

TPI-FMB**Commercial Planned Development
Comprehensive Plan Consistency**

The Town of Fort Myers Beach is a unique coastal community located in Lee County, FL. The Downtown area of the Town has seen many changes through the years from the establishment of the Matanzas Pass Bridge, redevelopment of small businesses, and revisions to the Federal Flood Zone Maps. The area located at the base of the Matanzas Pass Bridge has been the subject of numerous studies, public visioning sessions, and is the gateway for residents and visitors alike to the Town of Fort Myers Beach.

Today, part of the area within the Downtown Core of the Town of Fort Myers Beach has been aggregated by TPI-FMB, LLC and is proposed for a commercial redevelopment project that will also accomplish numerous public benefits.



Figure 1. Aerial of Subject Property

The property owned by TPI-FMB, LLC encompasses approximately 5.8 acres spanning the base of the Matanzas Pass Bridge to the Gulf of Mexico. This area is within the Pedestrian Commercial Future Land Use Category, the Downtown Core/Times Square Redevelopment Area and the Old San Carlos Boulevard Master Plan. The proposed redevelopment seeks to promote the vision of these three elements as well as the Town's Land Development Code by establishing unique

commercial uses which support the residents as well as tourists of Fort Myers Beach while also providing:

1. Increased view corridors to the Gulf of Mexico with enhanced landscaping;
2. Safe connectivity across Fifth Street and Estero Boulevard for pedestrians and bicycles;
3. Improving the existing traffic conditions by decreasing traffic and moving access off Estero Boulevard;
4. Increased Beach Access;
5. Wider and relocated Canal Street to accommodate emergency vehicle access to the Beach and public parking &
6. Implementing a stormwater management system to collect and treat water with capacity to serve additional properties.

The proposed redevelopment also includes ancillary benefits which will further support the residents and tourists of Fort Myers Beach should additional agencies agree to take advantage of these opportunities:

1. Land and improvements to enhance the availability of mass transportation;
2. Numerous open air and public venues to enhance the quality of life.

The primary element of the unique commercial uses proposed for the redevelopment of the subject property is the establishment of a hotel primarily on the North side of Estero Boulevard and a Commercial Outdoor Recreational Aquatic facility on the South side of Estero Boulevard. These uses will be supported by restaurants, small retail operations, pedestrian and vehicular public beach access points as well as pedestrian crossovers above Fifth Street and Estero Boulevard. The redevelopment of the properties will be accomplished through the requested Commercial Planned Development rezoning, which will provide site design flexibility while ensuring compliance to the maximum extent possible with the Town's Land Development Code.

Future Land Use

The subject property is located within the Recreation and Pedestrian Commercial Future Land Use Categories. Consistent with Policy 4-B-8, the portion of the property within the Recreation FLU is not proposed for development. Policy 4-B-6 outlines the Pedestrian Commercial FLU category as a, "... primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard)." The Policy also requires that commercial activities to contribute pedestrian-oriented public realm and design concepts of the Plan and Land Development Code.

The requested Commercial Planned Development seeks to redevelop the entire subject property with a hotel, outdoor commercial recreation, a restaurant and 2 public beach access points – one with 23-26 public parking spaces. The proposed development seeks to cluster the majority of the commercial intensity of the hotel on the North side of Estero, referred to as the Bay Side with a few rooms above the proposed restaurant on the Gulf Side. The portion of the subject property proposed for the commercial hotel use is a traditional location for guest units, and, consistent with Policy 4-A-9, the proposed development seeks to cluster the requested guest units to enable the provision of amenities for residents and tourists on the southern (Gulf Side) portion of the subject property. In an effort to promote the pedestrian-oriented public space desired by Policy

4-B-6, sidewalks will be maintained and expanded where necessary along all street frontages of the subject property. Adequate spacing is provided for streetscaping adjacent to the sidewalk to continue the Avenue of the Palms theme, and existing utilities will be placed underground consistent with Policies 1-A-2, 1-B-2 and 3-D-6. The South side of Estero, referred to as the Gulf Side, provides the desired amenities described in Policy 4-A-9 to support residents and tourists. Two pedestrian overpasses, included in the site design, crossing Fifth Street and Estero Boulevard, will connect the three elements of the subject property without impeding vehicular traffic on Fifth Street or Estero Boulevard.



Figure 2. Proposed Site Design

Pedestrian Orientation

In support of the Policies that implement Objective 4-A and Policy 4-B-9, the design of the proposed development supports pedestrian and bicycle usage and inter-connectivity. Supporting

Objective 4-A to promote a small-town character and a pedestrian-oriented public realm, open air concepts of commercial uses have been incorporated into the proposed site plan to creatively implement the vision and intent of the comprehensive plan, promoting outdoor public gathering spaces despite the required floodplain elevation over 15 feet. The existing sidewalk infrastructure will be maintained and expanded to provide continuous pedestrian access along the property's frontage on Estero Boulevard, Crescent Street and Fifth Street consistent with Policy 4-A-1. Additional greenspace is provided between the sidewalk and buildings or outdoor recreational space to provide for streetscaping to continue the Avenue of the Palms concept already established within the Times Square Pedestrian Plaza. These details enable pedestrian and bicycle activity on the subject property to promote a public realm as desired in Policy 4-A-2 and 4-B-9 in a manner that is also compatible with the required floodplain elevation of the new commercial buildings proposed.

To promote the intent of Policies 4-A-4 and 4-A-6 providing easy walking access to the beach, and expand beach access, new public beach access points are incorporated into the proposed site as demonstrated above. The first access point is a pedestrian only beach access oriented perpendicular from Estero Boulevard to the Gulf of Mexico. This provides not only pedestrian access to the Gulf but is also part of a 72 ft. view corridor between the proposed restaurant building, which includes some guest units, and the existing Cigar Hut building. The second beach access promotes the intent of Policies 4-A-4 and 4-A-6 by maintaining the existing recreational element of the beach but utilizing an existing platted right-of-way to provide emergency access to the beach front in addition to provide 23-26 parking spaces. The applicant acknowledges it is also likely pedestrians will utilize this access point.

In addition to these ground level beach access points, the proposed development also includes two Pedestrian Overpasses connecting the Hotel Building to the Hotel Amenities north of Fifth Street and the Restaurant and Outdoor Recreation Facility south of Estero Boulevard. The Pedestrian Overpass across Fifth Street is for guests of the Hotel to provide access between the guest units south of Fifth Street and the amenities (arcade and meeting rooms) proposed north of Fifth Street. The orientation of the Hotel Amenities and Hotel Building will also enable to the public to utilize the Pedestrian Overpass across Fifth Street, cross the elevated deck associate with the Hotel Building to access to the second Pedestrian Overpass across Estero. Publicly accessible elevators and stairwells are provided with each proposed overpass. These proposed improvement will lift the pedestrian activity off Fifth Street and Estero Boulevard improving traffic flow and safety for pedestrians consistent with Policies 4-A-1, 4-A-2. It is important to note, the Estero Boulevard Pedestrian Overpass connects with the proposed restaurant building on the Gulf Side and the ground level pedestrian access to the beach is immediately adjacent to the proposed stairwell. This will provide easy public access for pedestrians on the North side of Estero to the Gulf consistent with Policies 4-A-4 and 4-A-6.

The proposed Gulf Side uses will establish commercial activities for residents and visitors to enjoy. Consistent with Policy 4-B-6 the design seeks to contribute to the pedestrian oriented realm. This portion of the property is to be partially redeveloped with a new restaurant, public pedestrian access to the beach, a lazy river and wading pool aquatic complex with supporting

commercial services, moveable food service, and additional beach access with parking. A majority of the uses proposed include open air seating and entertainment for the public to promote gathering and interaction between the uses, pedestrian corridor and beach front. A pedestrian beach access is provided immediately adjacent to the supporting infrastructure for the Pedestrian Overpass as well as the proposed Restaurant Building. The open air seating and pedestrian access will interplay with the outdoor recreation aquatic facility and collectively these uses on the Gulf Side will promote public gathering and walking spaces which establish a pedestrian oriented realm as desired by Policy 4-B-6 as well as the amenities described by Policy 4-A-9.

These pedestrian and bicycle supporting improvements are proposed on portions of the subject property that already have development and do not impede on the existing beach or natural resources associated with the beach consistent with Policies 4-A-6 and 4-A-7.

Policy 4-C-3 outlines that proposals for new or expanded commercial uses shall be evaluated by 6 Characteristics. The proposed development is consistent with all elements.

1. *No rezonings for commercial uses allowed in the "Low Density" Category.*
The subject property is not located within the Low Density Future Land Use.
2. *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. Land owners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.*

The subject property is within the Pedestrian Commercial FLU category and proposes new and expanded commercial uses compared to the existing and approved development. The property owner has purposefully chosen to utilize the Planned Development process to request the approval of a hotel, restaurant, outdoor recreational aquatic facility and supporting infrastructure. As demonstrated by the provided Design Standards Compliance, the proposed development is consistent with the commercial design regulations of the land development code for the Downtown Zoning district ensuring the proposed commercial development is similar and compatible with existing and future commercial development in the downtown.

3. *Mixed Use Residential Category limits commercial uses to lower impact uses.*
The subject property is not located within the Mixed Use Residential FLU.
4. *Boulevard Category permits some mixed use development.*
The subject property is not located within the Boulevard FLU.
5. *When evaluating new commercial uses the following shall be considered:*
 - a. *Shopping and services for residents and overnight guests are strongly preferred over attractions for day visitors.*

The proposed development collectively seeks to support residents and overnight guests. The proposed hotel building provides options for overnight guests including sleeping units, restaurant, coffee shop, small retail, gathering locations, meeting space, arcade, and fitness center. The Gulf Side provides options for overnight guests of the proposed hotel and other hotels in the Town as well as residents. The open air restaurant is proposed as a primary use and located next to an existing restaurant and in close walking proximity to the Times Square Pedestrian Plaza and Crescent Beach Park. The proposed Pedestrian Overpass will provide a connection to the hotel building and restaurant for overnight guests while also providing safe crossing for residents across Estero Boulevard. The commercial outdoor recreational aquatic facility will provide outdoor recreational activities for residents and overnight visitors.

- b. Shopping and services that contribute to the pedestrian character of the town are preferred over building designed to be for vehicular access.*

The proposed development has been designed with the pedestrian context in mind. The hotel building is elevated to 15' above base flood elevation consistent with the Velocity Zone. However, the parking under the building is screened and sidewalks and streetscaping are provided to encourage pedestrian mobility. At the eastern edge of the Bay Side development publicly accessible stairs and an elevator are provided to connect to the first floor Pedestrian Overpass across Estero Boulevard. The Overpass connects with the proposed restaurant building and additional publicly accessible stairs and elevator are provided. A public pedestrian beach access is provided immediately adjacent to the restaurant again promoting public gathering and interaction as well as accessibility to the Gulf. The ground and first floor of the proposed restaurant building are open air concepts to further promote public gathering and interaction. The Estero Boulevard frontage of the Gulf Side development also includes a sidewalk and streetscaping to improve the pedestrian interface of the property.

- 6. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:*

- a. The type of commercial activities (such as traffic to be generated, hours of operation, and noise);*

The proposed uses have been clustered to reflect and compliment the existing surrounding uses on the Northern and Southern sides of Estero Boulevard. The Bay Side property north of Estero Boulevard is the location of the proposed hotel building. This proposed use is immediately south (across Fifth Street) from an existing hotel use and west (across Crescent Street) from existing commercial and multi-family uses. The proposed building north of Fifth Street includes meeting

space and an arcade to support the hotel and is two stories elevated to be consistent with the established base flood elevation. The adjacent existing hotel is also two stories elevated to base flood elevation. In acknowledgement of the existing and potential multi-family use across Crescent, the proposed hotel building has been designed to shield the unit balconies and direct their orientation down Crescent Boulevard toward the intersection with Estero. In addition, the proposed outdoor seating for the hotel building to support the hotel restaurant are elevated on the first floor and surrounding by guest units, shielding light and noise that may occur from these uses from the adjacent residential uses consistent with Policy 4-A-3. The traffic that will be generated by the proposed hotel building will decrease from the existing commercial retail uses approved by the Seafarer’s zoning approval and existing with the current Helmrich plaza as demonstrated by the attached traffic impact statement.

The Gulf Side property is the location of the proposed restaurant which has some guest units on the second and third floor, public beach access points and commercial outdoor recreation aquatic facility. The proposed restaurant is located immediately adjacent to an existing restaurant owned by the applicant. Each restaurant has open seating facing the Gulf of Mexico and enclosed space facing Estero Boulevard ensuring noise associated with the outdoor seating and restaurant operations are directed away from, Estero Boulevard and toward the Gulf of Mexico. The commercial outdoor recreational aquatic facility includes an ancillary restaurant and bar for patrons as well as an outdoor entertainment area. Each of these uses, ancillary to the aquatic facility, is located behind the existing Cigar Hut building to block any potential noise that may be created from Estero Boulevard. In addition, these uses are located a significant distance from the neighboring hotel property along the eastern property boundary.

The applicant notes that earlier in 2015, the Town of Fort Myers Beach implemented an amended noise ordinance. These regulations establish the maximum level of noise to be received from an adjacent residential or commercial parcel as indicated below. The applicant is required to abide by these noise standards, if activities on the subject property are not consistent with these levels, a complaint may be made and per LDC Section 14-26 Code Enforcement actions or charges by the Lee County Sheriff’s Department may ensue.

Receiving Land Use Category	Time	Sound Level Limit
Residential or Public Space	7am to 10pm	66 dba
	10pm to 7am	55 dba
Commercial or Business	7am to 10 pm	72 dba
	10pm to 7am	65 dba

b. *Its physical scale (such as height, and bulk of proposed buildings); and*

The requested planned development has utilized the Building Placement and Building Size of the Downtown Zoning District to ensure consistency with the existing and future developments on surrounding properties which will be located within the same zoning district. These provisions, outlined in LDC Section 34-674 and 34-675, include a maximum height of 40 feet above base flood elevation and no taller than 3 stories, criteria which the proposed development will meet. The applicant notes that LDC Section 34-631 (Building Heights) establishes that landowners may choose to elevate up to three feet above base flood elevation and may increase their maximum building height by the same number of feet. This concept is commonly referred to as *freeboard* and is encouraged through the National Flood Insurance Program to reduce flood insurance rates. The proposed development provides three feet of freeboard, which the Town can incorporate into its annual reviews of the Community Rating System and potentially gain additional credit points improving insurance premiums for residents.

The proposed development is also consistent with the Commercial Design Standards outlined in LDC Section 34-991 through 34-997. By virtue of the proposed development's compliance with the Downtown zoning district, measurement of building height, and commercial design standards, the physical scale of the proposed development is consistent with the existing and future neighborhood context.



Figure 3. Rendering of Proposed Hotel Building

c. The orientation of buildings and parking.

As previously described, the orientation of the proposed buildings has been purposefully designed to meet the requirements of the Downtown Zoning District while also eliminating potential impacts to surrounding properties.

The hotel building is elevated to the VE elevation; however, the parking under the building is screened with architectural features as well as landscaping. Sidewalks and streetscaping are also provided adjacent to the street frontage to provide

additional screening, shading and buffering of the elevated building with parking underneath. In acknowledgement of the existing and potential multi-family across Crescent Street, the proposed hotel building has been designed to shield the unit balconies and orient them down Crescent Boulevard toward the intersection with Estero. In addition, the gathering spaces and outdoor seating to support the hotel restaurant are elevated on the first floor and surrounded by guest units, shielding any light or noise that may inadvertently occur from these uses. These design features ensure no negative impacts from the proposed development will be transmitted to existing and future residential activities, consistent with Policy 4-A-3.

On the Gulf Side, the proposed restaurant building, which includes some guest units on the second and third floor, is located immediately adjacent to an existing restaurant. Each restaurant has open seating facing the Gulf of Mexico and enclosed space facing Estero Boulevard ensuring noise associated with the outdoor seating is directed away from, Estero and toward the Gulf of Mexico. The outdoor commercial recreational aquatic facility includes an ancillary restaurant and bar for patrons as well as an outdoor gathering area. Each of these uses, ancillary to the aquatic facility, is located behind the existing Cigar Hut building to block any potential noise that may be created from Estero Boulevard. In addition, these uses are located a significant distance from the neighboring hotel property along the eastern property boundary.

Community Design Element

In addition to being within the Pedestrian Commercial Future Land Use Category and meeting the commercial design policies for this future land use, the property is also located within a Redevelopment Area as described in Objective 4-F. Implementing Policy 4-F-2 identifies specific redevelopment place which includes Times Square, described as:

“The Estero Island CRA’s plan for the Times Square area is reflected in this plan, bounded by the Pedestrian Commercial category at Times Square Implementation of that plan will be on going as discussed through this comprehensive plan and in accordance with the specific regulations provided in the Land Development Code. The Times Square redevelopment plan is described in Community Design Policies 3-D-1 through 3-D-13.”

The Community Design Element establishes the Times Square (also known as Downtown Core) Redevelopment Area on page 3-4.

“the Times Square area, also known as the downtown core area, begins at the base of the Sky Bridge, extends from the Bay to the Gulf, and is bounded on the north by Lynn Hall Park, the commercial areas across the street from Lynn Hall Park, and the north side of Old San Carlos Boulevard. The canal south of Crescent Street

defines the southerly boundary, with another portion of the planning area extending southward along Estero Boulevard to Pearl Street."



Figure 4. Times Square/Downtown Core Area

"for planning purposes the Core Area is further divided into Districts, each with its own characteristics. District 2, Times Square, the lively commercial/tourist center of town is on the upswing following the recently completed CRA improvements. The new pedestrian mall, with its palm trees and outdoor dining areas, sets the design theme for further public and private improvements. Sidewalk and streetscape improvements have already been extended on the beach side of Estero Boulevard to the Lani Kai, and construction plans have been completed to do the same directly across on the Bay side. Existing conditions that are being addressed through these efforts include: the need for façade improvements; strengthened mix of business and services; reduction of traffic congestion and pedestrian vehicular conflicts; inadequate (or unorganized) parking to serve the needs of business and visitors; drainage problems; and the removal of unsightly and potentially hazardous overhead utilities."

The Core Area Vision described on page 3-5 of the Community Design Element is echoed in Objective 3-D and its implementing Policies which establish this area as, **"the nucleus of commercial and tourist activities,"** and a **"revitalized entertainment area"** with outdoor cafes and pedestrian streets. It describes the beach side of Estero Boulevard specifically as an area for **"infill development...to minimize traffic congestion and ...open new view corridors to the Gulf."** Estero Boulevard is described as **"the premier public space on the island, with a strong sense of place, shaped as a memorable "Avenue of the Palms" linking [a] revitalized downtown to the civic center, the new "heart of the island"¹."**

The proposed development seeks to incorporate these visioning elements into the site design to implement the Downtown (aka Core Area) while promoting consistency with the relocated Velocity Zone. The proposed Bay Side development incorporates hotel buildings, elevated to accommodate the Velocity Zone with a base flood elevation of 15 feet, architectural screening and landscaping are provided to shield the open ground level of the elevated building in an effort to promote the intent of Policy 1-A-3.ii. This is coupled with the undergrounding of utilities,

¹ Town of Fort Myers Beach. 1999. Comprehensive Plan Community Design Element. Page 3-6.

maintenance and expansion of the existing sidewalk system and the incorporation of streetscaping supporting the Avenue of the Palms on Estero Boulevard as well as Crescent and Fifth Streets to maintain and improve the desired Downtown pedestrian streets as encouraged by the visioning statements and Policies 1-A-1, 1-A-2, 1-B-2, 1-B-5, 3-D-3, 3-D-4, and 3-D-6. When combined with the proposed Pedestrian Overpasses, the north and south sides of fifth Street and Estero Boulevard are connected in a manner that promotes pedestrian mobility without impeding the entering and exiting traffic flow of Fifth Street and Estero Boulevard consistent with Policy 1-A-2.iv.

To minimize traffic congestion, the proposed development also closes the existing vehicular ingress/egress point to the subject property along Estero Boulevard and limits the ingress to Crescent Street with egress on Fifth Street. Coupled with the Pedestrian Overpass, this will create 750 feet on Estero Boulevard without turning movements or pedestrian crossings to back up vehicular traffic. The Crescent Street access is located as far north as the geometry of the subject property will accommodate to provide ensure stacking associated with left turning movement does not impact Estero Boulevard. A service delivery is provided off of Fifth Street, under the proposed building to further ensure traffic back ups impacting Crescent or Estero Boulevard do not occur.

Objective 1-A suggests that the function and appearance of Estero Boulevard is to be improved to promote the premier public space and primary circulation route of Fort Myers Beach. The closure of the existing vehicular ingress/egress points and the re-establishment of the Avenue of the Palms on the subject property will accomplish these objectives for Estero Boulevard.

The application has also taken other measures to minimize traffic congestion. A pull off is provided for the Lee Tran Trolley near the intersection of Crescent and Fifth Street should Lee County desire to take advantage of this proposal. TPI-FMB has committed to providing a solution for employee parking and is reviewing options related to an employee shuttle and/or paying for employees to utilize the Lee Tran Park and Ride under construction at Pine Ridge and Summerlin Road. These measures will ensure the proposed parking spaces and stackers are available for patrons of the proposed uses. Collectively, the elimination of the vehicular ingress/egress, the proposed trolley pull off and employee shuttle or park and ride will improve the flow of vehicular traffic from the base of Matanzas Pass Bridge down Estero Boulevard.

The proposed development maintains view corridors to the Gulf from the Matanzas Pass Bridge as well as opening new view corridors to the Gulf along Estero Boulevard. The proposed hotel building and restaurant building with guest units meets the building height requirements outlined in 34-675(b) of 40 feet above base flood and freeboard with only 3 stories; the view of the Gulf of Mexico from the Sky Bridge will be maintained. The lands included in the zoning request include numerous properties south of Estero Boulevard that are currently built out with commercial and residential uses and streets that are platted on an angle. As a result of these conditions, views of the Gulf are often narrow and obstructed by nearby buildings. The proposed development would cluster the majority of the commercial uses on the Bay Side portion of the property. The remaining buildings proposed for the Gulf Side are clustered to the west and

perpendicular to the Estero Boulevard. This opens a new 72' view corridor between the proposed restaurant building and existing Cigar Hut building and a new 252' view corridor East of the Cigar Hut building to the Eastern property boundary. Approximately, 327' of new view corridors are opened along Estero by the proposed development.



Figure 5. New View Corridors

The proposal also includes a second beach access that meets separation requirements to provide beach access to emergency vehicles and 23 to 26 public parking spaces. The applicant has agreed to coordinate with the Town if there is desire to meter and/or operate these spaces in the future. The provision of additional parking spaces for public use is consistent with Policy 3-D-5.

While not visually demonstrated on the Master Concept Plan, the proposal also includes a vaulted stormwater management system to collect, store and treat stormwater on the subject property. Currently the properties do not have stormwater treatment, and rainfall runs from the property to the surrounding streets, uncontrolled. The proposed development would utilize open spaces, uncovered parking and other areas to install underground vaults. It is expected that these

stormwater vaults will provide capacity adequate for the subject property and some additional redevelopment. The applicant has agreed to coordinate with the Town to utilize the excess capacity for the existing flooding that occurs after heavy rains. The provision of stormwater to service the subject property and future redevelopment is consistent with Policy 3-D-7.

Community Design Element Policy 1-A-3 identifies 5 design goals to be implemented through infill and redevelopment project to “frame” Estero Boulevard.

1. *Bringing buildings closer to the sidewalk.*

The proposed development is designed to be consistent with the Commercial Design Elements outlined in LDC Section 34-991 through 34-997 which requires buildings to be constructed 5 to 10 feet from the front property boundary. The proposed buildings are located 10 feet from the property boundary and provide adequate spacing for streetscaping in support of the Avenue of the Palms and a public sidewalk. In addition, any utilities located between the buildings and right of way or interior to the property will be placed underground consistent with the vision for the Downtown Core.

2. *Encouraging or requiring compatible means of meeting the mandatory flood elevation requirements.*

The subject property is located within a Velocity Zone, which requires elevating the proposed buildings to a minimum of 15 feet and prohibits the enclosure of space below. As a compromise, the Gulf Side buildings that are proposed to be elevated, provide open air seating and service associated with the restaurant and bar additional open seating and gathering spaces are provided along the Gulf front. The open seating and service is in close proximity to the public pedestrian crossing promoting public gathering and interactions supporting the desired pedestrian oriented environment. The Bay Side building is proposed to be elevated and include valet parking, horizontally and vertically stacked to efficiently utilize the available space under the elevated building to serve all the proposed commercial uses. This area is proposed to be screened by architectural elements as well as streetscaping.

3. *Locating most parking to the rear of buildings, limiting curb cuts and promoting shared parking.*

The proposed site plan shares parking for all of the uses on the ground floor of the Bay Side properties. Parking on-site will be permitted by valet only and vehicles will be stacked horizontally and vertically to ensure efficiency in the site design and maximize the number of spaces available. As noted, the existing curb cuts along Estero Boulevard will be eliminated improving the flow of vehicular traffic on and off the island.

4. *Facilitating pedestrian and bicycle access and contributing to the interconnectedness of the circulation system.*

The existing sidewalks along Estero Boulevard, Crescent Street and Fifth Street will be maintained. Any extensions needed to complete the sidewalk system around the Bay Side property will be made. It is expected that pedestrians and bicyclists will utilize the sidewalk. Streetscaping will be provided adjacent to the sidewalk to provide shading and implement the Avenue of the Palms. To promote pedestrian and bicycle connectivity across Estero Boulevard without impacting the flow of vehicular traffic, a public Pedestrian Overpass is proposed over Estero. Public stairwells and elevators are provided on the north and south side of Estero Boulevard leading to the Pedestrian Overpass to provide accessibility for pedestrians and bicyclists.

5. *Adopting design guidelines that encourage architecture and urbanism along Estero Boulevard that contributes to the human scale and “beach cottage character.”*

6.

The proposed development is designed to be consistent with the Commercial Design Elements outlined in LDC Section 34-991 through 34-997. These design regulations were implemented to ensure the architecture of new and redevelopment contributed to the human scale. By virtue of the proposed development’s consistency with these regulations a human scale is maintained.

Commercial Uses

Commercial uses are defined in Policy 4-B-12 of the Town’s Comprehensive Plan as those uses that, “involve the sale or rental of goods or services, including businesses such as retail stores, offices, **restaurants/bars**, service/craft/rental businesses, RV Parks, and **hotels/motels/resorts**; churches and civic buildings are also included in this category.” Together, these policies of the Town’s Comprehensive Plan establish that Commercial uses, which include hotels, motels and resorts, are permitted within the Pedestrian Commercial Future Land Use. Therefore, the request to utilize Floor Area Ratio to measure the guest units and the proposed commercial uses is consistent with Policies 4-B-6 and 4-B-12 of the Town of Fort Myers Beach Comprehensive Plan.

Additional details regarding commercial development and building heights are provided by the policies that implement Objective 4-C. Policy 4-C-4 outlines details relating to Commercial Intensity and states that, “the maximum intensity of allowable commercial development in any category may be controlled by height regulations or other provisions.” The policy also states that “the Land Development Code will encourage more intense commercial uses **only in the “Pedestrian Commercial Category”** and establishes that floor-area-ratios in the Pedestrian Commercial category may be as high as 2.5. The effect of these policies is to establish that commercial floor area ratio is an acceptable measurement of intensity for commercial uses that will be controlled by other provisions of the Land Development Code, such as limiting the FAR along Estero Boulevard to 1.4 per Section 34-675(c) or building height to 40 feet and 3 stories per Section 34-675(b)(3) of the Downtown Zoning District. The proposed development has provided a breakdown of the various elements proposed and the associated square footage to demonstrate compliance with the maximum Floor Area Ratio. Collectively, all uses are well below the maximum 1.4 FAR permitted and include the Pedestrian Overpasses. Furthermore, the

proposed hotel building and restaurant building with guest units, which are the tallest proposed, are compliant with the height limitations of 40 ft and 3 stories even though the location of the Bay Side property is not included in descriptor language for Section 34-675(b). Therefore, the request to utilize Floor Area Ratio to measure the proposed guest units is consistent with Objective 4-C and its supporting Policies of the Town of Fort Myers Beach Comprehensive Plan. In addition, the measurement of the relating supporting commercial uses (restaurant, coffee shop, etc.) through Floor Area Ratio is consistent with Object 4-C and its supporting Policies.

Location criteria for commercial uses are outlined by Policy 4-C-3, which states “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.” The requested Commercial Planned Development is to develop new and expanded commercial uses within the Pedestrian Commercial Future Land Use Category consistent with Policy 4-C-3, which emphasizes shopping and services for residents and overnight guests and that these uses contribute to the pedestrian character of the Town. As described above, the proposed development incorporates unique design elements and uses to provide commercial options to tourists and residents with walkable features and increased beach access. The pedestrian improvements (sidewalks, overpass and beach access points) and open air design of the commercial uses at grade on the Gulf Side encourages pedestrian connectivity, public gathering spaces, outdoor recreation and a restaurant for residents and overnight guests in a historically commercial location with private uses and minimal gathering space along Estero Boulevard. The elements incorporated into the proposed site design that promote pedestrian connectivity and mobility eliminate the existing pedestrian and vehicular conflicts along Estero Boulevard in the vicinity of the subject property and as noted above, vehicular flows on Estero will be improved by the elimination of vehicular ingress and egress.

The requested commercial uses are located in a manner that utilizes the historic locations for the same existing or approved uses within the downtown. The proposed development clusters these uses and proposes a development orientation that transitions the development intensity from the Gulf Side to the Bay Side of the subject property. The proposed design eliminates impacts to the surrounding existing uses through buffering, building separation and architectural features. The architecture of the proposed development as well as the design, setbacks and orientation also ensure that the proposed development does not intrude into existing residential neighborhoods and is consistent and compatible with the surrounding commercial and multi-family uses. The characteristics of the redevelopment proposal are consistent with evaluation principles referenced in Policy 4-C-3 of the Town of Fort Myers Beach Comprehensive Plan. The commercial uses proposed are permitted by the Town’s Land Development Code within the Downtown zoning district; however, the Commercial Planned Development is the appropriate process to request “other forms of commercial development” as described by Policy 4-C-3.

Policy 4-C-6 of the Town’s Comprehensive Plan establishes Motel Densities, which specifies that equivalency factors will be established between guest units and full dwelling units. Part (a) of

Section 14-1803 of the Town's Land Development Code establishes such equivalency factors and part (b) provides that Guest Units exceeding the equivalency factors may be allowed if approved as a deviation through a planned development rezoning. In accordance with this provision, the requested Commercial Planned Development includes a deviation request to allow the proposed development to exceed the equivalency factors as described in Part (a) of Section 34-1803 and utilize Commercial Floor Area Ratio to measure the proposed 126,654 SF of guest units.

Transportation

The Transportation Element of the Town's Comprehensive Plan outlines the overall vision for the transportation system within the Town. The proposed development is supporting the larger vision of addressing congestion and improving mobility where ever possible.

As described, the proposed development will eliminate the existing vehicular ingress and egress locations on Estero Boulevard and Crescent Street and reduce vehicular ingress/egress to one location on Fifth Street.

- Estero Boulevard – currently has a vehicular ingress and egress to the subject property, supporting full turning movements to the existing business. While a middle lane exists on Estero Boulevard for cars to make left turning movements, this lane is not available west of the Pierview Hotel/Crescent Street. The Bay Side property currently has two vehicular access points which during peak times will create a stacking situation on Estero Boulevard causing congestion when cars desire to turn left across traffic. If these access points were to remain, traffic traveling down (East) Estero Boulevard will back up onto the Matanzas Pass Bridge due to cars desiring access to the hotel building.
- Crescent Street – currently has 3 access points, with one formally utilized as a stacking lane for a drive thru into the subject property. Crescent is a secondary access point for vehicles to access the Matanzas Pass Bridge to leave the Town and is only two lanes. The access to the proposed hotel building on Crescent is for vehicles to enter only and is located as far north as the geometry of the property will allow to ensure vehicles traveling north on Crescent and turning left to enter the subject property do not stack up into the intersection with Estero Boulevard.
- Fifth Street – currently has 3 access points, one active behind the Ocean Jewel property and two inactive closer to the intersection with Fifth Street on the south side. There are two access points into the existing and proposed building north of Fifth Street. The singular active vehicular access point on the south side of Fifth Street is a platted access point at the Y shaped intersection with San Carlos Boulevard/Matanzas Pass Bridge and will remain due it providing access to property not included in the CPD request. The proposed development includes one vehicular access point for vehicles leaving the proposed resort. The service loading area is designed to be parallel to Fifth Street under the proposed building and two access points are provided for trucks to enter the property and unload separate from the vehicular access point to eliminate conflicts.

The proposed development establishes one public vehicular point of ingress on Crescent Street and egress on Fifth Street. From the entry point to the proposed hotel on Crescent, patrons will pull up to a drop off area where they turn their vehicle over to the valet before going to the first

floor to check in. Self-parking will not be permitted at the proposed development. Consolidating the parking for the proposed uses into one location and utilizing valet only will maximize the parking provided, consistent with Policy 7-F-1. Reducing the vehicular access to the subject property to one location will improve traffic flow on Estero Boulevard, Crescent and Fifth Streets by reducing existing turning movements and associated vehicular conflicts, consistent with Policy 7-H-10 and establishing parking access in an appropriate location per Policy 7-E-3. The proposed Trolley pull off is also located along Fifth Street to reduce conflicts with traffic flow on Crescent Street and Estero Boulevard. Should Lee Tran desire to work with the applicant, an additional stop can be provided in this location, consistent with Policy 7-D-2. A service delivery access is proposed off of Fifth Street, which will permit service delivery vehicles only to pull into the subject property and deliver goods under the proposed hotel building out of the right-of-way, an improvement from current conditions where service delivery vehicles often stop on Estero Boulevard, and consistent with Policy 7-H-7.

In addition to these site features for vehicle, truck and trolley access, the proposed development includes a Pedestrian Overpass above Fifth Street and Estero Boulevard, consistent with Policy 7-H-1, which will elevate the pedestrian traffic to a safe location that does not impede traffic flow and eliminates vehicular/pedestrian conflicts. The Fifth Street Pedestrian Overpass is for guests of the hotel to access the meeting space and arcade without impacting vehicular traffic on fifth Street. The location of the Estero Boulevard Pedestrian Overpass has the potential to eliminate the pedestrian-actuated stop light as existing pedestrian infrastructure exists between Time Square and the proposed location of the Pedestrian Overpass for pedestrians walking north. The potential elimination of the existing pedestrian crossing will further improve traffic flow up and down Estero. The Pedestrian Overpass interconnects with the existing and proposed to be expanded sidewalk system on Estero Boulevard, Crescent and Fifth Street. The proposed site design sets the proposed buildings back from the street front with adequate spacing for streetscaping to re-establish and expand the Avenue of the Palms, consistent with Policies 7-E-1 and 7-E-2. The existing and proposed pedestrian infrastructure and streetscaping also provides a link to the desired Hidden Path System on Crescent Street, consistent with Policy 7-D-5.

A complete Traffic Impact Statement was prepared by David Plummer & Associates and is attached to the Commercial Planned Development application materials, consistent with Policy 7-J-2. The conclusions of the TIS indicate that the peak capacity of 1,300 vehicles per hour on Estero Boulevard are not exceeded and the service volume does not reach the threshold to be classified as a significant impact for the traffic associated with the proposed development, consistent with Policy 7-I-2.

A number of the Policies in the Transportation Element of the Town's Comprehensive Plan discuss flooding/stormwater management. Currently, stormwater management is not provided on the subject property creating a situation where rainfall flows off the site and into neighboring properties and public streets. Due to the size of the proposed development an Environmental Resources Permit will be required from the South Florida Water Management District. The applicant has had initial discussions with SFWMD and is proposing to utilize a vaulted system to collect, treat and store the stormwater. This system will improve water quality and eliminate any

flooding caused by the subject property currently. In addition, it is likely that the vaulted system will have additional capacity that the Town can utilize for future redevelopment efforts, consistent with Policies 7-C-2 and 7-H-8.

Coastal Management and Conservation

The Coastal Management Element of the Town's Comprehensive Plan outlines the overall vision for the beaches and other natural resources within the Town. The beach and dune system are specifically addressed in Objectives 5-D and 6-E and their supporting Policies. Consistent with the intent of Policies 5-D-1 and 6-E-4.iv. no new buildings or other structures are located seaward of the 1978 Coastal Construction Control Line (CCCL). The subject property includes existing improvements and seawalls (paved parking, pool patios, etc.) seaward of the CCCL. The impervious pavement and concrete portions of these existing improvements will be removed and replaced with pervious material. The existing seawall will be maintained but not increased, consistent with Policy 6-B-8. Additional encroachments are not proposed and there will be no negative impacts to the existing beach as a result of the proposed development consistent with Policies 6-E-2 and 6-E-4.iv. and v. As discussed within the Community Design Element analysis, the proposed development includes two new beach access points from Estero Boulevard to the Gulf. The first access point is for pedestrian access only providing increased access to the water for the existing and future population and visitors as desired by Objective 5-E. The second access point will provide 23 to 26 new parking spaces with beach access for the Town to utilize as public parking with meters consistent with Policy 5-E-2. In addition, this access connects with an existing platted right-of-way to provide emergency vehicle access to the beach front as desired by Policy 6-E-4.iii.

Policy 5-E-7 includes 3 criteria to evaluate new development and redevelopment along the Gulf front.

1. *Intense multi-family uses are limited to areas vested by previous regulations; to the rebuilding of existing sites following a natural disaster (see Policy 4-D-1); and to voluntary rebuilding of existing sites in accordance with the Future Land Use Element.*

The proposed development does not include multi-family residential uses. Existing residential uses on the Gulf side portion of the subject property will be eliminated as a result of the proposed development. The requested commercial intensity is being primarily relocated from the Gulf Side to the Bay Side consistent with this provision.

2. *Future Development or redevelopment of shoreline land uses must ensure compatibility with surrounding lands and provide proper buffering where needed.*

The proposed development seeks to maintain the existing beach front uses for personal watercraft vehicles and beach furniture rentals. The redevelopment of the commercial uses is proposed in a manner that ensures compatibility with the existing surrounding uses. For example, the proposed restaurant building is located near the existing Salty Crab restaurant with the outdoor seating and service area blocked from Estero Boulevard. The proposed restaurant and bar within the outdoor commercial recreation aquatic facility is

located immediately behind the existing Cigar Hut Building to be retained and significant distance from the existing businesses to the east. In addition to the provided physical separation, enhanced landscaping will be provided along the perimeter of the outdoor commercial recreation aquatic facility and surrounding the pools and proposed buildings to provide additional buffering.

3. *In determining applicable land uses for a site, priority shall be given to water dependent land uses in the following order:*
 - a. *Conservation*
 - b. *Water-dependent (such as marinas which are available for use by the general public)*
 - c. *Recreation*
 - d. *Other uses that are compatible with the surrounding neighborhood*

The existing conditions of the subject property have eliminated any natural indigenous habitat and Marinas are typically located along the Bay side of the island. The Gulf Side portion of the subject property promotes a commercial recreational use through the development of an outdoor aquatic facility with supporting restaurant and bar as well as outdoor seating and gathering spaces. A publicly accessible restaurant and bar are also included along the western property boundary of the Gulf Side Parcel. This structure is designed to provide open air seating and service immediately adjacent to the beach and public access further promoting pedestrian activity and public gathering along the gulf front.