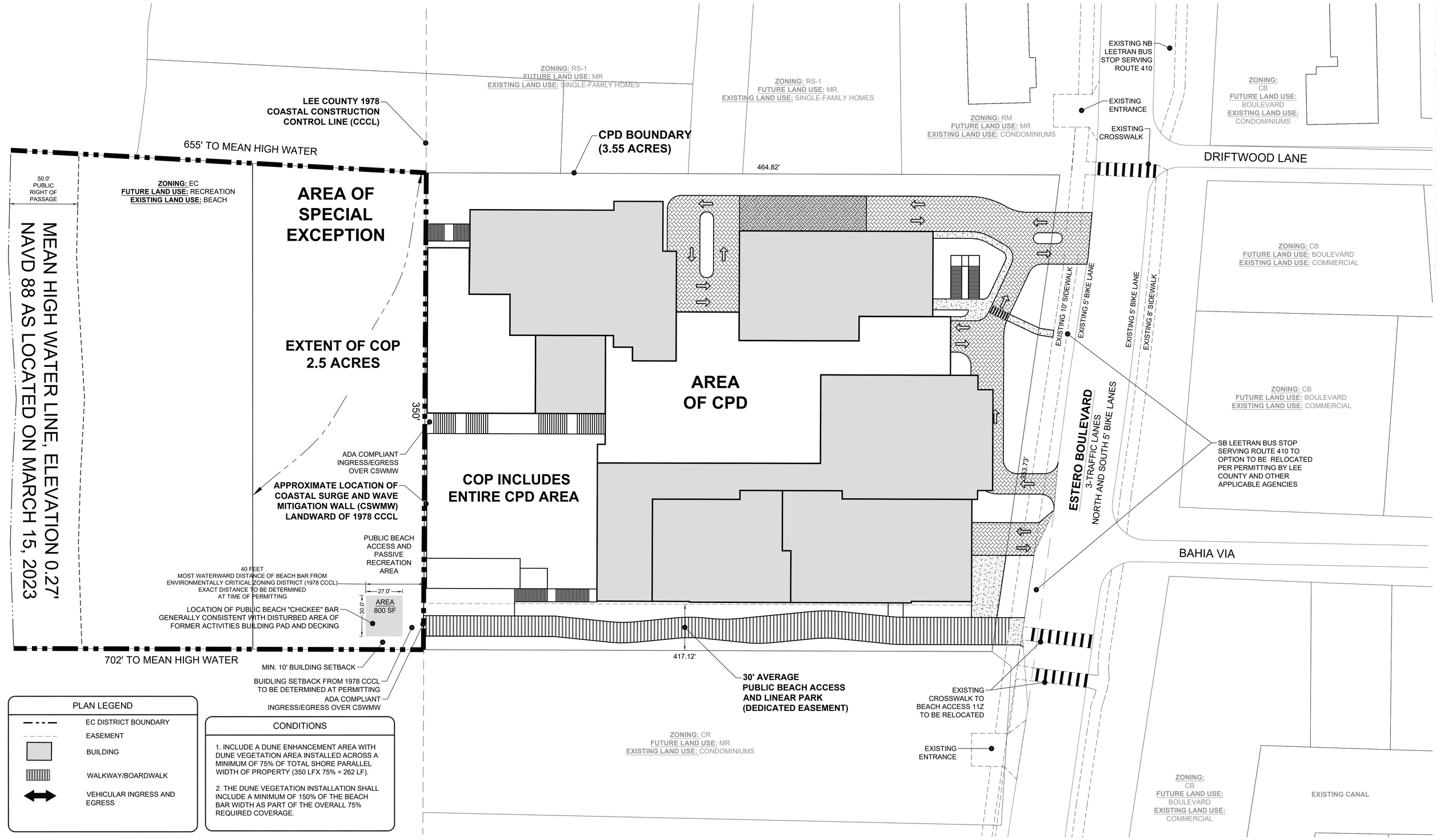
(iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.

(v) Each access point in the rope and post to the beach shall contain a sign, at each entrance, stating on both sides, "NO ALCOHOL ALLOWED BEYOND THIS POINT." The sign shall have maximum dimensions of two feet by one foot.

15. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

16. Failure to comply with any of the above-mentioned conditions of approval for the Special exception will render this approval null and void.

17. <u>There shall be no dune walkovers from the property to the beach.</u>



PLAN LEGEND

- EC DISTRICT BOUNDARY
- EASEMENT
- BUILDING
- WALKWAY/BOARDWALK
- VEHICULAR INGRESS AND EGRESS

CONDITIONS

1. INCLUDE A DUNE ENHANCEMENT AREA WITH DUNE VEGETATION AREA INSTALLED ACROSS A MINIMUM OF 75% OF TOTAL SHORE PARALLEL WIDTH OF PROPERTY (350 LFX 75% = 262 LF).

2. THE DUNE VEGETATION INSTALLATION SHALL INCLUDE A MINIMUM OF 150% OF THE BEACH BAR WIDTH AS PART OF THE OVERALL 75% REQUIRED COVERAGE.

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LONDON BAY OUTRIGGER SPECIAL EXCEPTION • CONCEPT PLAN

6200 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA
2026-03-22
2300-3740
6200 ESTERO BOULEVARD INVESTMENTS, LLC

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

SCALE: 1" = 30'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

ZONING: RS-1
FUTURE LAND USE: MR
EXISTING LAND USE: SINGLE-FAMILY HOMES

ZONING: RS-1
FUTURE LAND USE: MR
EXISTING LAND USE: SINGLE-FAMILY HOMES

ZONING: RM
FUTURE LAND USE: MR
EXISTING LAND USE: CONDOMINIUMS

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: CONDOMINIUMS

ZONING: EC
FUTURE LAND USE: RECREATION
EXISTING LAND USE: BEACH

LEE COUNTY COASTAL CONSTRUCTION CONTROL LINE (CCCL)

CPD BOUNDARY (3.55 ACRES)

4 MIN. 20' SIDE YARD BUILDING SETBACK

464.82'

15' TYPE C BUFFER

SERVICE ACCESS TO INTERNAL TRASH COMPACTOR

SERVICE ACCESS AND EVA

CONDOMINIUM (13 FLOORS INCLUDING PARKING)

CONDOMINIUM (15 FLOORS INCLUDING PARKING)

CONDOMINIUM (15 FLOORS INCLUDING PARKING)

2 3

CONDOMINIUM (17 FLOORS INCLUDING PARKING)

NO BUFFER REQUIRED

350'

AMENITY AREA (OVER FIRST LEVEL OF PODIUM)

HOTEL (3 FLOORS INCLUDING PARKING)

1

HOTEL (10 FLOORS INCLUDING PARKING)

2 3

HOTEL (12 FLOORS INCLUDING PARKING)

HOTEL (11 FLOORS INCLUDING PARKING)

APPROXIMATE RETAINING/WAVE DISSIPATION WALL LOCATION (LANDWARD OF 1978 CCCL)

PUBLIC BEACH ACCESS AND PASSIVE RECREATION AREA

40 FEET
MOST WATERWARD DISTANCE OF BEACH BAR FROM ENVIRONMENTALLY CRITICAL ZONING DISTRICT (1978 CCCL)
EXACT DISTANCE TO BE DETERMINED AT TIME OF PERMITTING

27.0'

30.0'

AREA 800 SF

PROPOSED LOCATION OF CHICKEE HUT BEACH BAR GENERALLY CONSISTENT WITH DISTURBED AREA OF FORMER ACTIVITIES BUILDING PAD AND DECKING

5 MIN. 10' SIDE SETBACK

417.12'

PUBLIC RESTROOMS
APPROXIMATE LOCATION
LANDWARD 1978 CCCL

PUBLIC WASH STATIONS
APPROXIMATE LOCATION
LANDWARD OF 1978 CCCL

APPROXIMATE LOCATION OF BICYCLE PARKING

30' AVERAGE PUBLIC BEACH ACCESS AND LINEAR PARK (DEDICATED EASEMENT)

15' TYPE C BUFFER

15' EVA

GOLF CART AND BICYCLE PARKING

ZONING: CR
FUTURE LAND USE: MR
EXISTING LAND USE: CONDOMINIUMS

EXISTING NB LEETRAN BUS STOP SERVING ROUTE 410

EXISTING ENTRANCE

EXISTING CROSSWALK

DRIFTWOOD LANE

EXISTING 10' SIDEWALK

EXISTING 5' BIKE LANE

EXISTING 5' BIKE LANE

EXISTING 8' SIDEWALK

NO BUFFER REQUIRED (ENHANCED LANDSCAPING PROVIDED)

EXISTING SB LEETRAN BUS STOP SERVING ROUTE 410

ESTERO BOULEVARD
3-TRAFFIC LANES NORTH AND SOUTH 5' BIKE LANES

353.73'

TIERED LANDSCAPING

PROPOSED CROSSWALK

BAHIA VIA

PUBLIC PLAZA AT BEACH ACCESS ENTRANCE

EVA ONLY ACCESS

EXISTING CROSSWALK TO BEACH ACCESS 11Z

EXISTING ENTRANCE

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

ZONING: CB
FUTURE LAND USE: BOULEVARD
EXISTING LAND USE: COMMERCIAL

DEVELOPMENT TABLE	
HOTEL	100 UNITS
HOTEL/CONDO	50 UNITS
CONDOMINIUMS	46 UNITS
PARKING SPACES (VEHICLES)	300 SPACES
BICYCLE AND GOLF CART PARKING	72 SPACES
MAXIMUM HEIGHT	200 FEET
MAXIMUM NUMBER OF STORIES	17
STREET SETBACK: ESTERO BLVD.	10 FEET
SIDE SETBACK	20 FT(principal)* 10 FT (accessory)
REAR/1978 CCCL SETBACK	0 FT(principal) 0 FT (accessory)

** See Deviation 4*

PLAN LEGEND

- CPD BOUNDARY
- EASEMENT
- BUILDING
- WALKWAY/BOARDWALK
- VEHICULAR INGRESS AND EGRESS
- # DEVIATIONS

NOTES:

1. The MCP and Development Standards of the CPD establishes the maximum building heights, density, intensity, and minimum setbacks from property lines. Building footprints are subject to modification/reconfiguration at time of local development order.
2. Height shall not exceed 200 feet measured from FDEP LHSM to midpoint of roof, density shall not exceed 196 combined total units, and FAR shall not exceed 3.0.
3. Deviations six (6) through 15 address design standards of the buildings and site improvements.

Copyright RVI

LONDON BAY OUTRIGGER CPD • MASTER CONCEPT PLAN

6200 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA
2024-08-15
2300-3740
6200 ESTERO BOULEVARD INVESTMENTS, LLC

0 15' 30' 60'
SCALE: 1" = 30'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

DBR 709L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
APPLICATION TRANSMITTAL

11-435

4 ATR

Business Name: Outrigger Beach Resort

Applicant: Colorado Southern Inc. ✓

Location Address: 6220 Estero Blvd. (Street Number) Ft. Myers Beach (Municipality) Lee (County)

License Number: 46-1385 S SERIES: 4 COP

Date RECEIVED by District: 12/2/85

Date ASSIGNED to Investigator: 12/2/85

APPLICANT INFORMATION:

APPLICANTS NAME	CURRENT LICENSEE	DATE FINGERPRINTED	DISQUALIFYING RECORD
David W. Fagerness		2/22/85	no
Raymond N. Joeckel		1/23/85	no
Malcolm D. Young		7/18/85	no

Date COMPLETED by Investigator: 1-15-86

RECOMMENDATION: (X) APPROVAL ( ) DISAPPROVAL

INVESTIGATOR'S SIGNATURE: L. Pagett

COMMENTS:

Date REVIEWED by Supervisor: 1/20/86

RECOMMENDATION: (X) APPROVAL ( ) DISAPPROVAL

SUPERVISOR'S SIGNATURE: L Berry

COMMENTS:

CENTRAL OFFICE
(DATE RECEIVED)

RECEIVED
JAN 23 1986
DIVISION OF BEVERAGE
TALLAHASSEE, FLORIDA

DATE INDEXED:

DATE COMPLETED: 1-27-86

FINAL DECISION: (X) Approval ( ) Disapproval

SIGNATURE: Dickens

DATE MICROFILMED:

COMMENTS:

DBR 705L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSE APPLICATION ANALYSIS

	YES	NO
1. Is there any indication that applicant(s) or any disclosed interest is under 19 years of age?		✓
2. Is there any indication that applicant(s) or any disclosed interest may be impaired pursuant to 561.14(4) or (5), 561.15, 561.22, 561.24, 561.25, or 210.15, Florida Statutes?		✓
3. Is there a need to send out of state letters based on the applicant holding or having held or having had an interest in an alcoholic beverage license or cigarette permit in another state?		✓
4. Is there any indication that applicant(s) or any disclosed interest has any pending criminal case, the conviction of which would be disqualifying?		✓
5. Did the applicant(s) or any disclosed interest declare an arrest record on the personal questionnaire which could be disqualifying?		✓
6. Is there any indication that applicant(s) or any disclosed interest is not legally in the United States?		✓
7. Is there any indication that current licensee is no longer qualified to hold the alcoholic beverage license?		✓
8. Is there any indication of error(s), omission(s), perjury, misrepresentation(s), false statement(s), conflicting information, or lack of requested information as sworn to on the application or on any of the supporting documents?		✓
9. Is there any indication that the financial documentation does not support the information on the application?		✓
10. Is there any indication of anyone not disclosed on the application having an interest in the business?		✓
11. Does the type of license applied for require a site inspection?	✓	
12. Is there any indication the premises or location does not qualify for this type of alcoholic beverage license?		✓
13. Do the records at the district office indicate that a license has been revoked at the proposed location?		✓
14. Is license on delinquent list?		✓
15. Is there any administrative action by the Division or any pending litigation which should delay final action?		✓
16. Is there any indication the Division needs to correspond with the applicant for further information within 30 days from the receipt of this application pursuant to Chapter 120, the Administrative Procedure Act?	✓	
17. Is this application for the change of a quota license that has been issued within the last 3 years based on the drawing system?		✓

If any question here, on the personal questionnaire or the application (with the exception of Section II, 4., E. through G.) is answered YES, indicate the question number and give a brief narrative as to the final findings. (Attach extra sheets if necessary.)

11. Fourteen day letter given 12/2/85 recd. 12-9-85
11. Site inspection done 1-15-86 by A. Ruff

Authorized Signature

DBR 7841
Rev. 7-84

COR

STATE OF FLORIDA

DEPARTMENT OF BUSINESS REGULATION

THE JOHNS BUILDING
725 SOUTH BRONOUGH STREET
TALLAHASSEE, FLORIDA 32301

Bob Graham, Governor
Gary R. Rutledge, Secretary

Howard M. Rasmussen, Director
Division of Alcoholic
Beverages and Tobacco

December 2, 1985

Re: Outrigger Beach Resort

Dear Applicant:

We have reviewed your pending application as referenced above. Based on our review we find that additional information is required. Please furnish the following to our office within fourteen days (14) from the date of this letter. Failure to provide the requested information will result in the denial of your application.

A letter from the President, Mr. Fagerness stating that Daniel G. Reinfried and Joan are stockholders only and have no control over the operation of the business.

Also please advise who the treasurer of the corporation is.

If after your review of this letter you have any questions, please feel free to contact this office. You may forward the requested information to:

Kathy Lux
Div. of Alc. Bev. & Tob.
2665 Cleveland Ave. Suite 205/07
Ft. Myers Fla. 33901

Sincerely,

HOWARD M. RASMUSSEN, DIRECTOR

By: Kathy Lux

HMR/

The OUTRIGGER
BEACH RESORT

P.O. Box 271, Branch 1
6200 Estero Boulevard
Fort Myers Beach, FL 33931
(813) 463-3131

December 5, 1985

State of Florida
Division of Alcohol Beverages and Tobacco
2665 Cleveland Avenue - Suite 205
Fort Myers, Florida 33901

Attn: Ms Kathy Lux

Re: Permit #46-13355

Dear Sir or Madam;

In response to your letter of December 2nd please be advised of the following:

1) Ms Joan Fagerness and Mr. Daniel G. Reinfried are minority stockholders of Colorado Southern, Inc. and as such are not in a position to control the activities of the corporation without the consent of other stockholders. Neither of these stockholders is involved in the management or operation of the Outrigger Beach Resort except in their roles as minority stockholders.

2) On reviewing the corporate minutes I am reminded that Mr. Malcolm D. Young is the treasurer of Colorado Southern, Inc. Please indicate this fact either on our application or in your files.

Thank you for your assistance in issuing the COP permit to the Outrigger Resort.

Yours very truly,

Colorado Southern, Inc.

David W. Fagerness

David W. Fagerness, Pres.

RECEIVED
DEPT. OF BUSINESS REGULATIONS
DEC 09 1985
DIVISION OF BEVERAGE
FORT MYERS, FLORIDA

DBR 710L
Rev. 7-84

PDS

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERSONAL QUESTIONNAIRE

FULL NAME: (Do Not Use Initials)	[redacted]	Date of Birth:	Age:
David Wayne Fagerness		July 15, 1931	54

Place of Birth:	Race:	Sex:	Home Phone Number:
Worthington, Minnesota	Cauc.	Male	303 722 6097

Current Residence Address:
916 South Race (Race) Street
Denver, Colorado 80209

Business Phone: 813 463 3131

Are you a citizen of the United States? . . . . . Yes (x) No ( )
If the answer is no, complete the following:
Have you legally entered this country? . . . . . Yes ( ) No ( )

Alien Registration Number: Country of Origin:

TRADE NAME OF BUSINESS TO BE LICENSED:	BUSINESS ADDRESS: (Number, Street, City)
Outrigger Beach Resort	6220 Estero Boulevard Fort Myers Beach, Florida 33931

LIST EMPLOYMENT FOR PAST FIVE YEARS - INCLUDE ANY PERIOD OF UNEMPLOYMENT

Period FROM	Period TO	JOB TITLE	EMPLOYER'S NAME & ADDRESS WITH ZIP CODE INCLUDE SELF EMPLOYMENT
1973	1981	Crude oil marketing manager	Petro Lewis Corporation Denver, Colorado
1981	1984	Personal financial planner	Self employed - Denver
1984	Pres.	Managing partner	Outrigger Beach Resort - Fort Myers Beach

Have you ever been in this state, any other state, by the United States or by any foreign country:	YES	NO
1. Arrested, charged or convicted of any violation of the law excluding minor traffic violations?		x
2. Have you in the past or presently, individually or as an officer of a corporation:		
a. Held, or had an interest in a beverage license or cigarette permit? .		x
b. Been denied a beverage license or cigarette permit?		x
c. Had a beverage license or cigarette permit revoked?		x
d. Held stock or had any interest in, affiliated or connected with, directly or indirectly any business which manufactures, distributes, imports, exports or sells at retail any alcoholic beverages?		x
3. Are you an official with state police powers granted by the Florida Legislature?		x

If answer to any of these questions is YES, list full particulars which include charge(s), date and place of arrest(s), arresting agencies, whether convicted and give business name(s), city(ies), state(s) and date(s). (Attach extra sheets if necessary.)

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

List the total amount of funds you are investing in the business: $ None

A. Personal Funds: $ _____

How were these personal funds obtained? _____

B. Loans and Mortgages: $ _____

List the name of any person(s), firm(s) or corporation(s) that has or will advance you money for the operation of this business or that holds any mortgage or security agreement against this business to account for the total amount of loans listed:

FULL NAME	ADDRESS	RELATIONSHIP	AMOUNT
(This lounge operation will be financed completely with funds generated from the resort which we have owned and operated since 1968)			

(Attach extra sheets if necessary.)

Where will your banking business be conducted?

1. Business: Gulf Coast First National Bank - Fort Myers Beach
   Name Address

   Business: _____
   Name Address

2. Personal: First Interstate Bank - Denver, Colorado
   Name Address

   Personal: _____
   Name Address

The undersigned individual hereby authorizes the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, State of Florida, to examine and/or copy any and all records including but not limited to personal, financial or criminal data relating to the information contained herein, during normal business hours from this date forward.

"I swear or affirm under penalty of perjury as provided for in 559.791, 562.45, and 837.06 Florida Statutes that the foregoing information is true and correct to the best of my knowledge."

Sworn to and subscribed before me at _____,

this 20th day of NOVEMBER, 19 85.

David Wayne Fagerness 11-19-85
(Signature of Applicant) (Date)

Catherine E. Yoak
Notary Public

My Commission Expires June 17, 1987

WARNING

Read carefully, this instrument is a sworn document. False answers could result in criminal prosecution, subject to fine and/or imprisonment and denial of your application.

DER 710L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERSONAL QUESTIONNAIRE

FULL NAME: (Do Not Use Initials)		Date of Birth:	Age:
Raymond Neal Joecke!	[redacted]	12-6-25	59

Place of Birth:	Race:	Sex:	Home Phone Number:
Presho So Dak.	W	M	303-674-6044

Current Residence Address: 25057 Giant Gulch Rd Evergreen, Colo 80439

Business Phone: 303-663-0800

Are you a citizen of the United States? . . . . . Yes (X) No ( )
If the answer is no, complete the following:
Have you legally entered this country? . . . . . Yes ( ) No ( )

Alien Registration Number: Country of Origin:

TRADE NAME OF BUSINESS TO BE LICENSED:	BUSINESS ADDRESS: (Number, Street, City)
Colorado Southern (Outrigger Motel)	6200 Estero Blvd, Ft Myers Beach Florida

LIST EMPLOYMENT FOR PAST FIVE YEARS - INCLUDE ANY PERIOD OF UNEMPLOYMENT

Period FROM	Period TO	JOB TITLE	EMPLOYER'S NAME & ADDRESS WITH ZIP CODE INCLUDE SELF EMPLOYMENT
Nov. 1960	Present	President	Eagle Exploration Company Suite 2100 1775 Sherman St. Denver, Colo 80203

Have you ever been in this state, any other state, by the United States or by any foreign country:	YES	NO
1. Arrested, charged or convicted of any violation of the law excluding minor traffic violations?		X
2. Have you in the past or presently, individually or as an officer of a corporation:		
a. Held, or had an interest in a beverage license or cigarette permit? .		X
b. Been denied a beverage license or cigarette permit?		X
c. Had a beverage license or cigarette permit revoked?		X
d. Held stock or had any interest in, affiliated or connected with, directly or indirectly any business which manufactures, distributes, imports, exports or sells at retail any alcoholic beverages?		X
3. Are you an official with state police powers granted by the Florida Legislature?		X

If answer to any of these questions is YES, list full particulars which include charge(s), date and place of arrest(s), arresting agencies, whether convicted and give business name(s), city(ies), state(s) and date(s). (Attach extra sheets if necessary.)

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

List the total amount of funds you are investing in the business. $ N A

A. Personal Funds: $ N A

How were these personal funds obtained? N A

B. Loans and Mortgages: $ N A

List the name of any person(s), firm(s) or corporation(s) that has or will advance you money for the operation of this business or that holds any mortgage or security agreement against this business to account for the total amount of loans listed:

FULL NAME	ADDRESS	RELATIONSHIP	AMOUNT
N A			

(Attach extra sheets if necessary.)

Where will your banking business be conducted?

1. Business: Gulf Coast National Bank (Name) Estero Blvd Ft. Myers Beach Florida (Address)

Business: _____ (Name) _____ (Address)

2. Personal: First Federal Savings Bank (Name) P.O. Box 17024 FA Denver, Colo 80217 (Address)

Personal: _____ (Name) _____ (Address)

The undersigned individual hereby authorizes the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, State of Florida, to examine and/or copy any and all records including but not limited to personal, financial or criminal data relating to the information contained herein, during normal business hours from this date forward.

"I swear or affirm under penalty of perjury as provided for in 559.791, 562.45, and 837.06 Florida Statutes that the foregoing information is true and correct to the best of my knowledge."

Sworn to and subscribed before me at _____,

this 20th day of NOVEMBER, 19 95.

_____
Notary Public

My Commission Expires June 17, 1997

_____ 11-19-95
(Signature of Applicant) (Date)

WARNING

Read carefully, this instrument is a sworn document. False answers could result in criminal prosecution, subject to fine and/or imprisonment and denial of your application.

DBR 710L
Rev. 7-84

DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERSONAL QUESTIONNAIRE

FULL NAME: (Do Not Use Initials)	[redacted]		Date of Birth:	Age:
Doyle MALCOLM ~~M.~~ YOUNG, JR.			7/7/24	61
Place of Birth:	Race:	Sex:		
Pittsburgh, Pennsylvania	W	M	Home Phone Number: 303-861-7784	
Current Residence Address:			Business Phone:	
200 Pearl St., No. 307, Denver, Colo. 80203			As Above	

Are you a citizen of the United States? . . . . . Yes (X) No ( )
If the answer is no, complete the following:
Have you legally entered this country? . . . . . Yes ( ) No ( )

Alien Registration Number: Country of Origin:

TRADE NAME OF BUSINESS TO BE LICENSED:	BUSINESS ADDRESS: (Number, Street, City)
OUTRIGGER Beach Resort	6200 Estero Blvd., Ft. Myers Beach, Fla 33931

LIST EMPLOYMENT FOR PAST FIVE YEARS – INCLUDE ANY PERIOD OF UNEMPLOYMENT

Period FROM	Period TO	JOB TITLE	EMPLOYER'S NAME & ADDRESS WITH ZIP CODE INCLUDE SELF EMPLOYMENT
1960's	present	Consultant Petroleum Geologist	(Self-employed) 200 Pearl St, No. 307, Denver, Colo. 80203

RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

Have you ever been in this state, any other state, by the United States or by any foreign country:

	YES	NO
1. Arrested, charged or convicted of any violation of the law excluding minor traffic violations?		X
2. Have you in the past or presently, individually or as an officer of a corporation:		
a. Held, or had an interest in a beverage license or cigarette permit? .	X	
b. Been denied a beverage license or cigarette permit?		X
c. Had a beverage license or cigarette permit revoked?		X
d. Held stock or had any interest in, affiliated or connected with, directly or indirectly any business which manufactures, distributes, imports, exports or sells at retail any alcoholic beverages?	X	
3. Are you an official with state police powers granted by the Florida Legislature?		X

If answer to any of these questions is YES, list full particulars which include charge(s), date and place of arrest(s), arresting agencies, whether convicted and give business name(s), city(ies), state(s) and date(s). (Attach extra sheets if necessary.)

1. As part owner & lessee of Charley Brown's Restaurant, 6225 Estero Blvd, Ft Myers Beach, Fla 33931
2. As part owner & lessee of Gulf Shore Restaurant, 1270 Estero Blvd., Ft Myers Beach, Fla 33931

List the total amount of funds you are investing in the business. $ N/A

A. Personal Funds: $ N/A

How were these personal funds obtained? N/A

B. Loans and Mortgages: $ N/A

List the name of any person(s), firm(s) or corporation(s) that has or will advance you money for the operation of this business or that holds any mortgage or security agreement against this business to account for the total amount of loans listed:

FULL NAME	ADDRESS	RELATIONSHIP	AMOUNT
N/A	N/A	N/A	N/A

(Attach extra sheets if necessary.)

Where will your banking business be conducted?

1. Business: Gulf Coast First National Bank, Estero Blvd Ft. Myers Beach FL 33931
   Name — Address

   Business: — —
   Name — Address

2. Personal: First Interstate Bank of Denver 633 17th St. Denver, Colo 80202
   Name — Address

   Personal: — —
   Name — Address

The undersigned individual hereby authorizes the Division of Alcoholic Beverages and Tobacco, Department of Business Regulation, State of Florida, to examine and/or copy any and all records including but not limited to personal, financial or criminal data relating to the information contained herein, during normal business hours from this date forward.

"I swear or affirm under penalty of perjury as provided for in 559.791, 562.45, and 837.06 Florida Statutes that the foregoing information is true and correct to the best of my knowledge."

Sworn to and subscribed before me at

_____,

this 20th day of November,

19 95.

Catherine E Yoest
Notary Public

My Commission Expires June 13, 1997

Melvin David Young Jr. 11/18/95
(Signature of Applicant) (Date)

WARNING

Read carefully, this instrument is a sworn document. False answers could result in criminal prosecution, subject to fine and/or imprisonment and denial of your application.

DBR 7001
Rev. 1-84

APP

STATE OF FLORIDA
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Section I

1. TYPE OF APPLICATION: Check Appropriate Box(es)

(N) New	( ) Decrease in Series	( ) Change of Business Name
( ) New - Temporary	( ) Change in Series	( ) Change of Officers
( ) Transfer	( ) Change of Location	( ) Correction _____
( ) Transfer - Temporary	( ) Change of Location-Temporary	( ) Other _____
( ) Increase in Series		

2. Current Business Name: Colonnade Southern Inc/Outrigger Beach Resort. Alt

Current Location Address: 6220 Estero Blvd Fort Myers Beach FL.

Current License Number: 46-1385 Current Series: 4COPS

3. TYPE OF APPLICANT: Check Appropriate Box and List Charter Number, if Applicable

( ) Individual ( ) Partnership
(N) Corporation ( ) Limited Partnership Charter Number: 331406 Alt

4. Applicant's Full Name: Colonnade Southern Inc.

46-1385 Business Name: Outrigger Beach Resort.
52818
Location Address: 6220 Estero Blvd Fort Myers Beach Lee FL 33931
Street Number City County Zip
01-28-96
LL Mailing Address: Same. FL.
Street Number City State Zip
Alt

5. Type of License Desired: (Series 4COP-S) If you are an applicant for a special or club alcoholic beverage license the following must also be completed:

The special liquor license is issued pursuant to 561.20 Florida Statutes or Special Acts, and as such we acknowledge the following minimum requirements must be met and maintained:

Alt 100 TRANSIENT GUEST ROOMS

6. List below names not listed above for all those connected directly or indirectly in the business for which the license is sought: (This includes Partner(s), Spouse, Director(s), Stockholder(s), Corporate Officer(s), Limited or General Partner(s), Corporation(s), or any form of entity which is connected with this business. Attach extra sheets if necessary).

A. Corporation:

	NAME	INTEREST
1. President:	DAVID W. FAGERNESS	Stock % 12.5 Alt
2. ~~Vice President:~~ Stockholder	DANIEL G. REINFRIED	Stock % 25.0 Alt
3. Secretary:	RAYMOND N. JOECKEL	Stock % 25.0 Alt
4. ~~Treasurer:~~ Stockholder	JOAN E. FAGERNESS	Stock % 12.5 Alt
5. ~~Stockholder:~~ Treasurer	Malcolm D. Young	Stock % 25.0 Alt

B. Limited Partnership:

1. Limited Partner: _____ %
2. General Partner: _____ %

C. Direct Interest: _____ %

Direct Interest: _____ %

D. Indirect Interest: _____

Indirect Interest: _____

SECTION II

1. SALES TAX: To be completed by the Department of Revenue.

Certification by Florida Department of Revenue:

Please review the records of your Department for the current status of the aforementioned account. The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation needs this information in order to process this application.

X [signature] (Owner or Authorized Signature)

This is to certify that this account is in good standing.

By: [signature]

Title: Collection Specialist

Date: 11/25/85

Department of Revenue Stamp

[signature]

2. ZONING: To be completed by the Local Zoning Authorities.

The above location (X) Does Comply ( ) ~~Does Not Comply~~ with zoning requirements for the sale of alcoholic beverages pursuant to this application. If this premises is located within the limits of an incorporated municipality, indicate the name, and if not indicate the county.

Signed: [signature] Title: Principal Planner

If City: _____ (Name) If County: Lee (Name)

11-14-85

3. HEALTH: To be completed by the State/County Health Authority.

The above establishment (X) Does Comply ( ) Does Not Comply with requirements of the Florida Sanitary Code.

Signed: [signature] Date: 11-15-85

Sanitarian/County Health Department

4. RIGHT OF OCCUPANCY:

	YES	NO
A. Is the proposed premises other than a permanent structure, movable or able to be moved?		✓
B. Is the proposed premises located in a shopping center, shopping mall, or office building?		✓
C. Is the premises occupied by anyone other than as listed on this application?		✓
D. Is there any access through the premises to any area over which you do not have dominion and control?		✓
E. Does applicant have a legal right of occupancy to the premises?	✓	
F. Does applicant own the property?	✓	
G. Does applicant rent, lease or sublease the property?		✓
H. If answer to G. is yes, is anyone else listed as lessee or sublessee who is not on the application?		✓

I. If applicant rents, leases or subleases give the following:

Name of landlord: _____

Address of landlord: _____

How long is agreement for and what is the landlord paid as rent?: _____

5. FEDERAL EMPLOYER'S IDENTIFICATION NUMBER: Complete A., B., or C.

A. Federal Employer's Identification Number 59-1212729142612

B. Not required ( )

C. Not Available ( ) I will submit to your agency as soon as possible.

SECTION III

These questions must be answered about this business for every person or entity listed. Copies of agreements and documentation to support the financial arrangements must be submitted with this application.

	YES	NO
1. Is there a management contract or service agreement in connection with this business?		✓
2. Are there any agreements which require a payment of a percentage of gross or net receipts from the business operation?		✓
3. Does anyone hold a mortgage or security agreement for this business?	✓	
4. Have you or anyone listed on this application borrowed money from or accepted money, equipment, fixtures, or anything of value from an owner or representative of a distiller, rectifier, blender, bottler, manufacturer, brewer, distributor, exporter, importer or retailer or secured a loan from any source connected with the alcoholic beverage industry? 46-1385		✓

5. List the total investment: . . . . . $ _____

A. Total cash invested: . . . . . $ 25,000, AHA

B. Total loans invested: . . . . . $ _____

6. If purchasing the business, what is the total purchase price?. . $ _____

7. List the names of all persons, firms or corporations that have or will advance any money for the operation of this business or that hold any mortgage or security agreement against this business or have the right or ability to receive money from the business.

NAME	TYPE OF LOAN	AMOUNT OF LOAN
(FUNDS FOR THE BAR/LOUNGE HAVE BEEN GENERATED INTERNALLY THROUGH THE OUTRIGGER RESORT WHICH WE HAVE OWNED AND OPERATED SINCE 1968) AHA		

FOR DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO USE ONLY

CENTRAL OFFICE USE ONLY

DISTRICT OFFICE DATE STAMP

RECEIVED
Application for Processing
DEC 02 [illegible]
Div. Alc. Bev. & Tobacco
Fort Myers, Florida

AFFIDAVIT OF APPLICANT(S)

"I, the undersigned individual, or if a corporation for itself, its officers and directors, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such I hereby swear or affirm that the attached sketch or blueprint is substantially a true and correct representation of the premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by Officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for purposes of determining compliance with the beverage law.

"I swear under oath or affirmation under penalty of perjury as provided for in 559.791, 562.45, and 837.06, Florida Statutes, that the foregoing information is true to the best of my knowledge and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license or business for which these statements are made and that all of the above listed persons or entities meet the qualifications necessary to hold an interest in an alcoholic beverage license."

(OUTRIGGER BEACH RESORT)

STATE OF FLORIDA
County of Lee
Sworn to and subscribed before me
this 15 day of Nov., 1985

Patricia K Burkum
Notary Public

COLORADO SOUTHERN, INC.
(Applicant)

David W. Fagerness
(Applicant)

My Commission Expires 4-28-88

AFFIDAVIT OF SELLER(S)

"I, the undersigned, hereby swear or affirm that I am duly authorized to make this affidavit and do hereby consent, on my behalf or on behalf of the seller, to the above transfer, and represent to the Division of Alcoholic Beverages and Tobacco that the license which is being transferred is as shown in the application and that a bona fide sale in good faith has been made to the within applicant of the business for which the foregoing transfer of license is sought."

(OUTRIGGER BEACH RESORT)

STATE OF FLORIDA
County of Lee
Sworn to and subscribed before me
this 15 day of Nov., 1985

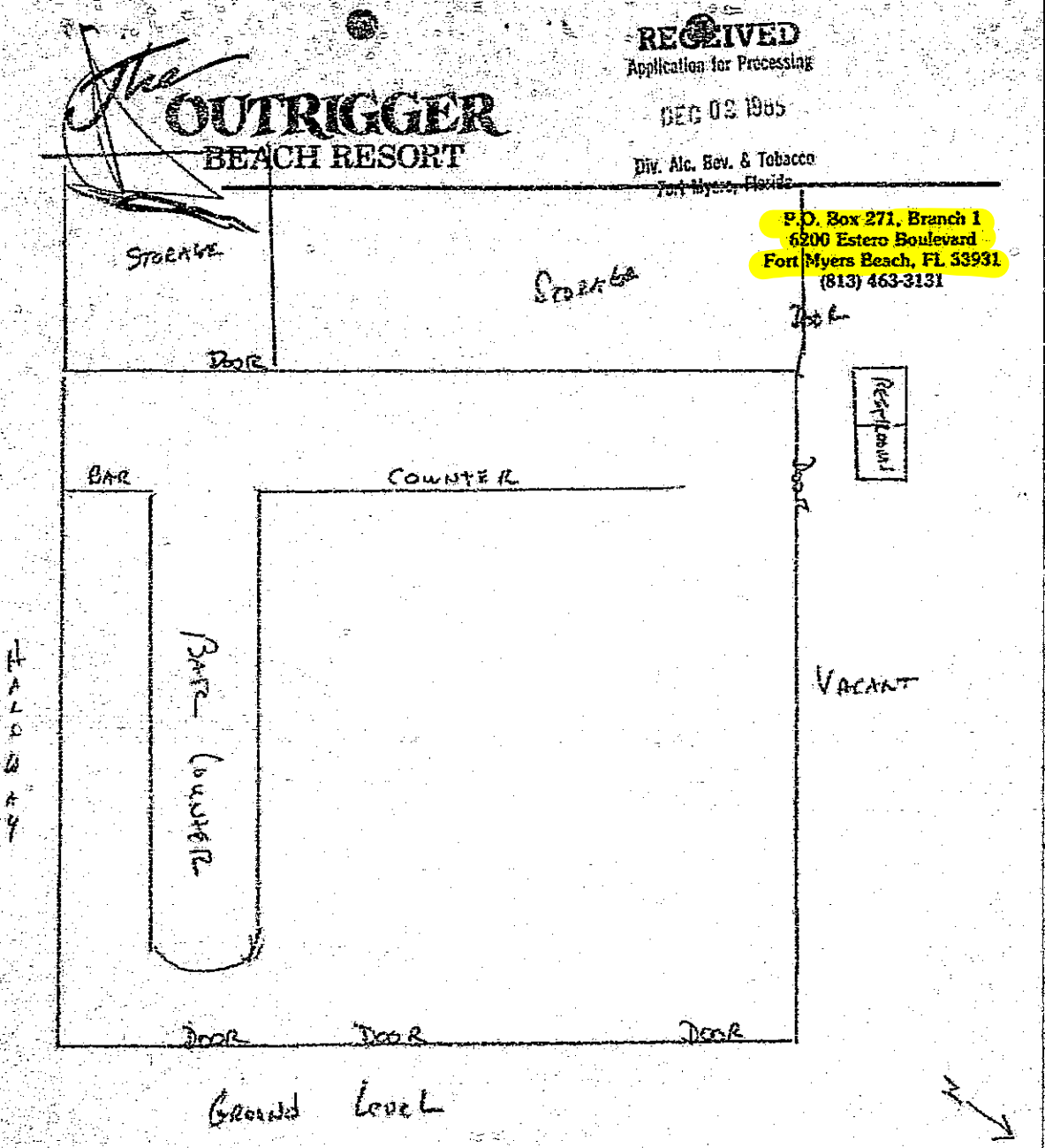
Patricia K Burkum
Notary Public

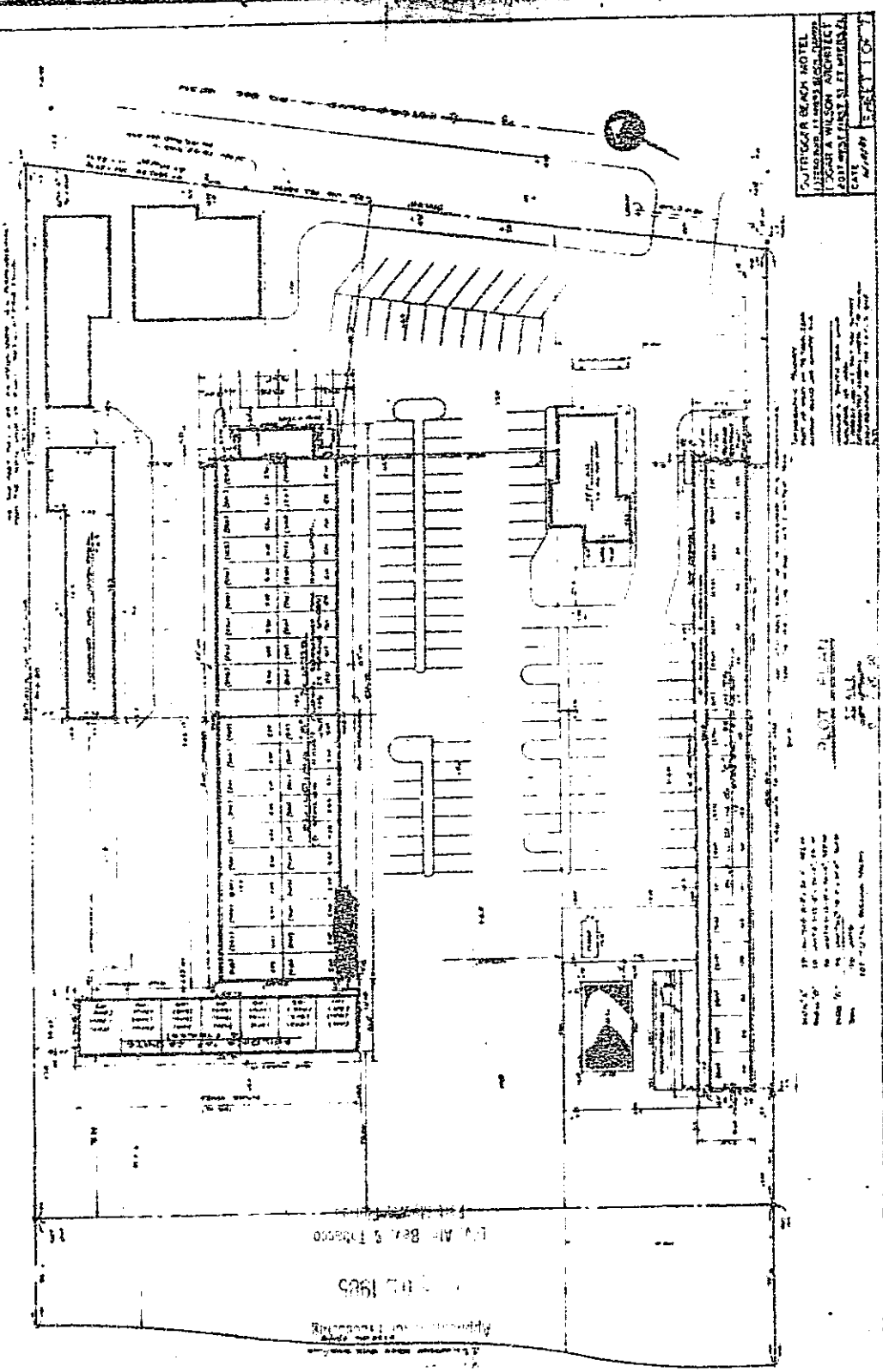
COLORADO SOUTHERN, INC.,
(Seller or Authorized Officer)

David W. Fagerness
(Seller or Authorized Officer)

My Commission Expires 4-28-88

SKETCH OF LICENSED PREMISES


The OUTRIGGER
BEACH RESORT
RECEIVED
Application for Processing
DEC 02 1985
Div. Alc. Bev. & Tobacco
Fort Myers, Florida
P.O. Box 271, Branch 1
6200 Estero Boulevard
Fort Myers Beach, FL 33931
(813) 463-3131
STORAGE
STORAGE
DOOR
DOOR
RESTROOM
BAR
COUNTER
DOOR
BAR COUNTER
VACANT
DOOR
DOOR
DOOR
Ground Level



OFF REC 1677 PG 681

RESOLUTION NUMBER 26-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW RECONSTRUCTION OF A MAJOR ACCESSORY STRUCTURE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Applicant 6200 Estero Blvd Investments LLC is requesting a special exception to repair an accessory structure in the EC zoning district per Sec. 6-366 of the Town of Fort Myers Land Development Code; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-00012.0000; and

WHEREAS, the Property is located in the "Recreation" category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the "Environmentally Critical" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on April 14, 2026, and at the hearing the LPA gave full and complete consideration to the request of Applicants, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted ___ to ___ recommending approval/ approval with conditions/ denial of the variance; and

WHEREAS, on _____ _____, 2026 the Town Council held a duly noticed public hearing to fully consider the request of the Applicants, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the to allow reconstruction of a major accessory structure in the EC zoning district per section 6-366.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

A. Changed or changing conditions which make approval of the request appropriate.
B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
C. The request meets all performance and locational standards for the proposed use.
D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

A. Any repairs must comply with all relevant local and state floodplain regulations.
B. Repairs may not damage existing dunes or dune vegetation.
C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

1. A new special exception must be applied for each time the structure is repaired.
2. Construction shall not occur during sea turtle nesting season.
3. Any repairs must comply with all relevant local and state floodplain regulations.

4. Repairs may not damage existing dunes or dune vegetation.

5. All development must be consistent with the Master Concept Plan (MCP) titled " Outrigger Resort Mixed Use Development (CPD) " or "Outrigger MCP" submitted with the submission in 2025.

6. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

7. Failure to comply with any of the above-mentioned conditions of approval for the Special exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor

Scott Stafford, Vice Mayor

Jim Atterholt, Council Member

John R. King, Council Member

Rebbeca King, Council Member

ADOPTED this ___day of __, 2026 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____

Dan Allers, Mayor

ATTEST:

_____

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of ___, 2026.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-277**

1. **Request:** **Meeting Date: April 14, 2026**

VARIANCE (QUASI-JUDICIAL)

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR 20250299, REQUESTING A VARIANCE OF 15 FEET REDUCTION TO THE REQUIRED 25-FOOT SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE TO THE OUTRIGGER RESORT IN THE EC ZONING DISTRICT TO ALLOW A 10 FOOT SIDE YARD SETBACK IN ORDER TO ACCOMMODATE HISTORICAL LOCATION OF THE TIKI HUT, FOR THE PROPERTY LOCATED AT 6200 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 33-46-24-W3-00012.0000 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.

PUBLIC COMMENT

Why the action is necessary:
The Local Planning Agency (LPA) may recommend the variance request to the Town Council or approve the request by unanimous vote.

What the action accomplishes:
The Local Planning Agency's recommendation shall be forwarded to the Town Council, or, if approved by a unanimous vote, shall constitute final agency action.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

---

5. **Background:**
6200 Estero Blvd Investments, LLC (the owner), and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (agent to the owner), are requesting a variance of 15 feet from the LDC table 34-3 to allow a 10-foot side setback to the accessory structure to accommodate the historical location of an accessory use seaward of the Lee County 1978 CCCL.

The variance and the accompanying special exception (SEZ20240112) allow for a contributing public amenity in the form of an Outrigger beach bar (chickee hut) in association with the Outrigger Commercial Planned Development (CPD). The intent is to create an 800-square-foot Outrigger beach bar in an area of the property most recently occupied by a fully enclosed beach activities building.

Attachments:
1. NS Variance Outrigger
2. Exhibit A: Master plan
3. Staff report _ Var-Dec 2025
4. Exhibit B Boundary_Survey_2013_Pre-Ian_-Scaled_Bar_and_Activities_Buildings

Financial Impact:
unknown

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

_____ Date: April 01, 2026
Georgina Cid, Community Development Manager

_____ Date: April 01, 2026
Frankie Kropacek, Community Development Director

_____ Date: April 02, 2026
nancy stuparich, Town Attorney

_____ Date: April 07, 2026
Amy Baker, Town Clerk

LPA RESOLUTION 2026-XX

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR 20250299, REQUESTING A VARIANCE OF 15 FEET REDUCTION TO THE REQUIRED 25-FOOT SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE TO THE OUTRIGGER RESORT IN THE EC ZONING DISTRICT TO ALLOW A 10 FOOT SIDE YARD SETBACK IN ORDER TO ACCOMMODATE HISTORICAL LOCATION OF THE TIKI HUT, FOR THE PROPERTY LOCATED AT 6200 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 33-46-24-W3-00012.0000 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.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, 6200 Estero Blvd LLC (hereinafter "Applicant"), is the owner of real property located at 6200 Estero Blvd., Fort Myers Beach, Florida (hereinafter "Property"); and

WHEREAS, the STRAP for the Property is 33-46-24-W3-00012.0000, and the legal description for the Property, see Exhibit "A"; and

WHEREAS, the Property is within the Recreation Future Land Use Map category according to the Town of Fort Myers Beach Comprehensive Plan; and

WHEREAS, the Property is located in the Environmentally Critical (EC) zoning district; and

WHEREAS, Table 34-3 in the Land Development Code ("LDC") requires a minimum 25-foot rear setback for properties in EC zoning district; and

WHEREAS, the Applicant requests a variance of 15 foot from LDC Table 34-3 to allow a side yard setback of 10 feet to accommodate the historic tiki hut of Outrigger CPD in the giving location; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency ("LPA") on April 14, 2026, and at said hearing, the LPA gave full and complete

consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC; and

WHEREAS, in accordance with the requirements of LDC Sections 34-84 and 34-87, which sets forth the requirements for approval of a variance, the LPA makes the following findings and conclusions:

A. There **are/ are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de-minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are/ are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is/ is not** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will/ will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are/ are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

WHEREAS, eligible members of the LPA voted ___ to ___ by roll call vote to approve/approve with conditions/ deny the requested variances with the following conditions:

1. Approval of the Variance is contingent to the approval of the CPA (text amendment CPA 20240067) and CPD (DCI20240061) for Outrigger Resort Mixed-Use development.

2. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

3. The variance applies to the modified side yard setbacks as depicted in master concept plan.

4. Limited dune enhancement scope: The applicant shall enhance the existing dune system through the placement of sand fill and dune mounding limited to the footprint of the existing dune system located seaward of the tiki bar. No dune enhancement shall encroach further seaward than the existing dune toe or landward beyond the established dune area, except as may be required to achieve proper dune stabilization.

5. Purpose and design of dune enhancement: The dune enhancement shall be designed solely to improve storm surge attenuation and erosion protection for the existing chickee bar structure and shall not be construed as support for structural expansion, increased intensity of use, or additional development within the EC Zoning District.

6. Native coastal vegetation requirements: The applicant shall install native, salt-tolerant coastal dune vegetation within the enhanced dune area. Vegetation shall be installed in accordance with accepted dune restoration standards to promote dune stability, minimize erosion, and support the ecological function of the EC district.

7. Permitting and agency approval: Prior to commencement of any dune enhancement or planting activities, the applicant shall obtain all required permits and approvals from the Florida Department of Environmental Protection, including any Coastal Construction Control Line (CCCL) authorizations, and any other applicable regulatory agencies. All work shall comply with the Town of Fort Myers Beach Land Development Code and FEMA floodplain management regulations.

8. Protection of public access: The dune enhancement shall not obstruct, redirect, or otherwise interfere with existing public beach access, emergency access, or pedestrian circulation along the beach.

9. Maintenance and monitoring: The applicant shall be responsible for the ongoing maintenance of the enhanced dune system and installed vegetation. Any erosion, vegetation loss, or dune failure attributable to storm events or human activity shall be promptly addressed to maintain compliance with the approved variance and applicable regulations.

WHEREAS, Ordinance 24-06 amended Section 34-232(d) of the LDC to provide that:

> (d) Owner-initiated requests for variances, or required reviews to extend or to provide evidence of satisfaction of conditions contained in prior land use approvals, that are:
>
> > 1) approved by a unanimous vote of the local planning agency members who are eligible to vote, and
> >
> > 2) not subject to a request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 business days after the date of the local planning agency decision, excluding holidays, only require one public hearing before the local planning agency, and the local planning agency decision is final agency action.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

1. The foregoing "WHEREAS" clauses are adopted herein by reference and constitute the findings and conclusions of the LPA.

2. VAR20250299, with the conditions contained herein, **received/ did not receive** unanimous approval from eligible voting members of the LPA on April 14, 2026.

3. This Resolution shall constitute the equivalent of a development order and final agency action, subject to any request for an additional review by the Town Council filed with the Town Clerk within 10 business days of the LPA decision as authorized in Section 34-232(d) of the LDC.

The foregoing Resolution was adopted upon a motion by _____and seconded by _____ and upon being put to a vote, the result was as follows:

Chair Anita Cereceda	____
Vice-Chair Jane Plummer	____
Member James Boan	____
Member Douglas Eckmann	____
Member Don Sudduth	____
Member John McLean	____
Member James Dunlap	____

DULY PASSED AND ADOPTED THIS ____ day of _____, 2026.

Local Planning Agency of the Town of Fort Myers Beach

By: _____
Anita Cereceda, LPA Chair

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

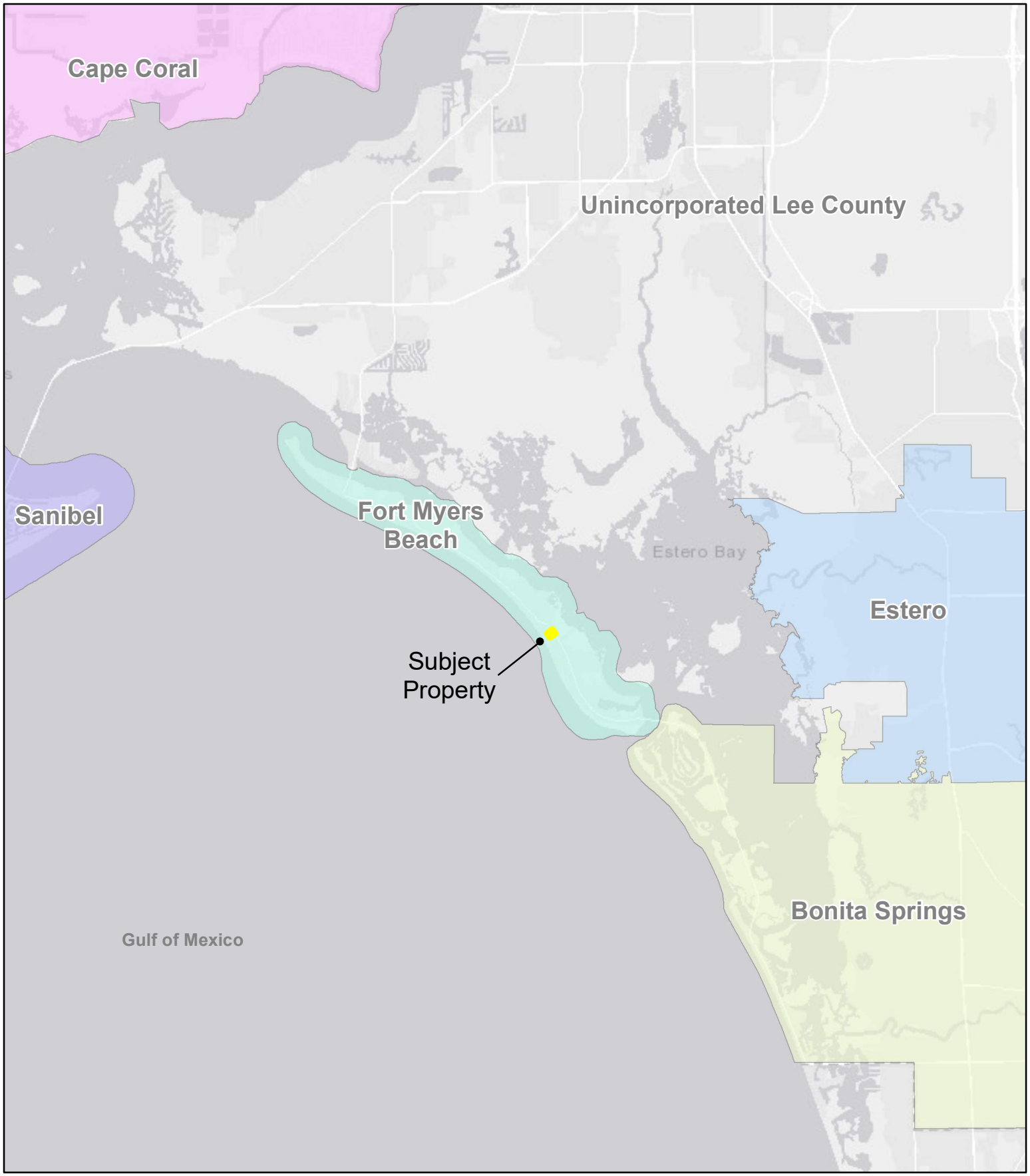
_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of ____, 2026.

EXHIBITS

Exhibit A: Site Plan as and Legal Description

Exhibit B: Master Concept Plan



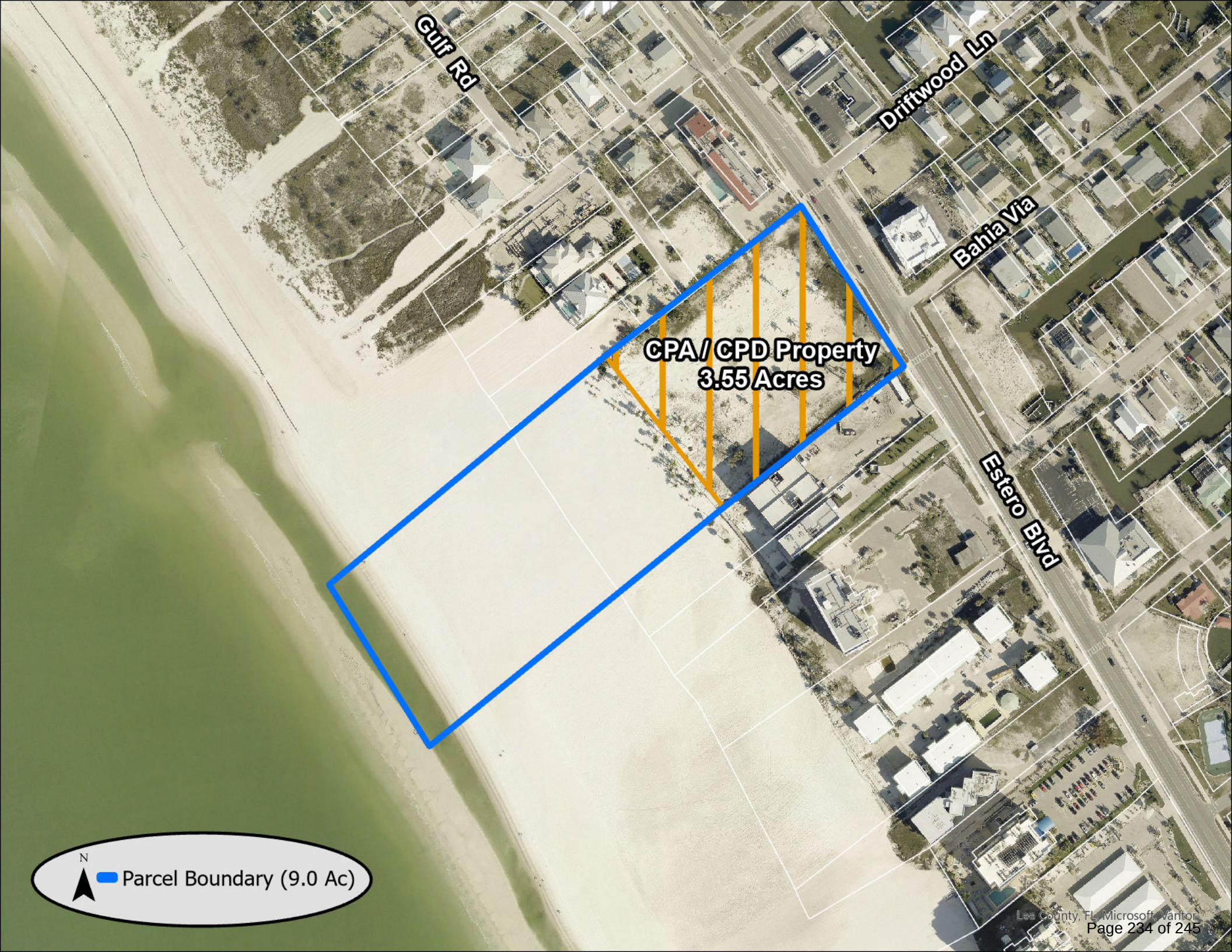
RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

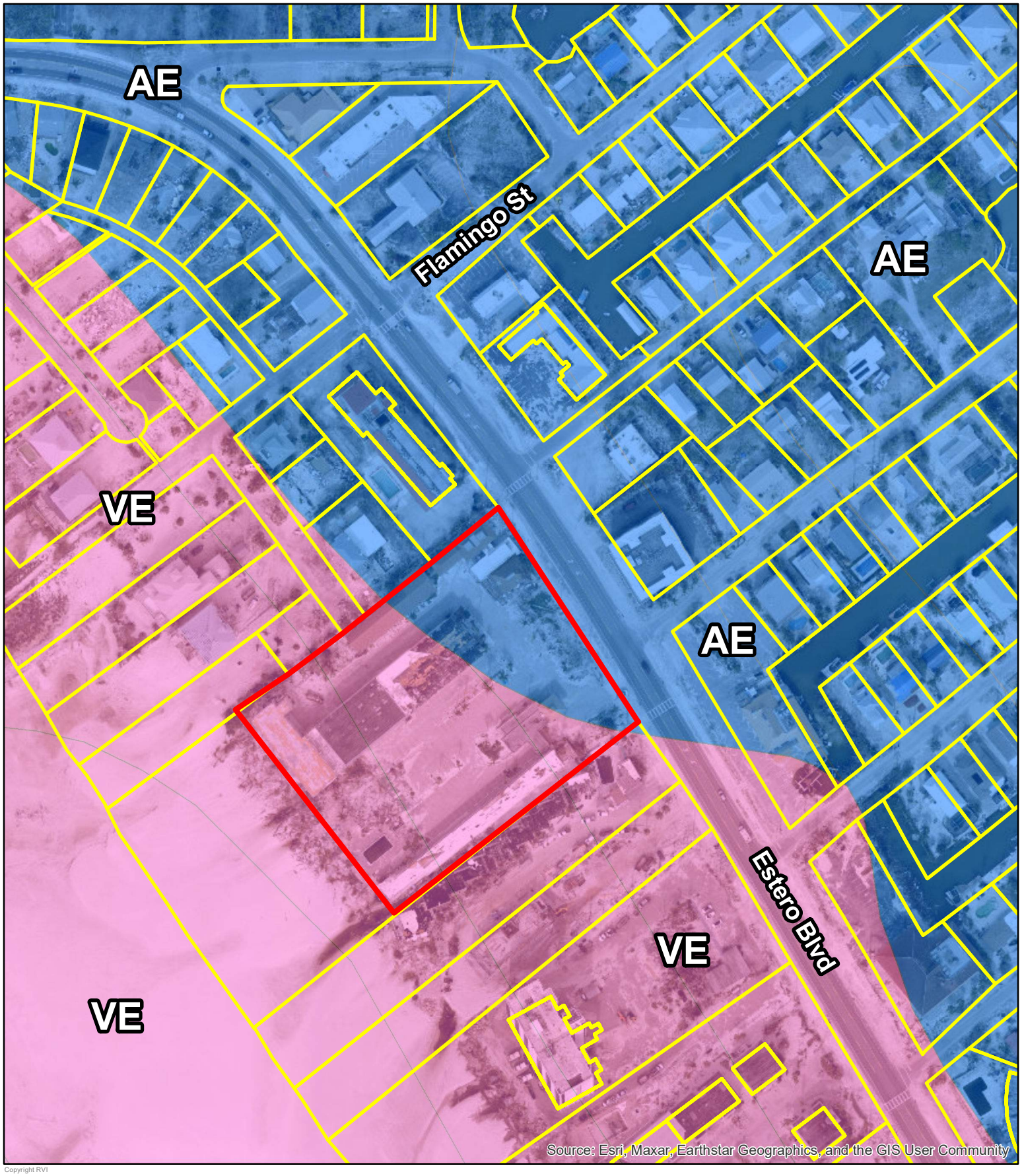
LONDON BAY OUTRIGGER• **LOCATION MAP**

Fort Myers Beach, FL
Date: 3/27/2024
22006872
London Bay

0 0.4 0.8 1.6 2.4
Miles

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.


Gulf Rd
Driftwood Ln
Bahia Via
Estero Blvd
CPA / CPD Property
3.55 Acres
N
Parcel Boundary (9.0 Ac)
Lee County, FL, Microsoft, Vantor



Copyright RVI

RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

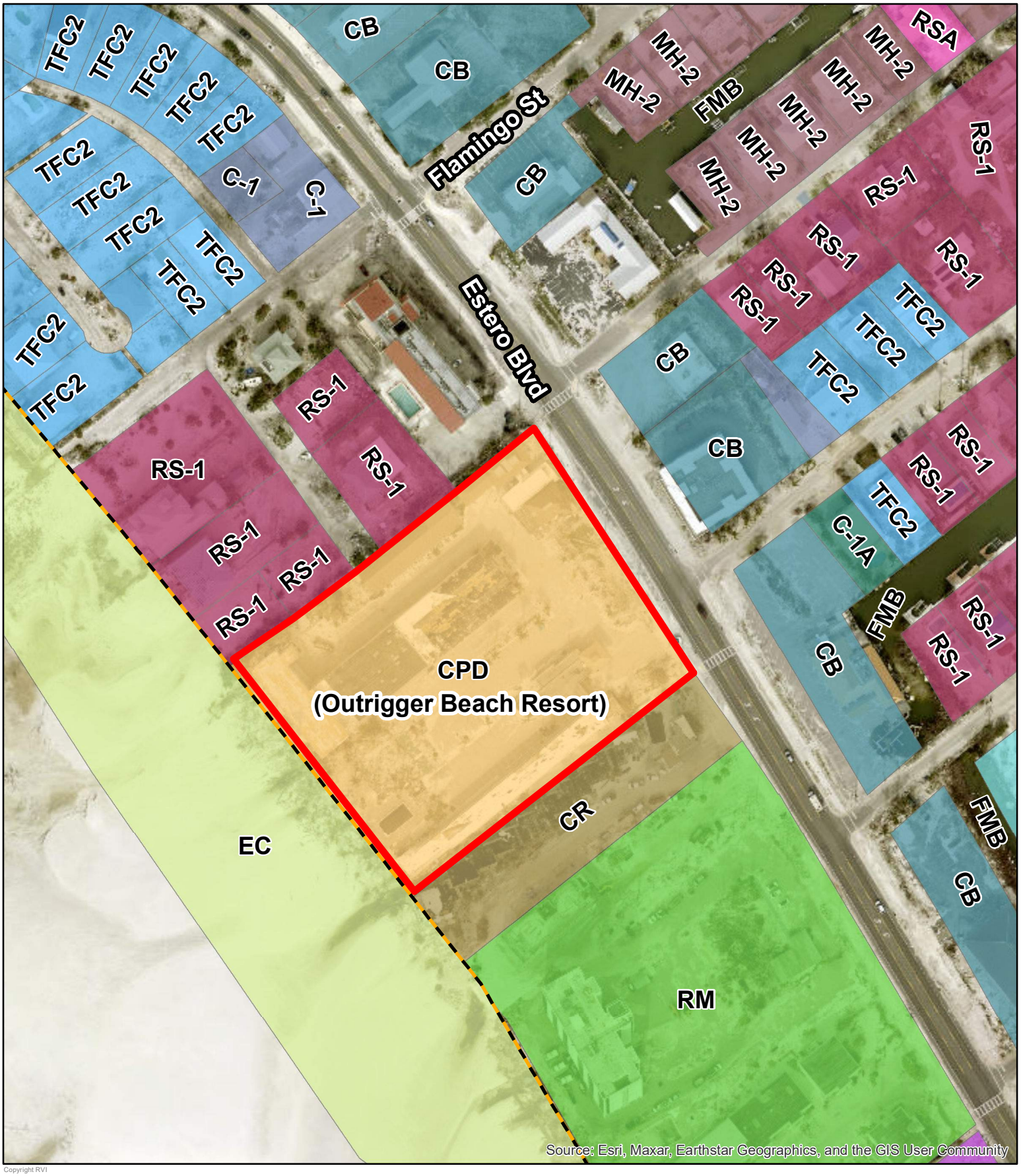
LONDON BAY OUTRIGGER • **FEMA FLOOD ZONE MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

Subject Parcels
Lee County Parcels
Flood Zone AE
Flood Zone VE

0 30 60 120 180
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Copyright RVI

2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

LONDON BAY OUTRIGGER • **EXISTING ZONING MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

Coastal Construction Control Line (1978)

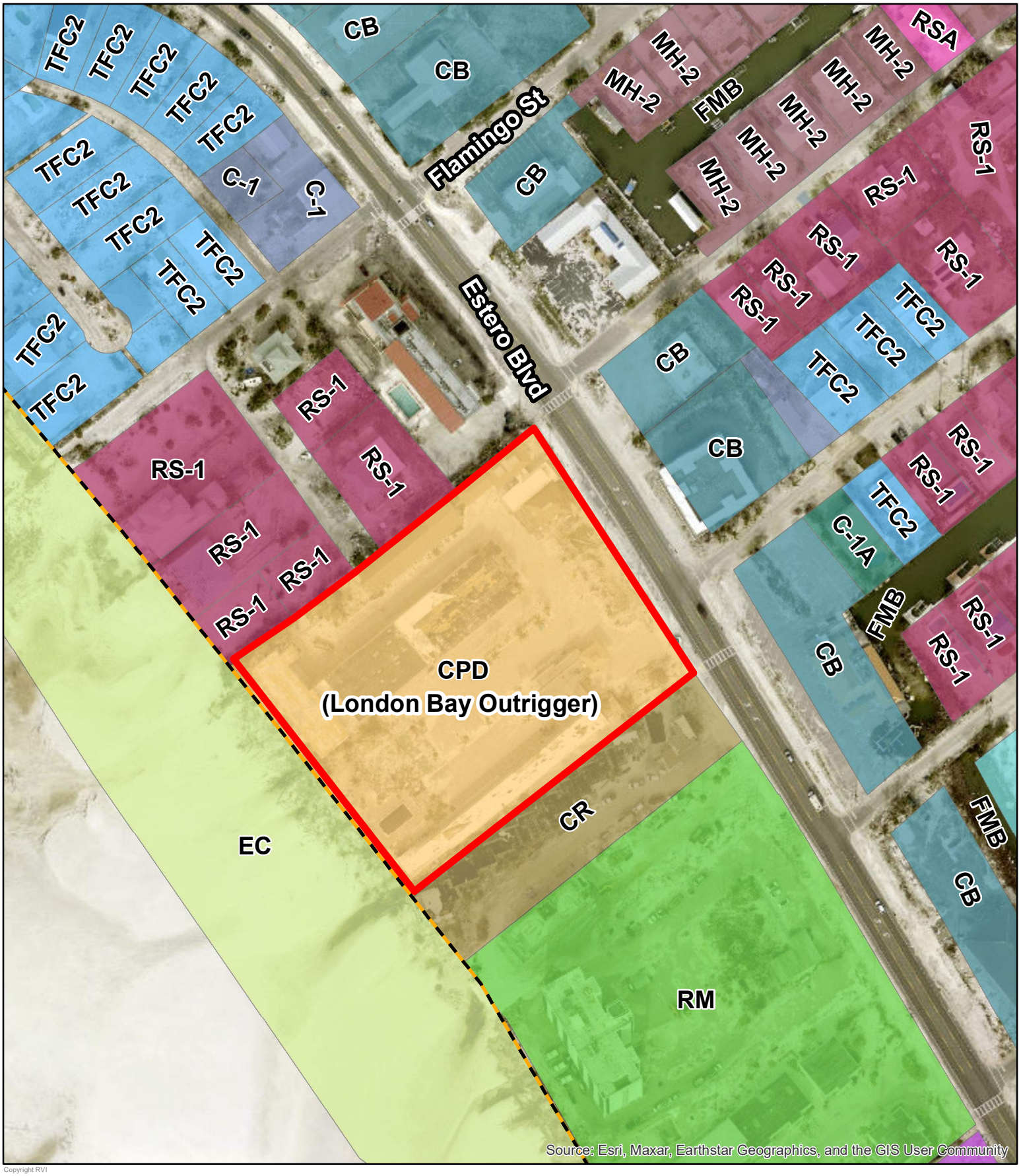
Subject Area

N

0 30 60 120 180

Feet

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Copyright RVI

RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

LONDON BAY OUTRIGGER • **PROPOSED ZONING MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

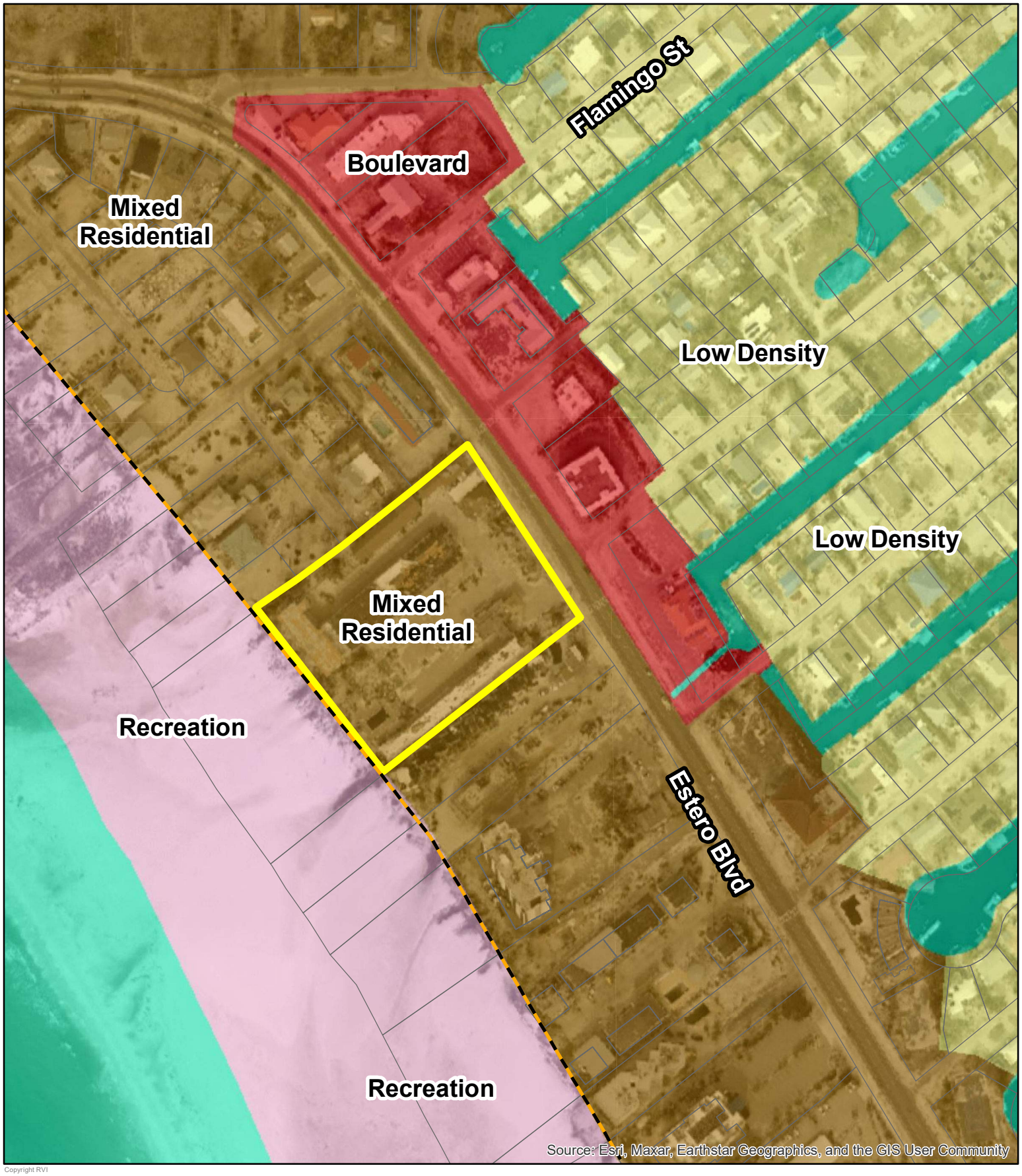
Coastal Construction Control Line (1978)

Subject Area

N

0 30 60 120 180
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Copyright RVI

RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

LONDON BAY OUTRIGGER • **CURRENT FUTURE LAND USE MAP**

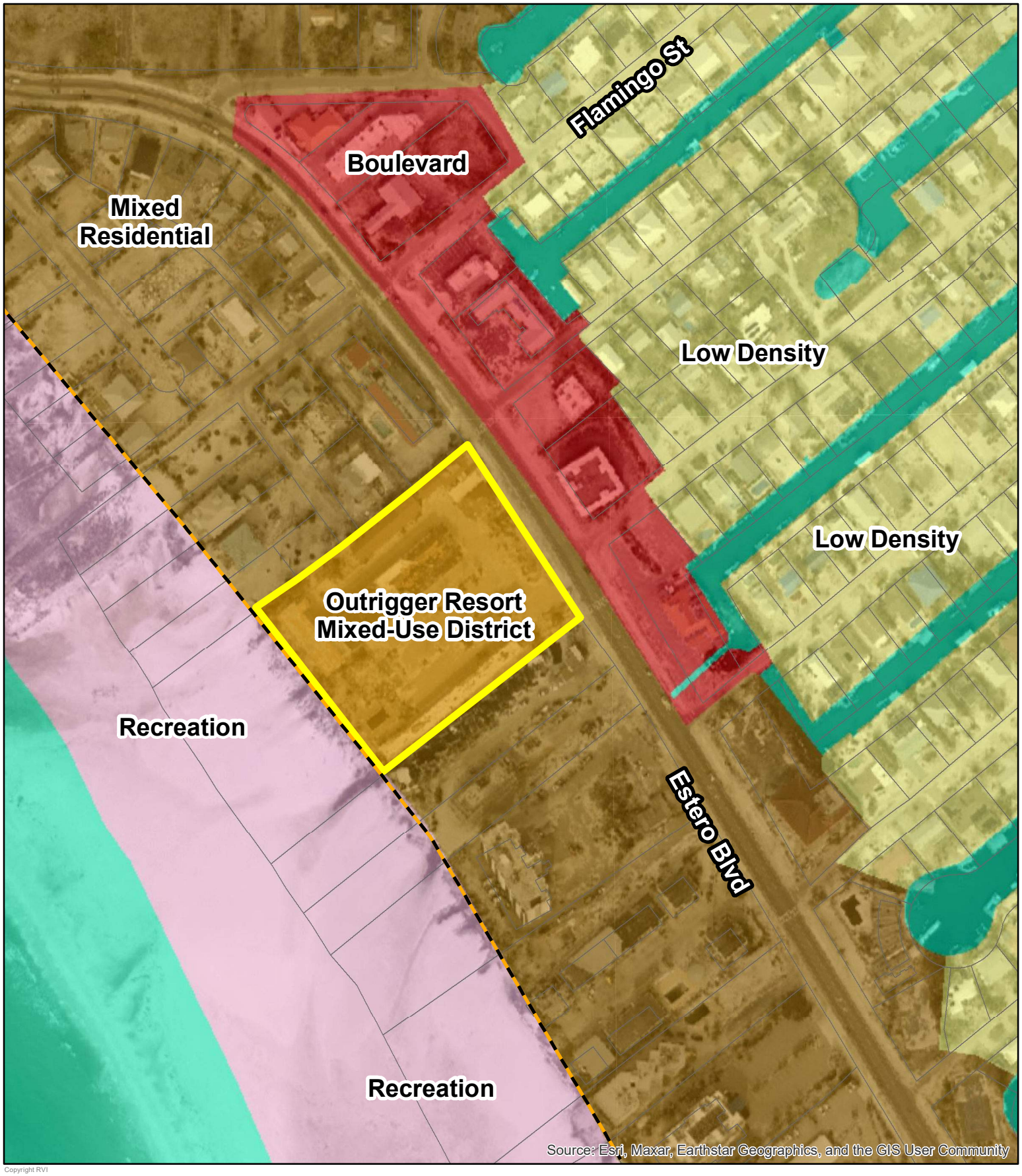
- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

- Coastal Construction Control Line (1978)
- Subject Area
- Lee County Parcels

0 50 100 200 300
Feet

N

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Copyright RVI

RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

LONDON BAY OUTRIGGER • **PROPOSED FUTURE LAND USE MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

- Coastal Construction Control Line (1978)
- Subject Area
- Lee County Parcels

0 50 100 200 300
Feet

N

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Variance**
CASE NUMBER:	**VAR20250299**
CASE NAME:	**Outrigger Resort Variance requesting a reduction in the side setback to accommodate historical location of an accessory use seaward of the Lee County 1978 coastal construction control line (CCCL)**
LPA HEARING DATE:	**April 14, 2026, 9:00 am**
STAFF RECOMMENDATION:	**NA**
PREPARED/ SUBMITTED BY:	**Jason Green, AICP, CFC**

I. APPLICATION SUMMARY

Applicant/Owner:	6200 Estero Blvd Investments, LLC
Request:	The Applicant is requesting a variance to relief from LDC Table 34-3 to allow a 10-foot side setback to accommodate the historical location of an accessory use in the seaward of the Lee County 1978 Coastal Construction line (CCCL).
Subject property:	See attached site plan
Physical Address:	6200 Estero Blvd.
STRAP #:	33-46-24-W3-00012.0000
FLU:	Recreational
Zoning:	Environmentally Critical (EC)

Adjacent zoning and land uses:

North: ENVIRONMENTALLY CRITICAL (EC) AND RESIDENTIAL SINGLE FAMILY (RS), Medium Residential (FLU)

South: ENVIRONMENTALLY CRITICAL (EC) AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) Medium Residential FLU

East: COMMERCIAL PLANNED DEVELOPMENT (CPD) AND COMMERCIAL RESORT (CR), Medium Residential FLU

West: ENVIRONMENTALLY CRITICAL (EC), Recreational FLU

II. BACKGROUND AND ANALYSIS

Background:

6200 Estero Blvd Investments, LLC (the owner), and Fred Drovdlic, AICP, with RVi Planning + Landscape Architecture (agent to the owner) are requesting a variance of 15 foot from the LDC table 34-3 to allow 10-foot side setback to the accessory structure to accommodate the historical location of an accessory use seaward of the Lee County 1978 CCCL.

The variance and the accompanying special exception (SEZ20240112) allow for a contributing public amenity in the form of an Outrigger beach bar (chickee hut) in association with the Outrigger Commercial Planned Development (CPD). The intent is to create an 800 square foot Outrigger beach bar in an area of the property most recently occupied by a fully enclosed beach activities building.

Analysis:

The purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach through its comprehensive plan.

The applicant is proposing an 800 square foot Outrigger Beach Bar (chickee hut) in the location of the activities building. Formally, there were buildings that were seaward of the 1978 CCCL/CCSL affecting 950 square feet of floor area: 1) the Outrigger Resort Beach chickee Hut and 2) an Activities Building. The two buildings had a combined 950 square feet floor area seaward of the CCSL. The proposed Outrigger bar is 150 square foot reduction in total impacted area.

The applicant is requesting a variance of 15 feet relief from LDC Division 4, Table 34-3- dimensional regulations in EC Zoning Districts, where side yard setbacks for buildings in the EC District are 25 feet. The applicant is requesting to allow a minimum side yard setback of 10 feet from the southern boundary for the Outrigger bar. This VAR is a part of the new Master Plan Development- Outrigger Resort Mixed Use, with opportunity to move the chickee bar landward of the 1978 CCCL.

Neighborhood Compatibility:
The 800 square foot Outrigger Bar (chickee hut) is proposed in the location of the former activities building. The applicant is now proposing a 150 square foot reduction in former 900 building/development area seaward of the 1978 CCCL/CCSL. The proposed chickee hut, Outrigger Bar will have a raised floor and provided seating and portable COP services. To the extent utilities can be part of the design will be up to permitting that will take place through FDEP at a later date.

Findings and Conclusions:
LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The proposed building is the rebuilt of the original Outrigger Bar that was destroyed in that hurricane Ian as creating exceptional circumstances. The proposed location of the new Outrigger Bar is the same, to the greatest extent possible, regarding the location, size and side setback of the former activities building. The location is seaward of the 1978 Lee County CCCL/CCSL and given the need for FDEP it is necessary to place the new structure in a similar location given the requirements for FDEP application approval, i.e., the activities building is recognized as disturbed beach area. To adhere to the 25-foot setback would move the building outside of the formerly disturbed area.

b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance is the destruction of the former activities building was an act of God as was the overall destruction of the site, which included the former Outrigger Bar (chickee hut). The original Outrigger bar was partially placed over the CCCL/CCSL line, but the location proposed is clearly the best placement to activate the new public beach access and place the structure in a previously
used area.

c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The new proposed structure is replacing the former activity building location for the Outrigger Resort.

d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The new proposed structure will replace and rebuild the former building. The use of the new Outrigger Bar is limited in hours of operation and specific limitations for noise and light protection. The use will be similar to uses on the former Outrigger property.

*e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent nature as to make it more reasonable and practical to amend the regulation in question.*

The property is unique with unique vested uses that include the activities building. There is no need for overall changes to the LDC or Comprehensive Plan.

III. CONCLUSION

Staff reviewed the request for *a variance of 15 feet from LDC Section 34-3. which allows 10 feet of side yard setback to accommodate the historical location of Outrigger Bar; an accessory use seaward of the Lee County 1978 CCCL.*

This accessory structure is a part of the new Master Plan Development, with opportunity to move the Outrigger Bar (chickee hut) landward of the 1978 CCCL.

IV. CONDITIONS OF APPROVAL

If approval of the request is granted, the following conditions should be considered for incorporation into the resolution of approval.

1. Approval of the Variance is contingent to the approval of the CPA (text and map amendment CPA 20240067) and CPD (DCI20240061) and the special exception to rebuilt the Outrigger Bar (chickee hut) in the EC zoning district (SEZ 20240112) for Outrigger Master Plan.
2. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
3. The variance applies to the modified side yard setbacks as depicted in master concept plan.
4. **Limited dune enhancement scope:** The applicant shall enhance the existing dune system through the placement of sand fill and dune mounding limited to the footprint of the existing dune system located seaward of the Outrigger Bar. No dune enhancement shall encroach further seaward than the existing dune toe or landward beyond the established dune area, except as may be required to achieve proper dune stabilization.
5. **Purpose and design of dune enhancement**: The dune enhancement shall be designed solely to improve storm surge attenuation and erosion protection for the existing

Outrigger Bar structure and shall not be construed as support for structural expansion, increased intensity of use, or additional development within the EC Zoning District.

6. **Native coastal vegetation requirements**: The applicant shall install native, salt-tolerant coastal dune vegetation within the enhanced dune area. Vegetation shall be installed in accordance with accepted dune restoration standards to promote dune stability, minimize erosion, and support the ecological function of the EC district.
7. **Permitting and agency approval:** Prior to commencement of any dune enhancement or planting activities, the applicant shall obtain all required permits and approvals from the Florida Department of Environmental Protection, including any Coastal Construction Control Line (CCCL) authorizations, and any other applicable regulatory agencies. All work shall comply with the Town of Fort Myers Beach Land Development Code and FEMA floodplain management regulations.
8. **Protection of public access**: The dune enhancement shall not obstruct, redirect, or otherwise interfere with existing public beach access, emergency access, or pedestrian circulation along the beach.
9. **Maintenance and monitoring**: The applicant shall be responsible for the ongoing maintenance of the enhanced dune system and installed vegetation. Any erosion, vegetation loss, or dune failure attributable to storm events or human activity shall be promptly addressed to maintain compliance with the approved variance and applicable regulations.

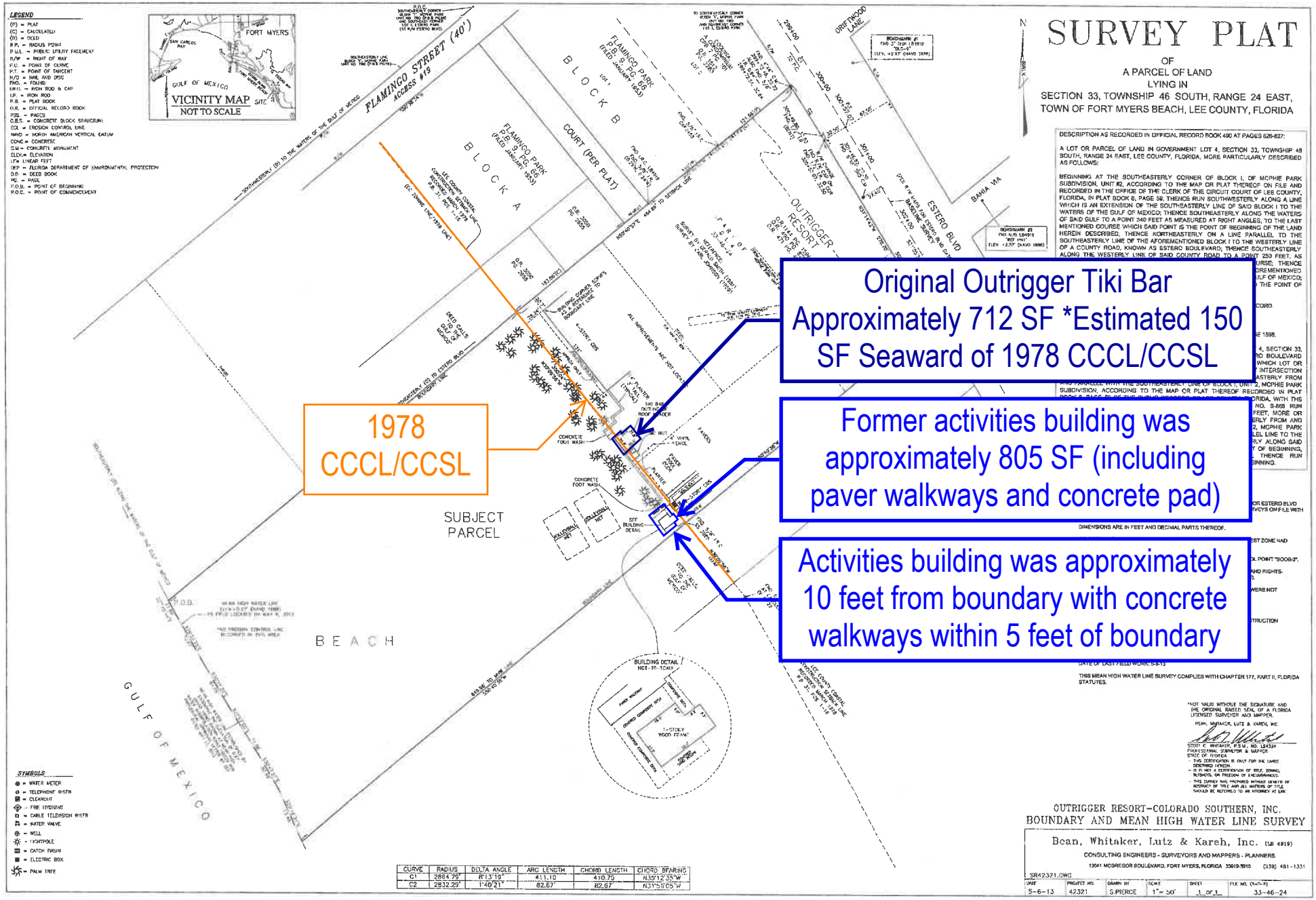


EXHIBIT "A" - 6200 ESTERO BLVD