



Fort Myers Beach Local Planning Agency

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

Minutes

Friday, May 8, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members Present: Chair Anita Cereceda, LPA Members James Boan, Jim Dunlap, Don Sudduth, Ed Schoonover, and Jane Plummer.
Chair Cereceda noted that LPA Member Eckmann's absence was excused.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

LPA Member Dunlap suggested that there be a continuance until April 12, 2026, for the public hearing items. There was discussion among the Local Planning Agency members about their and LPA Member Eckmann's availability. LPA Member Sudduth stated that, for this meeting, he would need to leave around 1:00 p.m. Mr. Boan said that the amendments have not yet been reviewed by staff and that there were some inconsistencies. He would like additional discussion with the developer on staff input. He requested that the agency does not discourage the members of the public who are attending this hearing and allow them to comment before deciding on a continuance. LPA Member Schoonover noted that he was available for both dates. Town Attorney Stuparich also acknowledged public attendance and stated that continuance must be moved and considered for each item, one by one. LPA Member Dunlap stated that he has checked with staff and the Town Attorney that there would not be any disruptions to the application process if they continued on April 12, 2026. LPA Member Sudduth asked if staff would be ready then. Community Development Planner, Jason Green, asserted that staff should not be a barrier to the agency's decision on when to consider these items. He does not foresee any revisions or updates to the staff report, as he believes that it would not be a good use of town resources to rush and provide these numbers. Town staff will be available to answer questions and provide necessary information during the meeting. Town Attorney Stuparich noted that they may wish to ask for input from the applicant. Mr. Wilson voiced his support for a continuance and his wish for full

attendance of the agency, given the importance of this project. There was additional discussions on availability. There was general agreement that any continuances would be considered later in the meeting and would not impact the agenda as presented.

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

V. APPROVAL OF MINUTES

A. Local Planning Agency - April 14, 2026

Mr. Dunlap moved to approve the minutes of April 14, 2026, seconded by Mr. Boan.

The motion carried unanimously and without any objections.

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chair Cereceda asked for any public comment on non-agenda items.

Tom Brady expressed his concern for the optics and believed that LPA Member Eckmann's attendance cannot be confirmed without a violation of Florida Sunshine Law. He added that some members of the public flew in for the purpose of this meeting.

Chair Cereceda noted that Mr. Dunlap was referring to Mr. Eckmann's statements in a previously recorded meeting of the Local Planning Agency.

Dave O'Brian asked the Chair if he would be able to comment on the legislative aspect as part of the regular agenda, even though it's not a quasi-judicial hearing. She responded affirmatively. He also confirmed with her that a public notice was not sent out due to this being a continuance and that members can speak to the matter today or submit items to be part of the record. Mr. O'Brian, who was concerned about due process, commented that the e-mail address in the original public notice was invalid. Chair Cereceda stated that this has since been corrected. Cameron Post, a property owner, indicated that he flew in today to hear the presentation and public comment. He said that he would be disappointed if he missed some of these discussions. He believes that, especially with a quorum present, there is no reason to delay.

Council Member, Rebecca Link, expressed that she would ideally like to see full attendance. She noted that the rules for quorum exist for a reason and that there are no guarantees. She asked that the agency respect the time that everyone had put in to attend this meeting. She emphasized that the body must comply with procedures and not engage in a strategic process.

VII. PUBLIC HEARINGS

Town Attorney Stuparich indicated that the agency would need to open the public hearing for each item and that the body would then have discretion on how to proceed from there. She recognized that there is more flexibility on the first two items, as they are legislative in nature. Public comment and input from the applicant can be received before any motions for continuance are made. LPA

Member Sudduth noted his preference for allowing the public to speak. Mr. Yovanovich noted that the applicant would like to hold off from presenting until a full complement of the members is present. LPA Member Sudduth remarked that they can confirm with LPA Member Eckmann of his availability on April 12, 2026, but that there are no guarantees. LPA Member Plummer noted that the items can be considered, so long as there is a quorum. The absence of one member would not prevent the agency from making a decision. Chair Cereceda outlined the process for the public hearing items and requested that the applicant notify the agency when they wish for a continuance. Mr. Yovanovich stated that they would like a continuance on all items. Town Attorney Stuparich reiterated that the public hearing should be opened for each item and continuance should be addressed separately for each matter.

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

COMPREHENSIVE PLAN TEXT AMENDMENT (LEGISLATIVE)

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

PUBLIC COMMENT

Chair Cereceda read the title of the ordinance. She confirmed with the applicant that there will not be a presentation. Green from Community Development did not have any remarks.

Chair Cereceda provided a brief overview of the process to speak and noted the importance of the comprehensive plan amendment. She swore in all who wished to testify. Town Attorney Stuparich stated that this was not necessary for the legislative items but would have been needed for the quasi-judicial hearings.

Public Comment:

David Nusbaum voiced his support for the project. He stated that, if time is considered to be a merciless thief, hurricanes would be its accomplice. He noted the loss to the community that was caused by these storms. The town has spent time on its restoration, and he recognized that it was fortunate that the town opened back up so quickly. He encouraged those who claim that the south end of the island is booming to drive down to the area, from here to the new bridge, and view the empty lots and chain link fencing. He announced that one of the two establishments serving alcohol at Santini had closed.

There was a notice that one of the other major projects is looking to either obtain another investor or sell the property. He asserted that the properties in this area are suffering because of the lack of bars, restaurants, and people. Mr. Nusbaum said that he has sent in letters on this subject. He added that many places have not shown any signs of action, despite having approval for

development. He pointed to the need for commitment to move forward. He requested that the agency expedite this matter, for the sake of recovery for the south end of the island.

Marsha O'Brian, a full-time resident who lives next door to the proposed project, stated that she purchased her condominium with the expectation that the adjoining property would comply with the comprehensive plan and the Land Development Code. She voiced her opposition to the development. She believed that the value of her property would decrease due to the noise generated from the tiki bar, which would be 50 feet from their pool. There would also be sound from the outdoor restaurants and pools. She asserted that she would not be able to enjoy the use of her balcony. The lighting of the adjoining property would also disrupt their ability to stargaze. She additionally expressed her concerns about the smell and the disruptions to the sightline, views and privacy. Her second reason for opposition was increased vehicle and golf car traffic in the area. She is against the proposed seawall due to the unknown and potential damage to their property. She also voiced her opposition to the tiki bar being fifty feet from their pool. She noted that many of the residents of her condominium have grandchildren, who should not be subject to loud music or adult language. Her final reason revolved around the increase in trespassers. She asked the agency to vote against this proposal and to not recommend the item to Council.

David O'Brian asked if there was already a continuance and if there are opportunities to speak in the future. Chair Cereceda noted that the applicant will be requesting that it be continued. All comments, in this and previous meetings, will be part of the record. He confirmed with the Chair that all items submitted are received and read. Mr. O'Brian chose not to speak at this time. Cameron Post expressed his appreciation of this forum and the opportunity to speak. He noted that he and his wife own a property near the proposed development. He is concerned about the scale of the project. He stated his wishes to learn more about the process, town, and community, and to provide time to see if there can be a reasonable middle ground. He asserted that there were no meaningful changes since the previous meeting, stating that there has not been a substantial reduction in density. He believed that most of the revision revolved around redistribution. He worries about the proposal's cumulative impact on traffic, flooding, infrastructure, and overall compatibility. He is supportive of investment and redevelopment but emphasized the importance of sustainability in the long term. He commented that there should be a path within the existing framework.

Carol Stire, a full-time resident, provided that London Bay distributed letters in support of the development. The company had distributed these at a previous town hall meeting and asked participants to fill them out. During that meeting, she noted that London Bay required that a certain number of units be sold before construction begins. She pointed to the lengthy process for pre-sale. She noted that, during the town hall session, the firm noted that it would be a minimum of five years for completion and that they would employ 300 individuals. She asserted that other developments would have already

occurred by the time this project is finished. She also questioned how these positions would be filled during peak season. She mentioned other alternative solutions and stated that, as development continues, less residents will stay or be able to afford to live in the area. She referred to the situation in Sanibel and the challenges it has in supporting its current infrastructure. She stated that small deviations are allowed to the comprehensive plan, but not significant ones. She believes that London Bay should have a back-up plan and that residents should not be responsible for securing their return on investment.

Lori Webster provided a historical overview of the incorporation of the town and its intention against overdevelopment. She believes that this proposal is not responsible development and has so much deviation from the existing framework that there needed to be a proposed rewriting of the comprehensive plan. She pointed to the lengthy timeline. She noted the existing public benefits and that the ones proposed are for the company, not for the residents. She asserted that the applicants had to reinvent the computation methods. She argues that the tiki bar will not be built and is solely used to garner support. She said that she was never invited to a public forum and that the ones that were held were small and exclusive. She concluded by providing the number of currently available condominium units and asking why any more would be needed.

Lisa Wiseman, a full-time owner, noted that she was present for two of London Bay's presentations, read the plan and information available on the company's website, and reviewed social media conversations on this matter. She voiced her support and asked that the agency consider the facts, not the emotions. She requested that the body make a decision that is aligned with the present and future of this community.

Tod Capella, also a full-time resident, provided he attended both presentations. He asserted that the proposal does not have any features that the town would need. He remarked that the tiki bar will not occur and will not be approved by FEMA or the state. He wishes for the agency to focus on the facts and said that this agency and Town Council are responsible for preventing this development from happening. He believes that this proposal calls for a rewriting of the comprehensive plan. He reiterated that the majority does not want this.

Beth Burwinkle stands before the agency to provide her view of opposition to the project, as it currently exists. She disputed the developer's statement that this property is within a high-rise section of Fort Myers Beach. She views the proposed heights as an insult to the project's neighbors. She stated that she had provided a comparable land use analysis to the town that she believes gives a real outline of land costs and project feasibility. She argued that the company's return on investment is not the responsibility of the residents and should not be considered as a valid reason. She likened the proposal to a blank check. She noted that London Bay knew the comprehensive plan and state law when the company bought the property. She requested that the agency make them comply with the existing framework and calculate the

FAR value properly.

Ellie Bunting requested that the body vote against this matter. She asserts that this proposal is against the comprehensive plan, which was designed against overdevelopment. She noted the consequences of growth in the 1970s and 1980s. Ms. Bunting referred to the town's vision, one that respected the limitations of a small barrier island and prioritized resilience, safety, and quality of life. She pointed to the unique characteristics of the island, mentioning that there is no need to sacrifice the comprehensive plan for projects like this. She remarked that the tax base is already secure and asked for the agency to vote "no."

Maureen Mahoney, an owner of a condominium next to the property, stated that she has been part of this community for a long time. She provided four concerns. Her first was density. She asserted that this island would not be able to support the infrastructure. Her second issue was ostentation. She believed that the restaurants the property provides would not be what the community is looking for. Her third item was the neighborhood. She emphasized the importance of quietness in this area of the island. Her last concern is about traffic. She noted the hectic nature during peak season. She remarked that the list she provided spells out the acronym "DON[']T," which she hopes will help the agency remember her request to not vote for these changes.

Karen L.J., also an owner of a condominium near the project, provided a brief history of the town of Fort Myers Beach, its incorporation, and its intent against situations like these. She noted that the company purchased the property with the knowledge of the building restrictions. She listed the negative impacts caused by rapid population growth, including severe traffic congestion during peak season and a strain on community resources. She highlighted the availability on existing, unoccupied homes and units. She referred to the last meeting and the discussion on higher tax bases. She is against comparing the heights between the proposal and Pointe Estero, the latter of which was built before the current building restrictions. Residents will have to suffer the consequences of increased density on this barrier island. She also brought up the fact that they are mandated to accommodate for the beloved sea turtles and bird nesting. It is her opinion that London Bay's proposal will further limit residents with parking and traffic problems. The scenic views, which she had thought were guaranteed when her family purchased their property in the 1980s, would also be lost. She said that the amenities the project offers would most likely be reserved for their residents and guests, leaving little opportunity for locals. She voiced her opposition.

Ellen Vaughn, a resident on Estero Boulevard, referred to this area as the suburban area of the island. She wished to direct her comments to the representatives of London Bay. She is not opposed to building a 15-story building, but she is concerned about the height. She understands that high ceilings are desired. She compared this project to when TPI came forward with what eventually became Margaritaville. There was a lengthy process in that case, with multiple listening sessions and changes to the design. An

organization was actually created for this matter, in support of TPI. They went neighbor to neighbor and had petitions printed, with costs coming from their own pockets. The group also submitted these to the Town Council. She mentioned the lengthy Council meetings and the overflow areas for attendees. She highlighted the support for Margaritaville and acknowledged the property's positive impact on the town. She believes that London Bay now has the opportunity to make a similar contribution.

Tom Brady, a full-time resident and associated with Protect FMB, stated that the applicant is asking the town for extraordinary concessions, including amendments to the plan that he believes are essentially spot zoning. He remarked that, at the last meeting, he requested that the applicant not discuss the economic advantages in their presentation, which they still did. He believes that this was misinformation. He asserted that the developer stated that these facts were undisputable but then went silent when challenged. Mr. Brady argued that this alone should give the Town Council hesitation. He does not believe there should be so much attention awarded to this case. He acknowledged the amount of time staff has spent on this issue but commented that they should shift to other items that deserve more focus. It is his belief that the public deserves permanent, enforceable concessions for the benefit of a majority of the residents. He cited the voices of opposition from the neighbors, who he said should carry more weight than those who will not suffer the daily impacts. He urged the agency to reject the proposal and require compliance with the existing comprehensive plan and Land Development Code.

Nancy Walker, also a full-time resident, requested the body to consider the facts. She noted the Local Planning Agency's duty to uphold the comprehensive plan, which should not be changed based on the wishes of one entity. She noted the developer's request for deviations. She believes that it is time to recognize that the Outrigger is not coming back. She has little interest in the tiki bar. She mentioned the limited public benefits and provided that Santini may be finished by the time this project is completed. It is of her belief that London Bay will create their own private beach club, which will not be for the local residents. She requested that the body face the facts and let the company build something, but not what is currently presented.

Walter Pilkens provided that the area contained low density housing, no more than four families an acre. He attended the first meeting at DiamondHead Beach Resort, and his first impression was that the project would be similar to Margaritaville. However, the company then discussed the big condominium tower. He is starting to believe that this was the plan all along.

Steve Johnson, a resident, expressed his concerns about the discussions on attendance and votes. He noted that it was not even six months ago that there was a historical recall, which was caused by overdevelopment. He asserted that this project was too large in scale. He had originally thought that there was a covenant that would protect homeowners with their investments. He believed this development would be the complete opposite of that. It was his opinion that this project was absurd and that it should be

rejected. While recognizing the need for development, he said that this current scale is not appropriate for this area. He emphasized the importance of preventing special interests from running this island. He referred to the recent fish kills and the strain on the stormwater system.

Cindy Johnson, who is also a resident, voiced her opposition. She remarked that the amendment should not cause detriment to the surrounding properties. She cited Gulfside Twelve, which does not have high density, as an example of recent positive development. She listed places where views are promised in perpetuity. She commented that the properties north of London Bay would suffer. She noted that the project will go into the town's storm water system, and those waters will then go into the canals. She pointed to Miami and its similar situation of flooding on low-lying streets. Ms. Johnson asserted that individuals are fleeing due to this. She also mentioned the negative impacts on wildlife, which is a primary motivation for tourism for this area. She urged the agency not to vote for this amendment.

Barbara Hill, who lives in Fort Myers Beach, voiced her position of opposition. She noted that she and her family have lived here for over 70 years. She reported on the recent positive developments to the island. She believes that this project is not a smart development. It is of her opinion that this is not in keeping with the comprehensive plan. She said that it was too dense, which she provided should be sufficient justification to prevent it from moving forward. She asked the agency to vote no.

Dave O'Brian asked if he could speak at this time, noting that he previously only asked questions. Chair Cereceda asked for any objections to allowing him to speak. There were none. He asserts that all owners of Gulfside Twelve are opposed, despite only a few being present here today. He said that London Bay never contacted them directly for their input. He stressed the importance of getting feedback from the nearby residents. He commented that the developer is presenting a plan that it expects the Town Council and Local Planning Agency to adjust until there's enough votes for approval. He called this process arbitrary and believed that there was never a goal to follow the comprehensive plan or make efforts to minimize the number of variances needed. He compared the costs of Gulfside Twelve, a nearby parcel, and the Outrigger property, arguing that these values show the plausibility of lower building heights. It is his belief that the proposed maximum height requirement is arbitrary and that the goal should be the lowest economically feasible height. He expressed his opinion that there is a lot that can be done to further comply with the comprehensive plan.

Public comment closed.

Chair Cereceda asked Mr. Yovanovich if he would like to report the submitted changes. After Town Attorney Stuparich informed him that everything in today's meeting would be part of the ultimately compiled record, he requested a continuance and noted that he will report on the changes at that later time. LPA Member Sudduth recommended that the applicants present the different scenarios that the company reviewed so that everyone can have a better understanding of what the various options would look like. Mr.

Yovanovich stated that they could present that on April 12, 2026, and agreed that this would be helpful for the process. They will report on the changes and the by-right options then. LPA Member Dunlap suggested that they explore opportunities under Florida's Live Local Act. Mr. Yovanovich said that they would be prepared to show all options that they believe are legally available to them, if not approved.

LPA Member Dunlap moved for a continuance of this hearing to a date certain of May 12, 2026, at 9:00 a.m., seconded by LPA Member Schoonover.

The motion carried 4-2, with LPA Member Plummer and Chair Cereceda dissenting.

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

FUTURE LAND USE MAP AMENDMENT (LEGISLATIVE)

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

PUBLIC COMMENT

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich asked Mr. Yovanovich if the applicant is still requesting that the testimony from the prior matter be incorporated by reference. He responded affirmatively. The Town Attorney explained that this would mean that the public's comments will be duplicated for this particular legislative item, as applicable. There is, thus, no need to testify again, though the opportunity is available. Mr. Green from Community Development and Mr. Yovanovich both did not have remarks.

Ellen Vaughn emphasized the importance of a property's footprint. She noted that the 12-story building she lives in had several view corridors and a large amount of green space. That property has a relatively small footprint. She recommended that the proposal provide corridors and green space, which she believes will help to garner more support.

Public comment closed.

LPA Member Dunlap moved for a continuance of this hearing to a date certain of May 12, 2026, at 9:00 a.m., seconded by LPA Member Schoonover.

The motion carried 4-2, with LPA Member Plummer and Chair Cereceda dissenting.

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

REZONING REQUEST (QUASI-JUDICIAL)

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

PUBLIC COMMENT

Chair Cereceda read the title of the ordinance. Town Attorney Stuparich explained that this is a continued quasi-judicial item and that it is not necessary for her to explain the process, as this was done in the previous meeting. She confirmed with Town Clerk Baker that notice was properly provided. No conflicts were disclosed. LPA Member Dunlap provided that he attended the original London Bay proposal at the company's sales center. He was also present at the presentation at the same location for the most recent proposal, before the changes. Mr. Dunlap additionally attended a community meeting on the south end of the island where the entire proposal was presented to several members of the neighborhood, along with the opening session of the development the business had on Estero. He got a chance to speak with employees and potential residents on the promises made and kept, as well as the anticipation of the full proposal, including amenities that they represented to the community that would be built. Mr. Sudduth disclosed that he met with Mr. Wilson and his team several times in-person and once or twice virtually. These date back to when the original proposal, which has been pulled. LPA Member Plummer stated that she went to one presentation when the plan first went out. Mr. Boan went to the original proposal six or eight months ago at DiamondHead Beach Resort. He received numerous e-mail communications from residents, both for and against the project. Mr. Schoonover attended two meetings with London Bay, one in-person and one via Zoom, and noted that he received a large volume of e-mails. He has had conversations with multiple people, both supporting and opposing the matter. LPA Member Sudduth asked Town Attorney Stuparich if e-mail communications are considered to be exparte. She responded that they are and that any type of communication, text, e-mail, in-person, that transpires outside of today's hearing would fall under the definition, for purposes of fairness and transparency. LPA Member Sudduth added that that he also received numerous e-mails and has had several conversations with residents, visitors, and his family. LPA Member

Dunlap stated that he has similar communications and wished to confirm that all e-mail messages received through Town Clerk Amy Baker are part of the public record. Chair Cereceda responded affirmatively. Town Attorney Stuparich also stated that they would be in the record and that the Town Clerk has put in a lot of time and effort to ensure that it was complete. LPA Member Plummer also amended her disclosures to include similar communications as LPA Member Dunlap and LPA Member Sudduth. Chair Cereceda met with Mr. Wilson via Zoom, received several e-mails, and spoken with an enormous amount of people. She listed some individuals who have had an impact on her thoughts: Pat Vanness, Tom Torgerson, Rebecca Link, Scott Safford, Bill Veach, and Jesse Titus.

She spoke again with Mr. Wilson in the fall. Another individual was present at this meeting. The conversation was general in nature with a 30,000-foot view of not only the project, but also the environment on Fort Myers Beach. Mr. Wilson called her around two weeks ago and asked her if she believed the height requirement was settled. Chair Cereceda referred him to Mr. Sudduth. He then asked her about the FAR value, which she declined to discuss.

Mr. Yovanovich requested that the same comments are brought forward to this hearing so that individuals did not have to repeat their speeches. He noted that he will also be doing this for the upcoming items. Mr. Green from Community Development and Mr. Yovanovich both declined to make remarks.

Public comment:

Tom Brady commended Chair Cereceda on her explanation during the disclosure of ex parte communications. He stated that the developer presented 15 pages of economic information, which they deemed to be undeniable. He disputed what was included in the numbers, such as the school, library, and fire department. He commented that these claims were not based on the incremental impact. He also challenged the amounts provided for impact fees, matching costs, construction wages, and ongoing wages. In terms of public benefits, he said that beach access already exists. He mentioned that the beach bar is not approved and that there's no commitment for the wave mitigation wall. Mr. Brady brought up that there was no legal document ensuring the water taxis would not enter the canal and that the park resembles more of a walkway. He highlighted the high costs of the restaurant.

Public comment closed.

LPA Member Dunlap moved for a continuance of this hearing to a date certain of May 12, 2026, at 9:00 a.m., seconded by LPA Member Schoonover.

The motion carried 4-2, with LPA Member Plummer and Chair Cereceda dissenting.

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

SPECIAL EXCEPTION - CONSTRUCTION IN EC (QUASI-JUDICIAL)

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

PUBLIC COMMENT

Chair Cereceda read the title of the resolution. Town Attorney Stuparich noted that the developer was the same and that there were no disclosures in the previous item. She asked for any ex-parte communications related to the special exception. There were no disclosures. Chair Cereceda commented that there were numerous discussions on whether this would be permitted, as opposed to whether it should be permitted. Jason Greene from Community Development did not have any remarks. Mr. Yovanovich declined to speak but did request that the record of all prior conversations and testimony from the public be carried forward.

Public comment:

After confirming the currently pending item, Nancy Walker, a full-time resident, noted that a tiki bar is not necessary if this development was approved.

Cindy Johnson noted that items were previously approved in the EC zone. She highlighted that this was new construction and emphasized the need to protect the environmentally critical area. She stated that they do not know what will happen in the future in terms of weather and legislative actions to protect the island. She believes that nothing else should be approved in the EC zone.

Dave O'Brian, of GulfSide Twelve, asserted that the original location of the tiki bar was placed more centrally within the property, almost entirely behind the 1978 Coastal Construction Line. He stated that the variance and special exceptions request that it be reconstructed on an accessory building location on the south border of the property and seaward of that line. The bar would be within 50 feet of GulfSide Twelve, and there would be no noise buffers. He said that this would adversely affect residents and create numerous calls to town and the police for noise reduction. He recommended that the developers go back to the original location. He believes that the variance and special exceptions should not be approved, as there is no hardship for London Bay to place it there. He presumed that the company moved to an accessory building location so that a larger tiki bar can be built. He stressed that this is one of the biggest items of opposition from GulfSide Twelve, along with the next two pending items.

Steve Johnson noted the purpose of the environmentally critical zone. He argued that development in this area would be pure encroachment and disrupt

the beach, which is the town's and the community's valuable asset. Mr. Johnson stated that this should not be allowed. He referred to a prior attempt in that area: a boardwalk that was destroyed, with debris being thrown onto nearby homes. He commented that this should not happen in the future and that the wildlife needs a place to live. He urged the agency to vote no on any development in the environmentally critical zone.

David Nusbaum said that the complex that he lives in has come before this body twice to develop in the environmentally critical zone. They proposed to build a retaining wall, which later survived hurricanes, tropical storms, and a tsunami, and they also submitted approval for construction of a tiki bar. He noted that the second case was a replacement. He provided that this section of the beach has a 300-yard sand beach to the mean-high water mark. He agreed with prior remarks that there may be benefits to placing the tiki bar in a more central location but said that preventing any building, including a replacement of what had previously existed, is a disservice to the community. He believed that there was a difference between building what was there and constructing a new structure.

Public comment closed.

LPA Member Dunlap moved for a continuance of this hearing to a date certain of May 12, 2026, at 9:00 a.m., seconded by LPA Member Schoonover.

The motion carried 4-2, with LPA Member Plummer and Chair Cereceda dissenting.

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

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

PUBLIC COMMENT

Chair Cereceda read the title of the resolution. Town Attorney Stuparich noted that there are no disclosures for conflicts. She asked for additional ex parte communications regarding this specific special exception. No disclosures were made. The Town Attorney also referred to the previous request to incorporate the prior record by reference. Jason Green from Community Development and Mr. Yovanovich both declined to speak.

Public Comment:

Dave O'Brian voiced his opposition to expanding alcohol service into the environmentally critical zone. He listed some of the potential negative impacts: damage to dunes and vegetation, increased litter, and disruption to wildlife. He noted that GulfSide Twelve residents had already experienced the adverse effects when the beach access path opened. He commented that opening up the area to alcohol consumption would make the situation worse. He expressed his view that the beach should be safe, clean and alcohol-free. He presumed that the reason for this item is so that the developers can extend service from the tiki bar or to the cabanas. He concluded by saying that it would not make sense to allow a carve-out for one area of the beach.

Cindy Johnson, a resident, had measured the turtles and how far they were from the buildings and the water. She noted that there would never be a stationary amount of sand. She provided that this particular area was fortunate that it did not experience the worst impacts of Hurricane Ian. She said that the Outrigger property took sand, while some other properties did not. The area had flooded last year. She believed that the state would not give as much funding for sand in the future, especially if there are seawalls and no dune system. She wishes that the agency would consider what would happen to this area and who would be putting in the additional sand.

Referring to statements by J.R. Evans and FGCU, she emphasized the importance of a multiple dune system in protecting upland properties. She noted the current governor's actions and how this may stop the state from coming back and replacing the sand. She acknowledged that this was more complicated than simply placing a tiki bar on the beach.

Nancy Walker, referring to Cindy Johnson's previous remarks, believed that there is a successful legal challenge. She noted that raking is allowed.

David Nusbaum stated that he has owned his property Island Winds since it was incorporated in 1972. The deed stated that they can go to the mean-high water mark line on both sides of the property. He has letters from two different coastal engineers stating that his property has experienced accretion. Mr. Nusbaum also received a similar communication from FDEP. They have gained sand throughout all of the hurricanes. He stated that this was the basis for the rationale for his comments. He clarified that he believed that they should be able to rebuild what was originally there and that he did not make any remarks on whether the property should serve alcohol. He remarked that the Outrigger property is most likely not going to sell alcohol out on the beach and is trying to reclaim their right to sell such beverages where the original tiki bar was.

Cameron Post addressed the expansion on consumption of premises and noted that this was a family area.

Lori Webster stated that this is not a build back. The current developers were not owners when the tiki bar existed. She also noted the different location.

Marsha O'Brian provided that it is illegal to consume alcohol on the beach and commented that this exception should also be illegal.

Public comment closed.

LPA Member Dunlap moved for a continuance of this hearing to a date certain of May 12, 2026, at 9:00 a.m., seconded by LPA Member Schoonover. The motion carried 4-2, with LPA Member Plummer and Chair Cereceda dissenting.

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

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

PUBLIC COMMENT

Chair Cereceda read the title of the resolution. She asked for any further disclosures for ex parte communications and conflicts. The Chair noted that she did have several people ask about the historical location of the tiki bar. Jason Green explained that the title comes from the applicant's description and agreed that there may be some debate on the accuracy of the terminology. He did not have any other remarks. Mr. Yovanovich, after confirming with Town Attorney Stuparich, requested that all the public comment made be part of this hearing.

Public comment:

Ellen Vaughn stressed the need for a smaller footprint. She urged for green spaces and a smaller footprint.

Dave O'Brian voiced his opposition to this variance for the same reasons as the special exception. He believes that the wording for the historical location is not accurate. He presumed that the new beach access, which would abut the existing one, is intended to funnel the public through the tiki bar. He expressed his opinion that this would not be in the public's interest. He also pointed out that there is an active osprey nesting site on the south side of the property, which is apparently marked to be cut down for this planned path. He noted the importance in protecting this habitat.

Janet Gottlieb was sworn in, as she was not present for that earlier portion of the meeting. She noted that when her parents sold their property, the sellers wanted a variance of about 20 feet from the beach access. They wanted to expand the structure to the entire lot with an elevated pool. Their request was

denied due to view corridors being sacrosanct. She believes that this should apply in this case and that there is no necessary reason to encroach on the edges of the property. She expressed her view that there needed to be maintenance of the actual standards in the Land Development Code and in all planning documents for Fort Myers Beach. She stated that she was in opposition.

Public comment closed.

LPA Member Dunlap moved for a continuance of this hearing to a date certain of May 12, 2026, at 9:00 a.m., seconded by LPA Member Schoonover.

The motion carried 4-2, with LPA Member Plummer and Chair Cereceda dissenting.

Chair Cereceda provided a reminder that all items will be continued to May 12, 2026, and that all comments made today or previously will be part of the record. All remarks, as well as e-mail messages, are preserved.

VIII. ADMINISTRATIVE AGENDA

LPA Member Boan suggested that the continued items be heard after the regularly scheduled items. Chair Cereceda requested that Town Clerk Amy Baker highlight the proposed changes on pages 154 through 160 and on page 56.

IX. LPA MEMBERS ITEMS/REPORTS

No items.

X. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Nancy Stuparich thanked the agency for their patience and noted that there was a lot of work done to ensure that the record was complete. LPA Member Dunlap expressed his appreciation for the Town Attorney.

XI. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Jason Green of Community Development reported that he and Senior Planner Jason Smalley have a request for a date change. He noted that both staff members would not be present on June 9, 2026. Chair Cereceda noted the possibility of rescheduling the meeting for June 16, 2026. She asked Town Attorney Stuparich, Town Clerk Baker, and the members of the Local Planning Agency for their availability. Jason Green suspected that the agenda would be longer than average. LPA Member Sudduth noted that he may be remote. Town Attorney Stuparich noted that she would be available. There were no objections to rescheduling to June 16, 2026.

Jason Green noted that staff will try to confine all proposed changes from the applicant to one location.

XII. ITEMS FOR NEXT MONTHS AGENDA

No items.

XIII. ADJOURNMENT

LPA Member Dunlap moved to adjourn the meeting. The meeting was adjourned, without objections, at 11:31 a.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