

## Comprehensive Plan

### **Pedestrian Commercial Future Land Use = TPI-FMB Property**

- extends from approximately Lynn Hall Memorial Park to Diamond Head adjacent to Estero Boulevard south of Crescent.
- Small land area surrounding FishTale Marina at the south end of the island is also Pedestrian Commercial FLU – TPI-FMB will only focus on the “north end”
- Only Future Land Use Category that permits hotels **and** motels by right. Remaining categories require a planned development or limit development to motels or restrict commercial development completely.

### **Land-Use Types**

- Policy 4-B-12 defines Commercial Uses
  - Includes Hotels/Motels/Resorts
- Policy 4-C-2 defines Commercial Intensity
  - “encourage more intense commercial uses only in the Pedestrian Commercial category”
- Policy 4-C-3 defines Commercial Locations
  - “Where new or expanded commercial uses are encouraged, as in the Pedestrian Commercial category, **the Land Development Code shall specify its permitted form and extent** and provide a streamlined approval process. Landowners may also use the **Planned Development rezoning process to seek approval of other forms of commercial** development in that category.
- Policy 4-C-6 defines Motel Densities

*The Land Development Code shall specify equivalency factors between guest units (which include motel rooms) and full dwelling units. These factors may vary based on size of guest unit and on land use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard/Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternative method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (which the ground level counted as the first story)*

  - The entire Policy above must be read together to determine which element appropriately applies to the subject property.

- The first sentence: “The Land Development Code shall specify equivalency factors between guest units (which include motel rooms) and full dwelling units.”
  - Indicates that the Land Development Code is the location for the equivalency factors.
- The second sentence: “These factors may vary based on size of guest unit and on land use categories on the Future Land Use Map.”
  - Describes how the equivalency factors may be implemented.
  - Implementation would continue to be through the LDC as described in the first sentence
- The third sentence: “They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.)”
  - Again, describes how the equivalency factors may be implemented.
  - Implementation continues to be through the LDC as described in the first sentence.
- The fourth sentence: “In order to implement the 1999 Old San Carlos Boulevard/Crescent Street Master Plan that encourages mixed use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using equivalency factors that apply everywhere else in the town.”
  - This describes an exception to the above sentences **offered by the Comprehensive plan** for properties meeting specific criteria.
- **The TPI-FMB proposed deviation DOES NOT utilize this exception**
- Rather, as suggested by the first sentence, the proposed deviation relies upon the Land Development Code
- When citing 4-C-6 of the Comprehensive Plan **IT MUST BE** followed up by a discussion of **LDC Section 34-1803(2)**
- LDC Section 34-1803(2)
 

*Guest Units exceeding these equivalency factors or exceeding 1,000 square feet each may be allowed under exceptional circumstances as described in the comprehensive plan if approved as a deviation through a planned development rezoning. Before such a deviation, the town council must find that:*

  - a. All other aspects of the development (height, traffic, intensity of use, etc.) are compatible with the surrounding area.*
  - b. The proposal clearly exceeds the standards of the Fort Myers Beach Comprehensive Plan; and*
  - c. In no case can equivalency factor increases exceed the maximum intensities allowed by the Fort Myers Beach Comprehensive Plan.*
  - d. This Section identifies the flexibility of the LDC and Comp Plan for consideration and approval of the TPI-FMB requested Deviation #1 without any need for an Amendment.*
- Again, the entire Item above must be read together to determine which element appropriately applies to the subject property.

- First sentence “Guest Units exceeding these equivalency factors or exceeding 1,000 square feet each may be allowed under exceptional circumstances as described in the comprehensive plan if approved as a deviation through a planned development rezoning.”
  - Describes that Guest Units **can** exceed the equivalency factors under exceptional circumstances
  - Describes that **if** guest units are to exceed the equivalency factors **it must be approved** by a deviation in a Planned Development Rezoning.
  - **It is important to note: TPI-FMB is utilizing the Planned Development Rezoning for this reason. We acknowledge that we exceed the equivalency factors.**
    - **Exceptional circumstances are not defined in the Comprehensive Plan**
    - **The 1999 OLD San Carlos Boulevard is not an exceptional circumstance**
    - **The LDC implements the Comprehensive Plan**
    - **TPI-FMB is using the appropriate mechanism when reading Policy 4-C-6 AND LDC Section 34-1803(2) together**

## Zoning

### Commercial Planned Development

- Enables ALL elements of the proposal to be evaluated and conditioned
  - Unique characteristic of the PD request
  - Not typical of development within the Town since incorporation
  - Provides Staff, LPA and Council more oversight of the final development
- Must request to utilize the regulations of the Downtown Zoning District
- Must request a deviation to utilize Floor Area Ratio
  - Per 34-1803(2) as mentioned above
- Must justify deviation request
  - With our application being the “first” it will set the “bar” every request will have to meet or exceed our bar to achieve the same end result
- Density and Intensity of a Planned Development is **ONLY** determined by Town Council via approval of the PD zoning request
  - LDC Section 34-931(c) outlines this requirement

### TPI-FMB

- Unique location on the island
  - Pedestrian Commercial FLU
  - Downtown Zoning District
  - Together these designations permit the most intense commercial uses on the island

- When the FLU Map and Downtown Zoning District Map are compared, they overlap each other. This was intentional to address the commercial intensity needed to create a “downtown” as desired by the Comprehensive Plan and Land Development Code
- Justifies the requested deviation with numerous public benefits
  - These benefits set the “bar” that all others have to meet or exceed
  - Remember all others are limited in location AND reviewed by Staff, LPA and Council providing ample opportunity for public input on the benefits offered

## Other Hoteliers/Properties

### To achieve the FAR we are requesting

- Must be within the Pedestrian Commercial Future Land Use Category
  - This would exclude Pink Shell & most hotels on the island
- Must submit a Commercial Planned Development
- Must request a Deviation **AND** Justify it
- Must be evaluated by the LPA and Council
- Must demonstrate they meet or exceed TPI-FMB benefits

## Items to note

- This request **IS NOT** a deviation from the Comprehensive Plan
  - There is no such option available for any development
- The application materials clearly demonstrate consistency with the Comprehensive Plan
- The Downtown Zoning District has the highest FAR permitted, every other zoning district is 1.2 or less
  - FAR Max of 1.8 based on location
  - We are consistent with this limitation even though we could go up to 1.4
- Not a precedent with the level of review and public input required by the PD process

## Public Benefits TPI-FMB sets for the bar for comparison to any future Applications

- View Corridors
  - Does not have a negative impact on the view of the Gulf from the top of the Sky Bridge
  - Creates 324’ of direct Gulf view from Estero Blvd. that doesn’t exist today as a result of removing beachside buildings.
  - Concentrates the building intensity on the non-Gulf side of Estero Blvd. on the current Helmerich Plaza property.
  - Relocation of above ground utility lines to below grade, removing visual clutter.
  - The majority of the three-story building bayside of Estero Blvd. is along Crescent St. and Fifth Ave. resulting in a lower profile immediately adjacent to Estero Blvd.
- Creates the opportunity for another LeeTran stop/pick-up

- Creates two public access pedestrian over-passes for pedestrian and bicyclists, one over Estero Blvd. and the other over Fifth Avenue, constructed at the developers cost. Both have stair and elevator access on each side of the streets.
- Creates a Town owned expanded beach access to replace Canal street that is wide enough to accommodate between 24-26 metered car parks for public use, emergency vehicle beach access and pedestrian beach access at the cost of the developer.
- Creates a second public beach access through the middle of the beach side development.
- Enhanced Storm Water Detention for the entire 6 acres which is non-existent today along with the willingness to work with the Town to create additional capacity to help solve some detention issues in the immediate area at the developer's costs.
- Construction of and completion of sidewalks surrounding the development area at the developer's costs. Landscape to include Palm Trees to create Avenue of the Palms effect not otherwise existing.
- Creating many interactive resort amenities accessible to residents, their guests and other resorts guests to include restaurants and bars, retail, aquatic beach club, coffee shop, entertainment, etc.
- Traffic & Safety
  - Eliminates all ingress' and egress' that currently exist along Estero Blvd. which enhances flow of traffic along Estero Blvd.
  - Contains all ingress and egress points to along Crescent Street at the furthest distance from Estero Blvd./Crescent St. intersection and along Fifth Avenue. Pedestrian over passes mitigate traffic conflicts & improves safety
  - Destination Resort use is the least vehicle day trip traffic generator use and generates less vehicle day trips than the current/previous approved uses
  - Resort employees will be compensated for using the LeeTran park and ride facility currently being built at Summerlin and Pine Ridge
- Parking; in addition to meeting the resort parking requirements, excess parking will be available to the public
- Scale of Development; the TPI-FMB project as proposed has a FAR of 1.1 which is almost 30% below that which is allowed of 1.4.
- History, previous uses; Pre-Hurricane Charley all of the TPI-FMB property was actively operating as bars, restaurants, retail shops, hotel, rental cabins, post office, etc. Additionally, at that time on Crescent Beach Family Park and the County owned Seafarer's property were more hotels, bars and restaurants and retail shops. At that time it was an active commercial pedestrian friendly area. The TPI-FMB proposed project would help re-invigorate this area defined in the Town's Comp Plan as the most intense commercial pedestrian friendly area of the Island.