

DAVID PLUMMER & ASSOCIATES, INC.

TRANSPORTATION • CIVIL • STRUCTURAL • ENVIRONMENTAL

Memorandum

To: Tina Ekblad
From: Deven Long
Date: November 10, 2017
RE: **Independent Resort Rezoning Traffic Impact Statement - #16537
Response to Town of Fort Myers Beach Transportation Comments**
cc: John Hafner, Adam Olson, Chris Flagg, Tom Torgerson, Amanda Brock, Russell Schropp, Stephen Leung

DPA is in receipt of Town of Fort Myers Beach Development Review comments for the above referenced Project provided by Tetra Tech (Attachment A) and Spikowski Planning Associates (Attachment B). DPA would like to offer the following response to the review comments.

Tetra Tech Review Comments

- 1. The response provided still does not adequately explain why Land Use 820 would be acceptable for some portions of the site and Land Use 826 would be acceptable for other portions under the various scenarios. Given the average sizes of developments utilized by ITE to develop trip generation rates, Land Use 826 would be more appropriate for the entire retail portion of the pre-demolition and proposed development scenarios.**

Response

For the Pre-Demolition Development, the bayside property was characterized by a traditional shopping plaza that, in the opinion of the applicant, reflects the ITE description of Shopping Center (LUC 820) more appropriately than Specialty Retail (LUC 826). Similarly, the beachside retail uses reflect the ITE description of Specialty Retail (LUC 826) more appropriately than Shopping Center (LUC 820). In addition, using a mix of both land uses avoids the extremes of assuming 100% general retail (high trip generation) or 100% specialty retail (low trip generation).

For the Build Per Code Development, a mix of the two retail uses was considered more appropriate than assuming 100% general retail or 100% specialty retail.

It was agreed during the 9/26/17 meeting with Town Staff and in subsequent email correspondence

that assuming a mix of specialty and general retail uses is appropriate for the Pre-Demolition and Build Per Code Developments.

- 2. There is no dispute that a portion of the visitors to the site would arrive by either foot or bicycle. However, an explanation or basis is still not provided as to how these rates were selected, or why they would be different between the various scenarios, especially since no pass-by reductions are allowed for Land Use 826. Again, to provide a consistent, objective comparison between the various speculative scenarios, consistent methodology should be used for all evaluations. A basis for these rates should also be provided and documented in the report – as they are provided currently, they appear arbitrary by nature.**

Response

Consistent methodology and assumptions were utilized when referencing the combined non-auto and pass-by trip reductions. For the Per-Demolition, Build Per Code, and Proposed Development scenarios, the total combined non-auto and pass-by trip reduction rate was 55% for the overall trip generation during all time periods.

Modifications for trip reduction rates were performed to accommodate the supplemental Existing (Occupied) Development scenario for two reasons.

1. Public beach parking trip generation is 100% vehicular trips by nature and cannot benefit from a non-auto trip reduction.
2. It was necessary to reduce non-auto trip reduction rates for the beachside bar (PM and weekday time periods). A net reduction rate of 55% results in negative trips for this particular land use, which is not appropriate.

- 3. Internal capture calculations should be revised based on modifications to trip generation forecasts and bike\pedestrian reductions discussed above.**

Response

Internal capture calculations have been revised in response to changes in the Build Per Code Development parameters and are included in the revised report dated November 10, 2017. Internal capture calculations are also included for the supplemental Existing (Occupied) Development scenario.

DPA would like to note that the internal capture calculations are performed prior to non-auto trip reductions and, therefore, are an independent calculation.

- 4. Feasible developments should be considered for all development scenarios – otherwise there is no point in performing the comparison, as the results do not provide an objective basis of comparison.**

Response

As agreed during the 9/26/17 meeting with Town Staff, the Build Per Code Development has been revised to reflect reasonably feasible parameters that would better allow room for other necessities, such as parking, open space requirements, and setbacks.

- 5. The response is sufficient – adequate information on trip distribution based on existing traffic patterns is provided.**

Response

This comment is acknowledged.

- 6. The comparison between trip generation forecasts for the various scenarios should be revised in conjunction with revisions to trip generation forecasts and trip reductions, as appropriate.**

Response

Trip generation comparisons and subsequent analysis has been revised in conjunction with revisions to trip generation forecasts and trip reductions. These updates are reflected in the revised report dated 11/10/17.

- 7. The response provided is accepted.**

Response

This comment is acknowledged.

Spikowski Planning Associates Review Comments

- 1. Traffic Impact Statement (TIS):** The technical aspects of the traffic impact statement are being reviewed for the town by the consulting firm Tera Tech; here I would like to add some broader observations.

The LDC requires that a traffic impact statement “survey current and anticipated traffic conditions and public transportation in order to identify potential traffic problems posed by the proposed development.” (LDC 10-286(a)).

The applicant’s TIS addresses many important points, such as expected traffic at each intersection and the development’s expected compliance with the town’s minimum level-of-service standard. The TIS then concludes that this development “will not significantly or adversely impact the Time Square roadway circulation system” (without defining ‘significantly’ or ‘adversely’). In support of its conclusion, the TIS contains analyses showing that the proposed development will generate fewer vehicle trips than two specific scenarios: 17% fewer trips than “Pre-Demolition Development” and 71% fewer trips than “Build Per Code Development.”

There are several problems with this approach. Foremost, the TIS does not contain the required analysis of “current and anticipated traffic conditions,” which would portray the traffic impacts of the proposed development when it is added to the existing traffic on the street network. Instead, the proposed development is compared to two specific scenarios (neither of which are “current conditions”).

Response:

Since the Town’s LDC only provides general guidance for requirements regarding traffic impact statements, the adopted methodology relies on using Lee County standards to assess the traffic impacts of the Proposed Development. This was agreed upon during the methodology meeting held with DPA and Town Staff.

Traffic Study Guidelines for Planned Development Rezoning (AC 13-17) is the governing code outlining the requirements for a zoning traffic impact statement in Lee County. Per AC 13-17, the minimum analysis required is reflective of the development allowed by the proposed zoning. However, standard practice accepted by Lee County is to perform analysis for both the current zoning (Build Per Code Development) and the proposed zoning (Proposed Development). These two scenarios, which are reflected in the ZTIS, are typically the minimum requirements for rezoning applications in Lee County. These two scenarios provide the critical points of comparison to demonstrate the traffic impacts of a proposed rezoning versus the traffic impacts allowed under the current zoning.

Per AC 13-17, an impact is considered significant if Project volumes exceed 10% of the LOS "C"

service volumes for a given roadway. An impact is considered adverse if traffic conditions with Project volumes exceed the adopted LOS standard. In the revised report, the conclusion remains the same; the Proposed Development will not significantly or adversely impact the Times Square roadway circulation system (based on Lee County Standards)

Current traffic conditions were surveyed as part of existing turning movement counts which were adjusted to reflect peak season conditions. Furthermore, a projected growth rate was applied to the existing volumes to develop future background volumes without any development located on the subject property. Project traffic associated with the Pre-Demolition, Build Per Code, and Proposed Development scenarios were then added to future background volumes to assess the associated traffic impacts. These items were included in the original report.

To address the request made by the reviewer during the 9/26/17 meeting and in subsequent email correspondence, supplemental analysis has been performed to reflect the Existing (Occupied) Development. This analysis includes the trip generation of the Existing (Occupied) Development, Project traffic volumes, and a comparison to the other development scenarios (see revised report dated 11/10/17).

The first scenario, “Pre-Demolition Development,” includes traffic from existing development on the site (as it should), but also includes traffic from previously existing beach-front hotels and Seafarer’s Mall as they existed before Hurricane Charley. This scenario should not be substituted for current traffic conditions; in the intervening years, Lee County purchased the properties that formerly contained those beach-front hotels and Seafarer’s Mall. The beach properties are now Crescent Beach Family Park; future plans for the Seafarer’s Mall site are still unknown. Traffic that might have been generated from those properties is not relevant to this application.

Response:

The Pre-Demolition provides the historic perspective of Times Square that existed for decades until Hurricane Charley. It allows those familiar with the Pre-Demolition Development to have a sense of scale as compared to the Proposed Development. The Proposed Development will generate less traffic than the Pre-Demolition Development that used to be on the subject property which is a finding that many Town residents will be able to directly relate to and can easily process.

The second scenario, “Build Per Code Development,” is described as development to the “maximum potential level of development on the subject property allowed under current zoning.” This idea of this scenario is intriguing and might be relevant as a supplement to the TIS, but as presented it is extremely misleading - current zoning allows nowhere near the amount of developed assumed for this scenario, as pointed out in Tetra Tech’s review comments. These development levels would not be practical even if the existing CPD zoning

on the bay side were replaced by Downtown zoning. The extensive constraints on developing this site without CPD zoning are demonstrated by several pages of analysis submitted by the applicant in support of Deviation #1. Regrettably, this portion of the TIS succeeds only in generating smoke; it fails to shed light on traffic impacts of the proposed development.

Response

As agreed during the 9/26/17 meeting with Town Staff, the Build Per Code Development has been revised to reflect reasonably feasible parameters (allowed under the current zoning) that would better allow room for other necessities, such as parking, open space requirements, and setbacks.

As stated previously, the current zoning (Build Per Code Development) provides the primary point of comparison to assess traffic impacts associated with proposed rezoning. The main purpose of a zoning TIS is to identify whether or not the proposed zoning causes additional impacts when compared to current zoning. For the Proposed Development, it does not cause additional impacts and produces less traffic than what is technically allowed (in terms of generated traffic) under the current zoning.

The third scenario, analyzed in the TIS is the proposed development, including the 290 rooms in the hotel. This scenario also includes ancillary uses: 23,505 square feet of retail, bars, and restaurants- a fraction of the 117,081 square feet of ancillary resort and commercial space that is proposed in this application. The third scenario also does not include traffic from up to 225 people who will be able to use the beach facility while not guests of the resort. If any of these discrepancies are justifiable, the TIS should explain why.

Response

The ITE description of a resort hotel includes provisions for sleeping accommodations, restaurants, cocktail lounges, retail shops, and guest services. Therefore, the ancillary resort and commercial space cited by the reviewer is accounted for by the ITE land use code for Resort Hotel.

For the purposes of the traffic study, the commercial recreation facility is considered to be a supporting use to the Independent Resort and the beachside restaurant and bar. As a standalone use without the resort, restaurant and bar, and the beach, it would not serve as an attraction. Patrons will be attracted to the facility for the uses already accounted for in the trip generation estimates.

The proposed CPD includes an impressive variety of features that will minimize traffic impacts from the proposed development, including all-valet parking; employee parking off-site; closing existing access points on Estero Boulevard and Crescent Street; a commitment to build sidewalks; extensive on-site resort amenities for guests; and thoughtful accommodations for pedestrians and public transit. Still, the TIS needs to fulfill its basic

purpose of comparing current traffic conditions with anticipated conditions when the development, as proposed, is fully occupied.

Response:

The revised TIS dated 11/10/17 provides all analysis required for a typical zoning TIS (including supplemental analysis) reflective of the adopted methodology and additional requests made by Town Staff and reviewers.

2. **Roundabout: A roundabout at the foot of the Sky Bridge is not contemplated by this application. If a roundabout were constructed, incoming traffic would be able to turn immediately left on Fifth Street and enter this resort without traveling on Estero Boulevard and then needing to turn left on Crescent Street. The traffic impacts of the report on Estero Boulevard would be greatly reduced with a roundabout.**

Florida DOT may be able to willing to construct this roundabout and may be able to do so within the existing right-of-way, thus reducing travel on Estero Boulevard without any direct involvement from this developer. However, it is also possible that additional right-of-way would be required, for instance a corner of former Ocean Jewels building, which this application proposes to retain and upgrade. In the event, an opportunity would have been lost to determine any such right-of-way needs before upgrades are made to that building.

Response:

The study of a roundabout at the foot of the bridge would be more appropriately addressed by FDOT's San Carlos Boulevard PD&E Study.

Attachment A

Town of Fort Myers Beach Development Review Comments
Tetra Tech

2149 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
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EXCEEDING
CLIENT
EXPECTATIONS

From: Matt Noble [<mailto:matt@fmbgov.com>]

Sent: Wednesday, August 30, 2017 2:49 PM

To: Tina Ekblad <tekblad@m-da.com>

Cc: Kara Stewart <Kara@fmbgov.com>; Messner, Brett <Brett.Messner@tetrattech.com>; Nelson, Daniel <Danny.Nelson@tetrattech.com>; Bill Spikowski <bill@spikowski.com>

Subject: Missing TetraTech Comments

Good afternoon. TetraTech's comments are below, sorry for the confusion.

Master Concept Plan:

1. No proposed utilities or connections to existing utilities are shown.
2. Please advise, if grading, landscaping, paving, or other applications are performed which would interfere with the existing drainage pattern, a proposed grading plan, including spot elevations, and a stormwater management plan, are required.
3. Tidal water elevations and FFE do not appear to be provided.

Parking Requirements:

4. There does not appear to be any mention of the proposed number of accessible parking spaces. The Americans with Disabilities Act (ADA) may require additional accessible parking spaces be provided. It appears as though there are 362 parking spaces proposed as part of this project, split between multiple facilities. If this were one parking facility, a total of at least 8 accessible parking spaces would need to be provided. But it is imperative that the number of parking spaces required to be accessible is to be calculated separately for each parking facility.

Patty,

Please see below:

1. The response provided still does not adequately explain why Land Use 820 would be acceptable for some portions of the site and Land Use 826 would be acceptable for other portions under the various scenarios. Given the average sizes of developments utilized by ITE to develop trip generation rates, Land Use 826 would be more appropriate for the entire retail portion of the pre-demolition and proposed development scenarios.
2. There is no dispute that a portion of the visitors to the site would arrive by either foot or bicycle. However, an explanation or basis is still not provided as to how these rates were selected, or why they would be different between the various scenarios, especially since no pass-by reductions are allowed for Land Use 826. Again, to provide a consistent, objective comparison between the various speculative scenarios, consistent methodology should be used for all evaluations. A basis for these rates should also be provided and documented in the report – as they are provided currently, they appear arbitrary by nature.
3. Internal capture calculations should be revised based on modifications to trip generation forecasts and bike\pedestrian reductions discussed above.

4. Feasible developments should be considered for all development scenarios – otherwise there is no point in performing the comparison, as the results do not provide an objective basis of comparison.
5. The response is sufficient – adequate information on trip distribution based on existing traffic patterns is provided.
6. The comparison between trip generation forecasts for the various scenarios should be revised in conjunction with revisions to trip generation forecasts and trip reductions, as appropriate.
7. The response provided is accepted.

Matthew A. Noble, AICP
Principal Planner
Town of Fort Myers Beach
(239)765-0202 Ext. 1305
matt@fortmyersbeachfl.gov

Beginning May 3rd: New email address Matt@fmbgov.com. Please add to your contact list and remove previous Matt@fortmyersbeachfl.gov.

Attachment B

Town of Fort Myers Beach Development Review Comments
Spikowski Planning Associates

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EXCEEDING
CLIENT
EXPECTATIONS



Town of Fort Myers Beach

Dennis Boback
Mayor

Tracey Gore
Vice Mayor

Bruce Butcher
Council Member

Anita Cereceda
Council Member

Joanne Shamp
Council Member

Tina M. Ekblad
C/O Morris Depew
2891 Center Pointe Drive, Unit 100
Fort Myers, FL. 33916

August 4, 2017

RE: DCI17-0001 Sufficiency Review

Dear Tina,

Town staff has reviewed the proposed Commercial Planned Development rezoning information that was submitted to the Town on July 12th, 2017, and the Town finds that additional information is required before the application can be reviewed and scheduled for the required public hearings.

Please respond to each sufficiency review comment. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. If additional time is needed, the applicant may ask for additional time. Please feel free to contact me if you have any questions.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

Matthew A. Noble
Principal Planner

POLICY 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the buildback situations (see Policies 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.

This application should be amended to add one or more new deviation requests that would specify the maximum height in stories and in feet of each building that would exceed the LDC's height limit for this property, and to use the LDC's terminology for counting stories in all diagrams, in narrative justifications for deviations, and on the Master Concept Plan. For instance, the main resort building will contain three full stories that sit on top of an extremely tall ground story of stacked parking; the LDC deems this to be a four-story building (see LDC 34-631(a)(1)). Architectural features above the top story may exceed the height limit measured in feet only if they meet the size limits in 34-631(b)(2). Rooftop decks do not qualify for this special allowance; the "rooftop private event area" shown on sheet C-103 of the Master Concept Plan is presumably a rooftop deck.

TRAFFIC IMPACT STATEMENT (TIS): The technical aspects of the traffic impact statement are being reviewed for the town by the consulting firm Tetra Tech; here I would like to add some broader observations.

The LDC requires that a traffic impact statement "survey current and anticipated traffic conditions and public transportation in order to identify potential traffic problems posed by the proposed development." (LDC 10-286(a)).

The applicant's TIS addresses many important points, such as expected traffic at each intersection and the development's expected compliance with the town's minimum level-of-service standard. The TIS then concludes that this development "will not significantly or adversely impact the Times Square roadway circulation system" (without defining 'significantly' or 'adversely'). In support of its conclusion, the TIS contains analyses showing that the proposed development will generate fewer vehicle trips than two specific scenarios: 17% fewer trips than "Pre-Demolition Development" and 71% fewer trips than "Build Per Code Development."

Ms. Kara Stewart
August 2, 2017
Page 11 of 19

There are several problems with this approach. Foremost, the TIS does not contain the required analysis of “current and anticipated traffic conditions,” which would portray the traffic impacts of the proposed development when it is added to existing traffic on the street network. Instead, the proposed development is compared to two specific scenarios (neither of which are “current conditions”).

The first scenario, “Pre-Demolition Development,” includes traffic from existing development on the site (as it should), but also includes traffic from previously existing beach-front hotels and Seafarer’s Mall as they existed before Hurricane Charley. This scenario should not be substituted for current traffic conditions; in the intervening years, Lee County purchased the properties that formerly contained those beach-front hotels and Seafarer’s Mall. The beach properties are now Crescent Beach Family Park; future plans for the Seafarer’s Mall site are still unknown. Traffic that might have been generated from those properties is not relevant to this application.

The second scenario, “Build Per Code Development,” is described as development to the “maximum potential level of development on the subject property allowed under current zoning.” This idea of this scenario is intriguing and might be relevant as a supplement to the TIS, but as presented it is extremely misleading – current zoning allows nowhere near the amount of development assumed for this scenario, as pointed out in Tetra Tech’s review comments. These development levels would not be practical even if the existing CPD zoning on the bay side were replaced by Downtown zoning. The extensive constraints on developing this site without CPD zoning are demonstrated by several pages of analysis submitted by the applicant in support of Deviation #1. Regrettably, this portion of the TIS succeeds only in generating smoke; it fails to shed any light on traffic impacts of the proposed development.

The third scenario analyzed in the TIS is the proposed development, including the 290 rooms in the hotel. This scenario also include ancillary uses: 23,505 square feet of retail, bars, and restaurants – a fraction of the 117,081 square feet of ancillary resort and commercial space that is proposed in this application. The third scenario also does not include traffic from up to 225 people who will be able to use the beach facility while not guests of the resort. If any of these discrepancies are justifiable, the TIS should explain why.

The proposed CPD includes an impressive variety of features that will minimize traffic impacts from the proposed development, including all-valet parking; employee parking off-site; closing existing access points on Estero Boulevard and Crescent Street; a commitment to build sidewalks; extensive on-site resort amenities for guests; and thoughtful accommodations for pedestrians and public transit. Still, the TIS needs to fulfill its basic purpose of comparing current traffic conditions with anticipated conditions when the development, as proposed, is fully occupied.

ROUNDABOUT: A roundabout at the foot of the Sky Bridge is not contemplated by this application. If a roundabout were constructed, incoming traffic would be able to turn immediately left on Fifth Street and enter this resort without traveling on Estero Boulevard and then needing to turn left on Crescent Street. The traffic impacts of the resort on Estero Boulevard would be greatly reduced with a roundabout.

Florida DOT may be able to willing to construct this roundabout and may be able to do so within the existing right-of-way, thus reducing travel on Estero Boulevard without any direct involvement from this developer. However, it is also possible that additional right-of-way would be required, for instance a corner of the former Ocean Jewels building, which this application proposes to retain and upgrade. In this event, an opportunity would have been lost to determine any such right-of-way needs before upgrades are made to that building.

FLOODPLAIN ISSUES: FEMA's changes to the floodplain maps for Fort Myers Beach in 2008 eroded the town's ability to continue improving its original pedestrian-oriented spine along Estero Boulevard. The most significant change was moving landward the line that separates the VE zones (where new buildings have to be elevated much higher to resist wave velocity) from the AE zones which apply to the rest of the town. In AE zones, it is still possible to build ground-floor retail shops and restaurants, even though they have to be "dry floodproofed." In VE zones, the ground floor of new buildings can be used for parking and storage but little else.

The 2008 changes moved the dividing line from just seaward of Estero Boulevard to just landward. The original FEMA proposal would have moved the line much further landward; the town's formal intervention and engineering input was enough to reduce the amount of land being changed considerably but not enough to keep the north side of Estero Boulevard out of a VE zone.

However, FEMA offers landowners a continuing opportunity to challenge the floodplain boundaries on their land. Given proper engineering justification, FEMA will immediately revise the floodplain maps. Two landowners near the subject property have recently obtained such revisions for their land: 150 Old San Carlos (Winds building) and 1028 Fifth Street (Teeki Hut building). Both properties were removed from the VE zone and placed back into an AE zone. The same logic and data that supported those revisions would seem to support a similar revision that would move the VE zone boundary back to Estero Boulevard in front of this development, which could allow this CPD application to place pedestrian-oriented uses along the sidewalk on the north side of Estero Boulevard, as discussed in the next section.

ESTERO BOULEVARD ISSUES (NORTH SIDE) (including Deviation #3): The front of the main resort complex abuts the sidewalk on the north side of Estero Boulevard. If constructed, the current design would be a significant inhibiting factor for the town's numerous to revitalize the immediate area. Even before Seafarer's Mall was demolished and McDonalds moved out, the north side of this block suffered from the dilapidated Helmerich Plaza, whose driveway and dismal appearance seemed to repel pedestrians. The situation has only gotten worse.

All previous proposals for redeveloping this property included continuous shops on the ground floor along Estero Boulevard. In recent years, the promise of this concept has nearly been extinguished, first due to the change to the FEMA boundaries, and later to the chilly reception to a coastal protection structure that might have loosened FEMA restrictions for the entire Times Square area. The suggestion above about petitioning FEMA to adjust the VE boundary for this site offers reasonable prospects for resurrecting this concept. My suggestion is that any approval of this CPD conditionally authorize ground-level shops and entertainment along the north side of Estero Boulevard and offer the town's support for FEMA map revisions that could make this