



Fort Myers Beach Local Planning Agency

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

Minutes

Tuesday, May 12, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members Present: Chair Anita Cereceda, and LPA Members Don Sudduth, Ed Schoonover, Doug Eckmann, Jim Dunlap, James Boan, and Jane Plummer.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member Dunlap moved to approve the final agenda, seconded by LPA Member Boan. The motion carried unanimously.

V. APPROVAL OF MINUTES

A. Local Planning Agency - April 21, 2026

LPA Member Eckmann moved to approve the minutes of April 21, 2026, seconded by Chair Cereceda.

The motion carried unanimously.

VI. PUBLIC COMMENT

Robin Capela had provided copies of a document containing the responsibilities of the Local Planning Agency, to be distributed to the members of the body. She read this list and expressed her wish to remind everyone of these duties. She also had a question for Town Attorney Stuparich on legal liability when local governments overstep and approve variances or setbacks when there is a lack of hardship. She listed some cases as examples. She stated that the Town Attorney did not need to respond right away but that these were major concerns for her.

Dave O'Brian, Gulfside Twelve resident, asked the LPA to consider not passing the amendment, special exceptions, and variances. He believed that the Town should instead place a moratorium on large-scale development, with the Local Development Agency, after receiving feedback from residents, establishing the definition and parameters. He listed past proposals, how they were voted on at the

agency and Town Council level, and their overall resident feedback. He asserted that economics appear to play a role. He argued that it was too difficult to determine long-term outcomes when special requests are approved one at a time. He claimed that this awards developers who are good at marketing their proposals. No request is so unique that it cannot follow some guidelines for large-scale development. He offered that the comprehensive plan incorporate maximum restrictions on height, density, parking, and commercial space. Mr. O'Brian is against special development districts. It is of his belief that there are maximum values that an overwhelming majority of the agency, Town Council, and residents can agree with. He urged the Local Planning Agency to invest time and set up this process.

VII. PUBLIC HEARINGS

Town Attorney Stuparich provided an overview of the public hearings and a summary of the procedures for quasi-judicial proceedings. She confirmed with Town Clerk Baker that the agenda items have been noticed properly pursuant to Florida law and the town's Land Development Code. She asked if there were any disclosures of conflicts for any of the matters on the agenda. None were disclosed. Town Clerk Baker swore in all those who wished to testify.

Town Attorney Stuparich noted that she will ask for disclosures of ex parte communications for all items that are not legislative in nature.

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.

Chair Cereceda read the title of the resolution. For ex parte communication disclosures, all members disclosed that they received an e-mail message from a neighbor. LPA Member Dunlap also noted that he had a conversation with Albert from Studio AD, who showed him the code requirements for this type of structure.

Jason Green from Community Development provided a summary of the request as outlined in the yellow sheet. He provided that staff has recommended approval of the variance.

Kara Stewart, on behalf of the owner and contractor, asked if Jason Green received the letter. He responded that he did not. She had not been given the

letter and would like to review it. Ms. Stewart provided that this was a 41-foot-wide piece of property, which limits the ability to construct a relatively suitable home. It is also located seaward, and the elevation is, at the lowest horizontal structural member, at approximately 20 feet. This elevates the house quite tremendously. She provided that an elevator is therefore needed at this point, noting the difficulty of access if one is not provided. During construction, the surveyor laid out the piles incorrectly, shifting the house forward about three feet. This was not discovered until much further along in the process. The contractor, after realizing the issue, contacted Ms. Stewart and told her that they would need to go back before the agency to seek approval for an additional variance. She summarized the details of the request, comparing with what was previously allowed. She highlighted that there may be an opportunity to correct certain construction errors administratively, but, unfortunately, this error (3-feet) exceeds the provided maximum (1-foot). She said that the site was very constricted.

Mr. Eckmann noted that the adjacent neighbor had some suggestions in the provided letter and would like to incorporate them into the agency's deliberations. LPA Member Plummer also would like this to be addressed, stating that this would be encroaching on the neighbor's privacy and space. LPA Member Boan referred to an allegation within the communication that there was no notice provided to the adjacent property owner for the now-approved variances. He stated that there is currently a different situation, as the house is mostly constructed, in contrast to the original application. Ms. Stewart stated that she will defer back to the town and said that it was her belief that the applicant was not responsible for these mailings. She noted that they had sent the notices during the second round and presumed that the Town Clerk had addressed them during the first hearing. LPA Member Schoonover expressed that he had similar concerns as LPA Member Boan and asked Ms. Stewart if she could address the conditions outlined in the neighbor's letter. He believed that they would not be difficult to accommodate. LPA Member Sudduth stated that one of the proposals was for a retaining wall. Depending on the height, there may be some setback issues. He suggested foliage or landscaping as a buffer.

No public comment.

Chair Cereceda confirmed with Ms. Stewart that she would need additional time to review the letter, which she was provided with earlier in the meeting. LPA Member Plummer moved to table consideration of this item, seconded by LPA Member Sudduth.

The motion carried unanimously.

The consideration of this item was resumed following the vote on the second public hearing. Ms. Stewart noted that, for the condition on removing the staircase and shifting it back to the original 4-foot approval, she had talked with the contractor, and they would be willing to make that accommodation. They are not in agreement with the recommendation for a wall for the entire side of the property to block the deck and the staircase. There was a suggestion to not further construct the deck in the rear, now that the property

has inadvertently been shifted forward by 3 feet. She explained that this property is cornered by the 1978 CCCL. The neighbor is requesting not to build beyond the original footprint and up to that line. The original request had allowed up to that 1978 CCCL. Ms. Stewart stated that they are willing to agree to not continue the side variance. However, if, in the future, the owner decides to extend the deck, they will meet side setbacks and will comply with the town's code. By a matter of right, they can then revise their permit to add a few feet to that structure. She noted the owner's intent to keep their rights to construct. She also brought up the second public hearing, where staff suggested creating an administrative route for situations like the staircase encroachment. The Chair confirmed that they are still willing to make adjustments to the staircase. Chair Cereceda confirmed again that there was no public comment.

LPA Member Sudduth asked if the width of the staircase would still comply with code. Ms. Stewart said that this would be possible.

Chair Cereceda moved to approve the variance request 20260072, with the recommendations set forth in the staff report and the applicant's willingness to move or relocate the staircase in accordance to the neighbor's desire, seconded by LPA Member Plummer.

Mr. Eckmann asked if the staircase would be relocated or narrowed. Ms. Stewart clarified that it would be the latter and that they will be reducing the width.

Chair Cereceda modified her motion, which now reads, "to approve the variance request 20260072, with the recommendations set forth in the staff report and the applicant's willingness to narrow the staircase in accordance to the neighbor's desire. The seconder agreed to the modification.

The motion carried unanimously by roll call vote.

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.

Chair Cereceda read the title of the ordinance. Town Clerk Amy Baker noted that a number has not yet been assigned for this item.

Jason Green of Community Development provided a summary of the request as outlined in the yellow sheet. He highlighted that this text amendment is

meant to provide an administrative avenue and expedite the process. Currently, these requests would have to go through the public hearing process. LPA Member Dunlap asked Mr. Green if the raising of these meters would be a discretionary decision by the homeowner. The staff member responded that it would depend on the specific meter and believed that some are required by FPL. He noted that he will need to defer to the Building Department. It is of his belief that power sources and panels are supposed to be above base level. LPA Member Dunlap inquired about the height restrictions and commented about a potential loophole for property owners to create a larger deck. Mr. Green said that the designer of the home does have discretion regarding the location. This text amendment would create an administrative route. These kinds of loopholes would be flagged then. He mentioned that there were multiple factors that can differ by site. Staff will also encourage them to have the meters placed in an optimal location. Chair Cereceda asked if there were any individuals from FPL. There were none.

No public comment.

LPA Member Boan moved to move this ordinance forward to Town Council, seconded by LPA Member Dunlap.

The motion carried unanimously.

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

COMPREHENSIVE PLAN TEXT AMENDMENT (LEGISLATIVE)

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

PUBLIC COMMENT

Chair Cereceda read the title of the ordinance. Mr. Green from Community Development noted that it was of his understanding that, around 3:47 p.m. on Friday, the town received amendments to the text amendment and revisions to the CPD component of the application. These were not included in the packet, due to timing. Staff has only had the chance to scan them for differences. He noted that he would distribute these at the earliest convenience. LPA Member Plummer asked why this was not sent out to members over the weekend. The Chair explained that these documents are not distributed until they are reviewed by the staff. LPA Member Plummer then inquired if these proposed changes need to be included for today's consideration. Mr. Green responded that it would be at the discretion of the body. Town Attorney Stuparich provided that, typically, staff would first review and provide their comment before sending these documents to the members. It would be comparable to something being brought forward during the

meeting. In this case, staff can review as the applicant explains their proposal. She stated that the agency can move forward with the changes and that these would be reflected in the published draft of the ordinance. She noted that it would be best that the public is also aware of these modifications. Chair Cereceda called upon Mr. Yovanovich, who stated that they would explain all the changes. There is an exhibit that can walk through every underlying change related to the reduction of FAR value from 3.0 to 2.75. He provided that they were told to provide a complete package that consolidated all previously provided information by 4:00 p.m. on Friday. The Chair asked who provided these instructions. Mr. Yovanovich answered that the Town Attorney and Mr. Green have given them this information. Chair Cereceda commented that, while she appreciated the applicant's willingness to walk them through every aspect, those who are attending or watching this session would not necessarily have the benefit. She stated that they had never not received a complete package before the meeting and expressed her concerns. Town Attorney Stuparich clarified that she did not provide that deadline but did note that she had said that it would be fine to submit on Friday. The agenda goes out on that day so that revisions can be made on Tuesday. Mr. Yovanovich agreed to this clarification but provided that they had been present at the LPA meeting until noon. Time was needed to obtain and compile the needed information. He asserted that, other than the reduction in the FAR value, no other amendment was new to the agency. Mr. Green expressed his disagreement with that statement, noting some changes to the policies. He mentioned that there may be some confusion due to the rushed timing. Town Attorney Stuparich stated that the applicant will walk through the changes but that the starting point should be the published agenda. She asked if the public would be able to review these modifications. Mr. Yovanovich stated that they will present all changes. Mr. Boan asked if the agency could move forward without the changes, which could then be presented and addressed by Town Council. Town Attorney Stuparich stated that this would be possible. She also noted that this item is legislative in nature and would not need to comply with the requirements for a quasi-judicial proceeding. Ms. Plummer inquired if the document of changes would be available to the members now, or if they will only see the slides at this point. The Chair provided that there is currently only the presentation.

Mr. Yovanovich provided the background and overview of the requested presentation. Town Attorney Stuparich explained that labelled paper copies are being provided with today's date, to prevent any confusion. There may still be a need for clarification on which documents the applicants would like to be reviewed. The first by right option would be to essentially rebuild the hotel at the raised elevation based on the town's flood code, which would make the building three floors above one level of parking. The most efficient shape would be the horseshoe. He stated that this option is uneconomical and the least desired of the two by right options. This proposal would replace the 144 rooms, the restaurant, and necessary parking. He then presented the option under the Florida Live Local Act. He explained this statute's

requirements and the definition of workforce. He noted that the applicant provided a conservative approach, applying the act to 3.5 acres rather than the entire 9 acres. The Live Local Act would allow the developer to build based on the highest town-permitted density and at the highest building height within one mile. LPA Member Plummer asked about the height of the buildings depicted in the presentation slide. Mr. Yovanovich responded that the structures were 158 feet. LPA Member Dunlap confirmed that the illustration showed the buildings at the same height. Mr. Yovanovich presented that the market rate units would be in a building in front of the structure for workforce units. This would be in compliance with the statute. He continued by describing what would be allowed and done under this option, noting that it would bypass approval from the town and go through the administrative process. He noted that the applicant would be allowed a FAR value of up to 3.75. Mr. Yovanovich said that this was a potential back-up plan if they were denied, but expressed the applicant's preference for their proposed plan. Chair Cereceda asked why the San Caper Beach Club was included in the FAR value, noting that this was not approved by the town. Mr. Yovanovich noted that the statute did not require town approval, only permittance. Town Attorney Nancy Stuparich stated that she believed this was the case, but is not certain. LPA Member Sudduth asked if this would be based on what the town has permitted historically, and Mr. Yovanovich responded affirmatively. The LPA member asked if this could be verified. The applicant's attorney continued by presenting the key changes since April 14, 2026. He reported on the outline of the proposal, with the recommended modifications incorporated. He displayed the changes in the language on permitted uses, height and stories, intensity, and density. There were discussions and requests for clarity on the new and originally proposed heights. Chair Cereceda commented that the conversion was implemented despite no existing residential units. Mr. Yovanovich recalled that, at the meeting on April 14, 2026, the applicant had asked if they could convert using a 3:1 ratio due to the loss of four residential units. It was his understanding that this was allowed by the agency. The Chair expressed her caution with applying the conversion factor to units that do not currently exist. LPA Member Dunlap added that this was under the context of a negotiation on the reduced height. LPA Member Sudduth, noting an inconsistency in the number of stories, asked if the proposed number would be 14 or 15. Mr. Yovanovich stated that he would provide this later in the presentation. Ms.

Plummer confirmed with the Chair and Mr. Green that this conversion factor is provided, though not guaranteed, in the Land Development Code. The staff member explained that this has always been based on existing density. LPA Member Boan remarked that he did not see the benefit in the redistribution of floors.

He believed that this would not be noticeable from an aesthetics perspective. Mr. Yovanovich presented on the FAR value, noting the applicant's disagreement with the town's reading of the future land use element.

The agency recessed for five minutes.

Following the break, Town Attorney Stuparich noted that she had discussions

with the Town Planner and the applicant's attorney. At the appropriate time, during LPA discussion, they will identify within the agenda packet the location of the actual language. If the agency agrees to the changes, those will be displayed on the screen. Mr. Yovanovich showed the master plan. The Town Attorney suggested to the members that they mark this as "Exhibit A," which is a revised site plan or revised master concept plan to the PD. LPA Member Dunlap confirmed with the applicant's attorney that this is based on the applicant's understanding of the discussions on April 14, 2026. Mr. Green highlighted that this exhibit pertains to the CPD, which is the next item, and not the proposed current text amendment. LPA Member Boan noted that LPA Member Sudduth had offered a suggestion, not a request. Mr. Yovanovich continued describing aspects of the master plan and proposal.

Mr. Wilson recounted the discussions on April 14, 2026, and announced that they were able to come up with a way to only reduce by one story. He summarized the changes and presented illustrations depicting what the current proposal would look like, if implemented. LPA Member Dunlap clarified that the FAR value was changed due to a refinement in the calculation and was not related to the height and story reduction. LPA Member Boan asked for the square footage that was removed and added. The applicant noted that it was not a direct trade and stated that it was his understanding that there were no concerns about the increased area from this tradeoff. He reported on the overall statistics on floor area and presented the new renderings of the structures. Mr. Yovanovich further explained the Neptune FAR Deviation, which he believed would be informative on what the town has historically used in calculating that value.

Public comment:

Ellie Bunting stated that the vibrancy of their island has its roots in a healthy balance between residential and tourism. She asserted that Council has emphasized that developers will help bring the town back, which she believed is not the case. She argued that the excessive development rights will add hardships to the island and provide further strain on water supply, electricity, travel time, road maintenance, and traffic. There would also be affordability concerns for residents. She believes that the residents, homeowners, labor workers, small businesses, shops, restaurants, community organizations, and community leaders are the ones who will restore the town and create that ideal balance between residential and tourism. She noted that approval by the Local Planning Agency would create a precedent that will cause excessive costs and a burden to the residents' quality of life.

Beth Burwinkel, a resident of over 35 years who currently lives in Gulfside Twelve, voiced her opposition to both the original and new plan. She thinks that the profit margin should not be a reason for the many requested variances. She reminded the agency that they must decide on whether this proposal fits into the comprehensive plan and whether there has been an exceptional and unique hardship that is not self-created. She pointed out that the applicant is asking for an Outrigger district. She commented that this was selfish and egregious. She presumed that London Bay needed this development to ferry over individuals living on Estero. She claimed that the

residents did not need these proposed structures.

Bill Burwinkel thanked the members for their service. He referred to earlier remarks by Ms. Capela on the role of the agency and went through the various duties. He provided copies of a survey for Fort Myers Beach to Town Clerk Baker to distribute. He presented that 75% of those surveyed wanted to constrain the height and density of developments and to refrain from amending the comprehensive plan. He commended the agency on their decisions on the Seagate proposal and claimed that the deviations approved by Town Council resulted in the current outcome. He requested that the body deliver on their responsibilities and deny the application.

David Nusbaum stated that he is still in favor of the Outrigger development. He expressed his firm commitment and emphasized that residents cannot wait any longer. He acknowledged that there were disputes about specific details of the proposals but noted that this proposal would ultimately follow the comprehensive plan. He stressed that requests are constantly brought up that require deviation or adjustment. Mr. Nusbaum pointed to what may occur if the developer chooses to go through the administrative process with the state, listing what would be lost if that happens. He asked the agency to stick with the plan and allow the adjustments.

Marsha O'Brian, a Gulfside Twelve resident, believes that the standards for approval of variances should be consistently applied. She referred to the past approval of Estero Island Beach Club. She described the amount of redesign that occurred in order for Town Council to ultimately allow the project. She questioned why this should be any different for this proposed development. She expressed her opinions that the project should be denied and that London Bay should come back with a redesign. The LPA should not be concerned with the return on investment of the company. She urged the body vote "no" and recommend denial to the Town Council.

Tod Capela, full-time resident, recounted a previous public hearing item and contrasted it with this development. He cannot fathom how the agency could allow this to move forward, stating that this would forever change the nature of the island. He cited his wife's past remarks and said that it was the agency's duty to prevent this development from happening.

Ellen Vaughn expressed her appreciation to the LPA members for their service. She implored the company recognize the spirit of the community and work with them to present something that would be acceptable to them.

Nancy Walker, also a full-time resident, reiterated that one of the visions of the comprehensive plan is to limit high-rise development. She believes that this proposal goes against this goal.

Tom Brady, president of Protect FMB and full-time resident, recalled that the town motto used to be, "Keep it funky." He loved that aspect and noted that there was nothing in this current proposal that supports that vision. He argued that a majority was against the development. It was also his belief that those who will be impacted should have their remarks weighed more heavily than statements of those who will not be living near the property in question. He voiced his opposition for the tiki bar, saying that it would be a

new structure. He asserted that there would be the risk of litigation. He liked the Live Local Act option and pointed out that this was a recommendation from one of the LPA members. He is in support of workforce housing but expressed his caution about that option. Mr. Brady further pointed to the credibility of the developer, disputing the facts they presented. He asked if he could yield himself more time. His request was denied.

Walter Pilkins, a Fort Myers Beach resident, stated that he thinks that a slide was missing from the applicant's presentation. He wished to see how the applicant came up with the FAR value of 1.5. He requested that the members ask for this information.

Robin Capela believed that the Live Local Act option was a scare tactic. She challenged what the applicant presented on restrictions.

Donna Vichelli voiced her opposition to the project. She was against the location of the pool. She believed that London Bay is trying to import a luxury lifestyle. She argued that the individuals brought in by this development would not use the town's other facilities or support local businesses. She presumed that, if this is approved, the company will come back with major variances for another property they own. She disputed this area's description as a high-rise district. She also warned that Margaritaville will then approach the town with its own request for a tower. She concluded with a request to LPA and Town Council to consider and develop a procedure to allow residents to vote on developments that exceed a certain amount of deviation. She believes that, in those cases, it is too risky to put the future of the island in the hands of three Council members.

Lori Webster was overwhelmed with the information presented in this meeting that was not available in advance. She believes that there has been a major lack of respect for the rules. She expressed her concerns about the future of this island. She voiced her opposition to the project.

Dave O'Brian pointed to how the residents have felt about this development. He asked the LPA, if they choose to vote "yes" on this issue, that they also provide an explanation of their decision. He voiced his concerns about the reduction of his property values. It is of his belief that he should get an assessment of the value before and after this development.

Public comment closed.

Town Attorney Stuparich stated that she and Mr. Green had an opportunity to speak. They wished to note that they have not had the opportunity to analyze the representations on the Live Local Act. Mr. Yovanovich said that there were around 70 letters of support. He promised Mr. Brady that the company had known about the statute since it was approved. He voiced their wishes against being portrayed as using scare or threatening tactics. He predicts that there will be litigation over the Live Local Act's interpretation. It is of the applicant's belief that a purely residential development would not be a positive contribution and that their current proposal will add public benefit to the town. Mr. Wilson addressed a mistake that he had made and said that an apology letter was sent to the agency, the Town Council, the Town Manager, and the Deputy Town Manager. He is also willing to submit this item to the

record, though he believed it was already provided. He explained that this was how his company dealt with integrity. The applicant challenged the presumed motives that were voiced. He gave an overview of what he and his team have done so far. He expressed his opinion that the Live Local Act option is not the best outcome for the property. He also addressed the claims that the meetings were not inclusive enough. He asserted that the list of the various community events is extensive. He believes that they have never turned anyone away when there is a request for discussion. He wanted to shift the focus of the discussion to how the south end of the island could restore its past lifestyle. He asserted that, if this project is not approved, it will cause a detriment to the lifestyle and economics of the island. He reiterated the fact that there were 70 letters of support. He read excerpts of the communications which he noted were previously provided.

Chair Cerceda asked Alexis if she could provide a clean version of the proposed text amendment. The language in the agenda packet is not what is currently proposed. Town Attorney Stuparich referred members to page 82. She confirmed with Jason Green and Mr. Yovanovich that this was correct. Jason Green noted that he is going to distribute the components submitted on Friday, which were not reviewed. He referred members to the third page for edits. Following LPA Member Dunlap's request for clarification, he indicated that the applicant had submitted two times, once on April 30, 2026, and again on May 8, 2026. He noted that there were some differences. Mr. Yovanovich confirmed that the past public comment will be incorporated. The document was displayed on the screen for the audience.

Jason Green provided general statistics for the Outrigger, as it had been originally built, as well as the values that the applicant is currently using. There were questions about parking spaces and their size and relevance to the FAR value. The staff member explained how enclosed spaces generally contribute to the number and walked the agency members through the calculation for the approximate size of the parking areas. Mr. Yovanovich reviewed the changes, which he noted were presented to public on April 29, 2026. The changes were also displayed on the screen. Jason Green, describing the changes in the density portion, mentioned his preference from the first meeting for providing a specific number of units, rather than an amount per acre, as a way to prevent confusion.

LPA Member Dunlap emphasized to the developer the importance of providing alternative plans, citing this previous request for legitimate options in case their requested proposal is not approved. LPA Member Sudduth remarked that the predominant issue is height. He remarked that the community needs a catalyst and that the current real estate market is fairly stagnant. He recognized that he, as a member of the Local Planning Agency, must represent the people. He noted that a significant number of individuals are opposed to this project. He acknowledged London Bay as a solid investor in the island. He mentioned that alternatives were presented and that they will need to consider whether those are viable or not. Mr. Eckmann voiced his preference for the original design. He understands that there was a compromise. He remarked that development will inevitably

occur and that the developer is attempting to work with individuals. He said that this appeared to be a quality project. LPA Member Plummer recounted the town's recall and how it revolved around the Seagate proposal. She expressed her discomfort with the height, noting that this community did not want to become like the city of Miami. She was firm on the 2.5 FAR value. She stressed the difference in size between the original Outrigger property and the proposed plan. LPA Member Boan stated that granting this request would set a precedent that the comprehensive plan does not need to be followed. He provided that this document does not allow code requirements to be labeled as public benefits. It is of his belief that the remaining benefits resemble amenities. He asserted that the scale of this development is too intense for its location. He explained his reasoning by computing the dwelling units per acre. He said that this value would be comparable to those of Miami or St. Petersburg. He pointed to the fact that this development would not be completed until sometime in the far future, at least 2030 or 2031, and identified the 50% pre-sales contingency. He commented on the higher FAR value and argued that the workforce housing aspect is unrealistic and economically infeasible. He recognized the company as a competent quality developer with a great track record but voiced opposition to the project. Mr. Schoonover noted the difficulty in deciding on this issue. He would prefer consideration of the original proposal first, before moving to the second one. He believed that London Bay may need to sharpen their pencils a bit more, when this goes before the Town Council. Chair Cereceda referred to Steve Johnson's comparison of the comprehensive plan to a covenant, expressing her agreement to this concept. She is astonished by this proposal, especially given the company's past record. She emphasized that the agency members are not able to visualize this development, pointing to the lack of three-dimensional modeling and overall detail in the presentation. She believed that this aspect may have made the difference in the ultimate outcome. She noted that she is firm on her stance of 2.5 as the maximum FAR value. She had hoped that the applicant had addressed this in their presentation. She remarked that the Live Local Act is an option but said that this decision is for the applicant. She said that the change in numbers were not impactful enough for her to change her opinion. She also expressed her disagreement to the treatment of the equivalency factor. She would have liked that the applicant presented on the context of the comprehensive plan. Mr. Sudduth asked if she would have changed her mind if the FAR value is reduced to 2.5. She noted this possibility, stating that the height issue is less of a concern for her. LPA Member Sudduth expressed his agreement that the conversation may be different and emphasized that developer negotiation agreements are meant to be negotiated. He predicted that more larger developments will come up that will have a FAR value higher than 3.0 that the town may eventually approve. He wants to see more discussions. He commented on Neptune and expressed his opinion that every proposal must stand on its own and not rely on other accepted plans as precedents. LPA Member Dunlap expressed his preference for the original plan. He pointed to an instance where London Bay addressed a concern from a local resident on view corridors. Chair Cereceda asked if he would prefer the original height. He

responded affirmatively. LPA Member Dunlap remarked that the community misses the old quality of life in the area. He added that this proposal will inevitably happen, though he noted this would be around 5 years from now. He addressed the letters of support and indicated the extensive rationale for support provided in these communications. The Chair stressed the negative impacts for the community. She is focused on the next generation of island residents and how this plan would affect them. She is not as concerned about the short-term benefits.

Town Attorney Stuparich explained that this amendment would add "Section F." She noted the two versions. LPA Member Eckmann asked if there could be a modification for a FAR value of 2.5. Chair Cereceda provided that this would be unlikely, unless the applicant is able to present and address this reduction. She asked for input from other agency members. LPA Member Plummer stated that the number would be within the range. Mr. Schoonover brought up the disputes on calculation of the FAR value.

Chair Cereceda moved to deny the request of Ordinance 26-04; CPA20240067, for 6200 Estero Boulevard, Comprehensive Plan Text Amendment, seconded by LPA Member Boan. The mover also confirmed with the Town Attorney that she was using the version that was received at this hearing on May 12, 2026.

The motion carried 5-2, with LPA Member Schoonover and LPA Member Dunlap dissenting. Mr. Eckmann explained his "yes" vote by commenting that there were too many questions in front of the agency.

Town Attorney Stuparich asked if there was an alternative motion. The Chair asked the members. There was no motion made. LPA Member Dunlap inquired about how this would affect the succeeding items. Chair Cereceda noted that the agency can discuss and put in limitations, but that this would depend on the applicant's wishes. Mr. Yovanovich noted that they are not withdrawing their requests. He made a clarification of what he had heard: that the number from FEMA was 175 and not 195. He noted that the agency could propose an alternative motion but wished that all members understand.

The agency recessed for 30 minutes.

Following the break, Town Attorney Stuparich explained the different versions of the proposal and what had occurred shortly before the recess. She provided that the applicant or one of the members of the LPA may wish to consider the proposal in today's agenda packet as an alternative motion. Mr. Yovanovich stressed again that the number was 175. The applicant is also willing to submit a modified FAR value of 2.5. LPA Member Sudduth confirmed with Mr. Wilson that this building would be 190 feet tall. The applicant's attorney added that while there is no change in the height, there would be a reduction to the square footage. The Chair verified with the Town Attorney that this would be an entirely new motion, as the body cannot address the same motion that had been before it. She also asked the applicant why they did not propose a FAR value of 2.5 in the first place. Mr. Wilson responded that there would need to be a lot of adjustment to get to this number. He is unsure of the exact way they would reach this amount but noted that they are willing to do so. Chair

Cereceda expressed her concern about not being able to visualize this proposal and recommended that the applicant provide the full picture when they come before the Town Council. Mr. Eckmann suggested that the restriction only refer to the number of stories above parking. LPA Member Plummer stated that the height is important, as ceilings can be higher or lower. Mr. Yovanovich confirmed Mr. Eckmann's intent of not limiting the developer on those ceiling heights. There was further discussion on negotiations and if the height restriction would allow for the structures to be built all at the same maximum amount. Mr. Yovanovich pointed out that the item after the map change would allow the agency to prevent this uniformity. Mr. Wilson referred to past approvals that have not shown signs of development. He expressed their desire to compromise and listen. He noted the potential difficulties if the agency refuses to approve after negotiations. LPA Member Plummer commented that a FAR value of 2.5 would be a stronger direction for her. She acknowledged the change in height but still expressed her concern. Chair Cereceda would like to see a revised plan and hopes that this is presented to the Town Council. LPA Member Sudduth recounted the past consideration on these restrictions. The Local Planning Agency members discussed about the height limitations and its ultimate impact. Mr. Yovanovich stated that they have provided what they are able to work with. LPA Member Dunlap noted that they have the opportunity to provide suggestions for the revised proposal. He would like to have these discussions with the applicant. The Chair noted that the applicant had provided their numbers. LPA Member Dunlap questioned about what should happen if members are agreeing to the values that were presented by the developer. Mr. Wilson recalled about the reduction of height at the first meeting and the continuances. He provided that the team had provided the agency with what they had requested. He believed that there should be an understanding of the plan with the reduction in square footage. He emphasized that this would be a relatively small adjustment. LPA Member Plummer remarked that there should have been additional talks at the first meeting on the other portions, as the meeting mainly revolved around the height restriction. LPA Member Schoonover asked if there were additional by right options not presented. Mr. Yovanovich noted that there were essentially infinite alternatives under the Live Local Act. The applicant does not wish to bypass the town and the public. He indicated that they are responding to the requests by the agency. He argued that the picture was there and that the adjustments are minor. Chair Cereceda noted that the height issue has not been resolved. LPA Member Schoonover believes that it is the agency's responsibility to provide guidance to the applicant on how to move forward with Council. Addressing the claims that workforce housing was a red herring, Mr. Wilson stated that this would be their only other choice. He pointed to the time and effort made into this plan. He mentioned the by right options. Mr. Dunlap offered the possibility of redistributing the FAR which would bring down the height of that structure. All other buildings will become

taller. The Chair asked Mr. Green if an amendment to the comprehensive plan is still needed when the FAR value is 2.5. The staff member explained that this maximum only applies to the commercial future land use category. All other types will require 1.5. Thus, this amendment would still be needed. LPA Member Plummer said that she could not imagine workforce housing as a possibility, given the developer's vision. Mr. Wilson referred to the mixed use projects in Miami, Tampa, Sarasota, Jacksonville, and Fort Lauderdale. He explained how there would still be demand for units that are not at market rate. He also pointed to the higher density that would be allowed. It is of his opinion that the community would not like this option.

Confirming that this proposal contained a maximum height of 175 feet (midpoint of the roof) and a restriction of 15 stories inclusive of parking over the two floors, with a FAR not to exceed 2.5.

LPA Member Eckmann moved to approve the comprehensive plan amendment, seconded by LPA Member Schoonover. Town Attorney Stuparich had added that there will be recognition that there is essentially no change in the density in regards to the provision on 150 hotel and 46 multi-family units. There would not be a conversion factor.

The motion failed 4-3, with LPA Members Eckmann, Schoonover, and Dunlap voting in favor.

- D. Ordinance 26-03; CA20240067, 6200 Estero Blvd., outrigger Resort Mixed-Use: CPA-Map
FUTURE LAND USE MAP AMENDMENT (LEGISLATIVE)

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

PUBLIC COMMENT

Chair Cereceda read the title of the ordinance and indicated that this item was legislative in nature. Mr. Green provided a summary of the request as provided in the yellow sheet. He addressed the impacts from the previous item. The Chair asked if the agency is procedurally required to go through all the remaining items. Town Attorney Stuparich replied that they would, unless the applicant wished to withdraw. Mr. Yovanovich noted that the applicant does not wish to do so. Mr. Green concluded with staff's recommendation to deny this request, in the interest of being consistent with state law.

No public comment.

LPA Member Boan moved to deny Ordinance 26-03; CA20240067, 6200 Estero

Blvd., Outrigger Resort Mixed-Use: CPA-Map, with the reason of inconsistency, based upon the testimony from the Town Planner, seconded by LPA Member Plummer. LPA Member Boan requested that the comments he had made on the previous ordinance be added into the record. The seconder of the motion agreed to these changes.

The motion carried unanimously by roll call vote. LPA Member Eckmann stated that he voted "aye" because the category does not exist.

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

REZONING REQUEST (QUASI-JUDICIAL)

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

PUBLIC COMMENT

Chair Cereceda read the title of the ordinance and indicated that this item was quasi-judicial in nature. For ex parte communications, LPA Member Dunlap provided that he had attended two sessions, one of the original proposal (now withdrawn) and one of the subsequent proposal. He went through both presentations in some level of detail in that regard. He also attended a community meeting on the south end of the island and talked with some residents on their reactions. LPA Member Dunlap received several communications in the meantime. In particular, he had gotten texts and e-mails from Mr. Wilson. LPA Member Dunlap noted that he had mentioned the alternatives and will be asking about this aspect. He watched the Beach Talk Radio conversation and the LPA session. He provided his feedback to Mr. Wilson. He also met with Mr. Torgorsen, who expressed his concerns face-to-face. He suggested that the two meet on their own and provided the contact information to Mr. Wilson. He attended the Beach Talk Radio session on Saturday, which was heavily involved with the reaction from that group. He spoke with Cameron Post, who conducted the survey. The conversation lasted about one and a half hours.

He provided that the discussion was stimulating, professional, and productive. While there was disagreement on some of the components of the survey, LPA Member Dunlap was confident that it was statistically accurate. He noted Mr. Post's desires to help mediate between the two parties. He stated that

this may be something possible in the future. He also mentioned that he tried to be responsive to anyone who had reached out to him with a question. LPA Member Sudduth provided that there were two meetings on Zoom and one in-person with Mark Wilson and his team, since last fall. He has conversed with Mr. Wilson and many individuals of the town, friends, family, and interested parties. LPA Member Eckmann interacted with Mr. Wilson and a member of his team at an interim town hall, where this project was presented. He met Mr. Wilson at London Bay's sales office in Estero. He received a communication from Mr. Wilson of some corrections to statements the latter made during the April Meeting. He also told him that he would be available on May 8, 2026, through a phone conversation. Chair Cereceda confirmed with the Town Attorney that past ex parte disclosures were already on the record. LPA Member Plummer had discussed with many individuals associated with the Mound House, who expressed their opinions. She also received more e-mails. LPA Member Boan provided that he declined Mr. Wilson's office's invitation to meet and review changes.

He received e-mail communications and comments from residents, families, friends, and neighbors. LPA Member Schoonover received additional e-mail messages. He spoke with some additional individuals in the town, with some for and some against the project. The Chair received some additional e-mails and noted she read some social media posts. She spoke with Mr. O'Brian about the Gulfside Twelve and the beach access. He reminded her that this was part of the property's application and approval. Town Attorney Stuparich, acknowledging the large amount of disclosures at this hearing, reminded members that they are impartial decision-makers. She asked each member if they are willing to listen to the testimony and the evidence that is presented to them today and render their decision based on that, and only on that. All members responded affirmatively. The Town Attorney provided the applicant's attorney an opportunity to ask additional questions on the disclosures. Mr. Yovanovich declined. He also noted that there was nothing further to present. Mr. Green referred to the edits made by the applicants. He explained the contents of the CPD application. Staff had provided some recommendations of conditions, and the applicant had also given the conditions they were willing to accept. The staff, however, is recommending a denial of the CPD due to the inconsistency with the comprehensive plan.

Public comment:

Tom Brady stated that costs for designs have gone down. He showed his own rendering of the London Bay development. He noted he will send to Mr. Green and others. This depiction used every square feet. He noted the kinds of output that can be produced with artificial intelligence. He did recognize that there would be costs for attorneys, planners, and other staff. He asked the agency to not consider the company's investment. He asserted that London Bay has not shown their personal net worth to prove that they cannot afford to undertake certain actions. He recognized how difficult it can be for members of the public to attend and speak for these public comment sessions. He appreciated each individual for doing so. He requested from the Town Clerk the percentage of those against the project. He mentioned the

three-minute debate limitation and case law going both way on these restrictions. He called the developers bluff on the Live Local Act option. He emphasized the need for more information. He also mentioned that the public did not receive an apology with corrections.

Public comment closed.

Town Attorney Nancy Stuparich reminded the members to be specific on the reasoning behind denial or approval. Mr. Green confirmed with her that the agency should use the same version as considered with the comprehensive plan. Mr. Yovanovich stated they have withdrawn all previous modifications and asked them to vote on what was presented in the first packet. Mr. Boan commented that there was a large reduction in parking and that there was no guaranteed parking for users of the linear park or guests of the tiki bar. He also remarked that, in planning circles, properties with less than five acres and not adjacent to similarly zoned contiguous properties are considered as spot zoning. This can be viewed as arbitrary and incompatible with the community. The property and all adjacent properties are zoned as residential potential, not mixed use. The Chair asked for comments from the Town Attorney, who noted that it was unlikely to be called spot zoning if the amendment had passed. She also pointed to the inconsistency with the plan as a concern.

LPA Member Boan moved to deny Ordinance 26-05; CPD20240061, 6200 Estero Blvd., Outrigger Resort Mixed-Use, based on the inconsistency with the comprehensive plan and the points he made during the comment portion, seconded by LPA Member Plummer.

The motion carried 6-1, with LPA Member Schoonover dissenting.

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

SPECIAL EXCEPTION - CONSTRUCTION IN EC (QUASI-JUDICIAL)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240112 TO ALLOW RECONSTRUCTION OF A MAJOR ACCESSORY STRUCTURE IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6200 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

PUBLIC COMMENT

Chair Cereceda read the title of the resolution. LPA Members Schoonover, Dunlap, Eckmann, Boan, Sudduth, and Plummer provided that they had the same disclosures as previously made. Chair Cereceda added that she had conversations with several individuals on the location of the tiki bar and their desires for it to be moved to a more central location, due to the

impact on nearby properties. Otherwise, her disclosures remained the same. Town Attorney asked if all members would remain impartial. There were no denials to this statement. The applicant's attorney did not have questions on the disclosures for ex parte communications. Mr. Green of Community Development provided a brief summary.

Alexis Crespo of RVI Planning+ Landscape & Architecture mentioned the by right options based upon the previous zoning approval. Chair Cereceda asked if the Charley's Boat House parcel was included in the original CPD. The presenter responded that it was not. She reported on the SEZ-VAR Boundary and the historical use of the Outrigger property. She displayed a map showing the location of the previous tiki bar and recreational building, noting the applicant's wish to move the bar to that latter place. She stated that the developer would need to meet with the standards of FDEP. The Chair requested for the square footage. The southernmost pre-existing building was 805 square feet, and the historical bar, seaward, was about 150 square feet. This would mean that there would be approximately 955 square feet to beach impacts seaward of the CCCL. She provided that the applicants are asking for 800 square feet, which would be a reduction to what was originally there. In response to Ms. Plummer's question, Ms. Crespo identified a 15-foot setback and said that the applicant is requesting a 10-foot setback. She showed a copy of the alcohol license. She also presented overviews on the SEZ and VAR, COP in the EC Zoning District, and the special exception criteria. Chair Cereceda noted that they would only be considering the construction for this item. Mr. Green added that the staff report combined the two components and that they have identified Section 34-88 of the LDC. This has been provided to members and the public on page 200. He reported that the agency is considering the construction and use in the EC zone, not on its location. He highlighted the differences between variance and use, noting that these were separate requests. He presented that staff recommends against this item as this would be contingent on the CPD approval. LPA Member Plummer asked if FEMA would approve this structure. The staff member noted that this issue has not yet been reviewed. LPA Member Boan noted that staff is recommending denial because the comprehensive plan amendment was not approved. He inquired, had there been a different outcome, if staff would have recommended to support this item. Mr. Green highlighted that this would be a new use in this zoning district and believed that the staff would still recommend against this special exception request, as the comprehensive plan limits the use in this zone.

Public comment:

Dave O'Brian stated that these three items were connected. This issue is the main concern for the neighbors. He believes that there are other alternatives available, arguing that service would be easier if the location of the bar was centralized. He recounted a public meeting where he spoke with Mr. Wilson and the team on his opposition to the project. He had said that their development would impact Gulfside Twelve the most. He also communicated his opinions during the first LPA meeting. Mr. O'Brian had not received a

response or accommodations to his requests.

Steve Johnson, who was not present for the previous portion of the meeting, was sworn in. He voiced his strong opposition to construction in the environmentally critical zone. He acknowledged the desire to be next to the water but stated that the town cannot allow this encroachment. He emphasized the importance of protecting the beach, which is an asset for the island. He asserted that grandfathering benefits disappear when the building no longer exists. Mr. Johnson reminded the LPA of their responsibilities and the purpose of this zone. He provided that the line has already been drawn with the CCCL.

Marsha O'Brian echoed Mr. O'Brian's remarks. She noted the significant loss of privacy. She stated that there are a lot of grandchildren in Gulfside Twelve and that they should not be subject to alcohol service or adult language. She asserted that the fence should also be in a more central location.

Kathleen Borman, a resident of the south end of the island who lives within walking distance of the project, recognized the benefits of the historical tiki bar. However, she expressed concern about how this proposed structure is being associated with the one that no longer exists. She argued that this is being used to entice the community. She stated that Santini would be developed by the time this project is completed. Her main concern is the scale in the environmentally critical zone. She recognized London Bay for the quality development but is not sure if this project would be in the best interests of the community.

David Nusbaum noted the need for the return of the lifestyle of this area. He recounted his conversation with Mr. Wilson, who had informed him that relocating would prevent them from service in the other location. He noted that there may be losses to the benefits if this bar is moved. He wishes to respect the wishes of his neighbors. He offered some ways to buffer the sound from the bar. He believed that something needs to be done regarding this issue.

Kathy Schultz was sworn in, as she was not present for that earlier portion of the meeting. She asserted that this structure should be rebuilt landward of the CCCL. She noted that many properties have rebuilt exactly what had existed before Hurricane Ian. She said that this project, however, would mean an approval for something new and more intense than what had been there historically. She hopes that the LPA and London Bay recognize that this request is a disservice to the community.

Public comment closed.

Mr. Wilson referred to the community's request for the tiki bar. He recognized his conversations with Mr. Nusbaum. He asserted that London Bay did not ignore the requests from him and other residents. He stated that he would have loved to relocate the bar but noted the limitations at the state level.

Elizabeth Fountain from J.R. Evans Engineering presented their discussions with DEP state representatives, who had let them know that structure is allowed as long as the developer kept the same impacted footprint and did not expand on any type of foundation. She stated that they will need to go

through the permitting process with the state. Chair Cereceda confirmed with Ms. Fountain that the choice of location was based upon the fact that the recreational building had a larger square footage than the tiki bar. She further asked if there had been any discussions with the state representatives on redistributing the square footage from the recreational building to the tiki bar, if they chose that location. Ms. Fountain stated that they did not. There were discussions on how large the structure would be to encroach on the CCCL and the effects of variance denial. Mr. Green stressed that any development landward of the line would be consistent with the code. The limitation is triggered by the EC zone. He also wished to confirm with Town Attorney Stuparich that this structure is in theory for alcohol consumption, which is a separate request. Any approval would be contingent upon and subject to the decision on consumption on premise. He highlighted that they were currently approving on the use. The Town Attorney also brought up the consistency issue. Mr. Green stated that any approvals would have to go through the findings of the criteria and the comprehensive plan. Mr. Yovanovich highlighted that there is an existing CPD, which is a by right option. Mr.

Green expressed his disagreement, noting the purpose of the special exception. The applicant's attorney asserted that the last rezoning has been done by Lee County and stated that it was of his opinion that they have a CPD on the entire nine acres. Mr. Green presented that it was staff's recommendation that the LDC and zoning map go with this development.

There was additional debate on whether the town had acted after this CPD. Mr. Eckmann moved to deny special exception SEZ20240112 to allow major reconstruction of a major accessory structure, providing that staff had listed a number of reasons on why it would not be compliant, that he is personally not in favor of development in the environmentally critical zone, and that this property would not be the best way to restore this community-desired amenity, seconded by Mr. Schoonover.

The motion carried unanimously by roll call vote.

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

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

PUBLIC COMMENT

Chair Cereceda read the title of the resolution and asked for any additional

disclosures for ex parte communication. None were disclosed. The Town Attorney asked if all members still kept an open mind on the issue at hand. There was general agreement from the members. Jason Green of Community Development presented a summary of the request as outlined in the yellow sheet. He reported staff's recommendation for denial of the request at this size. The agency confirmed that this COP proposal would apply to areas other than the tiki bar. LPA Member Dunlap asked about the potential impacts if the body denies the request. Mr. Green responded that this is in the environmentally critical zone, which requires approval based on the code, and that the applicant is representing that they have the mean-high water line. There was a follow-up question on what is currently allowed. The staff member stated he would need to follow up but noted that alcohol cannot be served without a structure. Mr. Yovanovich requested to incorporate Alexis Crespo's testimony. He expressed his disagreement to Jason Green's remarks on service and consumption on the beach. The staff member agreed to the attorney's remarks that the COP is associated with the building of the Outrigger property but pointed to size and timing issues. LPA Member Boan commented that, without the comprehensive plan amendment, this item would be inconsistent with the document. Mr. Green clarified that the issue revolved around the size of the request. Mr. Yovanovich argued that this item is irrelevant to the amendment. He described a scenario where alcohol consumption and service would not be allowed despite the right to rebuild the hotel.

No public comment.

LPA Member Dunlap moved to approve special exception SEZ20240012, COP, 6200 Estero Blvd., seconded by LPA Member Schoonover.

The motion carried 6-1, with Mr. Boan dissenting.

H. VAR20250299, 6200 Estero Blvd. (Outrigger Redevelopment)

VARIANCE (QUASI-JUDICIAL)

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

PUBLIC COMMENT

Chair Cereceda read the title of the resolution. She asked if there were any additional ex parte communications. None were disclosed. Jason Green of

Community Development provided a summary of the request as outlined in the yellow sheet. He presented the staff's opinion that the request does not meet the criteria and referred to the recommended conditions for approval.

No public comment.

There were additional discussions and clarification on what is being considered for this item.

LPA Member Eckmann moved to deny the VAR20250299, requesting a reduction of 15 feet to the required 25-foot setback, seconded by LPA Member Schoonover.

The motion carried unanimously by roll call vote.

Chair Cereceda provided some concluding remarks and expressed hope that this brings some encouragement to London Day before they present before the Council. The agency took a brief recess.

VIII. ADMINISTRATIVE AGENDA

No items.

IX. LPA MEMBERS ITEMS/REPORTS

LPA Member Boan wished to clarify that his "no" vote on the second to last special exception was based on designating 2.5 acres without knowing how this would be incorporated into the plan. Chair Cereceda asked if there was a way to amend requirements, especially for commercial applications, on submitting realistic representations of the project. LPA Member Sudduth stated that he is fine with drawings but that three-dimensional models may be too much to ask for, at this time. LPA Member Eckmann remarked on the high costs. LPA Member Dunlap mentioned that it may create inflexibility in some circumstances. Mr. Boan noted that this could be a tool for larger projects but would be burdensome for smaller developments. Mr. Sudduth expressed his desire to not introduce barriers to the process. Mr. Dunlap does not believe that the visual component would create a different decision from the agency.

X. LPA ATTORNEY ITEMS/REPORTS

No items.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

No items.

XII. ITEMS FOR NEXT MONTHS AGENDA

There was confirmation that the LPA will meet on June 16, 2026. LPA Member Boan noted that, if the meeting is not too long, the agency could add a discussion on the definition of a public benefit, which was previously requested by Chair Cereceda. Mr. Green provided his preference for placing this item in August. The Chair stated that she will be absent for that meeting. The staff member said that he can provide documents and previous conversations as a starting point. LPA

Member Dunlap would like to explore the possibility of holding another meeting and recommendation on this matter. He asked to see if a joint meeting with the Council would be warranted.

The Chair noted that she will report back with her findings.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn. The meeting was adjourned at 3:33 p.m.

Minutes adopted as presented, June 16, 2026. Motion by LPA Member Boan and seconded by Vice Chair Plummer. Passed 7-0.



Amy Baker, Town Clerk