South Seas expansion survives court challenge



South Seas officially opened Captiva Landing, its new 2.5-acre aqua adventure on Dec. 22, 2025. Captiva Landing is the resort's newest attraction and it features six water slides, a lazy river, cabana areas, food and beverage offerings, an arcade, a kids' nature club and more. The new attraction is available to registered South Seas guests and Club Captiva owners. RICARDO ROLON/USA TODAY NETWORK-FLORIDA

Amy Bennett Williams

Fort Myers News-Press & Naples Daily News USA TODAY NETWORK – FLORIDA

South Seas' controversial plans for expansion have survived another court challenge.

A Lee County circuit judge upheld the county's 2025 approval of 435 hotel rooms and 193 residences at the historic Captiva Island resort, rejecting a challenge by residents, property-owner associations, businesses and others.

Writing in his 52-page Oct. **21** order, Judge James Shenko rejected arguments that the expansion violates protections for the island's historic development pattern while leaving neighboring owners' private property rights unresolved.

The challengers sought what's called a writ of certiorari, asking the court to review and throw out the rezoning approval on grounds including procedural unfairness, violations of law and a lack of competent substantial evidence.

County records also show approval of infrastructure work supporting a 219-room hotel project in three

buildings, including water and sewer connections, parking and drainage.

The South Seas Ownership Group called the court's ruling "another significant step forward" in rebuilding since Hurricane Ian. The decision "affirms the validity of the actions taken by county officials," wrote group president

Greg Spencer in a release, “(and) reinforces the extensive public review process undertaken by Lee County,” Spencer said.

As far as the petitioners are concerned, the battle is far from over.

Their attorneys are reviewing the judge’s decision, said Captiva resident Lisa Riordan, president of the Captiva Civic Association. “The lawyers initially upon review disagree with Judge Shenko,” she said, “and are determining the basis for an appeal.”

Shenko acknowledged the community’s desire to preserve the islands’ character, recalling his own Boy Scout expeditions collecting sea turtle eggs and camping under the lighthouse.

“But that was lovely back when it was a much smaller community,” he wrote, referencing remarks he said he made to scouts who attended oral arguments. Nevertheless, he rejected the notion that Lee County’s comprehensive plan binds the resort to its historic development limits.

The conflicts heated up after 2022’s Hurricane Ian devastated the landmark resort, which occupies about a third of the barrier island.

A month after the storm, Spencer told The News-Press that rebuilding would likely mean “a billion or so in repairs.”

“We took a pretty good hit,” he said. “Almost every building on the property needs a new roof.”

That proposed build-back became a community lightning rod.

While the resort touted “refreshed venues, expanded offerings and a renewed spirit” in a release, neighbors on the island and Sanibel worried increased height and density would ruin the old Florida atmosphere, not to mention the delicate barrier island ecology, while increasing already-congested traffic on the islands’ shared one-way-in, one-way-out road.

Since then, the bitter battle has been fought on multiple fronts, sometimes with as many as half a dozen court cases happening at once.

The fight involves separate challenges to the county’s development rules, its rezoning approval and a 2003 settlement specifying a 912-dwelling unit limit. In May, an appeals court overturned the judgment enforcing that settlement limit and, in a separate decision, an administrative ruling rejecting a challenge to the county’s code change was upheld.

The ruling has limits: It leaves neighboring owners’ private property rights undecided. “Nothing in this ruling determines the existence, scope or enforceability of any private right Petitioners assert,” the judge wrote.

Copyright © 2026 The News-Press 10/30/2026
Use of this site signifies your agreement to the Terms of Service and Privacy Policy.