Fort Myers Beach Local Planning Agency

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

AMENDED Agenda **Tuesday, May 12, 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

A. Local Planning Agency - April 21, 2026

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

VII. PUBLIC HEARINGS

A. VAR20260072 for 63 Delmar Ave

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260072, REQUESTING A VARIANCE REPLACING IN ITS ENTIRETY A PREVIOUSLY APPROVED VARIANCE (20240267), TO VARY FROM THE REQUIRED STREET SETBACKS, AND SIDE SETBACKS FOR A SINGLE-FAMILY STRUCTURE IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 63 DELMAR AVE, GENERALLY REFERRED TO AS STRAP NUMBER: 19-46-24-W4-0100H.0010 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.

B. Ordinance 26-xx; FP & L Meter and Associated Structure Regulation Changes
Proposed Legislative Ordinance

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE III DIVISION 3 SECTION 34-638 OF THE LAND

DEVELOPMENT CODE CREATING A NEW EXCEPTION TO MINIMUM SETBACK REQUIREMENTS REDUCING MINIMUM SETBACKS TO ACCOMMODATE NEW FLORIDA POWER AND LIGHT REQUIREMENTS FOR PLATFORMS TO LOCATE AND PROVIDE SERVICE TO ELEVATED ELECTRIC METERS; PROVIDING CRITERIA AND CONDITIONS FOR THE PERMITTED ELECTRIC METER EQUIPMENT AND ASSOCIATED PLATFORM, ACCESS STAIRWAYS AND RELATED STRUCTURES; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. Ordinance 26-04; CPA20240067, 6200 Estero Blvd., Outrigger Resort Mixed-Use: CPA-Text

Continued from Friday, May 8, 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

D. Ordinance 26-03; CA20240067, 6200 Estero Blvd., outrigger Resort Mixed-Use: CPA-Map

Continued from Friday, May 8, 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

E. Ordinance 26-05; CPD20240061, 6200 Estero Blvd., Outrigger Resort Mixed-Use

Continued from Friday, May 8, 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

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

Continued from Friday, May 8, 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

G. SEZ20240112, 6200 Estero Boulevard, COP
Continued from Friday, May 8, 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

H. VAR20250299, 6200 Estero Blvd. (Outrigger Redevelopment)
Continued from Friday, May 8, 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

VIII. ADMINISTRATIVE AGENDA
IX. LPA MEMBERS ITEMS/REPORTS
X. LPA ATTORNEY ITEMS/REPORTS
XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS
XII. ITEMS FOR NEXT MONTHS AGENDA
XIII. 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

Fort Myers Beach Local Planning Agency

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

Minutes **Tuesday, April 21, 2026** **9:00 AM**

ORDER OF BUSINESS

I. CALL TO ORDER

Members Present: Chair Anita Cereceda, LPA Members James Boan, Douglas Eckmann, Ed Schoonover, Jane Plummer.
Chair Cereceda noted that Mr. Dunlap's and Mr. Sudduth's absences were excused.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mr. Boan moved to approve the final agenda, seconded by Ms. Plummer.
The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - March 10, 2026

Mr. Boan moved to approve the minutes of March 10, 2026, seconded by Ms. Plummer.
The motion carried unanimously.

VI. PUBLIC COMMENT

No public comment.

VII. PUBLIC HEARINGS

Town Attorney Stuparich read the announcement on quasi-judicial hearings and summarized procedures for variance proceedings. Town Clerk Baker noted that these items were all properly noticed. The Town Attorney asked if any members had any conflicts of interest that would prevent them from voting. There were none. Town Clerk Baker swore in those providing testimony.

A. VAR20260014, 831 Estero Blvd

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING

DRAFT

AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260014, REQUESTING (1) A VARIANCE FROM LDC SECTION 34-638(D)(2)(B), TO ALLOW A SECOND LEVEL BALCONY ENCROACHMENT INTO THE REQUIRED STREET SETBACK IN THE RC ZONING DISTRICT; AND (2) A VARIANCE FROM LDC SECTION 34-631(B)(3)(A), TO ALLOW AN ENCLOSED 38-SQUARE-FOOT ROOFTOP STRUCTURE FOR MECHANICAL EQUIPMENT TO EXTEND ABOVE THE MAXIMUM PERMITTED BUILDING HEIGHT, FOR THE PROPERTY LOCATED AT 831 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 24-46-23-W3-0050B.0050 IN FORT MYERS BEACH; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Mr. Schoonover disclosed that he received a letter via e-mail, which he believed that all other members received, and that he drove by the property.

Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. Mr. Schoonover asked if the sliding doors were part of the balcony proposal. Mr. Smalley responded that the applicant had added these doors in the redesign. At this point, the property was approved to have the balcony railing stop at the doors, causing them to be inoperable.

Their request is to expand the balcony to allow for the use of the sliding door. Mr. Schoonover then inquired if the town had measures to be able to prevent or stop such installations in advance. The staff member answered negatively.

The applicant's representative, Matt Noble, noted that he had previously been qualified as an expert before the agency. He provided that the structure is currently existing but still requires a roof. The electrical equipment is within the space, and some parts had to be replaced due to the lack of a cover. He acknowledged the oversight that has occurred but emphasized the need to move forward. He asserted that, should both variances be approved, there will be complete consistency with the code. Mr. Noble expressed his understanding for the applicants, who he noted had suffered financially in this process. He pointed out the beautiful views and great location that the property offered. He mentioned the communications of support for the variance proposals. These requests are related to the development of the deck into a viewing platform. He believed that the railings were not ideal and could cause liability risks in the long term. Mr. Eckmann confirmed with Mr.

Noble that the deck already exists and that the request is to add railing so that the structure can be used as a seating space. He also asked about the composition. Mr. Noble responded that the deck was made of concrete. Brant Kotel, owner of Bayside Building and the contractor for this project, stated that sliding doors had been on the original plan since day one. During the construction, there was a realization that the railing could become a serious safety hazard. Mr. Eckmann requested information about the composition of the railing. Mr. Kotel answered that it was made with aluminum. There was a question on the deviation between the plan and what was built. Mr. Noble

recognized that there were errors in the design that were not discovered until construction began. Mr. Boan noted that one element that the agency considers for a variance is hardship that is not self-caused. Mr. Eckmann inquired if the engineer-architect who signed and sealed these plans provided a reasoning for the dimensions and a revised drawing. The contractor responded that there was not an amended drawing but that he could request one. He asserted that the original dimension of 2.9 feet was later changed, but that the problem still exists. Chair Cereceda confirmed with Mr. Kotel that these two variances would largely remedy all existing issues. Mr. Schoonover commented that the issue of the sliding doors should have been identified earlier on. Mr. Smalley highlighted the siloed nature of the reviewing teams. He noted that there were aspects of the proposals that should have been caught by staff and that they intend to bring forward this issue for review to the Local Planning Agency or to Town Council.

No public comment.

Mr. Smalley noted that they would have to meet FCB fall safety requirements before the CO can be issued. Chair Cereceda asked if this needed to be stipulated in the motion. The staff member responded negatively and stated that it would be required regardless. Mr. Boan confirmed that the height of the existing railing is 3 feet 6 inches and that it would be the same with the approval of the variances.

Mr. Eckmann moved to approve the variance 20260014, 831 Estero Boulevard, with 1) the variance to allow a second level balcony encroachment, in the form of extending guardrails around the perimeter of the deck that comply with the Florida Building Code; and 2) the variance from LDC Section 34-631(B)(3)(A) to allow for the enclosing the 38-feet rooftop structure for mechanical equipment to prevent rain from flowing in, with the conditions stipulated by staff, seconded by Ms. Plummer.

The motion carried unanimously by roll call vote.

B. VAR20260011, 1161/1165 Estero Blvd

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260011, REQUEST FOR A VARIANCE FROM LDC SECTION 34-676(A), TO MULTIPLY THE PARKING REQUIREMENTS BY 0% AND ALLOW A 100% REDUCTION IN PARKING REQUIREMENTS WHERE A MAXIMUM PERCENTAGE OF 67% IS MULTIPLIED WITH PARKING REQUIREMENTS TO ALLOW A 33% PARKING REDUCTION BY RIGHT FOR PROPERTIES IN THE DOWNTOWN ZONING, FOR THE PROPERTY LOCATED AT 1161/1165 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 19-46-24-W4-0150E.0010 IN FORT MYERS BEACH; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Mr. Schoonover disclosed that he drove by the property. Ms. Plummer disclosed that she spoke with Mr.

Matt Noble. No other ex parte communications.
Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. There are currently seven parking spots, with four on-site (including one ADA spot) and three rented to the property from another commercial entity owned by the same owner. The requirement under today's code would be eight. Mr. Smalley explained the rationale for the staff recommendation to deny the variance, emphasizing the desire to retain status quo and the fact that there is, or close to, complete compliance. He acknowledged that properties with zero parking requirements exist in close proximity but also pointed out that this particular location is not located in the downtown area and thus has to meet the 33% of the parking requirement.
Ms. Plummer inquired about the boundaries of Times Square. Mr. Smalley stated that the code specifically outlined that the areas within the corridor of the pedestrian pathway on the bayside and gulf side do not have to provide any parking. He also noted that there are differences between the north side and the south side of Estero Boulevard. Staff is concerned about parking erosion. There is no change in the intensity of use or the footprint of the building. He noted that the applicant is not intending to remove these spots but is asking to take out the requirement. Mr. Boan requested additional information on the residential units and allowance for overnight usage. Mr. Smalley responded that there were three units and that he would defer to the applicant on the specific agreement. Mr. Boan also commented that there was a vacant lot behind the property and there was additional parking available at Margaritaville across the street. Mr. Noble stated that the parking lot has a peculiar shape and currently sits significantly higher than the boulevard. He asserts that there is an operational problem. The applicant believes that there are better long-term alternatives, such as a pedestrian mall or outdoor display. He also owns several properties that do provide parking.
No public comment.
Chair Cereceda stated that this structure has been categorized as mixed-use and that the parking has existed for a long time. She wishes to know the ultimate vision for the space. Mr. Noble noted that the applicant would like to use this area as an outdoor display or a pedestrian plaza with seating spaces. Ms. Plummer asked whether the rented spaces will remain. The applicant's representative responded that it would depend on the agency's decision. She further inquired about the details of the parking agreement. There was a response that they could continue to designate those three spots for the residential units. Chair Cereceda reiterated her discomfort in making a decision without comprehensive information on future plans and voiced her opposition. Mr. Eckmann quoted a portion of the yellow sheet on pedestrian-oriented improvements. Mr. Noble highlighted the back-out issues for vehicles navigating in the area. He believes there should be a curb and additional space. Mr. Smalley commented that staff is in full agreement and has been making progress whenever they can. There is a high density of pedestrian traffic. He believes that if a plan is brought forward, he would be open to

discussion. He wishes to retain the ADA parking space, which may disappear if replacement parking is offered elsewhere. Mr. Boan offered the possibility of a joint parking agreement with the lot to the south, which has seven spots and is also owned by the applicant. This would also provide an opportunity to create a nearby substitute ADA-compliant spot. However, he also noted that there is a lot of uncertainty in the applicant's vision. Ms. Plummer commented that her main priorities are the residential unit and ADA parking. If those concerns are addressed, she stated that it would be a good opportunity to reduce some of the challenges in that corner area. She also asked staff if there is zero set-back on this site. Mr. Smalley responded that it could be built out to the sidewalk. Chair Cereceda recognized the parking deficit, which becomes more obvious during the busy season. Mr. Smalley added that staff's position on the recommendation for denial is based on the fact that, if approved, this would be a furtherance of a nonconformity. The Chair, acknowledging that the applicant does have some ideas for a future plan for the parking area, stated that the agency could consider a continuance or a recommendation to deny. Town Attorney Stuparich also provided that the applicant has the opportunity to withdraw the request. Mr. Noble said that he was not authorized to ask for a continuance.

Chair Cereceda moved to deny the variance request, seconded by Mr. Boan. Town Attorney Stuparich requested that the basis for denial be provided at this time. The Chair stated that there was a lack of information to fulfill the criteria, as stipulated in the staff report beginning on page 42, required by a variance request. The seconder of the motion concurred.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich announced that this item would go to review by the Town Council. Chair Cereceda also clarified that there was no public comment and no public in attendance. She confirmed that the denial was without prejudice and that the Local Planning Agency would be able to rehear the item within a 12-month period.

C. VAR20260026, 340 Washington Court

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VAR20260026, A VARIANCE FROM LDC TABLE 34-3 REQUESTING A 3.25 FEET REDUCTION OF THE REQUIRED 10 FOOT SIDE SETBACKS AND 8.75 FOOT OF THE REQUIRED 25 FOOT REAR SETBACKS, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 340 WASHINGTON COURT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Mr. Schoonover drove by this property from three different directions. The Chair disclosed that she lived in the neighborhood of the site.

Senior Planner Jason Smalley reviewed the background of the request as stated on the yellow sheet. He noted the applicant's plans to build a pool deck

along with a shade structure. A pool will be built later on, but no variance is needed. The property is old and contains a shoulder lot. There appears to be a lot of area on paper, but in reality, there is very little usable space. The closest point of the house is 6 feet 9 inches. The applicant intends to bring the deck to the furthest point, leaving no gap between the edge of his house and the beginning of the proposed structure. There is a request for relief in the rear of 8.75 feet to a waterbody set-back, approximately 9 feet more than what is currently allowed. More restrictive rules would be triggered due to its structural integration with the house.

Edward Morelli, accompanied with his wife Andrea Morelli, noted the angled shape of the lot. He expressed their wishes to not block any views of the canal. The proposed structure would not interfere with any existing trees. He asserted that his neighbor provided positive feedback and that the covered patio would provide a benefit for his family. Mr. Eckmann confirmed with the applicant that this would be an extension of the existing structure.

No public comment.

Mr. Boan moved that Variance 20260026, 340 Washington Court, be approved, having found that the conditions in the staff report are supportive of the variance, seconded by Chair Cereceda.

The motion carried unanimously by roll call vote.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

Mr. Boan asked if there were any updates to the public benefits ordinance. Chair Cereceda responded that she hopes that this item will be discussed at the next meeting. Town Attorney Stuparich provided that she can move forward and coordinate with the Town Manager. After some discussions on scheduling, Chair Cereceda presented the possibility of considering the ordinance at the June meeting and presenting to Council in August. Town Attorney Stuparich stated that the proposed timeline should work but requested an opportunity to follow up on May 8 or May 12. Chair Cereceda requested Town Clerk Baker to send the agency's previous information and work to the newest member, Mr. Schoonover. Town Attorney Stuparich added that there was also a past joint meeting with the Council on public benefits.

Mr. Schoonover thanked Town Clerk Baker and Town Attorney Stuparich for their help as he started his position on the Local Planning Agency.

Mr. Eckmann announced that he would not be in attendance for the meeting on May 8, 2026, and asked if May 7 would be a good date. Chair Cereceda noted that the reason for the continuance was that additional time was needed for the town's interest. Chair Cereceda requested that Town Clerk Baker follow up with the final date.

X. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Stuparich has worked with staff on agenda items from the agency members. She requested additional specificity in the titles. Chair Cereceda thanked her for the helpful feedback.

DRAFT

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIII. ADJOURNMENT

Ms. Plummer moved to adjourn, seconded by Mr. Boan. The meeting was adjourned at 10:33 a.m.

DRAFT

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-479**

1. **Request:** **Meeting Date: May 12, 2026**

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING / APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260072, REQUESTING A VARIANCE REPLACING IN ITS ENTIRETY A PREVIOUSLY APPROVED VARIANCE (20240267), TO VARY FROM THE REQUIRED STREET SETBACKS, AND SIDE SETBACKS FOR A SINGLE-FAMILY STRUCTURE IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 63 DELMAR AVE, GENERALLY REFERRED TO AS STRAP NUMBER: 19-46-24-W4-0100H.0010 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.

Why the action is necessary:

The Local Planning Agency (LPA) may make a recommendation to the Town Council regarding the variance request or may approve the variance request by unanimous vote.

What the action accomplishes:

The Local Planning Agency's recommendation shall be forwarded to the Town Council, or, if the request is approved by unanimous vote, shall constitute final agency action.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

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5. **Background:**

Kara Stewart, on behalf of Baisch Gayle Lynn & Griffin Gregory Miller Et Al, the owner of 63 Delmar Ave, is requesting a variance replacing in its entirety a previously approved variance (20240267) to vary from the required street setbacks and side setbacks for a single-family structure in the RM zoning district. On January 09, 2025, the Town of Fort Myers Beach Local Planning Agency unanimously approved and adopted LPA Resolution 2025-01, approving three variances: 1) a variance of 4 feet 10 inches (4.83 feet) from the street setback for a front setback of 20 feet 2 inches (20.17 feet), 2) a variance of 6 inches (0.5 feet) from the side setback for a setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches (2.5 feet) for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure on 63 Delmar Ave.

The subject property is a beachfront parallelogram lot adjacent to Delmar Avenue and is accessible via a driveway easement. LDC Section 34-2 defines a street as a public or private thoroughfare that affords vehicle access as the principal means of ingress or egress to a lot. For purposes of measuring the street setback, LDC Section 34-2 defines a street setback as the setback extending across the front of a lot measured from the edge of an existing street right-of-way or street easement.

During construction, the house was built 0.4 feet closer to the east property boundary and was 3.1 feet closer to the street setback than approved by the site plan under LPA Resolution 2025-01. The Applicant is now requesting a new variance to replace in its entirety the previously

approved variance request (20240267) and allow 1) a variance of 7.9 feet from the required 25-foot street setback for a street setback of 17.1 feet, 2) a variance of 0.2 feet from the required 6.5-foot side setback for a side setback of 6.3 feet for the west portion of the building and 3) a variance of 2.9 feet for a side setback of 3.6 feet for stairs located on the east portion of the building. Approval of this variance request will allow the already built single-family structure to remain in its existing location with reduced street and side setbacks from the west and east property boundaries.

Attachments:

1. LPA Resolution 2026-XX, 63 Delmar Ave
2. Exhibit A- As-Built Survey
3. Exhibit B- LPA Resolution 2025-01, VAR20240267
4. Staff report

Financial Impact:

Unknown

6. **Alternative Action**

Deny

7. **Staff Recommendations:**

The staff recommends **APPROVAL WITH CONDITIONS** for the variance request in VAR20260072, to allow replacing in its entirety a previously approved variance (20240267), to vary from the required street setbacks, and side setbacks for a single-family structure in the RM zoning district.

8. **Recommended Approval:**

_____ Date: May 05, 2026

Frankie Kropacek, Community Development Director

_____ Date: May 07, 2026

nancy stuparich, Town Attorney

_____ Date: May 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 VARIANCE 20260072, REQUESTING A VARIANCE REPLACING IN ITS ENTIRETY A PREVIOUSLY APPROVED VARIANCE (20240267), TO VARY FROM THE REQUIRED STREET SETBACKS, AND SIDE SETBACKS FOR A SINGLE-FAMILY STRUCTURE IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 63 DELMAR AVE, GENERALLY REFERRED TO AS STRAP NUMBER: 19-46-24-W4-0100H.0010 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, Applicant Kara Stewart, on behalf of the property owner, Baisch Gayle Lynn & Griffin Gregory Miller Et Al, is requesting a variance VAR20260072, replacing in its entirety a previously approved variance (20240267), to vary from the required street setbacks, and side setbacks for a single-family structure in the RM zoning district**,** for the real property located at 63 Delmar Ave, Fort Myers Beach, Florida (hereinafter "Subject Property"); and

WHEREAS, the STRAP for the Subject Property is 19-46-24-W4-0100H.0010; and

WHEREAS, the Subject Property is within the Boulevard Future Land Use Map category according to the Town of Fort Myers Beach Comprehensive Plan; and

WHEREAS, the Subject Property is located in the Residential Multi-Family (RM) zoning district; and

WHEREAS, the RM zoning district requires a minimum lot width of 75 feet and a minimum lot depth of 100 feet, with a total lot area of 7,500 square feet; and

WHEREAS, the Subject Property is a 44-foot-wide and 165-foot-deep, nonconforming parallelogram lot in the RM zoning district; and

WHEREAS, LDC Table 34-3 requires a street setback of 25 feet and a side setback of 6.5 feet from each side for lots less than 50 feet wide; and

WHEREAS, on January 09, 2025, Town of Fort Myers Beach Local Planning Agency unanimously voted to approve and adopt LPA Resolution 2025-01, approving with conditions Variance request VAR20240267, a request for three variances: 1) a variance of 4 feet 10 inches (4.83 feet) from the street setback for a front setback of 20 feet 2 inches (20.17 feet), 2) a variance of 6 inches (0.5 feet) from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches (2.5 feet) for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure on 63 Delmar Ave; and

WHEREAS, during construction, the house was built 0.4 feet closer to the east property boundary and 3.1 feet closer to the street setback than approved by the site plan under LPA Resolution 2025-01; and

WHEREAS, the Applicant is now requesting a new variance to replace in its entirety the previously approved variance request (20240267) and allow 1) a variance of 7.9 feet from the required 25-foot street setback for a street setback of 17.1 feet, 2) a variance of 0.2 feet from the required 6.5 feet side setback for a side setback of 6.3 feet for the west portion of the building and 3) a variance of 2.9 feet for a side setback of 3.6 feet for stairs located on the east portion of the building; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on May 12, 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 regarding consideration of eligibility for 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 variance with the following conditions:

1. Approval of this variance does not give the Applicant a vested 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.

2. The variance shall only apply to the street setback and west and east side setbacks as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variance null and void.

3. This variance applies to the street setback and west and east side setbacks for an existing single-family structure on the subject property only. Any additional modification of the single-family dwelling or additional construction on the subject property must comply with all applicable regulations or seek a new variance.

4. This variance applies to the modified street and side setbacks as shown in "Exhibit A" only. No other portion of the single-family dwelling or accessory structure(s) may be extended into a required setback.

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. VAR20260072, with the conditions contained herein, received/ did not receive unanimous approval from eligible voting members of the LPA on May 12, 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 Ed Schoonover	____
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:

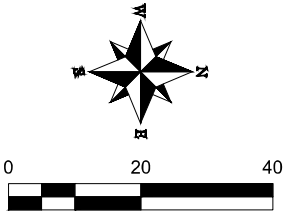
_____
Amy Baker, Town Clerk

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

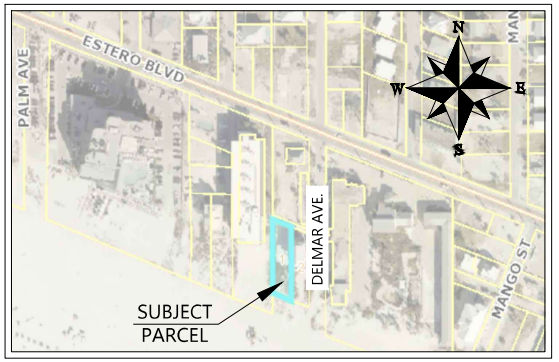
This Resolution was filed in the Office of the Town Clerk on this ___ day of ____, 2026.

EXHIBITS
Exhibit A: As-Built Survey
Exhibit B: LPA Resolution 2025-01,
VAR20240267

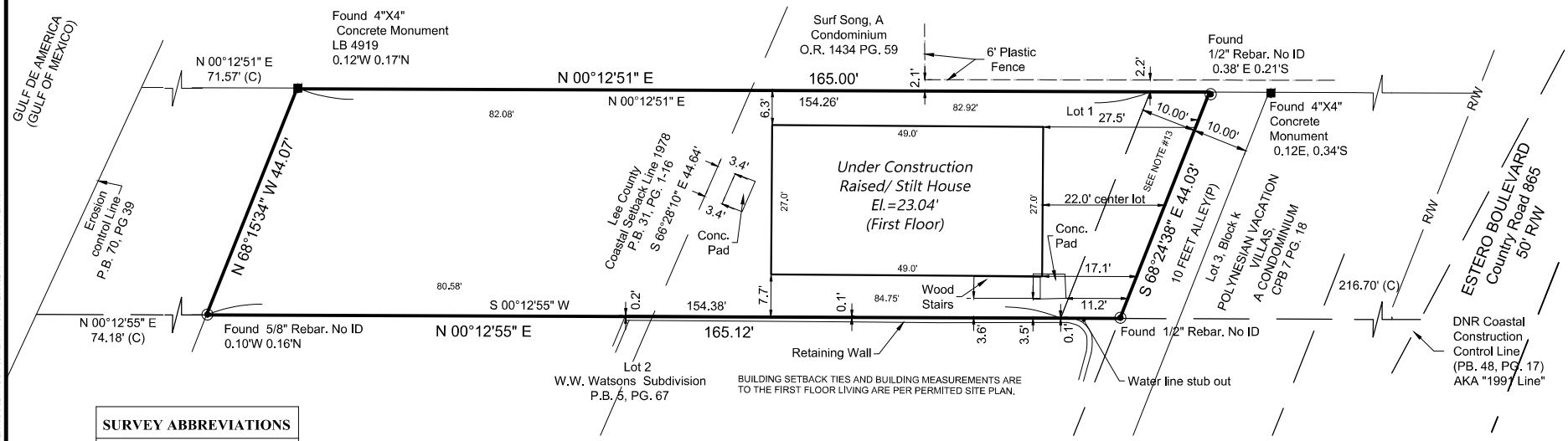


SURVEY NOTES:

1. Measurements shown hereon are in U.S. Survey feet and decimals thereof.
2. This survey is subject to easements, restrictions, and other matters of record.
3. Underground structures and utilities, if any, are not included, unless otherwise shown.
4. This survey is not valid without the signature and original raised seal or digital signature of a Florida licensed Professional Surveyor and Mapper (P.S.M.)
5. Elevations shown hereon are in reference to the North American Vertical Datum of 1988 (N.A.V.D. '88) and based on a National Geodetic Survey (NGS) Benchmark ("DESIGNATION - F 245"; El.=6.32').
6. The National Flood Insurance Information (not a certified flood zone determination):
   Community Number:120673 Panel Number:12071C0554 Suffix: G
   Effective Date:11/17/2022
   FIRM Zone: VE Base Flood Elevation (BFE):14' & 15' (N.A.V.D.88)
   (The above FIRM Panel should be consulted for verification of flood-related information.)
7. Bearings shown hereon are based on theWest Line of Lot 1 by Right-of-Way Control Survey Map of Estero Boulevard County Road 865, bearingN 00°12'51" E.
8. Recording instruments listed hereon should be consulted for complete information and full legal effect.
9. Symbol and characters may not be to scale; shown for clarity of representation.
10. This survey was completed without the benefit of an up-to-date title commitment.
11. Map created using information from Right-of-way Control Survey Map of ESTERO BOULEVARED CountyRoad 865 (Dated April 16, 2020).
12. Revisions or modifications to this survey or associated reports by any party other than the signing Professional Surveyor and Mapper are prohibited without written consent.
© Copyright 2026, Plan Right Surveying, Inc. All rights reserved.
12. Date of last field work : March 16, 2025.
13. Lee County Parcel 39-03 shown hereon is not referenced in the current deed or shown on the Lee Property Appraiser Site.



VICINITY MAP. (NOT TO SCALE)



SURVEY ABBREVIATIONS	
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
(C)	CALCULATED
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
N	NORTH
E	EAST
S	SOUTH
W	WEST

Description:

As described in Official Record Book 1835, Page 801, Public Records of Lee County, Florida:

Lot One (1) in Block H OF W.W. WATSON'S SUBDIVISION according to the plat of same on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 5, Page 67.

I hereby certify that this survey of the herein described property was made under my supervision and was prepared in accordance with the "Standards of Practice" set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, F.A.C. pursuant to section 472.027, Florida Statutes, subject to all notations shown herein. This survey is not intended to meet any other municipal or national standar ss noted.

Digitally signed by Donald Stouten
Date: 2026.03.31 06:27:53 -04'00'

DONALD D. STOUTEN (FOR THE FIRM)

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.3839
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PLAN RIGHT SURVEYING, INC.
1228-2 Lafayette Street,
Cape Coral, Florida, 33904
Phone: (239) 276-2861
https://planrightsurvey.com
License L.B. #8561

Boundary & Topographic Survey of
63 DELMAR AVENUE
lying in Section19, Township 46 South, Range 24 East, Fort Myers Beach Lee County, Florida.

NO.	DATE	REVISION	BY
1	03-26-2026	ADD FRONT BUILDING TIE CENTER OF LOT	DDS
2	04-01-2026	ADD FRONT TIE FROM CONCRETE PAD	

CERTIFIED TO:

Marvin Development Corporation

JOB NO:	2026-03-16
FIELD BOOK:	35:52
DATE:	03/16/2026
SCALE:	AS SHOWN

1 of 1

DRAWN BY
Y.H

© COPYRIGHT 2026 PLAN RIGHT SURVEYING, INC. DRAWINGS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

LPA RESOLUTION 2025-01

A RESOLUTION OF THE FORT MYERS BEACH LOCAL PLANNING AGENCY APPROVING WITH CONDITIONS VARIANCE 20240267, REQUESTING THREE VARIANCES FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 63 DELMAR AVENUE., GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0100H.0010 IN FORT MYERS BEACH, TO VARY FROM REQUIRED STREET SETBACK, AND SIDE SETBACKS TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT; 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, Kara Stewart ("Applicant") and Baisch Gayle Lynn & Griffin Gregory Miller Et Al ("Owners") of the property located at 63 Delmar Avenue (Property), and is requesting variances from LDC Table 34-3 of 1) 4 feet 10 inches from the street setback for a front setback of 20 feet 2 inches, 2) a variance of 6 inches from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure in the RM zoning district; and

WHEREAS, the STRAP number for the subject property is 19-46-24-W4-0100H.0010; and

WHEREAS, the Property is located in the "Boulevard" and "Recreation" Future Land Use Map of the Comprehensive Plan and the "Residential" and "Multifamily" zoning districts 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 January 9th, 2025, 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 regarding consideration of eligibility for a variance, the LPA makes the following findings and conclusions:

A. There are 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 not the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted is 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 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 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 unanimously by roll call vote to approve the requested variances with the following conditions:

1) Approval of these variances 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.

2) Property owner must adhere to the neighborhood flooding ordinance for drainage and 67% maximum impervious requirements.

3) The variance shall only apply to the single-family home as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variances to be null and void.

4) No portions of the structure shall extend past the 1978 Lee County Line (CCCL); and

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. VAR20240267, with the conditions contained herein, received unanimous approval from eligible voting members of the LPA on January 9th, 2025.

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 LPA Member James Boan and seconded by LPA Member John McLean and upon being put to a vote, the result was as follows:

Chair Cereceda	Aye
Vice-Chair Plummer	Aye
LPA Member Boan	Aye
LPA Member Dunlap	Aye
LPA Member Eckmann	Absent
LPA Member McLean	Aye
LPA Member Sudduth	Aye

DULY PASSED AND ADOPTED THIS 9th day of January 2025.

Local Planning Agency of the Town of Fort Myers Beach

By: Anita Cereceda
Anita Cereceda (Jan 24, 2025 10:15 EST)
Anita Cereceda, LPA Chair

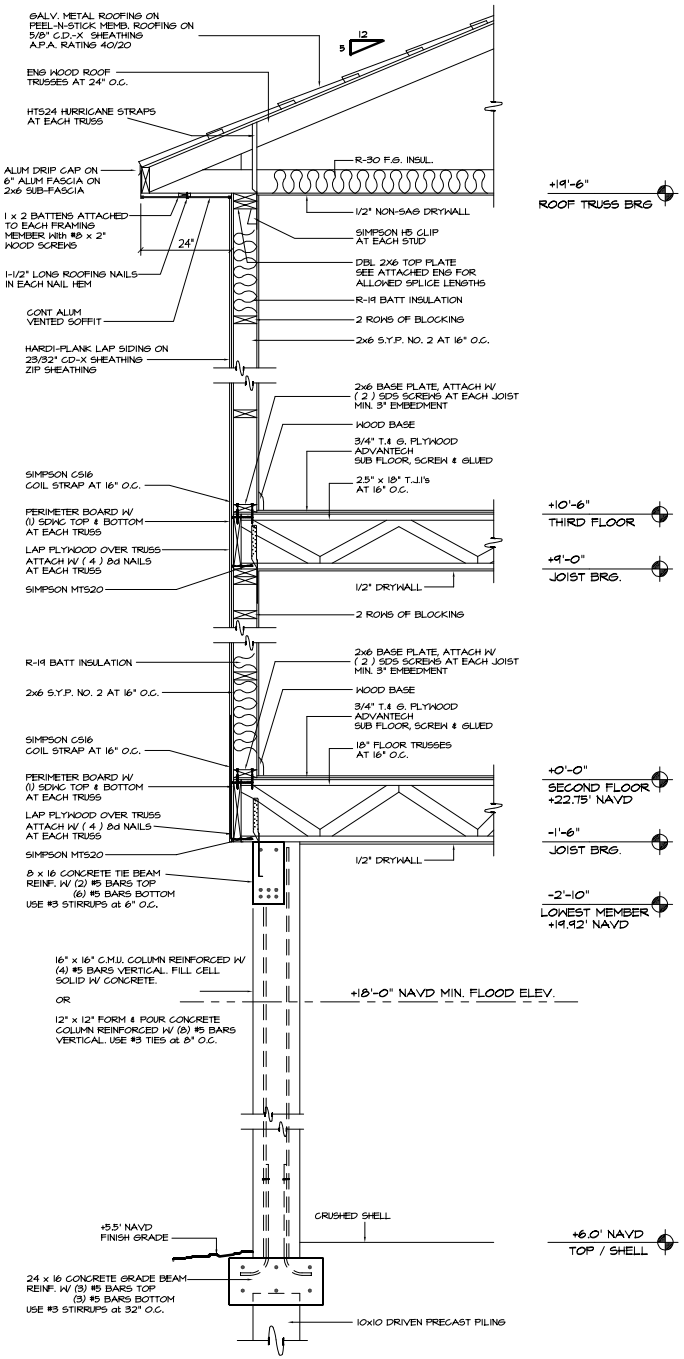
Approved as to legal sufficiency:

By: Nancy Stuparich
Nancy Stuparich (Jan 28, 2025 11:40 EST)
Vose Law Firm, Town Attorney

ATTEST:

By:
Amy Baker, Town Clerk

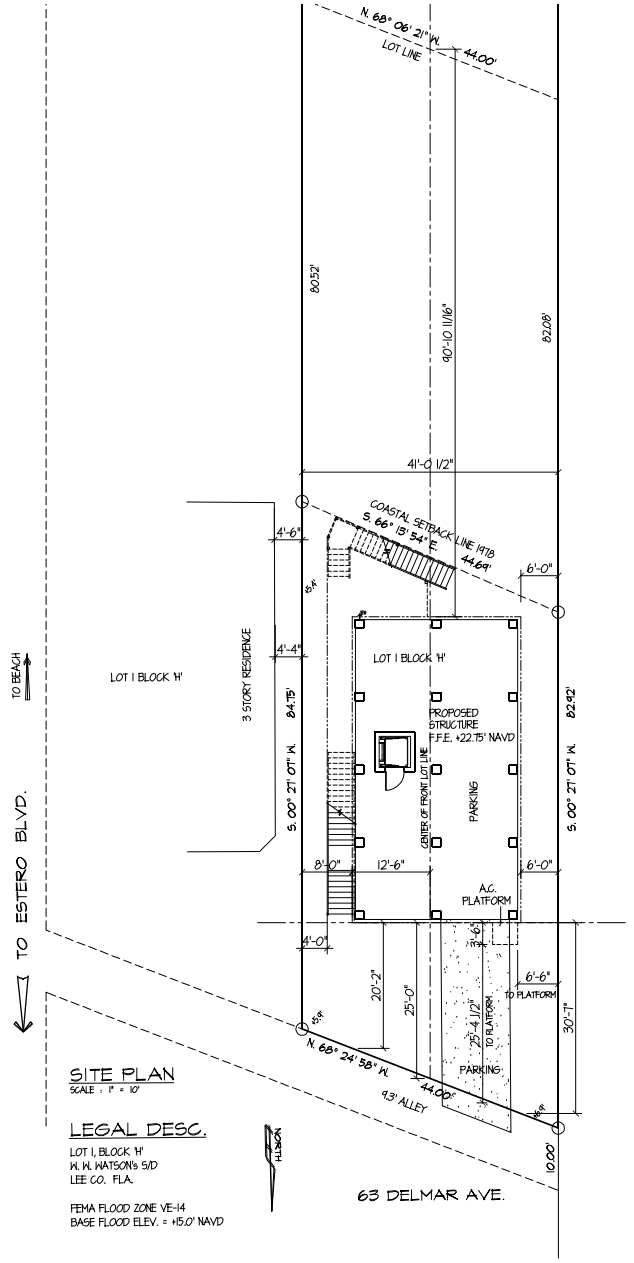
This Resolution was filed in the Office of the Town Clerk on this 6th day of January 2025.
EXHIBIT A: Site Plan



A/2 TYP TWO-STORY WALL SECTION

SCALE: 3/4" = 1'-0"

FEMA FLOOD ZONE VE ELEV. 14' B.F.E. = +15'



SITE PLAN

SCALE : 1" = 10'

LEGAL DESC.

LOT 1, BLOCK 'H'
W. W. WATSON'S S/D
LEE CO. FLA.

FEMA FLOOD ZONE VE-14
BASE FLOOD ELEV. = +15.0' NAVD

I HEREBY CERTIFY AS THE BUILDING DESIGN ENGINEER OF RECORD, THAT THE BUILDING DESIGN AS SHOWN ON THESE PLANS (STRUCTURAL COMPLIANCE ONLY) AND AS ACCOMPANIED BY DESIGN AND SUPPORT DOCUMENTS CONFORMS TO SECTION R301.2.1.2 OF THE 2023 FLORIDA RESIDENTIAL BUILDING CODE, 8TH EDITION (INCLUDING FLORIDA BUILDING CODE, RESIDENTIAL CHAPTERS R301 THRU R324 INCLUDING CHAPTER 19)

ALL STRUCTURES BUILT IN A HIGH VELOCITY WIND HURRICANE ZONES ARE DESIGNED IN ACCORDANCE WITH THE 8th EDITION 2023 FLORIDA BUILDING CODE, RESIDENTIAL, CHAPTERS R302 THRU R324 INCLUDING CHAPTER 19)

BRIAN LOY CHANDLER, P.E. #72182 DATE

Structural Review Only Provided By

Brian Loy Chandler, P.E.
GulfCoast Engineering, LLC
3002 Del Prado Blvd.
Cape Coral, FL 33904
(239) 458-6633

MARVIN HOMES

GRIFFIN

SOUTH FLORIDA DRAFTING
8498 Beacon Blvd.
Fort Myers, FL.
33907-3005
PHONE
(239) 561-8632

IT IS NOT PERMISSIBLE TO SCALE DRAWINGS OR SPECIFICATIONS. THE CONTRACTOR AND / OR OWNER SHALL NOTIFY SOUTH FLORIDA DRAFTING IN WRITING OF ANY DISCREPANCIES, AMBIGUITIES, ERRORS OR OMISSIONS FOUND IN THE DRAWINGS AND PRIOR TO COMMENCEMENT OF CONSTRUCTION. SOUTH FLORIDA DRAFTING IS NOT RESPONSIBLE FOR ANY DESIGN OR DETAILS OR DIMENSIONS OR BE HELD LIABLE FOR THE CONSEQUENCES OF ANY DEVIATIONS.

SOUTH FLORIDA DRAFTING INC. DOES NOT ASSUME ANY RESPONSIBILITY FOR SUPERVISION OF CONSTRUCTION, CONSTRUCTION METHODS, OR CONSTRUCTION SAFETY. ADHERENCE TO ALL APPLICABLE BUILDING CODES INCLUDING BUT NOT LIMITED TO ENERGY CODES IS THE RESPONSIBILITY OF THE BUILDER.

SOUTH FLORIDA DRAFTING INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN ARCHITECTURAL CERTIFICATIONS THAT MAY BE REQUIRED.

A RESIDENCE FOR :
GRIFFIN

MARVIN DEVELOPMENT CORPORATION
1541 HAYLEY LANE, SUITE #204
FORT MYERS, FL. 33907
TEL. No. (239) 433-1112
FAX. No. (239) 433-3885
CBC1242095

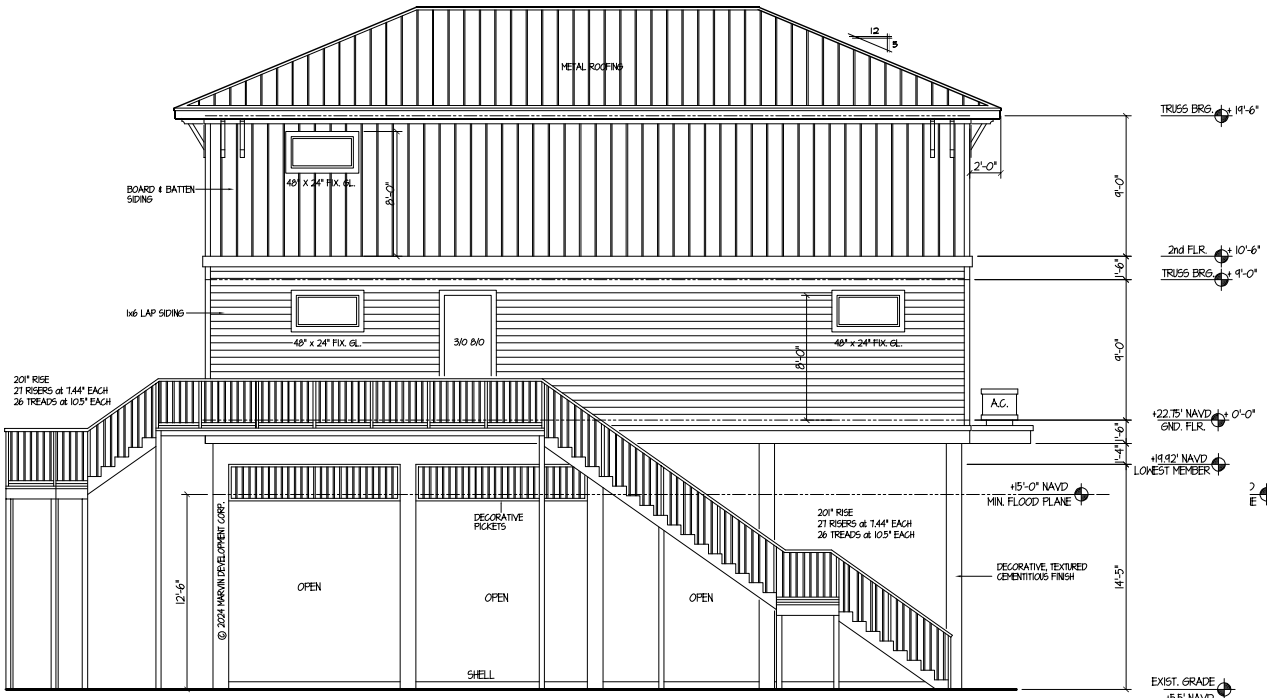
A | I
B | D

TYPICAL WALL SECTION
SITE PLAN

REVISIONS

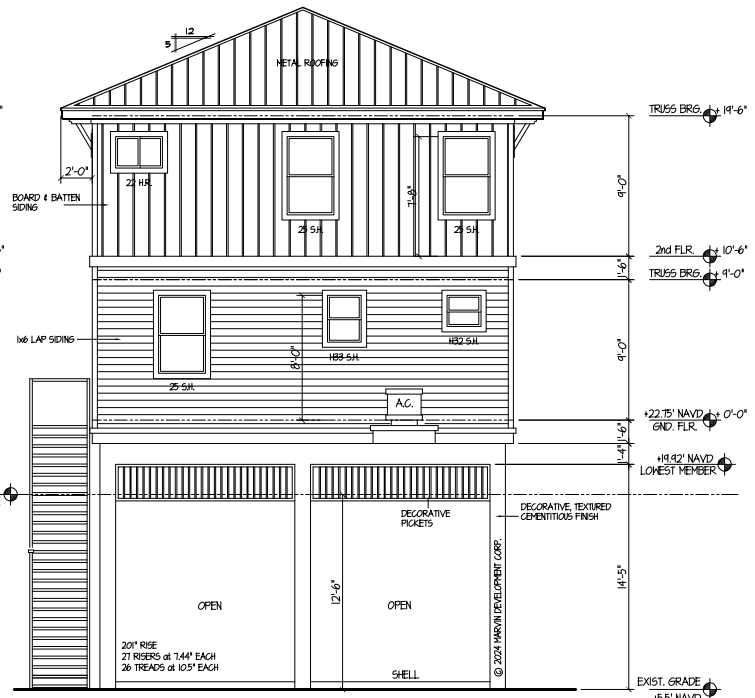
DWN. BY : S. A. M.
CHK. BY :
DATE : NOV. 4, 2024
JOB NO. : 24-0318

2 OF 9



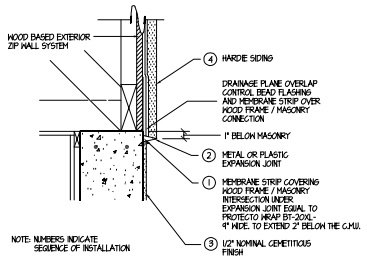
LEFT SIDE ELEVATION

SCALE : 1/4" = 1'-0"



FRONT ELEVATION

SCALE : 1/4" = 1'-0" BEACH SIDE



A/5 STUCCO FLASHING DETAIL AT C.M.U. / FRAME INTERFACE

Per Sec. 32-105 (e) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides included in any new construction, alteration, or window replacement, shall utilize glass with an inside to outside light transmittance value of 45 percent or less.

All windows facing the Gulf will be turtle glass.
VTC06 = 0.4200
All doors facing the Gulf will have integral mini-blinds.

MARVIN HOMES

I HEREBY CERTIFY AS THE BUILDING DESIGN ENGINEER OF RECORD, THAT THE BUILDING DESIGN AS SHOWN ON THESE PLANS (STRUCTURAL COMPLIANCE ONLY) AND AS ACCOMPANIED BY DESIGN AND SUPPORT DOCUMENTS CONFORMS TO SECTION R301-1.3, R301.2.1.2 OF THE 2014 FLORIDA BUILDING CODE RESIDENTIAL AND TO SECTION 2020 FLORIDA BUILDING CODE, INCLUDING SEC. 1609 FOR DESIGN PRESSURES, THIS CERTIFICATION DOES NOT INCLUDE ROOF TRUSS COMPONENTS OF WHICH THE TRUSS DESIGN ENGINEER IS THE ENGINEER OF RECORD.

ALL STRUCTURES BUILT IN A HIGH VELOCITY WIND HURRICANE ZONES ARE DESIGNED IN ACCORDANCE WITH THE 7th EDITION 2020 FLORIDA BUILDING CODE, RESIDENTIAL, CHAPTERS R302 THRU R324 INCLUDING CHAPTER R64

BRIAN LOY CHANDLER, P.E. #72152 DATE

Structural Review Only Provided By

Brian Loy Chandler, P.E.
GulfCoast Engineering, LLC
3002 Del Prado Blvd.
Cape Coral, FL 33904
(239) 458-6633

GRIFFIN

SOUTH FLORIDA DRAFTING
8498 Beacon Blvd.
Fort Myers, FL.
33907-3005
PHONE
(239) 561-8632

IF ANY ERRORS OR OMISSIONS EXIST IN THESE DRAWINGS OR SPECIFICATIONS TO THE CONTRACTOR, AND IT DOES NOT NOTIFY THE DESIGNER OF SUCH ERRORS OR OMISSIONS PRIOR TO CONSTRUCTION, SUCH CONTRACTOR AND ALL SUBCONTRACTORS SHALL BE HELD WHOLLY RESPONSIBLE FOR THE CONSEQUENCES THEREOF AND FOR ALL DAMAGES RESULTING THEREFROM.

SOUTH FLORIDA DRAFTING INC. DOES NOT ASSUME ANY RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES EMPLOYED BY THE CONTRACTOR AND SUBCONTRACTORS AND THEIR AGENTS AND EMPLOYEES IN CONNECTION WITH THE CONSTRUCTION. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, ORDINANCES, CODES, RULES AND REGULATIONS OF ANY PUBLIC AUTHORITY HAVING JURISDICTION OVER THE WORK.

SOUTH FLORIDA DRAFTING INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE CONSTRUCTION DOCUMENTS THAT MAY BE REQUIRED.

A RESIDENCE FOR :
GRIFFIN

MARVIN DEVELOPMENT CORPORATION
1541 HAYLEY LANE, SUITE #204
FORT MYERS, FL. 33907
TEL. No. (239) 433-1112
FAX. No. (239) 433-3885
CBCA34055

A | B/D

FRONT ELEVATION
LEFT SIDE ELEVATION

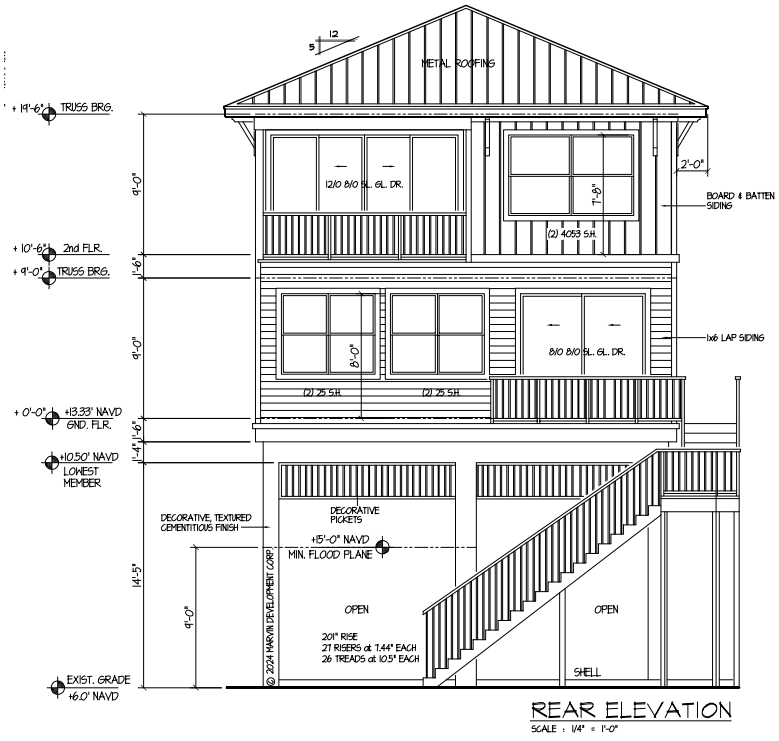
REVISIONS

DWN. BY : S.A.M.
CHK. BY :
DATE : SEPT. 5, 2024
JOB NO. : 24031B

5 OF 9

RIGHT SIDE ELEVATION

SCALE : 1/4" = 1'-0"



REAR ELEVATION

SCALE : 1/4" = 1'-0"

I HEREBY CERTIFY AS THE BUILDING DESIGN ENGINEER OF RECORD, THAT THE BUILDING DESIGN AS SHOWN ON THESE PLANS (STRUCTURAL COMPLIANCE ONLY) AND AS ACCOMPANIED BY DESIGN AND SUPPORT DOCUMENTS CONFORMS TO SECTION R301-1.3, R301.2.1.2 OF THE 2014 FLORIDA BUILDING CODE RESIDENTIAL AND TO 6TH EDITION 2020 FLORIDA BUILDING CODE, INCLUDING SEC. 1609 FOR DESIGN PRESSURES. THIS CERTIFICATION DOES NOT INCLUDE ROOF TRUSS COMPONENTS OF WHICH THE TRUSS DESIGN ENGINEER IS THE ENGINEER OF RECORD.

ALL STRUCTURES BUILT IN A HIGH VELOCITY WIND HURRICANE ZONES ARE DESIGNED IN ACCORDANCE WITH THE 7th EDITION 2020 FLORIDA BUILDING CODE: RESIDENTIAL, CHAPTERS R302 THRU R324 INCLUDING CHAPTER R44

BRIAN LOY CHANDLER, P.E. #72152 — DATE

Structural Review Only Provided By

Brian Loy Chandler, P.E.
GulfCoast Engineering, LLC
3002 Del Prado Blvd.
Cape Coral, FL 33904
(239) 458-6633

MARVIN HOMES

GRIFFIN

SOUTH FLORIDA DRAFTING
8498 Beacon Blvd.
Fort Myers, FL.
33907-3005
PHONE
(239) 561-8632

IF ANY ERRORS OR OMISSIONS EXIST IN THESE DRAWINGS OR SPECIFICATIONS THE CONTRACTOR AND / OR OWNER SHALL NOTIFY THE DESIGNER IMMEDIATELY. CONSTRUCTION PLANNING AND PRICING TO CONSTRUCTION NOTIFY SOUTH FLORIDA DRAFTING OF ANY DISCREPANCIES. SOUTH FLORIDA DRAFTING IS NOT RESPONSIBLE FOR THE OMISSION OF, OR FAILURE TO, CONSTRUCT ANY ITEM SHOWN ON THESE PLANS.

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A RESIDENCE FOR :
GRIFFIN

MARVIN DEVELOPMENT CORPORATION
1541 HAYLEY LANE, SUITE #204
FORT MYERS, FL. 33907
TEL. No. (239) 433-1112
FAX. No. (239) 433-3885

CBCA34055

A | B | D

REVISIONS

REAR ELEVATION
RIGHT SIDE ELEVATION

DWN. BY : S.A.M.
CHK. BY :
DATE : MAY 21, 2024
JOB NO. : 24031B

6 OF 9

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: **Variance**

CASE NUMBER: **VAR20260072**

CASE NAME: **63 Delmar Ave; a variance replacing in its entirety a previously approved variance (20240267), to vary from the required street setbacks, and side setbacks for a single-family structure in the RM zoning district**

LPA HEARING DATE: **May 12, 2026, 9:00 am**

STAFF RECOMMENDATION: **Approval with conditions**

PREPARED/ SUBMITTED BY: **Sakshi, RPP, MCIP, LEED AP ND/ Jason Green, AICP**

I. APPLICATION SUMMARY

Applicant/Owner: Kara Stewart/Baisch Gayle Lynn & Griffin Gregory Miller Et Al

Request: The applicant is requesting a variance to replace in its entirety a previously approved variance (20240267), to vary from the required street setbacks, and side setbacks for a single-family structure in the RM zoning district.

On January 09, 2025, Town of Fort Myers Beach Local Planning Agency unanimously approved and adopted LPA Resolution 2025-01, approving three variances 1) a variance of 4 feet 10 inches (4.83 feet) from the street setback for a front setback of 20 feet 2 inches (20.17 feet), 2) a variance of 6 inches (0.5 feet) from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches (2.5 feet) for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure on 63 Delmar Ave. During construction, the house was built 0.4 feet closer to the east property boundary and 3.1 feet closer to the street setback

	than approved by the site plan under LPA Resolution 2025-01.
Subject property:	See attached site plan
Physical Address:	63 Delmar Ave
STRAP #:	19-46-24-W4-0100H.0010
FLU:	Boulevard
Zoning:	Residential Multi-Family (RM)

Adjacent zoning and land uses:

North:	COMMERCIAL BOULEVARD (CB) Multi-Family
South:	ENVIRONMENTALLY CRITCAL (EC) Recreation
East:	RESIDENTIAL MULTI-FAMILY (RM) Single-Family Residence
West:	RESIDENTIAL MULTI-FAMILY (RM) Multi-Family/Recreation

II. BACKGROUND AND ANALYSIS

Background:
Kara Stewart, on behalf of Baisch Gayle Lynn & Griffin Gregory Miller Et Al, the owner of 63 Delmar Ave, is requesting a variance replacing in its entirety a previously approved variance (20240267), to vary from the required street setbacks, and side setbacks for a single-family structure in the RM zoning district. On January 09, 2025, Town of Fort Myers Beach Local Planning Agency unanimously approved and adopted LPA Resolution 2025-01, approving three variances: 1) a variance of 4 feet 10 inches (4.83 feet) from the street setback for a front setback of 20 feet 2 inches (20.17 feet), 2) a variance of 6 inches (0.5 feet) from the side setback for a side setback of 6 feet for the west portion of the building and 3) a variance of 2 feet 6 inches (2.5 feet) for a side setback of 4 feet for stairs located on the east portion of the building to construct a new single-family structure on 63 Delmar Ave.

The subject property is a beachfront parallelogram lot adjacent to Delmar Avenue and is accessible via a driveway easement. LDC Section 34-2 defines a street as a public or private thoroughfare which affords vehicle access to the principal means of ingress or egress to a

lot. For purposes of measuring the street setback, LDC Section 34-2 defines a street setback as the setback extending across the front of a lot measured from the edge of an existing street right-of-way or street easement.

During construction, the house was built 0.4 feet closer to the east property boundary and 3.1 feet closer to the street setback than approved by the site plan under LPA Resolution 2025-01. The Applicant is now requesting a new variance to replace in its entirety the previously approved variance request (20240267) and allow 1) a variance of 7.9 feet from the required 25-foot street setback for a street setback of 17.1 feet, 2) a variance of 0.2 feet from the required 6.5 feet side setback for a side setback of 6.3 feet for the west portion of the building and 3) a variance of 2.9 feet for a side setback of 3.6 feet for stairs located on the east portion of the building. Approval of this variance request will allow the already built single-family structure to remain in its existing location with reduced street and side setbacks from west and east property boundaries.

Analysis:
The purpose of the RM zoning district is to designate suitable locations for a wide variety of multi-family residences. A conforming lot in the RM zoning is at least 75 feet wide and 100 feet deep, or 7,500 square feet of area. The subject property is a 44-foot-wide and 165-foot-deep, non-conforming parallelogram lot.

The subject parcel is accessible via a driveway easement connected from Delmar Avenue. Pursuant to LDC Section 34-2, a street includes a public or private thoroughfare affording vehicular access to the principal means of ingress or egress to a lot, and the street setback is measured from the edge of an existing street right-of-way or street easement. As such, the required setback must be measured from the driveway easement, which reduces the practical buildable area of an already narrow and irregular lot. These physical characteristics are inherent to the property and distinguish it from many other lots in the vicinity.

LDC Table 34-3 requires a minimum of 25-foot street setback and 6.5 feet side setbacks on each side of the property for lots less than 50 feet in width. The Local Planning Agency previously reviewed this property and approved LPA Resolution 2025-01 on January 9, 2025, authorizing three variances allowing a street setback of 20.17 feet, west side setback of 6 feet and an east side setback of 4 feet for construction of a new single-family residence. During construction, however, the structure was built approximately 0.4 feet closer to the east property boundary and approximately 3.1 feet closer to the street setback line than shown on the previously approved plans. The applicant now seeks replacement of the prior variance approval in its entirety to recognize the structure as constructed. No changes to the habitable area or the square footage of the previously approved residence are proposed.

As per LDC Section 34-268(4), the director is authorized to modify the street, rear, side, or waterbody setbacks to legitimize minor errors, not exceeding one foot, in setbacks at the time of construction, through administrative setback variance process. The director may grant this administrative setback variance for nonconforming lots only if the modifications will be the minimum required to allow a home with a footprint of the same square footage as was previously legally constructed on that property and one story in height, above flood

elevation, with no enclosure below base flood elevation. Since the Applicant is requesting a variance greater than one foot from the previously approved street setback, a full variance is required.

Staff recognizes that the lot's unusual geometry and constrained width limit design flexibility; however, the additional encroachment beyond what was previously approved resulted from construction error rather than from a newly discovered physical hardship.

Neighborhood Compatibility:
The subject property is part of an existing residential neighborhood. The property supported a single-family residence with nonconforming street and side setback prior to Hurricane Ian. The surrounding area consists of a mix of multi-family, single-family, recreational, and commercial uses. The eastern neighboring property of 61 Delmar Ave has a single-family home that was constructed in 2008 which was reviewed and approved by Lee County. The neighbor to the west is Surf Song condominium.

Residential structures in this portion of the island frequently exhibit varied setbacks due to historic platting patterns, narrow lots, easements, and redevelopment following storm events. The proposed as-built residence remains residential in character and scale and is generally compatible with surrounding development patterns. The requested side setback and street setback adjustments are not anticipated to create material adverse impacts on neighboring properties. Subject to compliance with all other applicable code requirements, the request is not expected to be injurious to the neighborhood or detrimental to the public welfare.

Findings and Conclusions:
LDC Section 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.*

   There are exceptional or extraordinary conditions inherent to the property, including its narrow nonconforming width, irregular parallelogram configuration, beachfront location, and the presence of a driveway easement from which the street setback must be measured. These constraints reduce the practical buildable envelope. In addition, portions of the requested variance are de minimis in nature.

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 underlying lot constraints are not the result of actions taken by the applicant. However, the need for the increased street setback variance and revised east side setback request arose in part because the structure was constructed in a location

different from the plans approved under the prior variance. Accordingly, the current request is partially the result of post-approval construction actions.

c. *That 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 in question to his property.*

The single-family residence with the requested street and side setbacks has already been built. The requested variance is an after-the-fact request and reflects the minimum relief necessary to recognize the building in its existing location and avoid requiring substantial reconstruction, while addressing the property's constrained buildable area. No additional relief beyond the as-built conditions is requested.

d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

Granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The residence remains compatible in use and scale with surrounding residential development, and the requested variance is not anticipated to create significant adverse impacts to adjacent properties or neighborhood character.

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 a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which the variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for *variance VAR20260072 replacing in its entirety a previously approved variance (20240267), to vary from the required street setbacks, and side setbacks for a single-family structure in the RM zoning district* and finds that the variance request **meets** the requirements set forth in the LDC Section 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** for the variance request in VAR20260072, to allow 1) a variance of 7.9 feet from the required 25-foot street setback for a street setback of 17.1 feet, 2) a variance of 0.2 feet from the required 6.5 feet side setback for a side setback of 6.3 feet for the west portion of the building and 3) a variance of 2.9 feet for a side setback of 3.6 feet for stairs located on the east portion of the building.

IV. CONDITIONS

If approval of the request is granted, the following conditions should be considered for incorporation into the resolution of approval.

1. Approval of this variance does not give the Applicant a vested 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.

2. The variance shall only apply to the street setback and west and east side setbacks as shown on the provided site plan. Demolition or substantial damage to the residential structure shall render the variance null and void.

3. This variance applies to the street setback and west and east side setbacks for an existing single-family structure on the subject property only. Any additional modification of the single-family dwelling or additional construction on the subject property must comply with all applicable regulations or seek a new variance.

4. This variance applies to the modified street and side setbacks as shown in "Exhibit A" only. No other portion of the single-family dwelling or accessory structure(s) may be extended into a required setback.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-442**

1. **Request:** **Meeting Date: May 12, 2026**

Proposed Legislative Ordinance

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE III DIVISION 3 SECTION 34-638 OF THE LAND DEVELOPMENT CODE CREATING A NEW EXCEPTION TO MINIMUM SETBACK REQUIREMENTS REDUCING MINIMUM SETBACKS TO ACCOMMODATE NEW FLORIDA POWER AND LIGHT REQUIREMENTS FOR PLATFORMS TO LOCATE AND PROVIDE SERVICE TO ELEVATED ELECTRIC METERS; PROVIDING CRITERIA AND CONDITIONS FOR THE PERMITTED ELECTRIC METER EQUIPMENT AND ASSOCIATED PLATFORM, ACCESS STAIRWAYS AND RELATED STRUCTURES; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:
This text amendment will provide an alternative and quicker solution to the full variance process for these resiliency-related efforts.

What the action accomplishes:
This text amendment will provide an alternative and quicker solution to the full variance process for these resiliency-related efforts.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

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5. **Background:**

Over the past year, staff have received several inquiries from local contractors and builders regarding Florida Power & Light (FP&L) requirements for installing electric meters above FEMA-required flood elevations and providing access to these elevated meters. These updated FP&L requirements have resulted in encroachments into required setbacks on residential lots.

Based on these concerns, staff initiated drafting of an ordinance to amend the Land Development Code (LDC). The proposed amendment incorporates electric meter equipment and associated access structures into Article III, Division 3, Section 34-638(d)(1)(g), which addresses exceptions to setback and dimensional standards for mechanical equipment. Additionally, the amendment establishes five criteria to govern situations where meter installations, including associated platforms and access stairways, encroach on required side and rear setbacks.

This text amendment will provide an alternative and quicker solution to the full variance process for these resiliency-related efforts.

Attachments:
1. NS Draft Ordinance 26-XX Text Amendment-04.7.26 (2)
2. NS Exhibit A- Sec._34_638.___Minimum_setbacks_US edit 04.03.26 (1)
3. Staff Report

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

_____ Date: April 27, 2026
Kendra Rosa, Zoning Coordinator

_____ Date: May 01, 2026
Georgina Cid, Community Development Manager

_____ Date: May 04, 2026
Frankie Kropacek, Community Development Director

_____ Date: May 04, 2026
nancy stuparich, Town Attorney

_____ Date: May 05, 2026
Amy Baker, Town Clerk

ORDINANCE 26-XX

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE III DIVISION 3 SECTION 34-638 OF THE LAND DEVELOPMENT CODE CREATING A NEW EXCEPTION TO MINIMUM SETBACK REQUIREMENTS REDUCING MINIMUM SETBACKS TO ACCOMMODATE NEW FLORIDA POWER AND LIGHT REQUIREMENTS FOR PLATFORMS TO LOCATE AND PROVIDE SERVICE TO ELEVATED ELECTRIC METERS; PROVIDING CRITERIA AND CONDITIONS FOR THE PERMITTED ELECTRIC METER EQUIPMENT AND ASSOCIATED PLATFORM, ACCESS STAIRWAYS AND RELATED STRUCTURES; 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, the Town recognizes that Florida Power and Light, which provides electric service to the Town's residents, has implemented new requirements for the installation of electric meters and associated platforms above the required flood elevation, necessitating a change to the minimum setback requirements in the Land Development Code; and

WHEREAS, the proposed changes to the Land Development Code are not more restrictive or burdensome to development; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on ___ _____, 2026, at which time 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 voted __ to __, to recommend approval of this Ordinance to the Town Council as consistent with the Town's Comprehensive Plan; and

WHEREAS, on _____, 2026, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons to adopt Ordinance 26-XX as provided herein and approved scheduling of an adoption public hearing on _____; and

WHEREAS, a Business Impact Estimate was prepared and posted on the Town's website on the ____ day of _____, 2026, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the Ordinance was published in the News-Press on the ____ day of _____, 2026, which is no less than 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041; and

WHEREAS, on the ___ day of _____, 2026, the Town Council held a second reading of the Ordinance; at which time the Town Council gave full and complete consideration to the recommendations of staff and the LPA, and the testimony of all interested persons; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town's business owners, residents, and visitors to adopt the proposed 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. LDC Sec. 34-638 is hereby amended to read as provided 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 be 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**.** This Ordinance shall become effective upon adoption.

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 ___

TOWN OF FORT MYERS BEACH

_____
Dan Allers, Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Vose Law Firm, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ___ day of _____ 2026.

Exhibits
Exhibit A: Land Development Code (LDC) Article III; Division 3 Section 34-638.

EXHIBIT A: Text Amendment – Sec 34-268 (adding FP& L meters)

Sec. 34-638. Minimum setbacks.

(a) *Generally.* Most zoning districts require minimum setbacks between all buildings and structures and the street, the side lot line, the rear lot line, and any waterbody.

(1) Setbacks are minimum horizontal distances between a property line and the nearest point of all structures that ensure a minimum area without buildings. Detailed definitions are provided under "setback" in § 34-2 of this LDC.

a. Where an unusual lot configuration or orientation makes it unclear which property lines are street, side, or rear lot lines, the director will establish street, side, and rear lot lines for setback purposes after taking into account existing buildings on the same block as well as the intent of this code. Where access is provided by a shared driveway rather than a street, the director may determine that no street setback applies to that lot.

b. Once established through this process, the same setbacks will be applied by the director to other lots on that block.

(2) There are two types of side setbacks:

a. *Side setbacks - waterfront lots.* Larger side setbacks are required for waterfront lots, defined as lots that immediately adjoin a tidally influenced body of water, whether artificial or natural (see definitions in § 34-2 of this LDC).

b. *Side setbacks - non-waterfront lots.* Smaller side setbacks are required for all other lots.

(3) The distinction between street setback lines and build-to lines is explained in § 34-662 of this chapter.

(4) *Corner lot street setbacks.* Corner lots, as defined in section 34-2, shall have a front street setback, a side street setback, a standard side setback and a standard rear setback, as defined in Table 34-3, Dimensional Regulations in Conventional Zoning Districts.

a. *Front street setback.* The front street setback will be the typical required street setback as defined in Table 34-3. Any corner lot on Estero Boulevard, must treat the Estero Boulevard frontage as the front street setback. Any corner lot not on Estero Boulevard may choose the front street which best allows development of the property and meets all other Code requirements. The rear setback shall be opposite of the front street setback.

b. *Side street setback.* The side street setback width will vary depending on the width of the lot. Lot width is measured from the side street property line to the side property line (opposite from the side street property line). See subsection 34-638(d)(6).

(5) Certain exceptions to minimum setbacks are provided in subsection (d) below.

(b) *Where to find minimum setback dimensions.* Minimum setback dimensions are specified as follows:

(1) *For principal buildings:*

a. For all conventional zoning districts, see Table 34-3.

b. For redevelopment zoning districts, as described for the individual districts in division 5 of this article.

c. For RPD districts, see § 34-943 of this chapter.

d. For CPD districts, see § 34-953 of this chapter.

(2) *For accessory buildings,* see §§ 34-1174—34-1176 of this chapter.

(c) *Additional wetlands buffers.* New development must maintain a 75-foot separation between wetlands and buildings or other impervious surfaces, in accordance with Policy 4-C-12 of the Fort Myers Beach Comprehensive Plan.

(1) This requirement does not apply to lawfully existing subdivided lots.

(2) This requirement also does not apply to a previously approved development order to the extent it cannot reasonably be modified to comply with this requirement (see ch. 15 of the Fort Myers Beach Comprehensive Plan for details).

(d) *Exceptions to setbacks and dimensions.* In addition to the following general exceptions to minimum setbacks, commercial buildings that are subject to the commercial design standards may encroach into certain setbacks as provided in §§ 34-991—34-1010 of this chapter.

(1) *Exceptions to all setbacks.*

a. *Administrative setback variances.* Under certain limited circumstances, administrative variances can be granted to minimum setbacks as provided in § 34-268 of this chapter.

b. *Overhangs.* An overhang which is part of a building may be permitted to encroach into any setback as long as the overhang does not extend more than three feet into the setback and does not permit any balcony, porch, or living space located above the overhang to extend into the setback.

c. *Shutters.* A shutter which is attached to a building may be permitted to encroach one foot into the setbacks.

d. *Awnings and canopies.*

1. Awnings and canopies which are attached to a building may be permitted to encroach three feet into the setbacks, as long as their location does not interfere with traffic, ingress and egress, or life safety equipment.

2. For purposes of this section, awnings and canopies may be attached to a nonconforming building and shall not be considered an extension or enlargement of a nonconformity, as long as the building is properly zoned for its use and the conditions as set forth in this section are met.

e. *Essential services.* Essential services and essential service equipment shall not be required to meet the minimum setbacks for the district wherein located (see § 34-1617 of this chapter).

f. *Two-family dwelling units.* If a two-family dwelling unit is on a lot of sufficient size to allow it to be subdivided into a separate lot under each dwelling unit (see Table 34-3), the side setback regulations in this section shall not be interpreted to forbid such subdivision. Existing two-family buildings that are being subdivided must be separated by not less than one-hour fire resistance.

g. *Mechanical equipment.* Mechanical equipment such as air conditioners, generators, service panels, meters, electric meter equipment and related platforms or stairs for access on an elevated structure and pool equipment, associated with new homes, may encroach up to three feet into rear and waterbody primary structure setbacks but must meet the same street and side setbacks as the building it serves.

1. On lots where the side setbacks are not equal on both sides, mechanical equipment may not be placed on the side of the house with the smaller setback unless the smaller setback is 20 feet wide or more.

2. For existing homes, mechanical equipment may be replaced or elevated in the original location it was installed, in conformance with prior regulations.

3. New, elevated, mechanical equipment, for existing homes, may be located or relocated into the rear, side or side street setback. The equipment may encroach no more than three feet or the same encroachment of the existing equipment, whichever is greater. An access ladder may be installed which encroaches no more than three feet into the side yard or side street setback and is removable or movable.

4. The electric meter equipment and associated platforms with access stairways for new and existing homes, required by Florida Power & Light (FP&L) may encroach into the required side and rear setbacks, provided that

a. Such encroachment is limited to the minimum area necessary to meet utility requirements. The platform must provide 5' of clearance in front of the meter which would typically be towards the side setback.

b. All access platforms, stairways, and related structures shall comply with the Florida Building Code, including minimum safety and access standards, and shall not exceed the minimum dimensions required for compliance.

c. Such encroachments shall be limited to non-habitable structures, including meter platforms and access stairways. Such structures shall not be enclosed except as necessary for protection of utility equipment and shall not be used for storage, occupancy, or any accessory use.

d. Encroachments into required side and rear setbacks shall not exceed 3.5 feet of the given set back.

e. If the access stairways and associated platforms encroach into the stormwater area, the applicant must redesign the stormwater system to meet minimum stormwater requirements. No part of this platform or stairs could be built in or above the easement.

(2) *Exceptions to street setbacks.* Certain structures are exempt from the street setback requirements as follows. See also § 34-1174 of this chapter.

a. *Build-to lines.* Some zoning districts do not have any street setback requirements but instead have build-to lines, as described in § 34-662 of this chapter. Awnings, canopies, balconies, bay windows, porches, stoops, arcades, and colonnades may extend forward of the build-to line provided that they comply with the commercial design standards (see § 34-995(e) of this chapter).

b. *Porches, balconies and stoops.* Porches, balconies and stoops may encroach into the street setback ten feet or half the width of the street setback, whichever is less, on the first living level of residential buildings, provided that:

1. Any walls, screened areas, or railings in the setback zone extend no higher than 42 inches above the floor of the porch, balcony or stoop.

2. Reserved.

3. Porches, balconies and stoops, which extend into the street setback, may not exceed 35 feet in width.

c. *Mail and newspaper delivery boxes.* Mail and newspaper delivery boxes may be placed in accordance with U.S. Postal Service regulations; however, the support for a mail or newspaper delivery box must be of a suitable breakaway or yielding design, and any mail or newspaper delivery box placed in an unsafe or hazardous location can be removed by the government agency with jurisdiction over the right-of-way at the property owner's expense.

d. *Bus shelters, bus stop benches and bicycle racks.* Bus shelters, bus stop benches, and bicycle racks may be located in any district without regard for minimum setbacks, provided the location of the structure is approved by the town manager. No advertising is permitted on bus stop benches.

e. *Telephone booths.* Telephone booths and pay telephone stations may be located in any zoning district that permits multifamily or commercial uses without regard for minimum setbacks; provided that the location shall be approved by the director.

(3) *Waterbody setbacks.*

a. *Gulf of Mexico.* Except as provided in this section or elsewhere in this code, no building or structure shall be placed closer to the Gulf of Mexico than set forth in ch. 6, articles III and IV of this LDC, or 50 feet from mean high-water, whichever is the most restrictive. See also special regulations for the EC zoning district in § 34-652 of this chapter and the coastal zone restrictions in § 34-1575 of this chapter.

b. *Other bodies of water.* Except as provided in this section or elsewhere in this chapter, no building or structure shall be placed closer than 25 feet to a property line adjacent to a canal, bay, or other waterbody. For purposes of measuring setbacks from a canal, bay, or other body of water, the following will also be used:

1. If the body of water is subject to tidal changes, the setback will be measured from the mean high-water line.

2. If the body of water is not subject to tidal changes, the setback will be measured from the control elevation of the body of water if known, or from the ordinary high-water line if unknown.

3. In addition to the property line setback, if the property has a seawall, a minimum setback of five feet will be measured from the seaward side of the seawall, not including the seawall cap.

4. If property lines encroach into the waterbody, then no more than five feet shall be applied to the setback measurement.

5. If plats or legal descriptions of property reference water bodies as boundaries, the mean high-water line shall be utilized, unless otherwise stated in those legal descriptions or survey.

c. *Exceptions for certain accessory structures.* Certain accessory buildings and structures may be permitted closer to a body of water as follows:

1. *Fences and walls.* See division 17 of this article.

2. *Shoreline structures.* See § 34-1863 and ch. 26 of this LDC.

3. *Nonroofed structures.* Swimming pools, tennis courts, patios, decks, and other nonroofed accessory structures or facilities which are not enclosed, except by fence, or which are enclosed on at least three sides with open-mesh screening from a height of 3½ feet above grade to the top of the enclosure, shall be permitted up to but not closer than:

(i) Five feet from a seawalled canal or seawalled natural body of water;

(ii) Ten feet from a nonseawalled artificial body of water; or

(iii) Twenty-five feet from a nonseawalled natural body of water;

whichever is greater. Enclosures with any two or more sides enclosed by opaque material shall be required to comply with the setbacks set forth in subsections (d)(3)a. and (d)(3)b. of this section.

4. *Roofed structures.*

(i) Accessory structures with roofs intended to be impervious to weather and which are structurally built as part of the principal structure shall be required to comply with the setbacks set forth in subsections (a) and (b) of this section.

(ii) Accessory structures with roofs intended to be impervious to weather and which are not structurally built as part of the principal structure may be permitted up to but not closer than 25 feet to a natural body of water, and ten feet to an artificial body of water.

(4) *Exceptions for certain nonconforming lots.*

a. Certain nonconforming mobile home lots in the village zoning district are subject to the modified side and rear setback requirements that are found in § 34-694 of this chapter.

b. Certain nonconforming commercial lots are subject to the modified side and rear setback requirements that are found in § 34-3277 of this chapter.

(5) *Additional street setbacks for single-family and two-family homes exceeding 65 feet in width in the RS, RC and RM zoning district.*

a. Single-family and two-family homes exceeding 65 feet in width, shall have additional street setback requirements.

1. No more than 65 feet of the structure may be constructed between the street setback line (25 feet from right-of-way property line) and 37 feet from the street property line. Any portion of the structure exceeding 65 feet in width shall be set back an additional 12 feet (37 feet from the right-of-way property line).

(i) For corner lots, the additional 12-foot setback requirement applies to the front street setback.

(ii) For corner lots, the additional setback may be reduced for the side street setback. The side street additional setback shall apply to the length of the home, exceeding 65 feet, that fronts on the side street. The additional setback from the side street shall be based on the width of the lot from the side street property line to the opposite side property line.

Properties 50 feet or less in width shall have an additional setback of three feet.

Properties greater than 50 feet in width to 85 feet in width shall have an additional setback of six feet.

Properties greater than 85 feet in width shall have an additional setback of 12 feet.

2. No more than 80 percent of the portion of the structure between the street setback line (25 feet from right-of-way property line) and 37 feet from the street property line may be taller than one story above flood elevation. Any portion of the building behind the 37-foot front setback may be built to the maximum buildable height for that zoning district.

3. The 65 feet of building between the 25-foot street setback and 37 feet from the street property line, must be constructed as at least two separate projections. The front façade may not be a continuous wall without setback changes. See Figure 34-2.

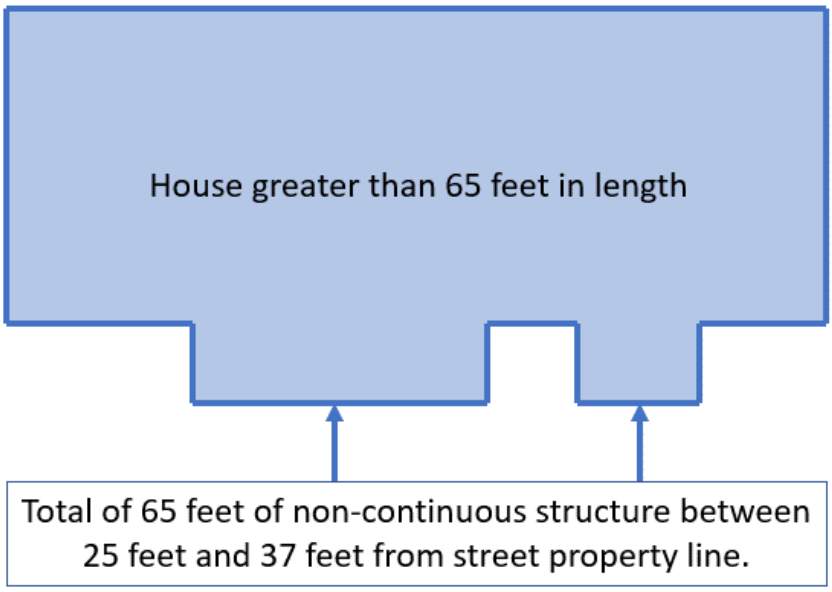

Figure 34-2

b. *Exemption from additional setbacks for open ground level.* A residential structure greater than 65 feet in width will be exempt from the additional front and side setback requirements found in § 34-638(d)(5), if the ground-level enclosed or screened area is limited to no more than 30 feet in width, as viewed from the ROW. The enclosed area may extend the full depth of the house but limited in width to 30 feet.

(6) *Corner lot street setbacks.* Corner lots, as defined in section 34-2, shall have two street setbacks which may vary depending on lot width, a standard side setback and a standard rear setback shall apply, as defined in Table 34-3, Dimensional Regulations in Conventional Zoning Districts.

a. *Front street setback:* For single-family and two-family homes in the RS, RC and RM zoning districts will be 25 feet. Any corner lot on Estero Boulevard, must treat the Estero Boulevard frontage as the front street setback. Any corner lot not on Estero Boulevard may choose the front and side street which best allows development of the property and meets all other Code requirements. The rear setback shall be opposite of the front street setback.

b. *Side street setback:* For single-family and two-family homes in the RS, RC and RM zoning districts. The side street setback will vary between ten feet and 20 feet depending on the width of the lot, measured from the side street property line and the side property line (opposite from the side street property line).

1. Properties that measure 50 feet or less shall have a ten-foot side street setback.

(i) Proposed layout must indicate how parked cars will be maintained out of the right-of-way, if the property will be accessed from this side.

2. Properties that measure greater than 50 feet up to 75 feet shall have a 15-foot side street setback.

(i) Proposed layout must indicate how parked cars will be maintained out of the right-of-way, if the property will be accessed from this side.

3. Properties that are greater than 75 feet shall have a 20-foot side street setback.

(Ord. No. 20-08, § 2, 4-6-2020; Ord. No. 20-19, § 4, 1-19-2021; Ord. No. 22-01, § 2, 2-7-2022; Ord. No. 23-02, § 2(Exh. A), 2-21-2023)

COMMUNITY DEVELOPMENT DEPARTMENT

To: **Local Planning Agency**

From: **Jason Green, Community Development**

Date: **April 21, 2026**

Re: **FP&L meter installation above the FEMA required flood elevation**

BACKGROUND

Over the past year, staff have received several inquiries from local contractors and builders regarding Florida Power & Light (FP&L) requirements for installing electric meters above FEMA-required flood elevations and providing access to these elevated meters. These updated FP&L requirements have resulted in encroachments into required setbacks on residential lots.

Based on these concerns, staff-initiated drafting of an ordinance to amend the Land Development Code (LDC). The proposed amendment incorporates electric meter equipment and associated access structures into Article III, Division 3, Section 34-638(d)(1)(g), which addresses exceptions to setback and dimensional standards for mechanical equipment. Additionally, the amendment establishes five criteria to govern situations where meter installations, including associated platforms and access stairways, encroach into required side and rear setbacks.

This text amendment will provide an alternative and quicker solution to the full variance process for these resiliency related efforts.

Proposed Solution

Staff propose the attached strike-through and underline language to amend the Land Development Code (LDC) to address the placement of electric meter equipment and associated access structures required by Florida Power & Light (FP&L). Recent FP&L requirements to elevate meters with associated access structures have resulted in encroachments into required side and rear setbacks, particularly on residential lots.

The proposed language allows electric meter equipment, associated platforms, and access stairways for new and existing homes to encroach into required side and rear setbacks, subject to specific criteria. These criteria limit encroachments to the minimum area necessary to meet utility requirements, including required clearance in front of the meter. The structures must comply with the Florida Building Code and are limited to non-habitable uses, such as platforms and stairways, which may not be enclosed or used for storage or occupancy.

Additional standards are included to limit the extent of encroachments, prohibit impacts to easements, require that any encroachment into stormwater areas be redesigned to comply with applicable Town stormwater regulations. These provisions are intended to accommodate updated utility requirements while maintaining the intent of setback regulations and ensuring site functionality and safety.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-453**

1. **Request:** **Meeting Date: May 12, 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 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 creating a site-specific the 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 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 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 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 (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 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, with a maximum of 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 the Outrigger Resort Mixed-Use District.

On April 30, 2026, the applicant submitted a revised application; however, staff review of this updated submission has not yet been completed. The most recent text amendment, titled "Applicant 04.30.2026 Updated FLU Text," has been included as part of the attachment to the agenda item.

Attachments:
1. NS Ordinance 26-04 CPA Text Amendment May8th
2. Outrigger Resort CPA Staff final
3. Exhibit A_CPA Text Amendment -Outrigger Resort Mixed-Use
4. Exhibit B: FMB Comp Plan - GOP - Dec25
5. Attachment: Applicant 04.30.2026 Updated FLU Text

Financial Impact:
unknown

6. **Alternative Action**
Recommend approval of the proposed amendments.

7. **Staff Recommendations:**

This is a legislative decision.

8. **Recommended Approval:**

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 May 8,2026, 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 __ day of __, 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

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.

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

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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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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 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.

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.

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 incorporate~~d 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.~~;

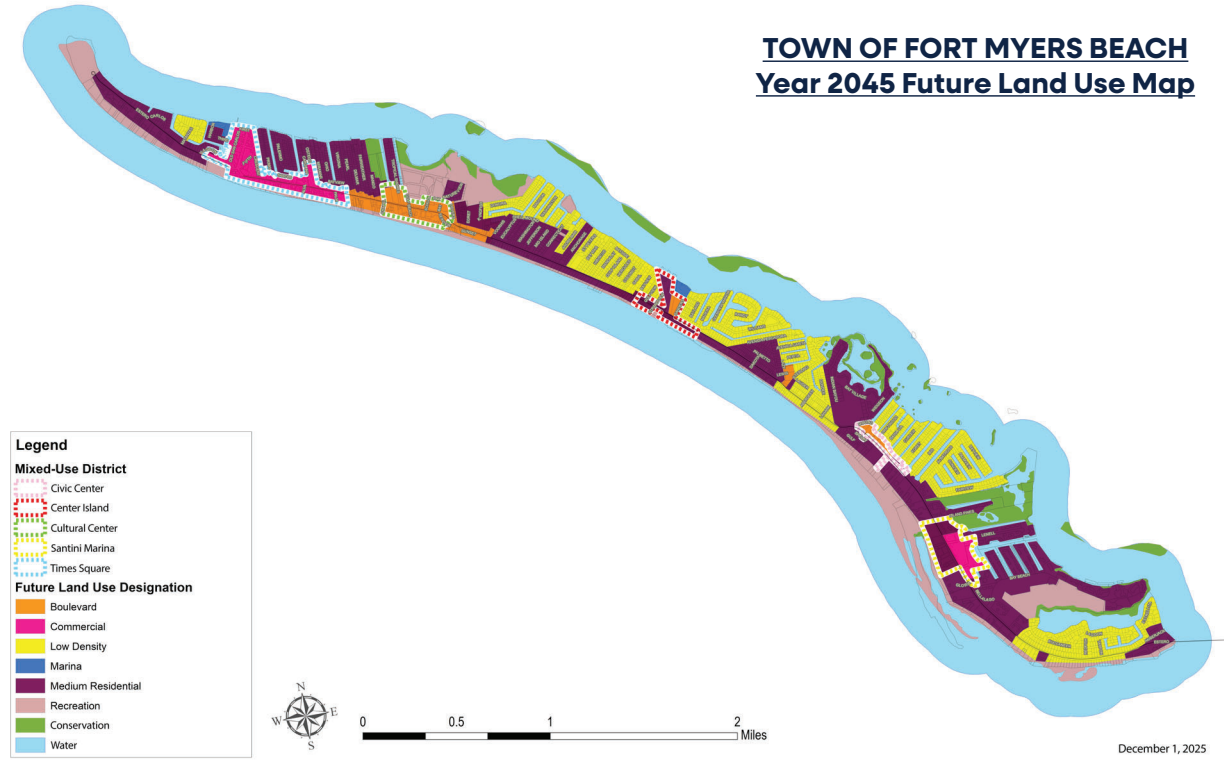
j. Floor area ratios shall not exceed 1.5; and

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



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.

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~~ 158 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 150 hotel units ~~rooms~~ and 46 multifamily units. Multi-family units may be converted to hotel units at an equivalency factor of 3.0. ~~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 units (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: **2026-454**

1. **Request:** **Meeting Date: May 12, 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 Local Planning Agency (LPA) hears and makes recommendations to Town Council 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 designation to the 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 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 **the Mixed-Use category 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, 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 areas, 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, with a maximum of 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 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 the Outrigger Resort Mixed-Use District.

On April 30, 2026, the applicant submitted a revised application; however, staff review of this updated submission has not yet been completed. The updated MCP titled "Applicant 04.30.2026 updated MCP," has been included as part of the attachment to the agenda item.

Attachments:

1. NS Ordinance 26-03 CPA Map Amendment 2026 _May8th
2. Outrigger CPA Staff Report Final
3. Exhibit A: 2045 FLU Map (adopted Dec1,2025)
4. Exhibit B: MCP- Outrigger Resort Mixed-use (updated copy 4.13.16)
5. Attachment: Applicant 04.30.2026 updated MCP

Financial Impact:

None

6. **Alternative Action**
Approve or Recommend Amendment

7. **Staff Recommendations:**
This is a legislative decision.

8. **Recommended Approval:**

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 May 8, 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 ___ ___, 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 _____ ___, 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:

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.

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 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:

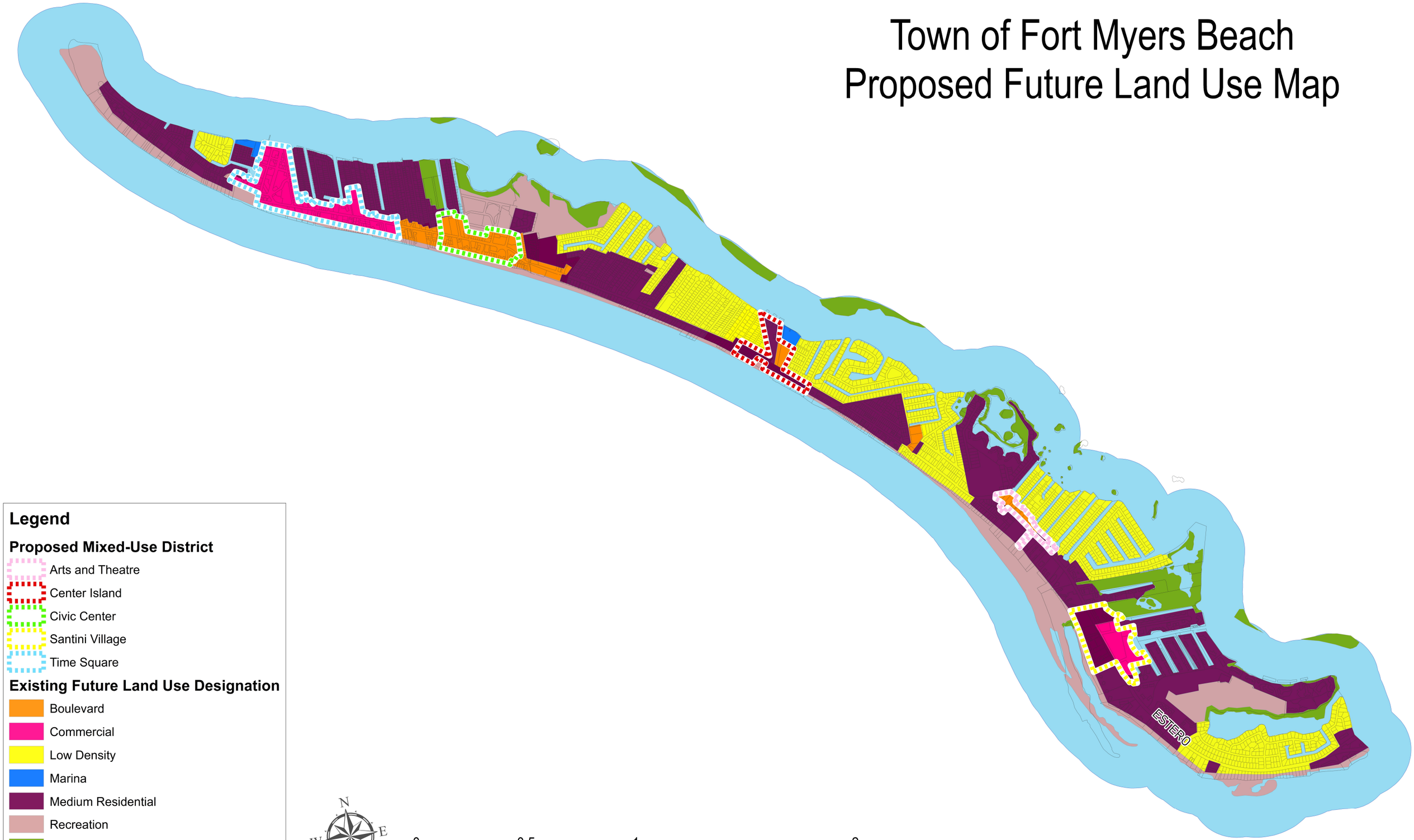
- Comprehensive Plan text Amendment:
  - Based on the adopted 2045 Fort Myers Beach Comprehensive Plan Text amendment on December 1, 2025, the Town Council elected not to increase the height, density and/or intensity.
  - The 2045 Comprehensive Plan provides policy guidance for Master Plan Development 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

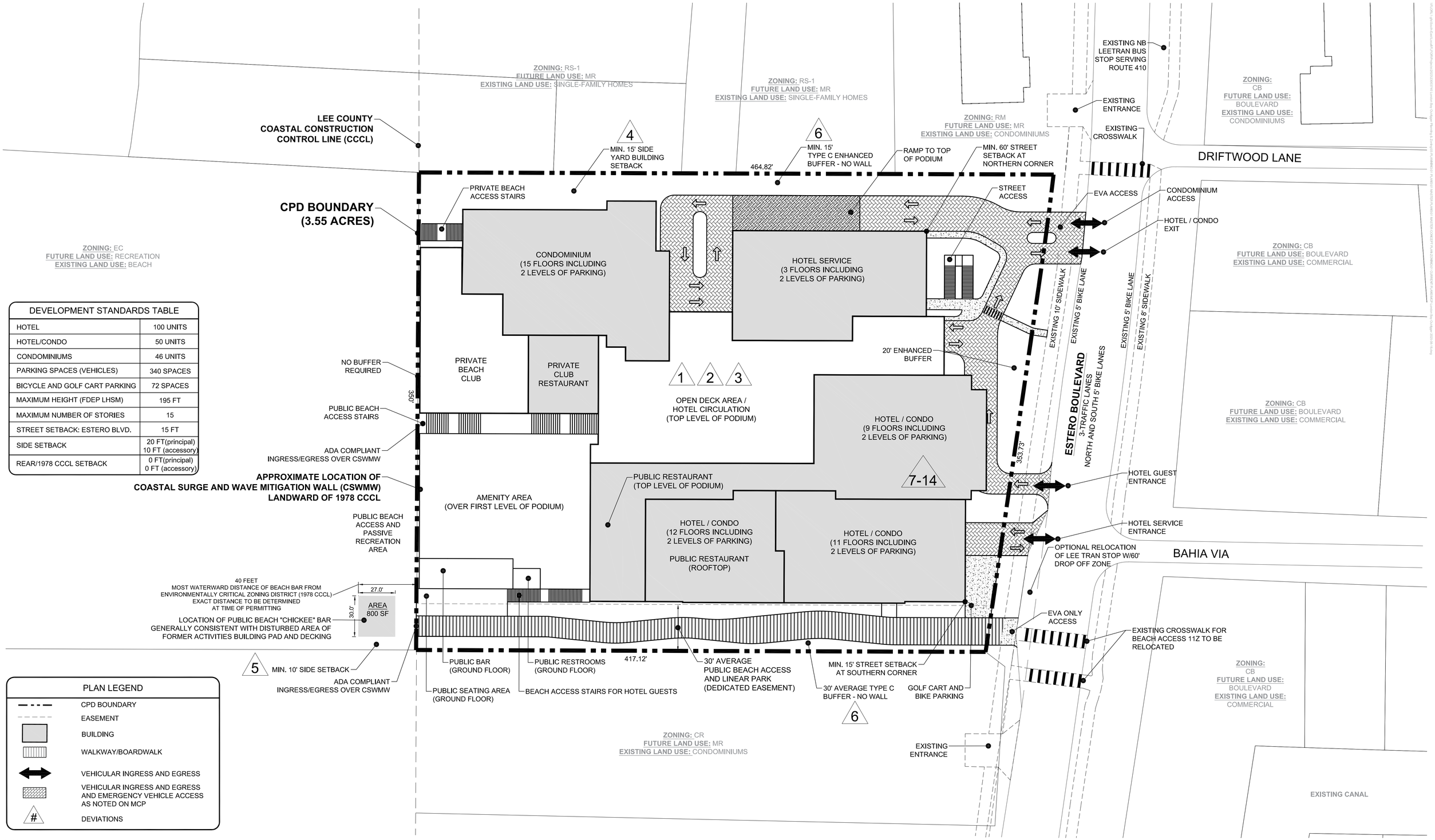
Existing Future Land Use Designation

- 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

Copyright RVI

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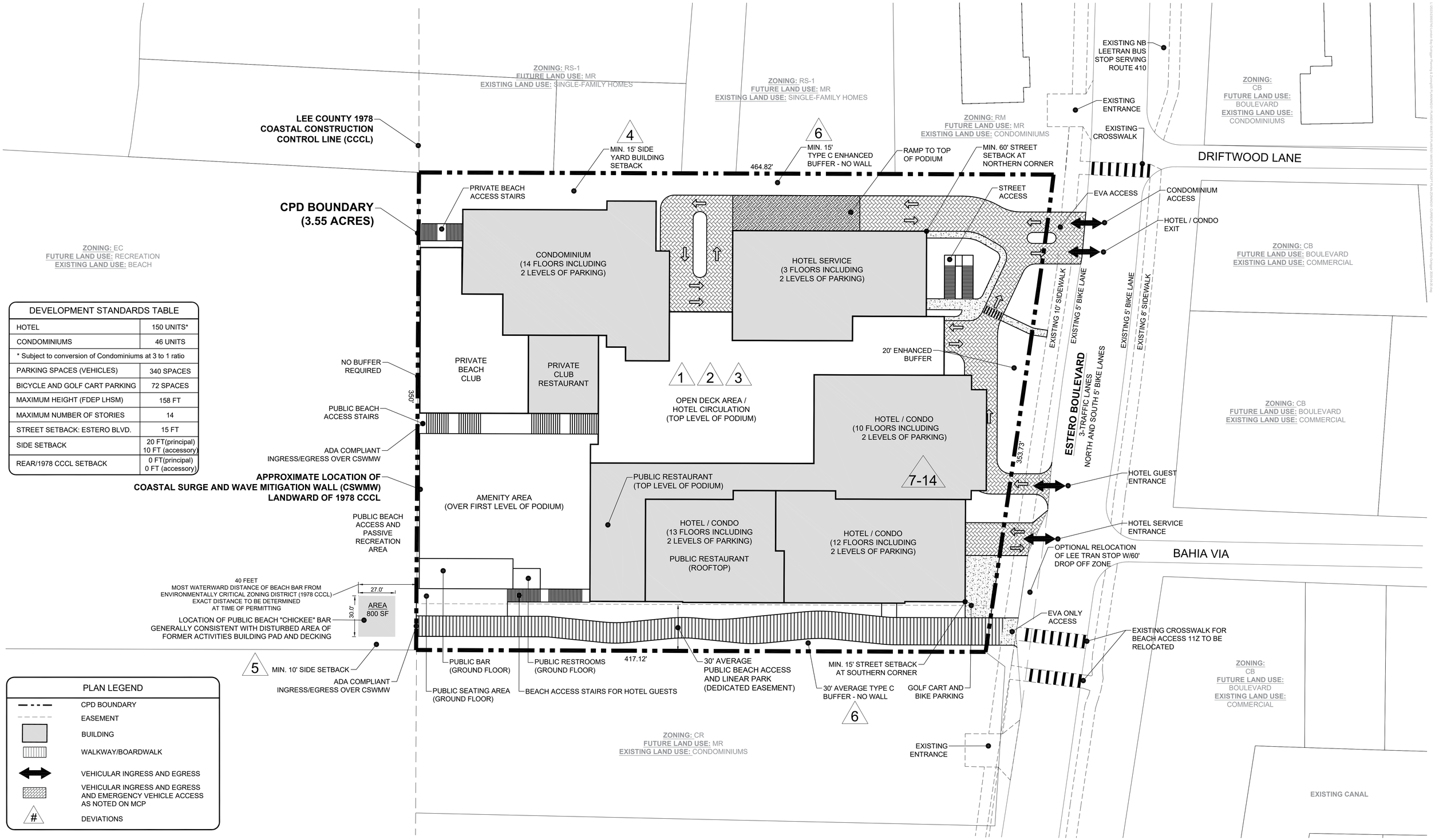
www.rviplanning.com

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.



DEVELOPMENT STANDARDS TABLE	
HOTEL	150 UNITS*
CONDOMINIUMS	46 UNITS
* Subject to conversion of Condominiums at 3 to 1 ratio	
PARKING SPACES (VEHICLES)	340 SPACES
BICYCLE AND GOLF CART PARKING	72 SPACES
MAXIMUM HEIGHT (FDEP LHSM)	158 FT
MAXIMUM NUMBER OF STORIES	14
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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2025-08-25
2300-3740
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SCALE: 1" = 30'-0"

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Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-455**

1. **Request:** **Meeting Date: May 12, 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.

On April 30, 2026, the applicant submitted a revised application; however, staff review of this updated submission has not yet been completed. The updated MCP, condition for approval, and landscape plan, titled "*Applicant 04.30.2026 CPD MCP, Conditional for approval and Landscape*," have been included as part of the attachment to the agenda item.

Attachments:

1. NS Ordinance 26-04-CPD _may8
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
12. Attachment: Applicant 04.30.2026 updated CPD MCP, Condition for Approval, Landscape

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:**

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 of 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 May 8, 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 __ __, 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 __ _, 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

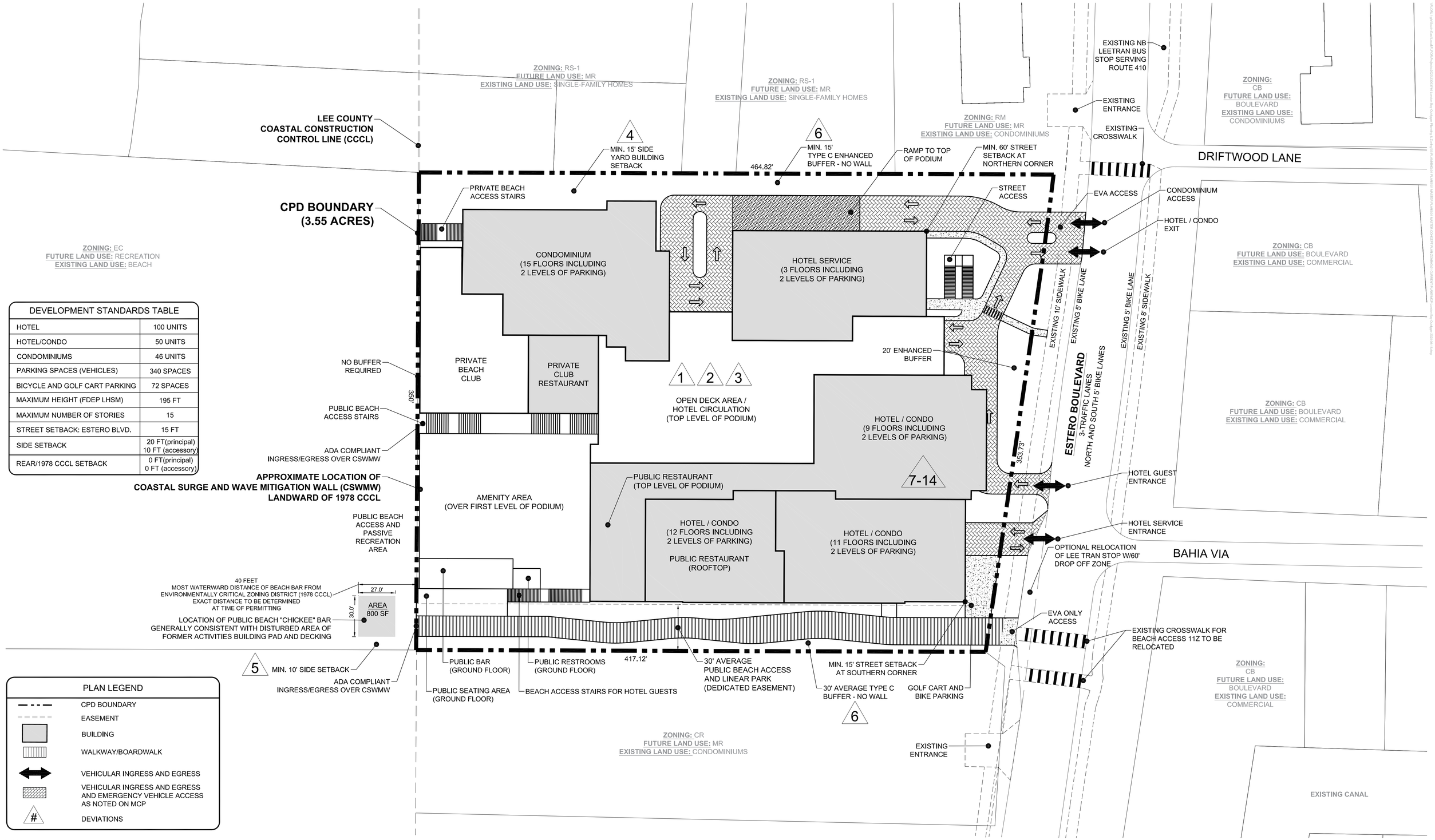
APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
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

Copyright RVI

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Bonita Springs, Florida 34135
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www.rviplanning.com

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

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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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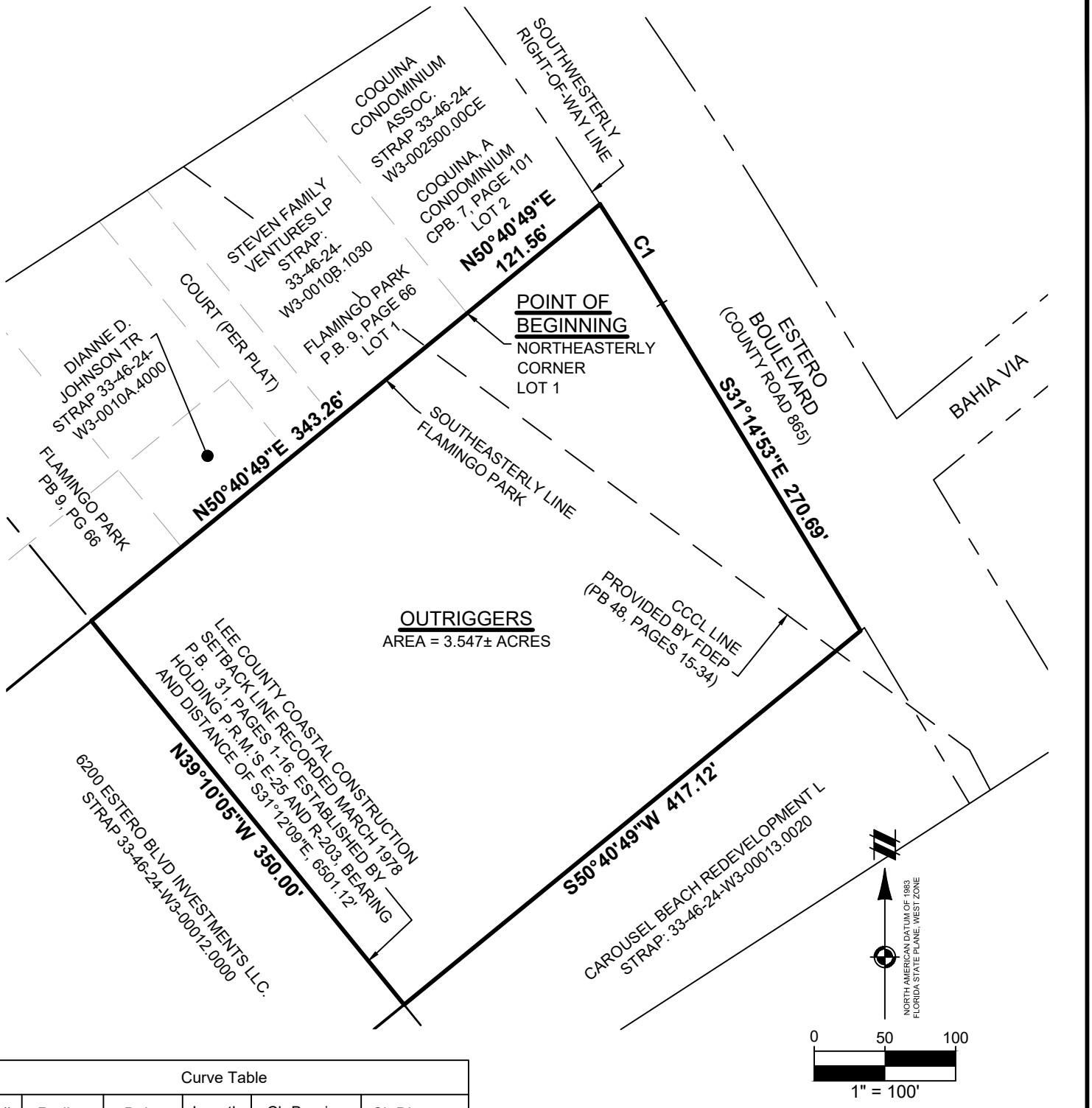
OUTRIGGERS ABOVE LEE COUNTY
COASTAL CONSTRUCTION SETBACK LINE

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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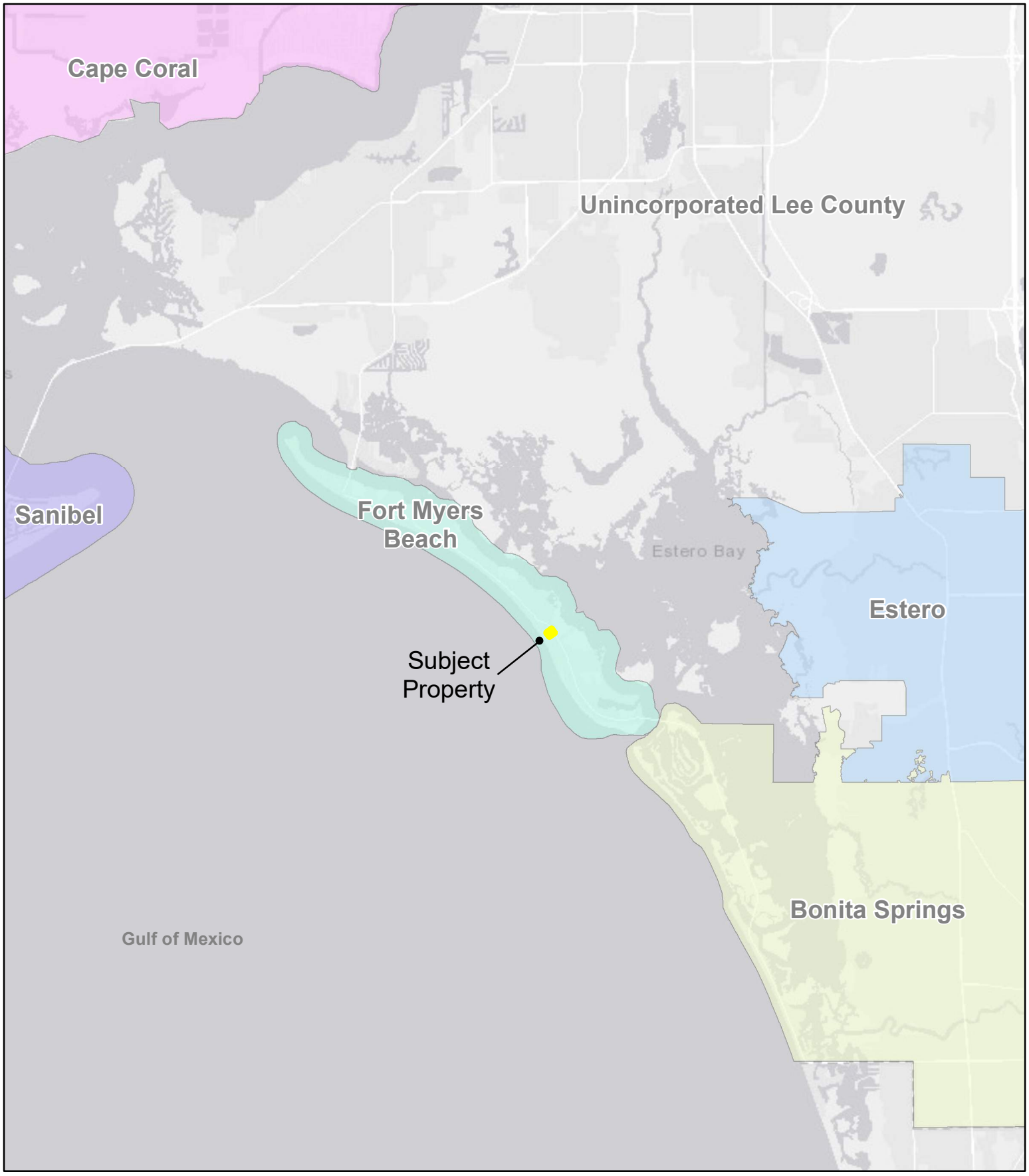


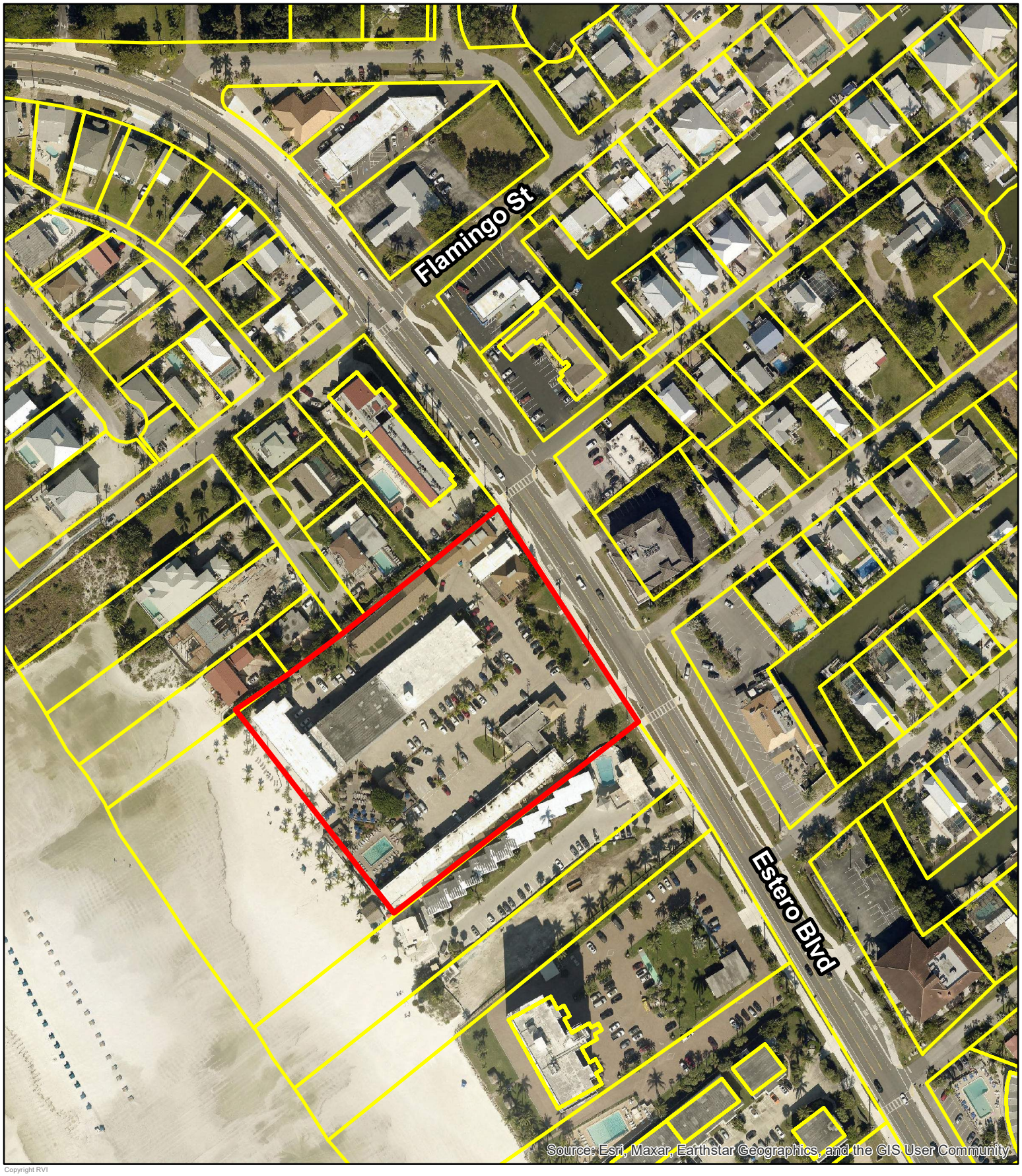
RVi
2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

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.



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LONDON BAY OUTRIGGER • **AERIAL MAP (2022)**

Fort Myers Beach, FL
Date: 3/27/2024
22006872
London Bay

Subject Parcels
Lee County Parcels

0 30 60 120 180
Feet

2600 Maitland Center Pkwy
Suite 262
Maitland, FL 32751
Tel: 407.775.6500

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Suite 262
Maitland, FL 32751
Tel: 407.775.6500

LONDON BAY OUTRIGGER • **AERIAL MAP (2023)**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

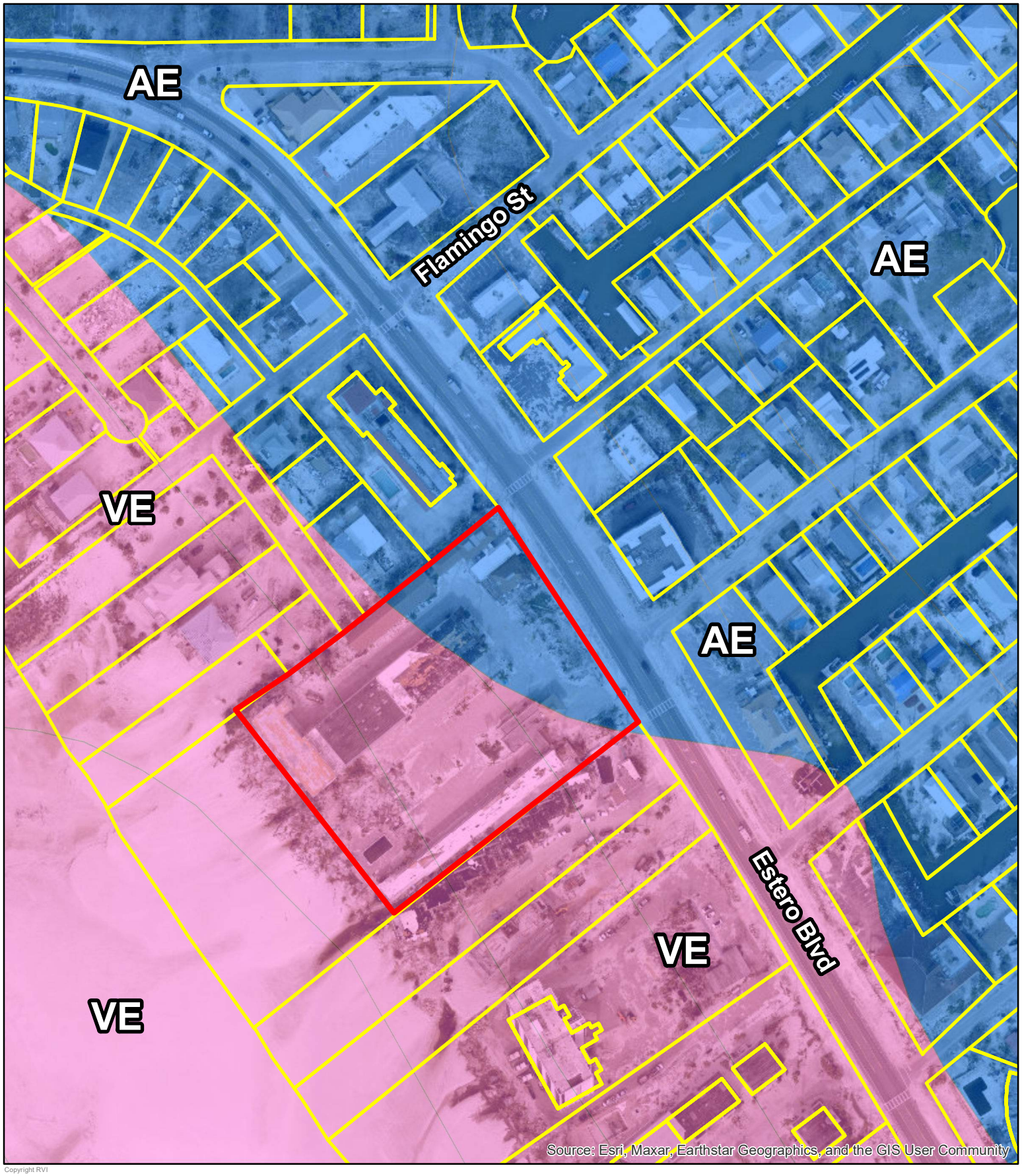
Subject Parcels

Lee County Parcels

0 30 60 120 180

Feet

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.



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LONDON BAY OUTRIGGER • **FEMA FLOOD ZONE MAP**

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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
Flood Zone AE
Flood Zone VE

0 30 60 120 180
Feet

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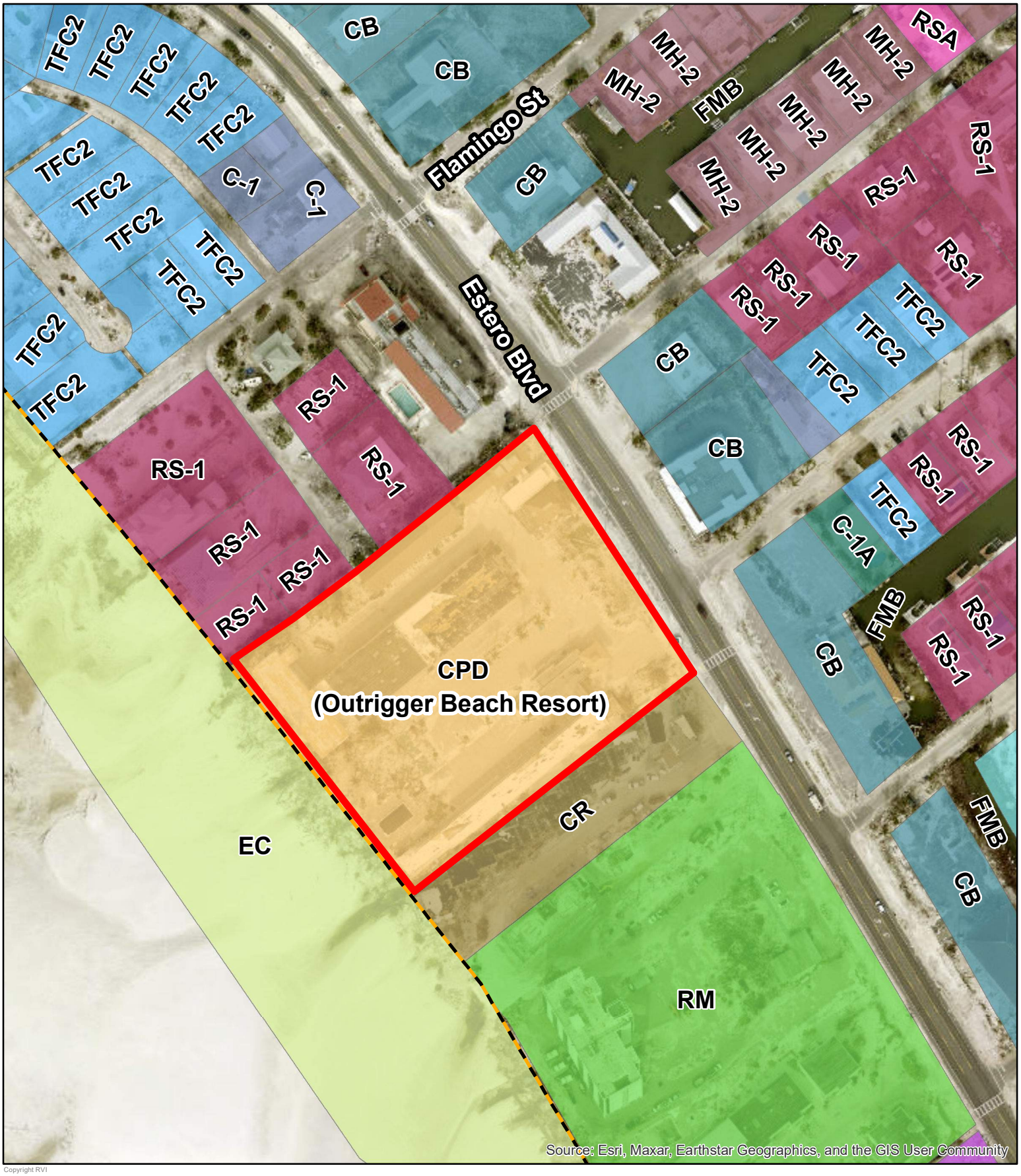

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Maitland, FL 32751
Tel: 407.775.6500

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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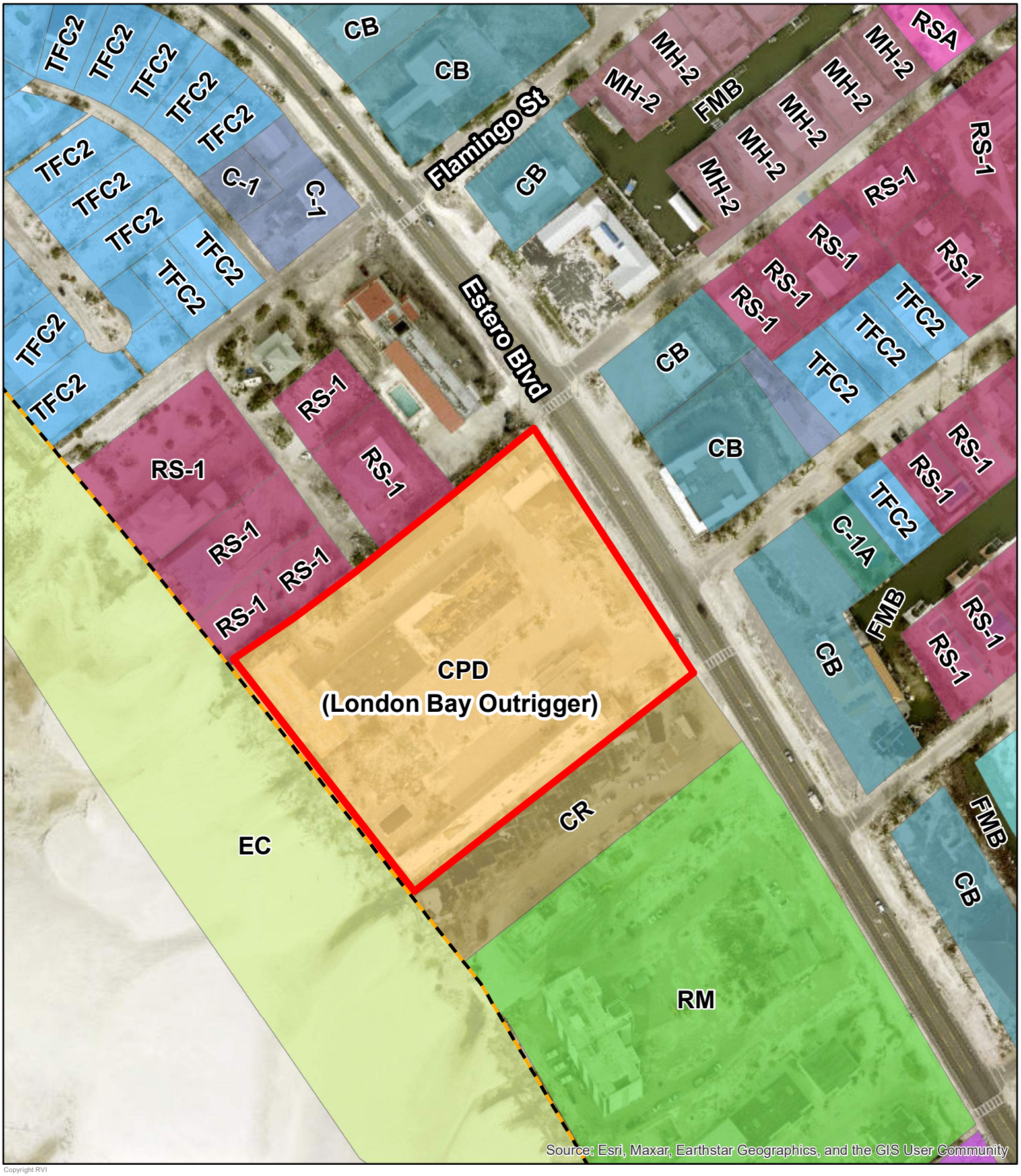

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LONDON BAY OUTRIGGER • **PROPOSED ZONING MAP**

- 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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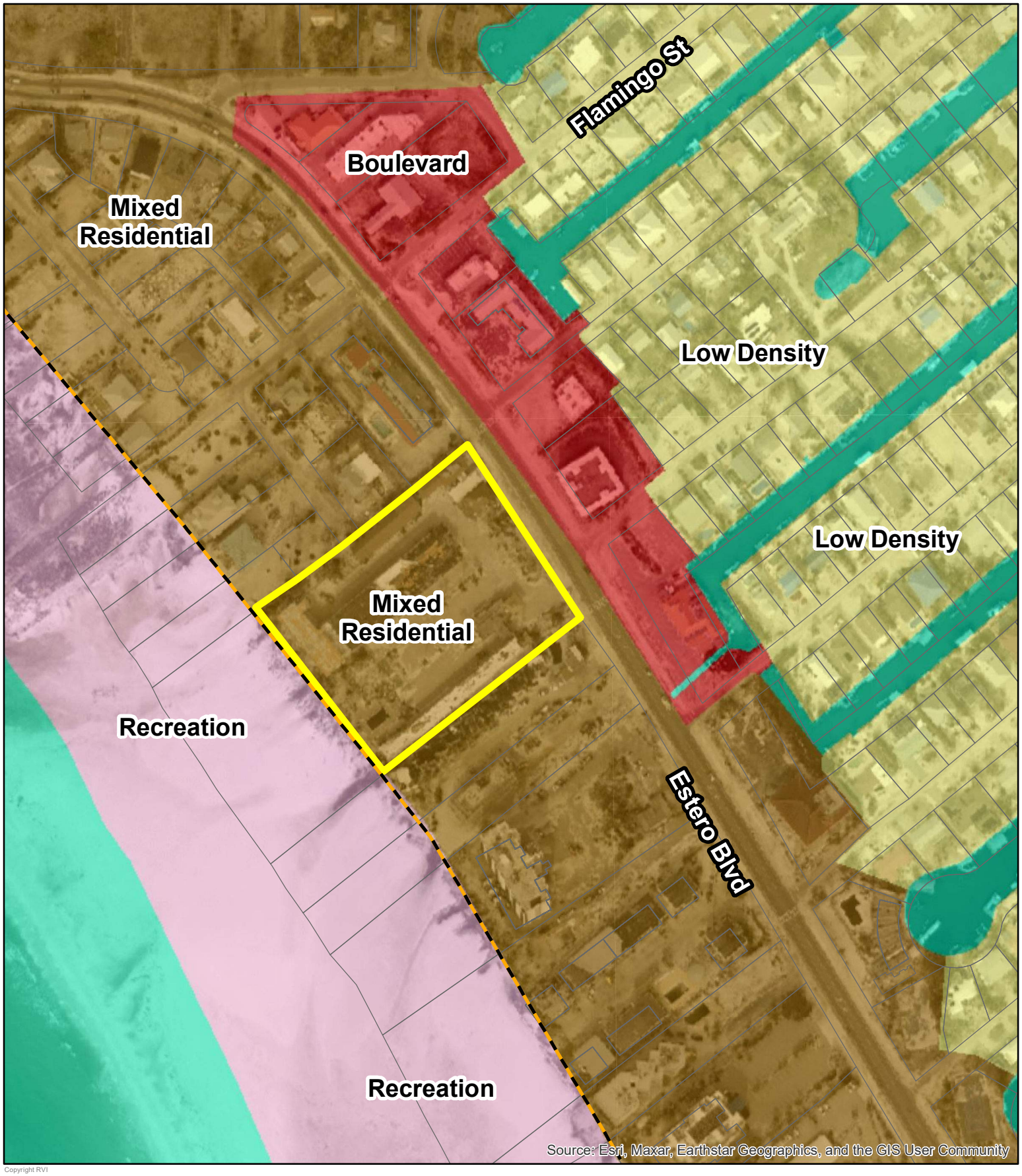

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LONDON BAY OUTRIGGER • **CURRENT FUTURE LAND USE MAP**

- 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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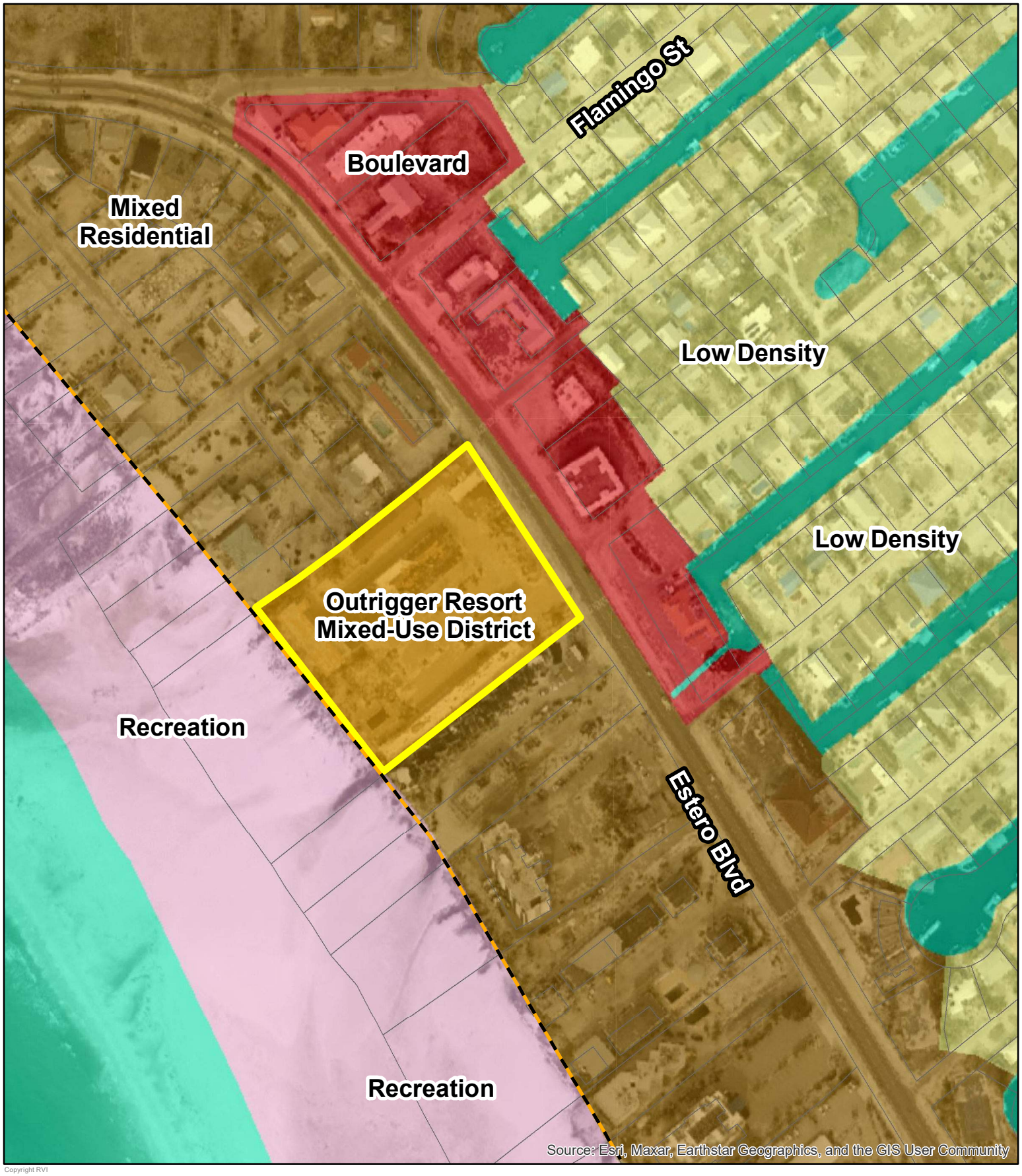

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LONDON BAY OUTRIGGER • **PROPOSED FUTURE LAND USE MAP**

- Fort Myers Beach, FL
- Date: 3/27/2024
- # 22006872
- London Bay

Coastal Construction Control Line (1978)

Subject Area

Lee County Parcels

N

0 50 100 200 300
Feet

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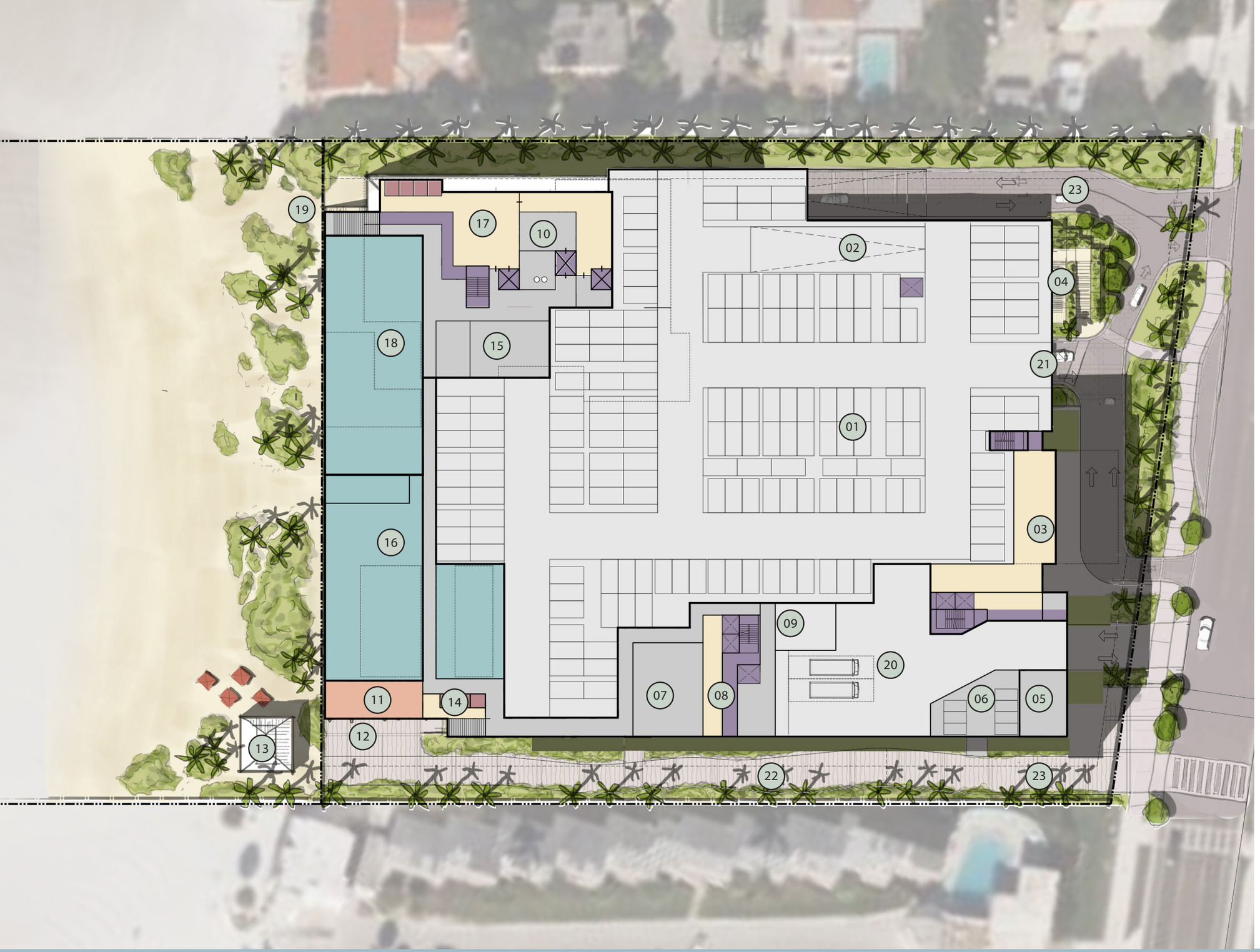
01 Vehicular Entry - Hotel*
02 Vehicular Entry - Beach Club & Condo
03 Hotel Drop-off*
04 Beach Club Drop-off
05 Parking Access
06 Hotel/Condo-Hotel Building
07 Beach Club & Condo Building
08 Beach Club & Condo Amenities
09 Hotel Ballroom Function & Service
10 Linear Park/Public Beach Access*
11 Vehicular 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

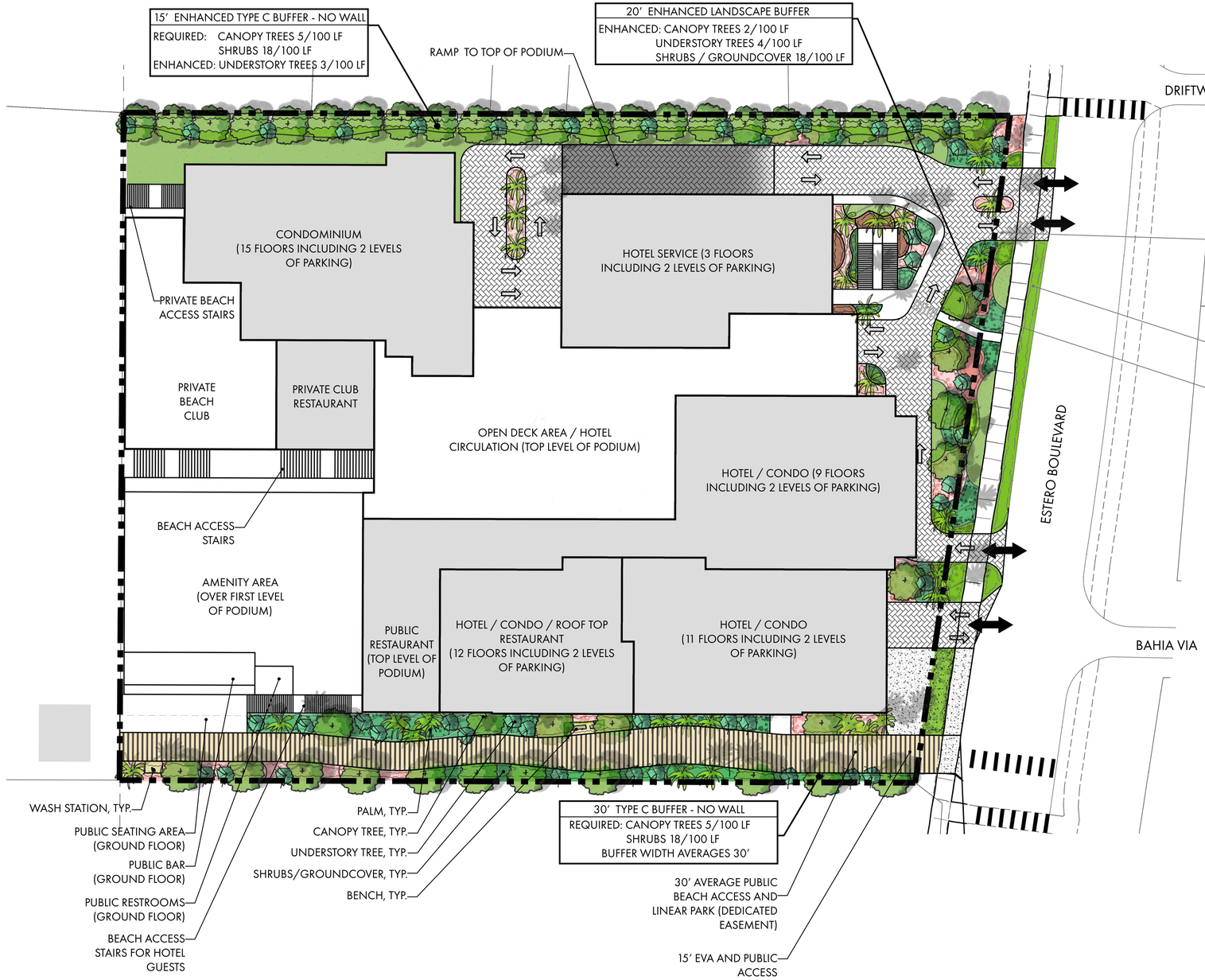
LONDON BAY
FORT MYERS BEACH

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.

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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

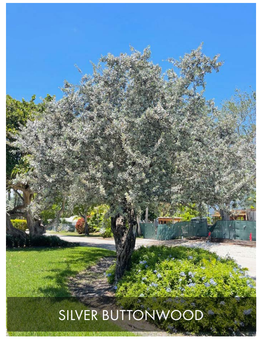
ROYAL PALM

SABAL PALM

TRAVELERS PALM

SILVER THATCH PALM

MIDSTORY


SILVER BUTTONWOOD

GEIGER

GREEN BUTTONWOOD

DWARF POINCIANA

SEAGRAPE

SHRUBS & ACCENTS

SEA OATS

COCOPLUM

EUROPEAN FAN PALM

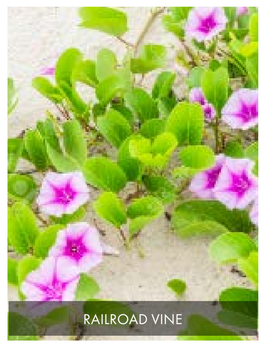
SILVER SAW PALMETTO

HIBISCUS

GROUND COVER

MUHLY GRASS

FAKAHATCHEE GRASS


RAILROAD VINE

DUNE SUNFLOWER

BLUE DAZE

SEASHORE PASPALUM

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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

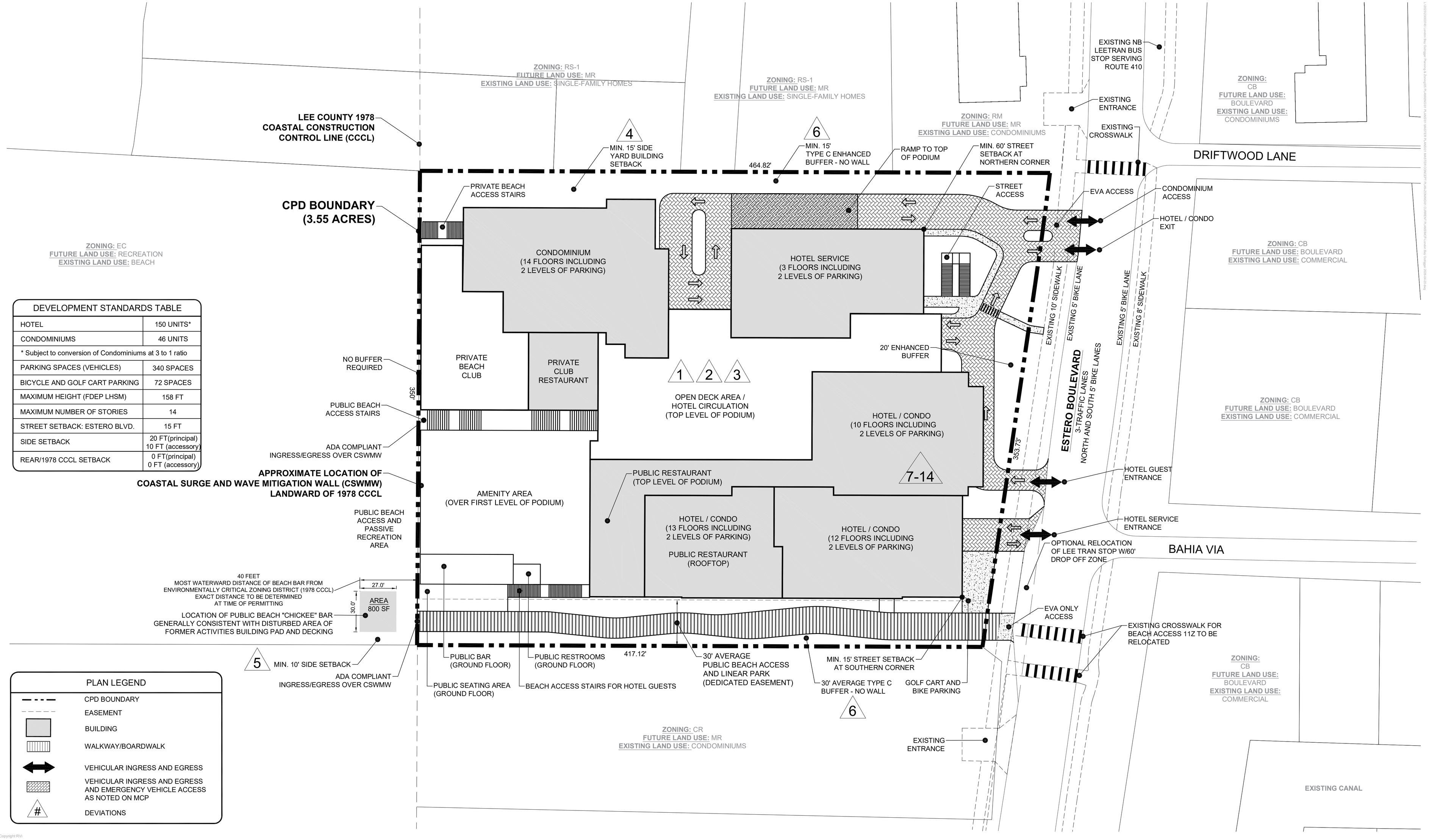
GRANTOR PROPERTY

DRAFT

EXHIBIT B

EASEMENT AREA

DRAFT



DEVELOPMENT STANDARDS TABLE	
HOTEL	150 UNITS*
CONDOMINIUMS	46 UNITS
* Subject to conversion of Condominiums at 3 to 1 ratio	
PARKING SPACES (VEHICLES)	340 SPACES
BICYCLE AND GOLF CART PARKING	72 SPACES
MAXIMUM HEIGHT (FDEP LHSM)	158 FT
MAXIMUM NUMBER OF STORIES	14
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.

CPD Conditions of Approval
Applicant Proposed Changes
April 29, 2026

REQUESTED DEVIATIONS

1. **Deviate from LDC §34-2020(d)(2) to allow for 340 vehicular parking spaces within the mixed-use development.**

   Applicant Justification: The requested parking reduction is based upon extensive data and analysis provided for in the application materials and housed in the staff report. The requested change outlined above acknowledges the newly introduced conversion of multi-family units to hotel units, to accomplish a reduced maximum building height for the project, pursuant to discussion at the Local Planning Agency hearing. The above modification establishes the minimum number of parking spaces in recognition that the conversion may slightly alter the exact reduction and percentages expressed previously. Due to the dynamic nature of the conversion factor, a standard minimum number of project parking spaces is requested for predictable implementation at the development order stage.

CONDITIONS OF APPROVAL

1. Development shall be in conformance with the Master Concept Plan (MCP) (Exhibit A), Schedule of Uses (Exhibit B), Property Development Regulations (Exhibit C) and Conceptual Landscape Plan (Exhibit D).
2. Development is limited to 150 lodging rooms (hotel); 46 multi-family dwelling units, and 46,000 SF of commercial uses. Multi-family units may be converted to hotel units at an equivalency factor of 3.0.
3. Building height shall comply with the MCP and shall not exceed 14 stories, including parking, 158 feet measured from FDEP Lowest Horizontal Structural Member (LHSM). See also Deviation #4.
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 ~~and renderings~~ included as Exhibit D ~~part of the CPD~~. A detailed landscaping plan will be provided at the time of development order application.

d. The ~~landowner~~ developer ~~has agreed to~~ shall demonstrate ~~provide~~ the following traffic mitigation measures at the time of local development order approval:

   - bicycle and golf cart parking ~~at locations determined at the time of development order application~~.

- 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. The owner will construct a coastal surge and wave dissipation wall along the Lee County 1978 CCCL/CCSL pending approval by the applicable state and federal agencies.~~

~~10. The landowner commits to constructing the public features and benefits identified on the MCP subject to approval by the applicable permitting agencies and special exception approval. The following features will require separate critical actions by various permitting agencies, the Town, and by the landowner at a later date:~~

~~a. A beach bar seaward of the 1978 Lee County CCCL in the general area indicated on the MCP.~~

- ~~The beach bar is to be open to the public and limited to a floor area of 800 square feet.~~

~~b. Access to a water taxi shuttle for residents of Saltleaf on Estero Bay to the property.~~

~~c. 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 building permits by the Town.~~

11. 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 ~~hotel~~ 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 beverage service in the Environmental Conservation (EC) zoning district (land seaward of the 1978 Lee County CCCL) is permitted only as approved by special exception by Town of Fort Myers Beach and in accordance with state law (application SEZ20240112).~~

    c. Alcoholic beverages sales are permitted in the Environmental Conservation (EC) zoning district seaward of 1978 Lee County CCCL, ~~in the beach bar area~~ if ~~permitted by~~ approved by special exception by Town of Fort Myers Beach.

       ~~special exception~~ SEZ20240112, and subject to the following conditions:

       i. Alcoholic beverage service in the ~~beach~~ chickee bar area is limited to ~~(per 34-1264(g)(1)b.1.(v))~~ 11 a.m. to ~~one hour after sunset or 9~~ 11 p.m.~~, whichever is earlier~~ unless additional hours are granted ~~for~~ 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.

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

13. 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 period to 2:00 a.m.

14. 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.

15. ~~A detailed landscaping plan showing the location and type of all plantings, including improvements to landscaping to Estero Boulevard and beach plantings, must be provided with the development order applications for construction landward of the 1978 Lee County CCCL and construction seaward of the 1978 Lee County CCCL, which is limited to the beach bar.~~

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

17. 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.

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

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

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

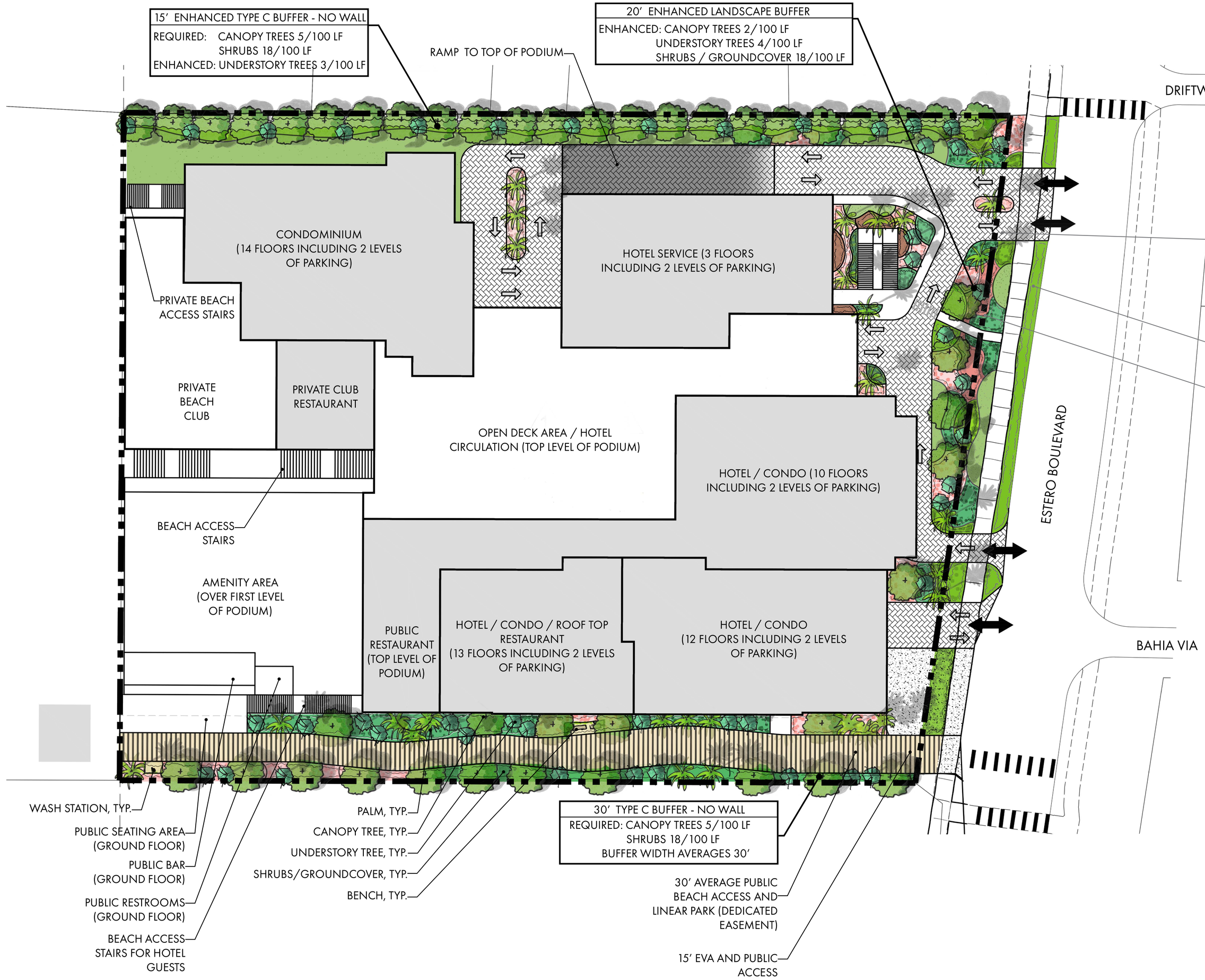
26. The applicant shall provide a cross-access easement to the Town to allow access to the beach for beach renourishment and other beach maintenance related activities.

~~27. The applicant shall provide five of the 46 dwelling units proposed, to be provided at annual household incomes that do not exceed thresholds defined by Florida Statutes.~~

28. 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.



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).

PLAN

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.

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Tel: 239.405.7777
www.rviplanning.com

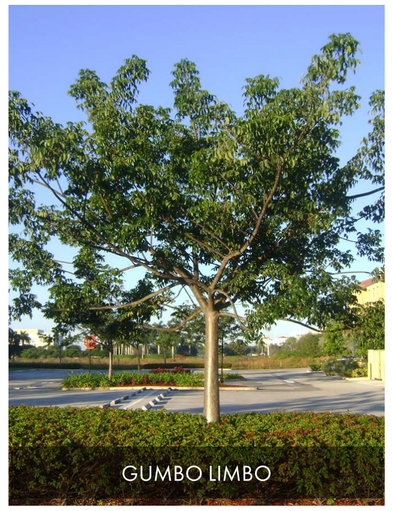
OUTRIGGER • CONCEPTUAL PERIMETER BUFFER & ESTERO BLVD LANDSCAPE PLAN

Fort Myers Beach, FL
April 23, 2026
24004271

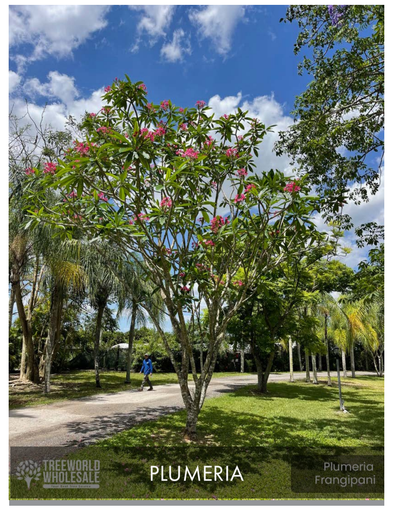
LONDON BAY DEVELOPMENT GROUP

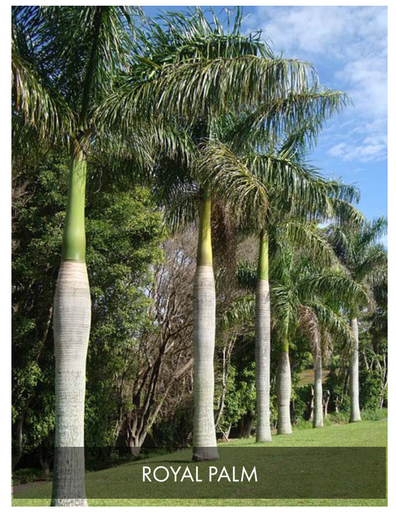
0 30' 60'
SCALE: 1" =30'-0"

TREES & PALMS


GUMBO LIMBO

SHADY LADY BLACK OLIVE


PLUMERIA

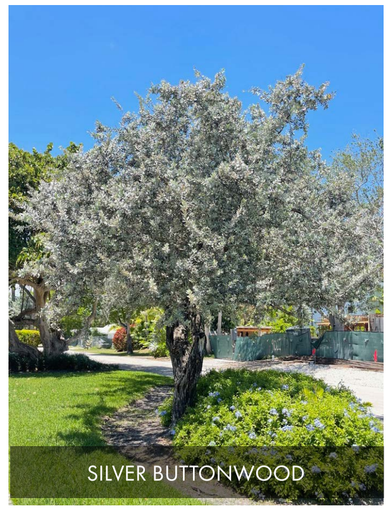

ROYAL PALM

SABAL PALM

TRAVELERS PALM

SILVER THATCH PALM

MIDSTORY


SILVER BUTTONWOOD

GEIGER

GREEN BUTTONWOOD

DWARF POINCIANA

SEAGRAPE

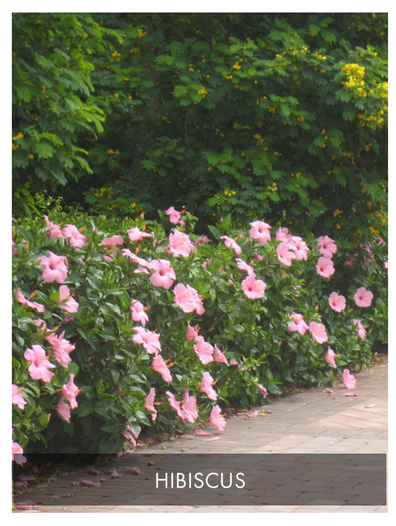
SHRUBS & ACCENTS

SEA OATS

COCOPLUM

EUROPEAN FAN PALM

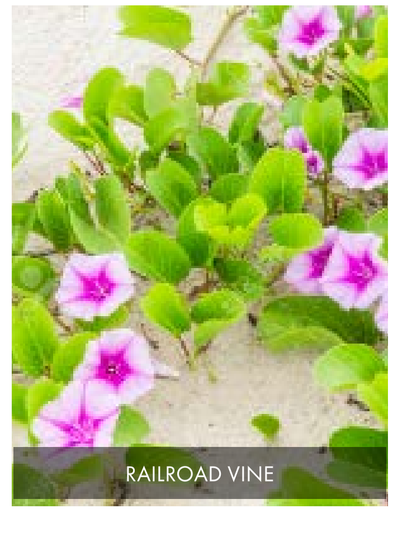
SILVER SAW PALMETTO

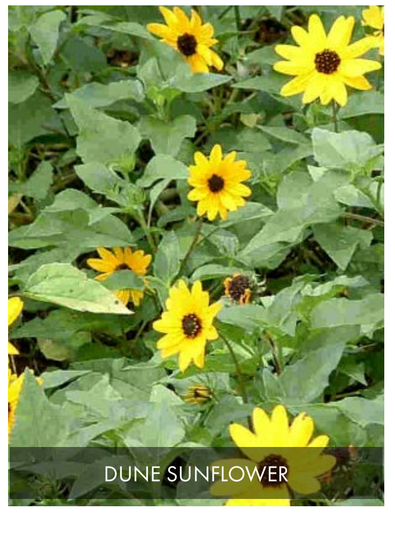

HIBISCUS

GROUND COVER

MUHLY GRASS

FAKAHATCHEE GRASS


RAILROAD VINE


DUNE SUNFLOWER

BLUE DAZE

SEASHORE PASPALUM

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OUTRIGGER • **LANDSCAPE PALETTE**

Fort Myers Beach, FL

April 23, 2026

24004271

LONDON BAY DEVELOPMENT GROUP

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-456**

1. **Request:** **Meeting Date: May 12, 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.

This item was continued from the April 14, 2026 meeting to May 8, 2026.

Attachments:
1. May 8 LPA Resolution 26-XX SEZ for TIKI in EC NS
2. May 8th Staff Report Outrigger SEZ (1)
3. Exhibit A_ MCP-London Bay Outrigger 2025-08-25
4. Exhibit B_SEZ MCP-London Bay Outrigger 2026-03-22_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:**

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 ("Owner") 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 was held before the Local Planning Agency ("LPA") on April 14,2025, at which time the LPA voted to reschedule review of the application to a date certain; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on May 8, 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 (Exhibit A).
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

John R. King, Council Member

Rebbeca King, 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, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of ___, 2026.

Exhibits

- Exhibit A: Outrigger Resort Master Concept Plan
- Exhibit B: Outrigger Resort COP

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:	**May 8, 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.

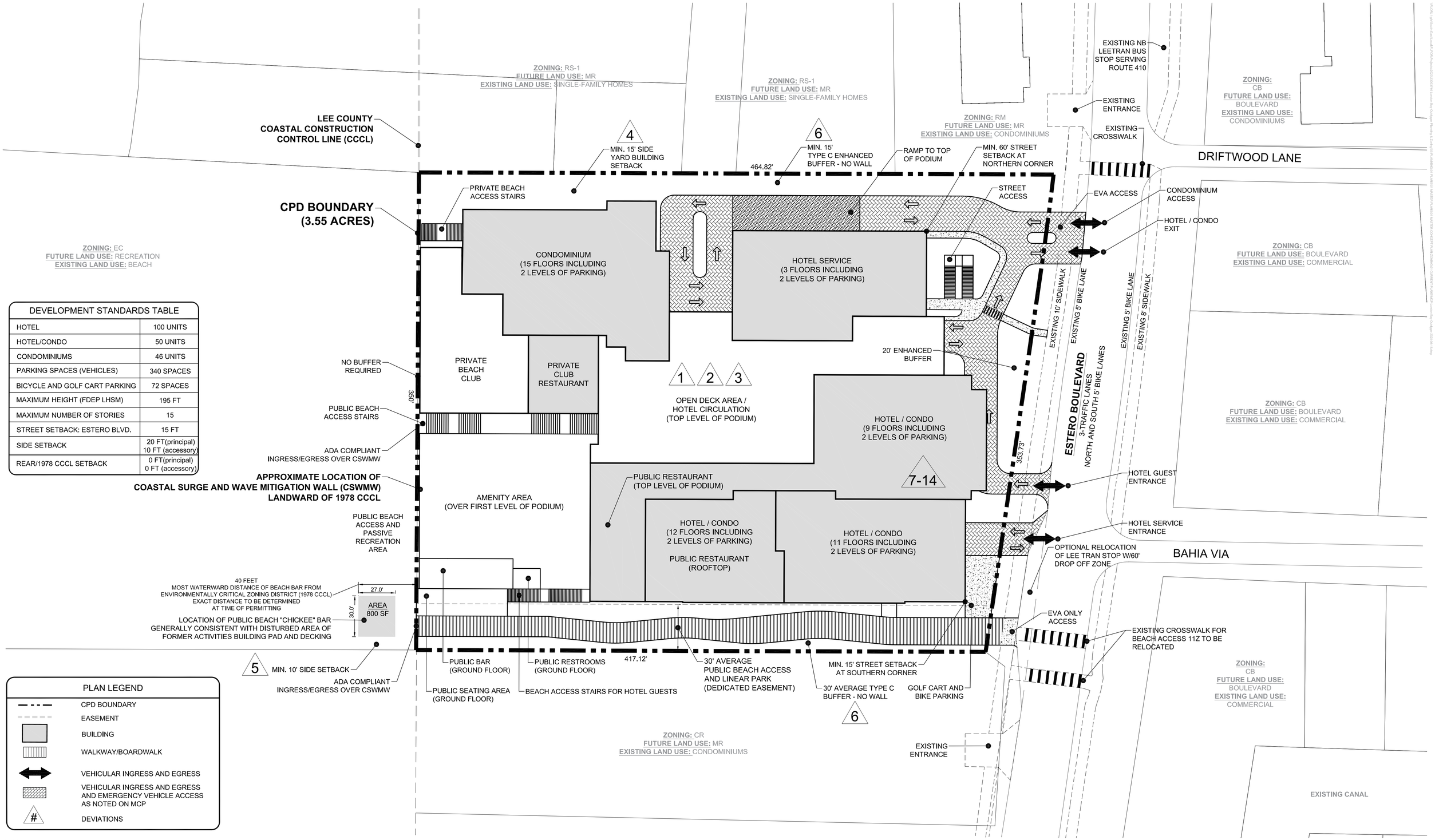
(iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.

(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>



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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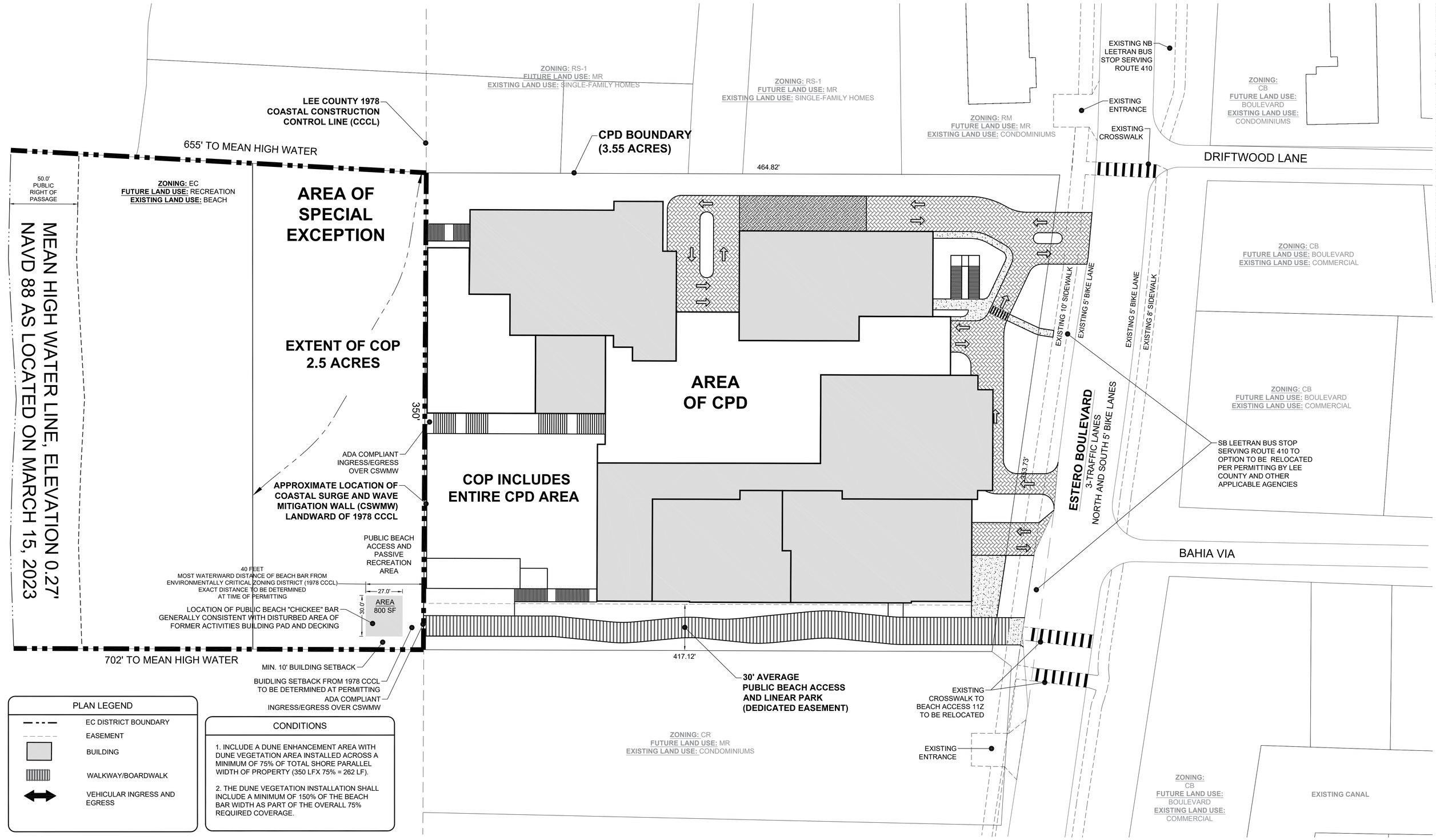
LONDON BAY OUTRIGGER CPD • MASTER CONCEPT PLAN

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.



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.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-457**

1. **Request:** **Meeting Date: May 12, 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 district 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 (a 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, an open-sided wooden thatched structure in the EC zoning district. The Outrigger bar, an 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. and midnight, and from 7:00 a.m. to 2:00 a.m. for private events.

This item was continued from the April 14, 2026 meeting to May 8, 2026.

Attachments:

1. LPA COP SEZ Resolution
2. Staff Report Outrigger SEZ
3. Exhibit A_ MCP-London Bay Outrigger 2025-08-25
4. Exhibit B_SEZ MCP-London Bay Outrigger 2026-03-22_SEZ
5. 1985 LIQUOR LICENSE-OUTRIGGER_BEACH_RESORT

Financial Impact:
unknown

6. **Alternative Action**
Approve, approve with conditions or deny.

7. **Staff Recommendations:**
Staff recommends finding that the requests do not meet the criteria for approval of a special exception and therefore recommends denial of the request.

8. **Recommended Approval:**

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 ("Owner") 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 was held before the Local Planning Agency ("LPA") on April 14,2025, at which time the LPA voted to reschedule review of the application to a date certain; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) May 8, 2026, and at the hearing the LPA gave full and complete consideration to the request of the 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 special exception; 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 (Exhibit A and Exhibit B).

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

John R. King, Council Member

Rebbeca King, 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, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of _____, 2026.

Exhibits

- Exhibit A: Outrigger Resort Master Concept Plan
- Exhibit B: Outrigger Resort COP area

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: **May 8, 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.

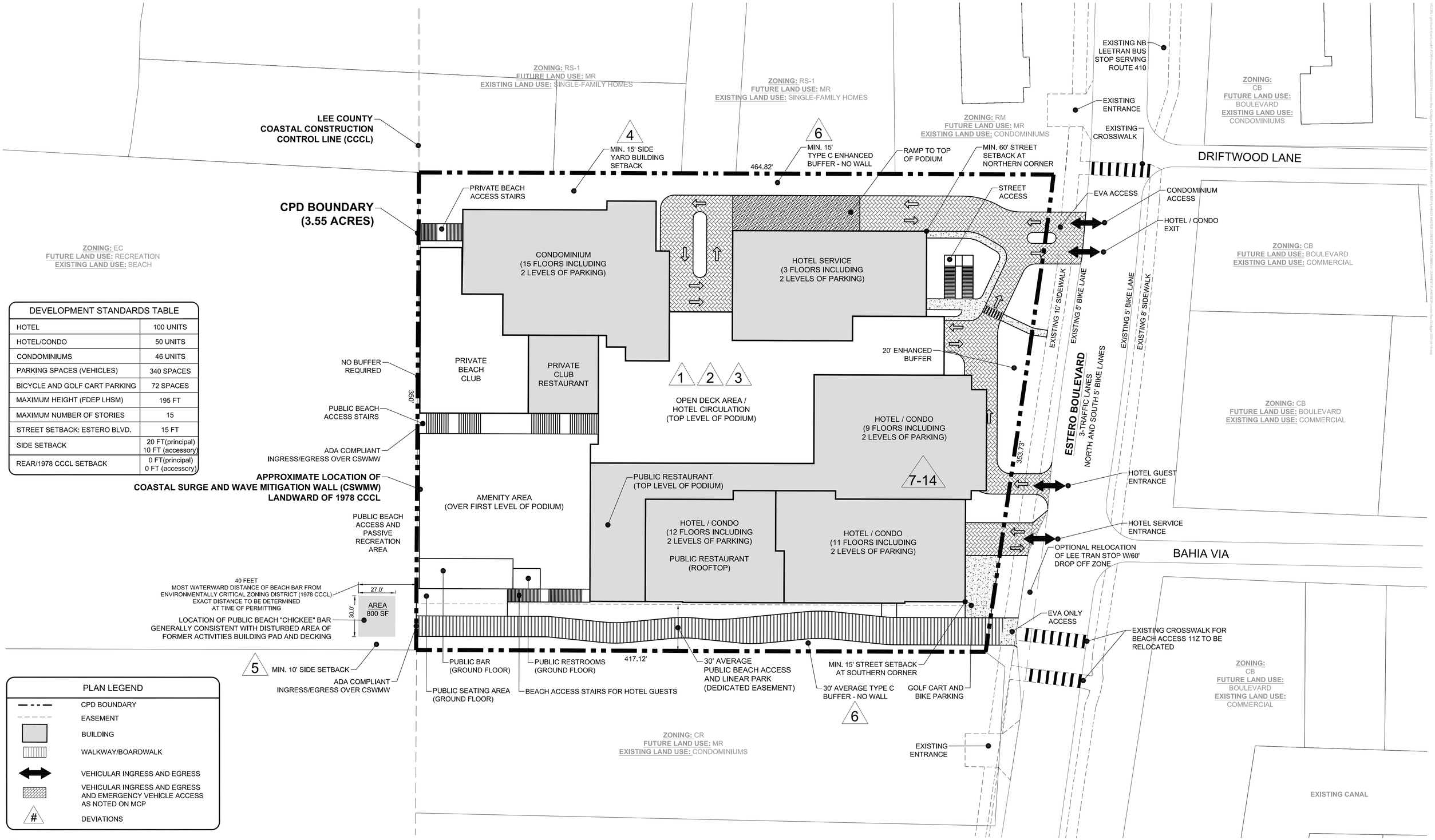
(iv) The permit holder must provide refuse containers at each pedestrian access point onto the beach to ensure that no outside alcoholic beverage containers are brought onto the licensed premises, and that no alcoholic beverage cups are taken off of the licensed premises onto the beach.

(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>



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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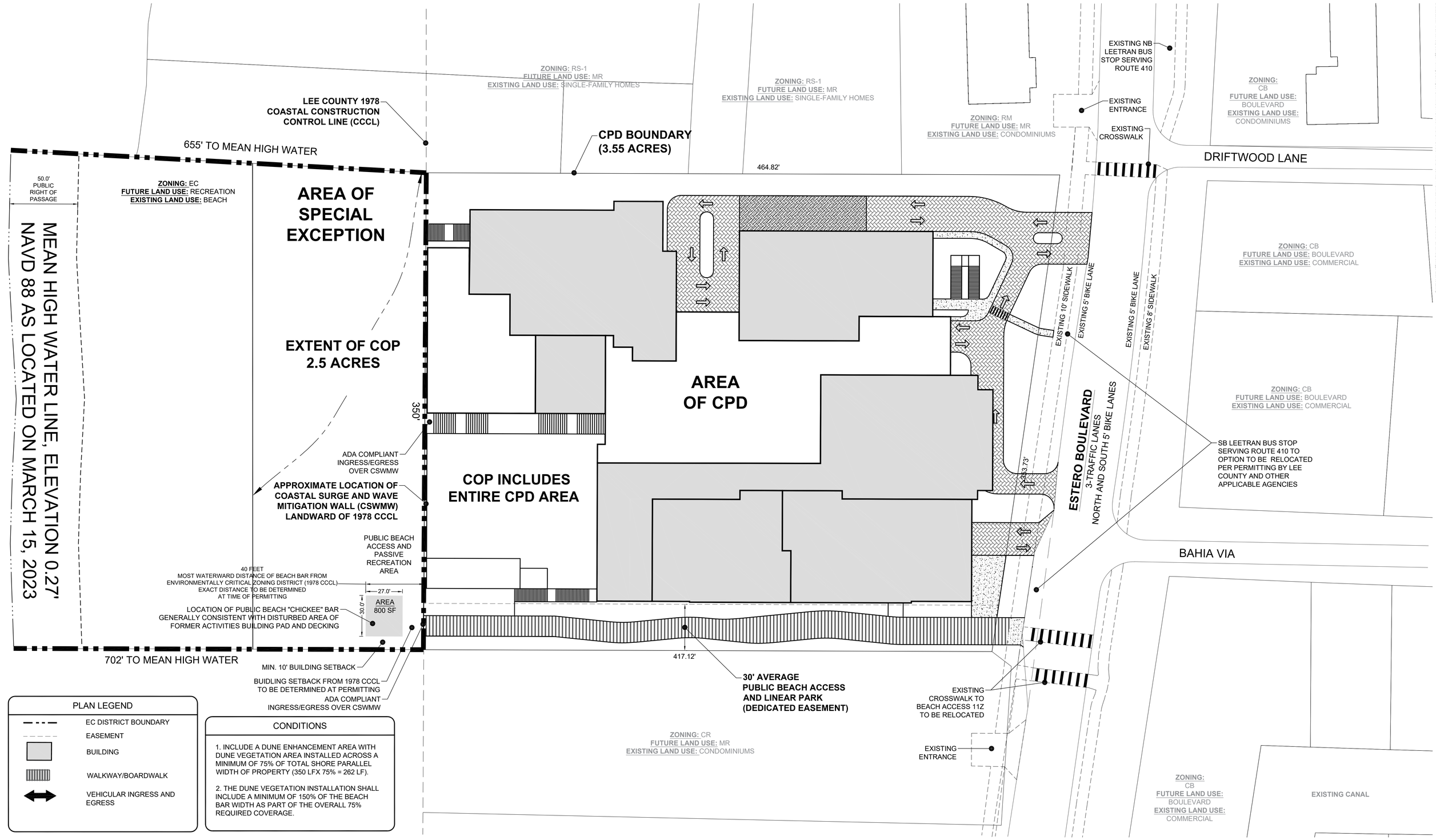
RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rvlplanning.com

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.



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"

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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 7QSL
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. Goetz
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)	[redacted]	Date of Birth:	Age:
Raymond Neal Joecke!		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 ~~X.~~ 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

Malcolm 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. 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/Jacksonville 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 Lee
Street Number City County Zip

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 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

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

New 1 July 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 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

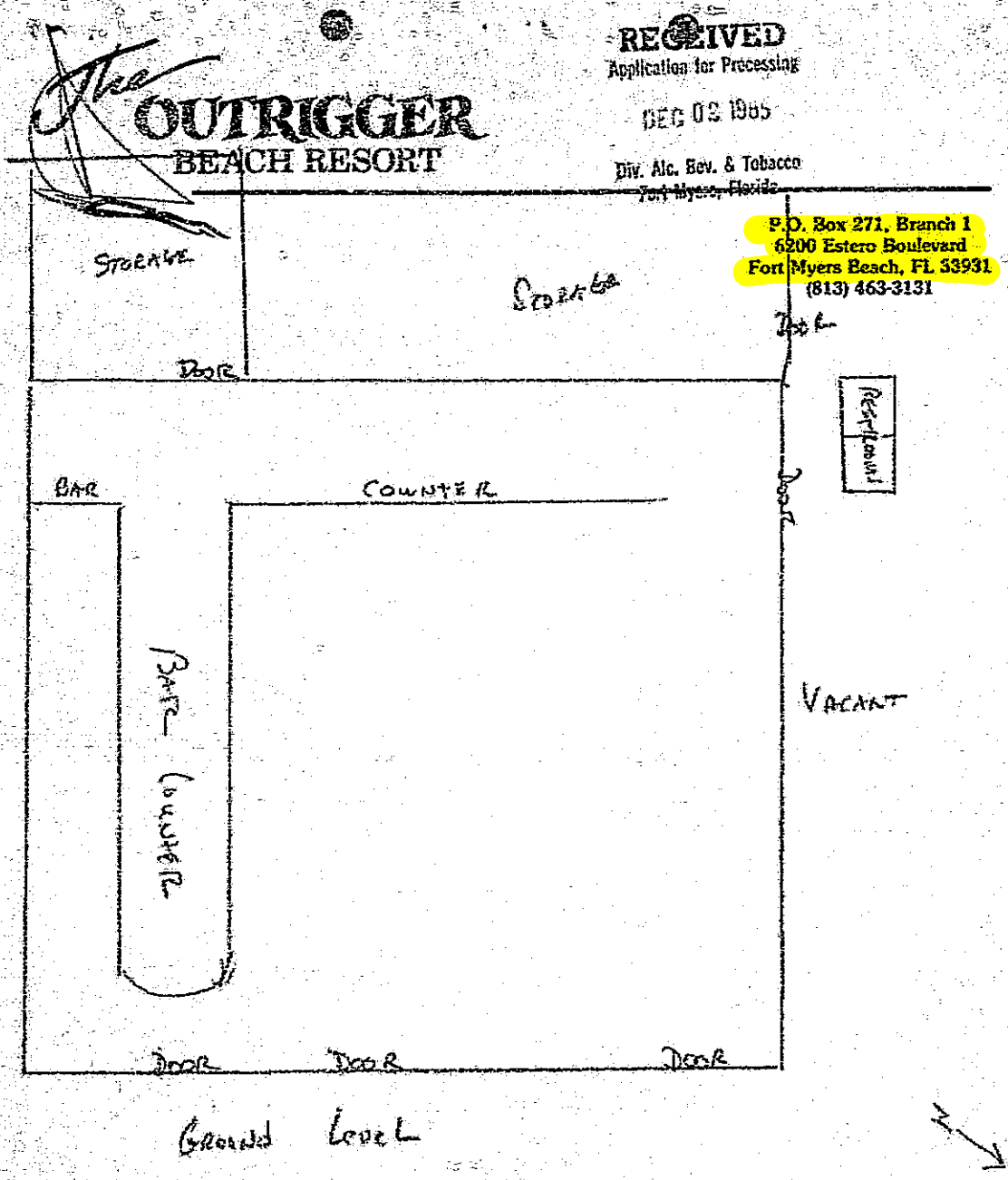
Patricia K Burkum
Notary Public

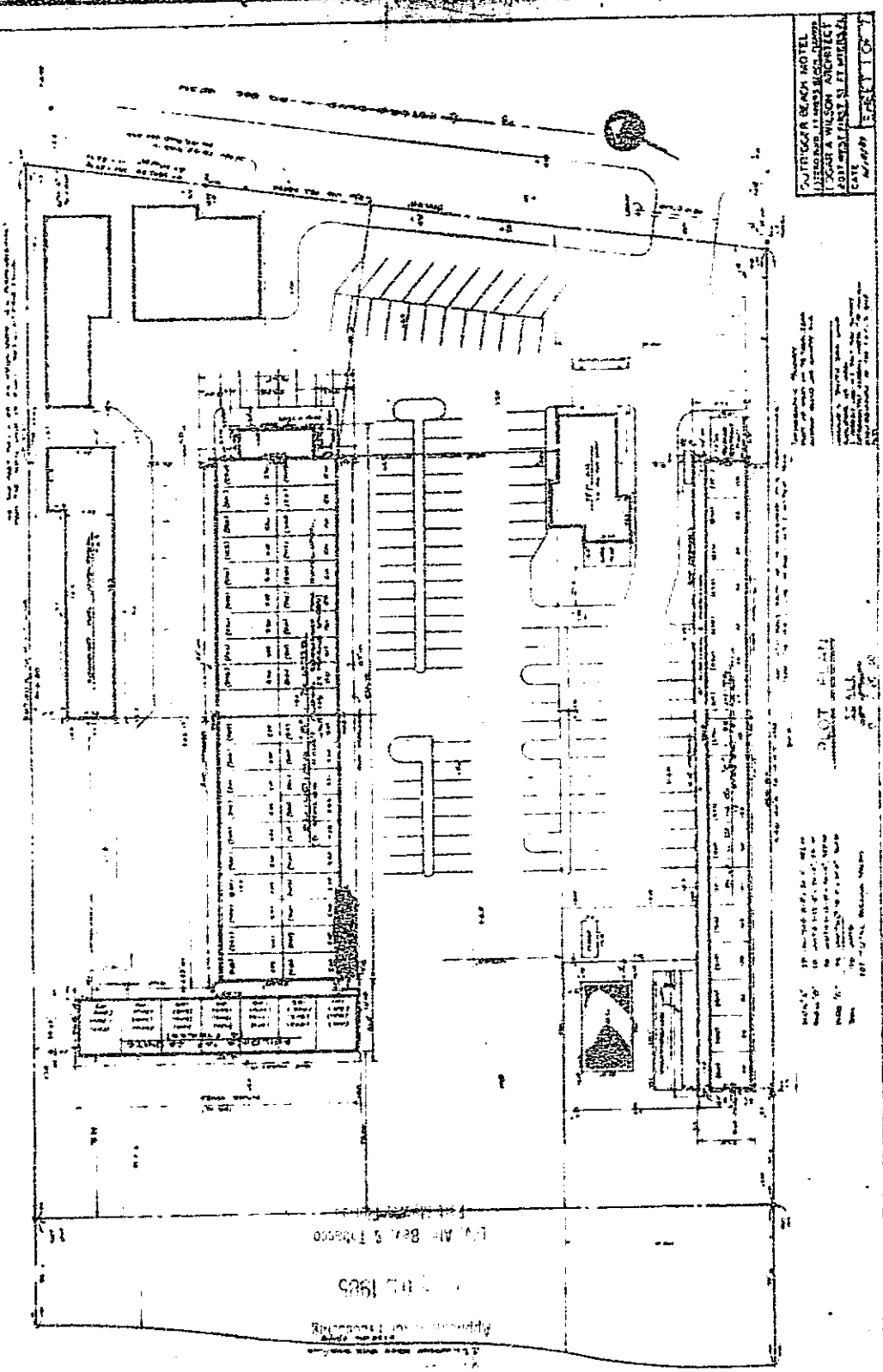
COLORADO SOUTHERN, INC.,
(Seller or Authorized Officer)

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

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2026-458**

1. **Request:** **Meeting Date: May 12, 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 for consideration, unless it is approved by a unanimous vote, in which case it 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.

This item was continued from the April 14, 2026 meeting to May 8, 2026.

Attachments:
1. NS Variance Outrigger LPA Reso May 8th
2. Staff report _ Var-May82026
3. Exhibit A Boundary_Survey_2013_Pre-Ian_-Scaled_Bar_and_Activities_Buildings
4. Exhibit B MCP-London Bay Outrigger 2025-08-25

Financial Impact:
unknown

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

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 May 8, 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 May 8, 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 Ed Schoonover	____
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

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:	**May 8, 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.

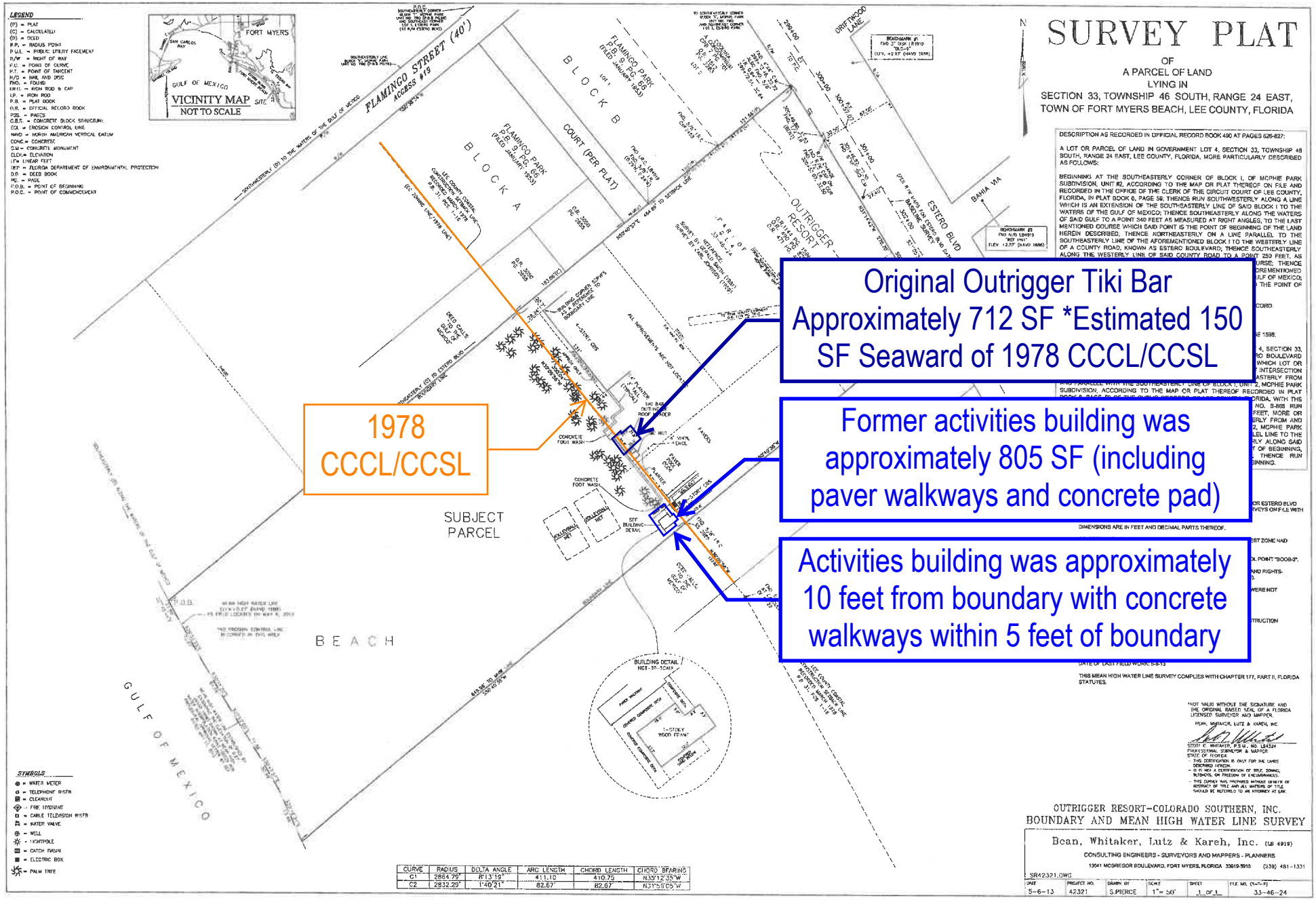
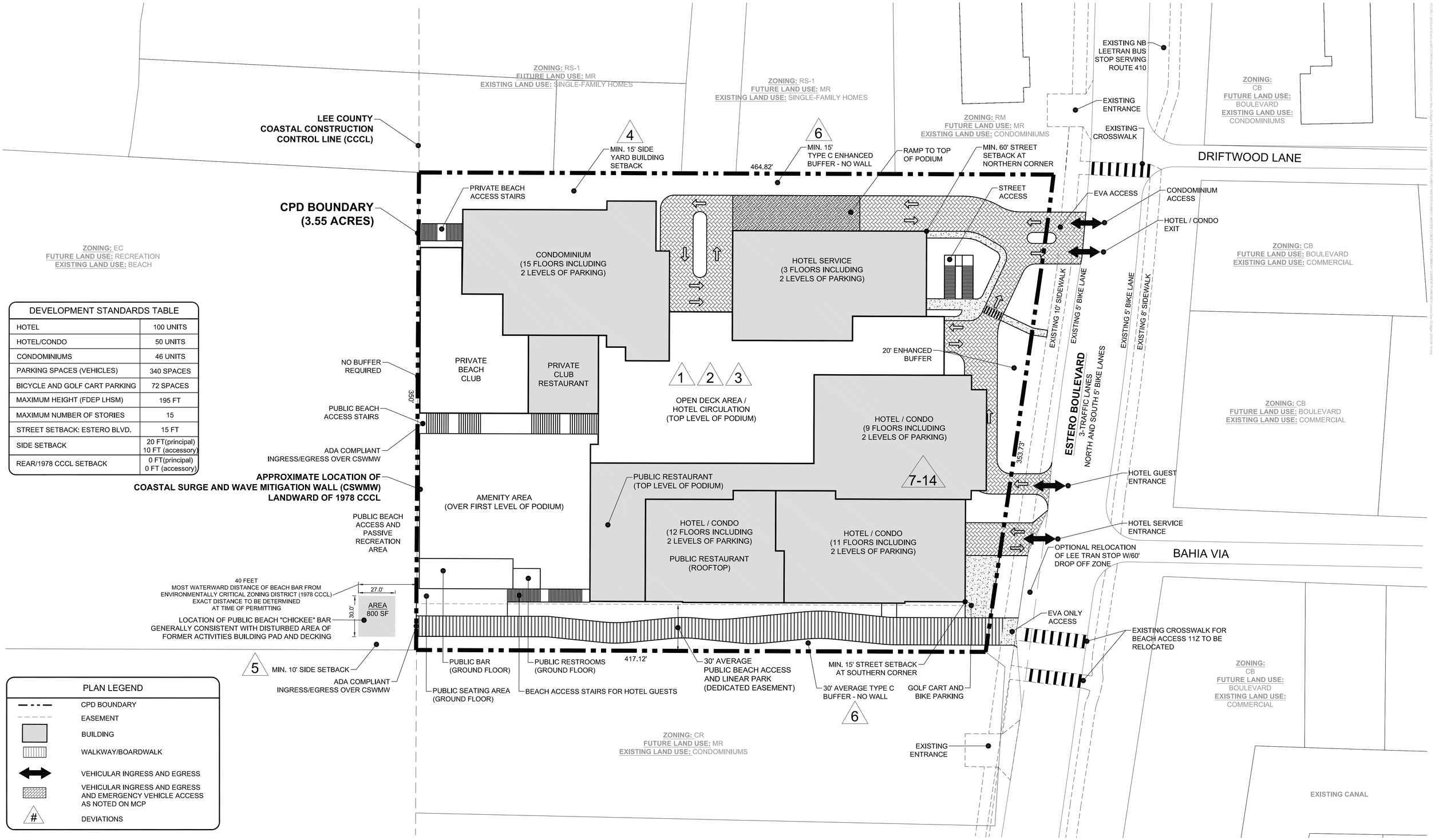


EXHIBIT "A" - 6200 ESTERO BLVD



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.