

1. Discussion Objective:

Work Session Date: December 6, 2010

To obtain additional public comments about the Beach Access Restroom Project, define Council's preferred action and provide staff with direction for placement of the mobile public restroom facilities.

2. Submitter of Information:

- Council
- Town Staff
- Town Attorney

3. Estimated Time for this Item:

1.5 hours with public input

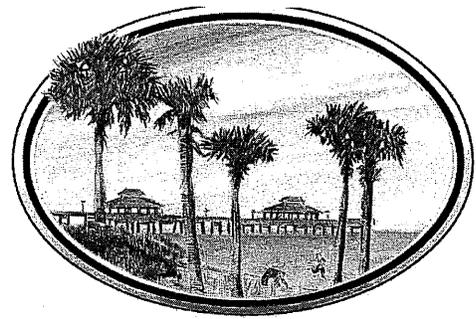
4. Background:

The Town Council initially directed staff to prepare a grant request for TDC funding of mobile restrooms designated for placement at Beach Access locations. The Town was successful with that grant request and received funding approval from TDC for the FY10 funding cycle. That grant is a reimbursement grant that requires the Town to first make the expenditure and then ask for reimbursement. The mobile units were purchased but no reimbursement has been received.

Subsequently, Town Council instructed staff to identify beach accesses conducive to placing the restrooms spaced evenly at approximate 1 mile intervals along the beach. After review of staff's recommended locations Council gave its approval and required staff to notify owners of properties abutting the affected beach accesses. Many of those property owners expressed concerns about placement at the chosen locations. Council received public input at the Town council meeting of 11-15-10 and determined that additional information was needed as well as additional public input and discussion prior to any further action.

Public Works has reevaluated the previously selected locations and has provided additional information regarding the locations in the attached memorandum. The Community Development Department has researched the zoning implications and may need to conduct further plat research (in coordination with the Town Attorney) based on any further direction from Council. As of this writing, a response has not been received from TDC as to their ability to fund the restrooms should Council select alternative sites not on the beach accesses. Staff anticipates an answer to this prior to the work session.

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
			CML			



MEMO

DATE: November 22, 2010

TO: Terry Stewart, Town Manager

FROM: Cathie Lewis, Public Works Director *C Lewis*

SUBJECT: Beach Access Restroom Locations

At the direction of Council resulting from their November 15, 2010, Public Works has reevaluated the placement locations for the 4 restroom units. I have provided this information to Community Development so that an opinion of these locations can be made based on zoning and plat information.

Again in reevaluating the locations, staff looked at the proximity of electric, water and sewer services. Staff also considered accessibility for moving units in and out, right-of-way width, ADA accessibility and parking spaces. Consideration was also given to the direction from Council to locate them at 1 mile intervals along the beach. Attached is a listing of the beach accesses that staff has identified as meeting many or all of the criteria.

A suggestion was made at the November 15, 2010 meeting to consider locating the units off the beach accesses on the bay side of Estero Boulevard. As of this writing I have not received a response from TDC regarding the impact this modification would have on their project funding, but should have something by December 6, 2010. With keeping that suggestion in mind, there are two obvious locations – Town Hall and the parking lot at the Community Pool. Other locations would be located on private property with easements needing to be granted by property owners.

Consideration was also given to the 5 accesses between Lynn Hall Park and Palm Ave. – Canal St., Avenue A, Avenue C, Alva St., and Miramar St. – but the constrained rights-of-way ranging from 14' to 30' make these locations too limiting. All other accesses were eliminated based on the varying evaluation criteria.

Because of the delay with moving forward with this project, I am also asking TDC for a time extension to complete this project.

Attachment

pc: file

Town of Fort Myers Beach
Public Restroom Location Reevaluation
for December 6, 2010 Workshop

Ranking	Access #	Street Name	R-O-W Width	Utility Availability	ADA Accessibility	Distance Between/From	# of Parking Spaces	Comments
1	30	Palm Avenue	50'	Direct Connection to All	Mobi-Mat	6/10 mile from Lynn Hall	19 including ADA	Conducive for locating the larger unit
5	27	Mango Street	30'	Direct Connection to All Some Connection Issues, but not necessary to construct into Estero Blvd.	None: Modification Possible	9/10 mile from Lynn Hall, 3/10 mile from Access #30	5 no ADA	A viewing platform is available with a ramp, very tight location
1	24	Pompano	50'	Some Connection Issues, but not necessary to construct into Estero Blvd.	ADA Dune Walk- over	8/10 mile from Access #30	3 including ADA	Proposed location out of parking area directly adjacent to accessway to beach
1	22	Connecticut	50'	Some Connection Issues, but not necessary to construct into Estero Blvd.	ADA Dune Walk- over	5/10 from Access 24; 1.1 from Access #30; 7/10 from Newton Park	12 including ADA	Proposed location mid parking area, utilizing 1 space directly adjacent to existing vegetation
1	21	Hercules	50'	Direct Connection to All	None - Conversion Possible	9/10 from Access 24; 3/10 from Newton Park	6-8 no ADA	A unit in this location would be best suited close to Estero Blvd. By doing this it is possible that just one parking space will be utilized. A trolley stop with bench is located at the end of this access.
5	20	Coconut	50'	Direct Connection to All	Mobi-Mat	1 from Access 22; 2/10 from Newton Park	10 including ADA	Would require 2 parking spaces Proposed location close to beach utilising 1 parking space, relocating ADA parking spot
1	16	Dakota	50'	Direct Connection to All	Mobi-Mat	6/10 from Newton Park	10 including ADA	A unit placed in this location could be moved to a parallel space closer to Estero Blvd.
2	14	Aberdeen	40'	Direct Connection to All	None - Conversion Possible	4/10 from Access #16	5	Would need to located approximately 10' from a residential structure; 2 parking spaces needed
4	18	Gulf Dr.	40'	Direct Connection to All	At grade for Mobi- Mat	7/10 from Access #16; 1.3 from Newton Park	4 including ADA	Would be located close to Court Street; 2 parking spaces needed
3	11	Flamingo	40'	Direct Connection to All	Mobi-Mat	1 from Access 16; 1.6 from Newton Park	6 including ADA	



Memorandum

To: Terry Stewart, Town Manager

From: Walter Fluegel, Community Development Director

A handwritten signature in black ink, appearing to read 'W. Fluegel', is written over the printed name.

Date: November 24, 2010

Re: Beach Access Restroom Locations

Executive Summary:

DCD Staff has reviewed this issue and would offer the following thoughts on the currently contemplated restroom locations from a zoning perspective:

1. The Zoning Coordinator's Memo (dated October 15, 2010) deemed the proposed temporary restroom facilities to be consistent with the Zoning and Future Land Use at the Connecticut Street location. The rationale in that memo provides a sound basis for deeming the proposed facilities consistent with the Zoning and Future Land Use at other currently contemplated locations (as identified in their December 6 Excel Spreadsheet).
2. Upon further direction from Council, as to the specific locations, DCD Staff in coordination with the Town Attorney will need to research the underlying plats for the prospective locations to ensure that the right-of-way conveyance language affords the Town the appropriate rights of use. Due to the potential legal research costs involved in researching the underlying plats for each location, Staff will coordinate this research upon further direction from Council.

DCD Staff has given some preliminary consideration to Council's potential options, should they decide not to locate the temporary bathroom facilities at the presently contemplated locations and would offer the following thoughts for Council's consideration:

1. Locate the structures in commercial areas, where the facilities could serve more densely populated areas of beach goers.
2. Locate the facilities on existing commercial and/or institutional properties.

Upon direction from Council, Staff can further investigate these alternatives.

Analysis:

Future Land Use and Zoning Consistency:

The Zoning Coordinator's Memo (dated October 15, 2010), in essence, simply concludes that "restrooms" are not a specifically identified principal or accessory use in the Land Development Code or Comprehensive Plan. However, common sense dictates that it is a reasonable and necessary ancillary use to most occupancy related principal uses. For example, we would not deny a restaurant or single-family residence the right to have a restroom facility because the code does not identify it as a permitted or accessory use to a restaurant or home.

November 22, 2010

To: Terry Stewart, Town Manager

From: Harry Gottlieb, 50 Aberdeen Avenue

Subject: Beach Access Restrooms

TOWN OF
FORT MYERS BEACH

NOV 22 2010

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Following are possible negatives that should be considered concerning screened restrooms in residential beach accesses:

Cost of proper maintenance

Disease

Drug dealing

Graffiti

Odors

Parking space losses

Property value loss

Safety for women and children

Sexual activity

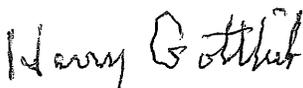
Vagrants

Vandalism

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COUNCIL MEMBERS
TOWN ATTORNEY
TOWN MANAGER
TOWN CLERK**

Please also consider my previous memos dated October 6 and November 15 dealing with this subject in general, and with the Aberdeen beach access in particular.

Thank you for your attention.


HARRY GOTTLIEB

11/22/10 TOWN OF
FORT MYERS BEACH

Portable Restroom Facilities on Residential Streets in Fort Myers Beach

To: Terry Stewart, Town Manager

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This project should be carefully evaluated and studied BEFORE any further action is taken.

Among others, I suggest these as questions that should be asked.

1. Is there a need for toilets on the beach in the first place?
 - a. If yes, where should they be located?
 - b. Permanent or portable structures?
2. How do you tackle these questions? With a study?
3. If so, who designs and carries out such a study?
4. Do you research other beaches similar to ours to learn what they have done? (St. Petersburg Beach, Sarasota Beaches are two possible sites to investigate.) Do they have public toilets? If not, why not? If yes, where are they located? How satisfactory are they? How much maintenance and security is needed? Cost?

This is a preliminary approach to assembling the kind of information you need in order to make an informed, intelligent, and practical decision.

My suggestion: See whether there is FGCU faculty that would take this on as a for-credit project for students. It would offer a valuable opportunity for students in Government Affairs, Environment, Social Sciences, and Law to put into practice theories of survey design and research techniques. They would get a real-life problem to grapple with: how to assemble data and to present the fullest factual and impartial picture of whether it is possible to install public toilet facilities in residential areas without compromising the integrity and environment of these residential areas, and if so, how and where they should be placed.

Respectfully Submitted,

Jean S. Gottlieb
50 Aberdeen Avenue

