

**TPI-FMB**  
**Commercial Planned Development**  
Project Narrative

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 5.89 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;
2. Safe connectivity across Estero Boulevard for pedestrians and bicycles;
3. Improving the existing traffic conditions of Estero Boulevard;
4. Increased Beach Access; &
5. 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 signature elements of the commercial activity proposed for the redevelopment of the subject property are establishment of a hotel on the North side of Estero Boulevard and creation of an 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 two pedestrian crossings one above Fifth Street and the second over Estero Boulevard. Redevelopment of the properties will be accomplished through a Commercial Planned Development rezoning, intended to provide site design flexibility while ensuring compliance with both the letter and intent of the Land Development Code.

#### *Public Input Session*

The proposed redevelopment is submitted by TPI-FMB, LLC, it is the result of numerous sessions with public focus groups, business owners, local organizations, etc to discuss not only the proposed design and uses but also the history and vision of the Town. Starting in May 2016, members of the project team met with groups of residents, stakeholders and interested parties that were involved in providing input for redevelopment of Times Square and the surrounding area, and had voiced their opinions (positive and negative) regarding the redevelopment of the subject property. Over months of meetings, a site plan emerged establishing interconnectivity between the Bay and Gulf Side properties with a unified site plan that provides additional commercial uses to be utilized by both residents and visitors to the Town. This cooperative planning effort has created a unified development program is both a reflection of Comprehensive Plan's Vision as well as a return to the historic public interaction and gathering spaces that occurred in this part of Ft. Myers Beach.

#### **Background**

The property included in the Commercial Planned Development includes multiple parcels which, as demonstrated by the historical aerials, either are currently or were previously developed. Generally, previous development of the parcels has been for commercial uses, including tourist oriented retail stores, restaurants, bars and cocktail lounges, etc. Collectively, the subject property currently supports 34,508 SF of Commercial, 4,911 SF of Residential and 90,455 SF of

approved commercial square footage from an existing Commercial Planned Development. (The portion of the subject property zoned CPD with existing commercial buildings were not included in the 34,508 SF tally of existing commercial uses.) Additionally, the commercial uses eliminated from the subject property prior to 2016 are not included in the 34,508 SF tally of existing commercial uses. A series of historical photographs are provided after the table which demonstrates additional commercial buildings which were located on the subject property near the intersection of Fifth and Crescent Streets.

STRAP #	Zoning	Parcel Size	Commercial	Notes
19-46-24-W4-0140A.0030	Downtown	20,240 SF	3,247 SF	Mermaid Bar
19-46-24-W4-0140B.0050	Downtown	3,104 SF		Single Family
19-46-24-W4-0140B.0040	Downtown	3,053 SF		Single Family
19-46-24-W4-0140B.0010	Downtown	3,083 SF	2,392 SF	Cafe
19-46-24-W4-0140B.0020	Downtown	9,218 SF	2,620 SF	Cigar Hut Building
19-46-24-W4-0140B.0070	Downtown & Environmentally Critical	26,974 SF	4,914 SF	Summer Days
24-46-23-W3-00009.0000	Downtown & Environmentally Critical	53,053 SF	19,303 SF	Pierview Hotel (f/k/a Ramada Inn)
24-46-23-W3-00006.0000	Commercial Planned Development	117,738 SF	90,455 SF*	Helmerich Plaza (included in Seafarer's CPD)
24-46-23-W3-00206.0060	Commercial Planned Development			
24-46-23-W3-00206.0010	Commercial Planned Development ( <u>not part of this application request</u> )	31,543 SF		Former Seafarer's Plaza (included in Seafarer's CPD)
24-46-23-W3-00205.0070	Commercial Planned Development	9,041 SF		Surface Parking (included in Seafarer's CPD)
24-46-23-W3-00206.0050	Downtown	2,994 SF	2,032 SF	Ocean Jewel
<b>TOTAL</b>		<b>280,041 SF</b>	<b>124,963 SF</b>	Existing & Approved SF

\*SF Approved by Town of Fort Myers Beach Resolution 02-07

**Table 1. Commercial Square Footage of the Subject Property**

### Historic Development

The subject property is in a location of the Town of Fort Myers Beach historically developed with commercial uses, including guest units. As demonstrated by the aerials shown below, since the time near the Town's incorporation until recent history, the subject property and surrounding properties were intensely developed. All images are provided from Google Earth.



Figure 2. Historical Aerial 1994



Figure 3. Historical Aerial 1999



Figure 4. Historical Aerial 2004



Figure 5. Historical Aerial 2005

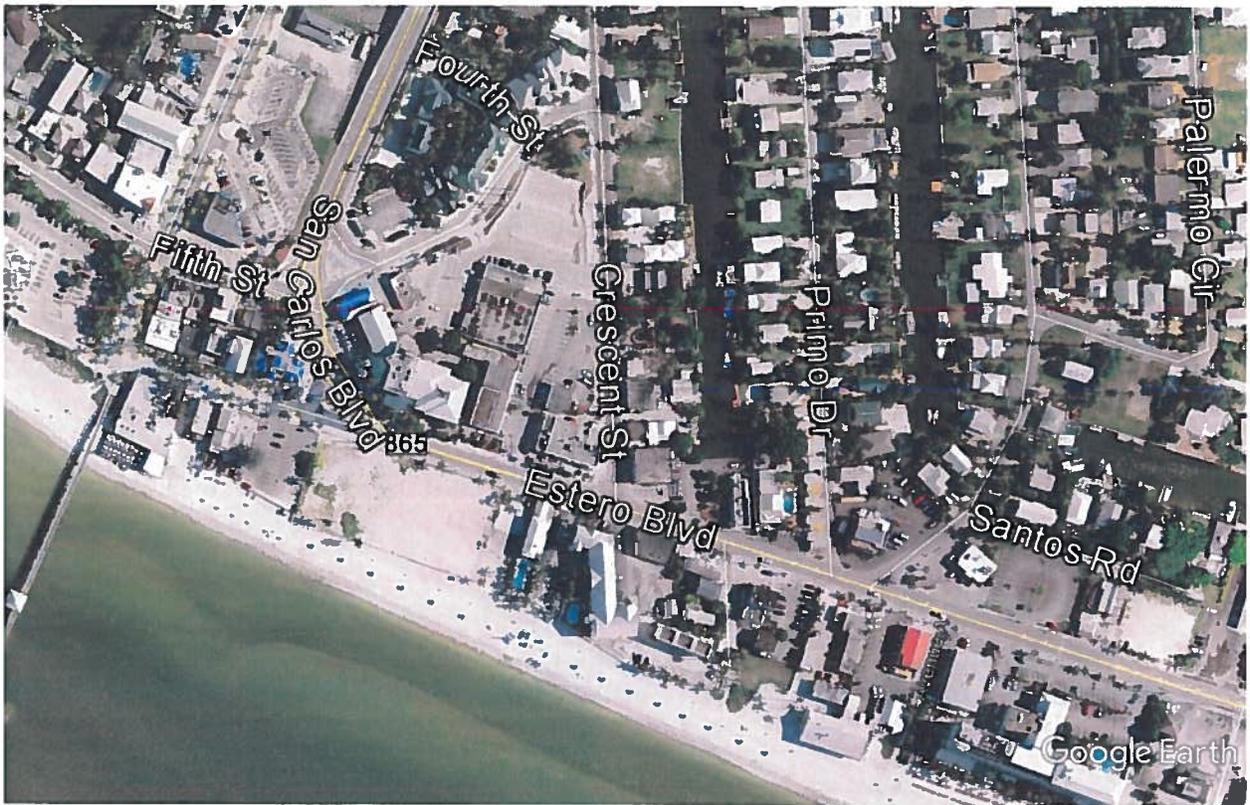


Figure 6. Historical Aerial 2007



Figure 7. Historical Aerial 2010



Figure 8. Historical Aerial 2012



Figure 9. Current Aerial 2016

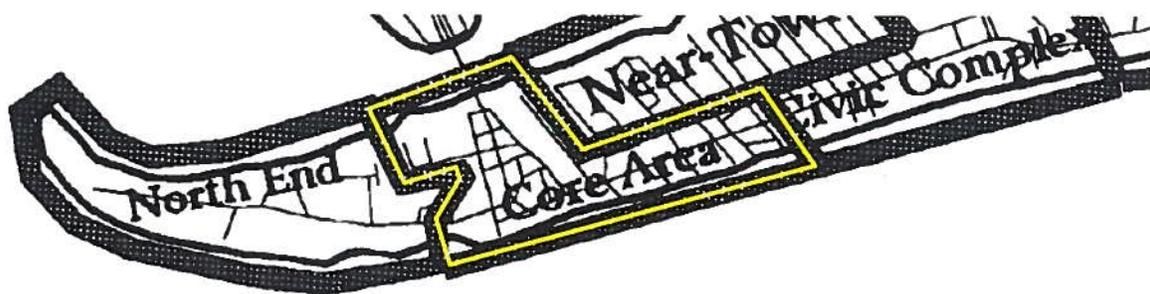
The loss of previous development on the subject property as well as nearby parcels within the Downtown has impacted the vibrancy of the commercial uses east of the Matanzas Pass Bridge. Due to the lack of commercial uses in this area, public gathering spaces and pedestrian activity are limited. Rather than being an integral part of the Downtown Core providing business revenue supportive of the Town, pedestrians view this location as the area between destinations. The proposed redevelopment seeks to reestablish both the commercial uses and guest units previously provided by the subject property and nearby parcels to promote pedestrian connectivity integrated with public gathering space.

#### *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, “primarily [a] commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard)...”

The property is also located within the Times Square (also known as Downtown Core) Redevelopment Area. The Town’s Community Design Element on page 3-4 establishes:

*“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 Lunn 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 10. Times Square/Downtown Core Area**

Objective 3-D of the Town’s Comprehensive Plan encourages “the revitalization of the **downtown core area** (near Times Square) as the **nucleus of commercial and tourist activities.**” The supporting Policies implement the vision of the Core Area Master Plan which promotes the Times Square Area as, “a revitalized entertainment area with tree-shaded outdoor cafes, pedestrian streets and an “old Estero Island” character to the buildings,” while also promoting new buildings through infill development that minimize traffic congestion and open new view corridors to the Gulf. Policy 4-C-2 of the Town’s Comprehensive Plan recognizes that, “more intense commercial

uses [will be encouraged] in the Pedestrian Commercial FLU Category,” and indicates that floor-area-ratios (FAR) in this category may be as high as 2.5. A detailed analysis of the proposed project’s consistency with the Town of Fort Myers Beach Comprehensive Plan is provided in the attached Comprehensive Plan Consistency document. As you will see, TPI-FMB has provided a realization of the vision for this area as articulated by the Town’s Comprehensive Plan.

### *Zoning*

The subject property is comprised of three zoning districts: Environmentally Critical, Downtown, and Commercial Planned Development. The Environmentally Critical (EC) zoning district designates lands are deemed to be ecologically critical and the district precludes development inconsistent with the land’s natural state. Consistent with this zoning district, the portion of the subject property within the EC zoning district is not proposed for development, and this land area has been eliminated from the Floor Area Ratio calculations. The Downtown zoning district is established to “create the desired quality and character for the center of pedestrian-oriented commercial activities within the Town.” The Downtown district includes design criteria to promote mixed use development and encourage pedestrian connectivity. The requested CPD for the subject property has been designed to be consistent with the requirements of the Downtown zoning district to ensure consistency and compatibility with neighboring properties and the surrounding Downtown area.<sup>1</sup> Emphasizing the Downtown regulations ensures the proposal’s consistency with the existing and future development on adjacent and nearby properties, zoned Downtown.

A portion of the subject property is zoned Commercial Planned Development (CPD). In 2002, this portion of the property, known as Seafarer’s Plaza and Helmerich’s Plaza, were rezoned by the Town of Fort Myers Beach by Resolution 02-07 to permit 90,455 square feet of commercial uses and 65 hotel units. A Developer’s Agreement was also executed between the Developer of the CPD and the Town of Fort Myers Beach outlining the following improvements in exchange for permitting the developer “to exceed certain intensity levels and other standards applicable to similar properties<sup>2</sup>.”

According to the executed Developer’s Agreement, in exchange for exceeding intensity levels and the approval of several deviations, the Town and the developer agreed to the following improvements:

1. Pedestrian Overpass and maintenance of a passenger elevator;
2. Construction of sidewalks adjacent to all rights-of-way;
3. Elimination of existing access drives to Estero Boulevard; &
4. On-street parking along Fifth Street.

The Developers Agreement established that many of these improvements would be executed by the Town of Fort Myers Beach. The developer was required to donate perpetual sidewalk

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<sup>1</sup> There are internal conflicts between the regulations outlined in 34- 661 through 34-678 and other sections of the Land Development Regulations. In those instances, the applicant has chosen to ensure the proposed design is consistent with the Downtown Zoning District, consistent with the public input received.

<sup>2</sup> Seafarer’s Plaza Development Agreement Page 9 of 17

easements along Estero Boulevard and Crescent Street for the Town to construct public sidewalks and provide non-exclusive easements for the previously existing gazebo and passenger elevator to permit the Town to upgrade these items in support of the construction of a pedestrian overpass. The overpass was to be funded by the Town of Fort Myers Beach.

Rather than continue to expect the Town of Fort Myers Beach to construct these improvements, TPI-FMB has incorporated these public benefits into the design of the proposed development and is committing to execute these improvements as part of this proposed project. Committing to complete the public sidewalks surrounding the Bay Side property will close the existing gaps along Fifth Street. TPI-FMB, LLC is committing to construct a pedestrian overpass to connect the Bay Side and Gulf Side developments at Fifth Street and Estero Boulevard and will provide two elevators and stairwells, one on either side of Fifth Street and Estero Boulevard, to permit public access to both pedestrian overpasses. The proposed design of the redevelopment **eliminates all vehicular access from Estero Boulevard**, thereby improving flow of vehicular traffic. In addition, the proposed architectural design abides by the commercial design standards included in the land development code. Through these commitments, the proposed development includes all improvements outlined in the Developer's Agreement associated with Resolution 02-07 which will now be completed by TPI-FMB.

#### *Redevelopment*

The subject property is within an area of the Town that has been envisioned for redevelopment by numerous studies as well as the Town's Comprehensive Plan. While not incorporated into the Comprehensive Plan, the Old San Carlos Boulevard – Crescent Street Master Plan includes the subject property. Specifically, the existing Helmerich Plaza and former Seafarer's Village are discussed in the Master Plan, which promotes the redevelopment of the property to improve the tax base of the Town and promote parking supply. During redevelopment, buildings are to be oriented toward the block edge, facing outward and parking (whether at-grade or in a garage) are to be oriented near the center of the block. The Master Plan also includes the promotion of a "park once" design through shared parking and retail and other commercial uses located at street level.

These principles have been incorporated into the design of the proposed CPD to promote consistency with the visioning elements of the Master Plan as well as the Downtown zoning district. Specifically, the Bay Side portion of the development incorporates these principles within the current floodplain zones and elevation requirements. This portion of the subject property is proposed to be a hotel, designed to provide parking underneath an elevated structure. The building is oriented to face toward the street with Estero Boulevard established as the most prevalent lot line and therefore its front<sup>3</sup>. The existing sidewalks will be maintained and where necessary extended, along all three primary streets, utilities will be buried, and additional greenspace is provided between the sidewalk and the building for streetscaping to continue the Avenue of the Palms concept established in the Times Square Pedestrian Plaza consistent with Policies 1-A-2, 1-A-3 and 1-B-5 of the Town's Comprehensive Plan.

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<sup>3</sup> Town of Fort Myers Beach. Land Development Code Section 34-2. Definitions, Lot line, front and Lot line, rear. Pages 16 & 17 of 182.

**Project Request**

The ±5.89-acre subject property has existing commercial and residential uses as well as approved entitlements for a portion of the property. The requested Commercial Planned Development seeks to redevelop the subject property with a hotel, outdoor commercial recreation facility and ancillary uses, a restaurant, and 2 public beach access points – one with 23-26 public parking spaces. The proposed development will cluster commercial intensity on the North side of Estero, referred to as the Bay Side. The main building is for the hotel, a second building on the north side of Fifth Street provides meeting space and an arcade as an amenity to the hotel. These buildings are connected above Fifth Street by a Pedestrian Overpass providing connectivity without impeding traffic flow off the island. The South side of Estero, referred to as the Gulf Side, is to be partially redeveloped with smaller buildings supporting a new restaurant with guest units above, lazy river and wading pool aquatic complex and supporting commercial services (including an additional restaurant ancillary to the aquatic complex). A pedestrian overpass, above Estero Boulevard will connect the subject property without impeding vehicular traffic on Estero Boulevard, providing cross access for pedestrians. Two beach access points are also proposed on the Gulf Side.

The Town's Comprehensive Plan establishes the subject property and the area around it as the Downtown Core (aka Times Square) Redevelopment Area and includes a vision for this area<sup>4</sup>. Objective 3-D and its supporting Policies implement this vision by promoting a continuance of the existing sidewalk improvements which should be coordinated with pedestrian, parking, mass transit and traffic circulation to improve the existing parking and streetscape in the area. In addition, the implementing Policies promote stormwater management as well as floodplain management techniques to be incorporated into existing and proposed development within this area. The proposed CPD seeks to implement this Vision while redeveloping the subject property to support a new hotel and outdoor recreation facility within the Town. Where possible open air concepts for the proposed commercial uses have been incorporated to creatively implement the vision and intent of the comprehensive plan to promote outdoor public gathering spaces despite the required floodplain elevation over 15 feet and prohibition of enclosed commercial spaces at ground level.

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<sup>4</sup> Town of Fort Myers Beach. Comprehensive Plan, Community Design Element. Pg. 3-5



**Figure 11. Proposed Site Design**

As previously mentioned, parking for the proposed hotel will be provided under the elevated building and the existing sidewalk infrastructure will be maintained and expanded where necessary to provide continuous pedestrian access on Estero Boulevard, Crescent Street and Fifth Street adjacent to the subject property. **The proposed site design eliminates all existing vehicular points of ingress and egress to the subject property on Estero Boulevard.** A pull off for the Lee Tran Trolley is proposed near the intersection of Crescent and Fifth Street should Lee County desire to take advantage of this proposal. Collectively the elimination of multiple vehicular ingress/egress points and the incorporation of a proposed trolley stop will improve the flow of vehicular traffic from the base of Matanzas Pass Bridge down Estero Boulevard.

In addition, the proposed development includes at grade and vaulted stormwater management providing a much-needed improvement for a location that does not currently have stormwater

management. This represents a significant improvement for the entire area, providing both water quality and quantity elements to the drainage pattern in this portion of the Town.

### *Bay Side*

3 acres of the subject property are located North of Estero Boulevard and are bounded in a triangular shape by Estero Boulevard, Crescent Street and Fifth Street. The unique geometry of the property is proposed to be developed with a hotel designed to be consistent with the site and commercial design standards of the Downtown zoning district. The regulations of the Downtown Zoning District establish that Estero Boulevard, Crescent Street and Fifth Street are Primary Streets, LDC Section 34-672(b). Build-to-lines are established based on street type and outlined in LDC Section 34-674(a) and setbacks are established by LDC Section 34-674(b). Unfortunately, due to the triangular geometry of the subject property, traditional front, side and rear property lines are difficult to establish. LDC Section 34-2 defines a rear lot line as, "a lot line which is parallel to or concentric with and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length entirely within the lot, parallel to or concentric with and at the maximum possible distance from the front lot line." By virtue of this definition, 20 feet from the property boundary at the Fifth and Crescent Street intersection is the maximum distance from the front lot line, over 540 feet; Estero Boulevard is the front lot line and subject to the build-to-line requirements of 34-672(a). In addition to the unique shape of the property, it is also divided by multiple floodplain elevations, one velocity zone and two A zones. Consistent with the Code of Federal Regulations, when a building crosses different flood zones, the most restrictive elevation must be adhered to and the building is proposed to be elevated consistent with the Velocity Zone. Consistent with LDC Section 34-676(b)(2) parking is provided under the elevated building and patrons are required to utilize the valet service to provide maximum parking capacity on the ground floor. To maximize the number of parking spaces provided, the parking layout utilizes stacked parking horizontally under the building as well as stackers vertically. The ground level parking spaces are to be screened by breakaway architectural elements and landscaping. Due to the required build-to-line, a full 15-foot buffer is not provided. There is a conflict between the required build-to lines and desire for the building to be placed near the street in the Town's Comprehensive Plan and Land Development Code and LDC Section 10-416(d)(2), which requires a 15-foot buffer between a right-of-way and proposed parking. The applicant has chosen to adhere to the Downtown Zoning District requirements and the established build-to line. The proposed parking will continue to be screened by architectural features and landscaping, meeting the intent of the 10-416(d)(2). In addition to the architectural screening and building perimeter landscaping to screen parking consistent with LDC Section 34-677(b)(3), palms and other plantings are proposed to be provided along each right of way as streetscaping to extend the Avenue of the Palms concept from the Town Comprehensive Plan Policy 1-A-2. Furthermore, to ensure the proposed parking spaces are available for patrons of the proposed hotel building, TPI-FMB is considering options to either shuttle employees to the property or pay employees to utilize the park and ride facility under construction at Pine Ridge and Summerlin Roads.



**Figure 12. Streetview of Bayside Proposed Development**

The proposed design of the Bay Side property also seeks to maintain and where necessary expand sidewalks adjacent to the Estero Boulevard, Crescent Street and Fifth Avenue rights of way to promote connectivity and provide pedestrian access. Currently the pedestrian infrastructure does not extend the full length of Fifth Street; the proposed development plan will provide a continuous sidewalk down Fifth Street, interconnecting with Estero Boulevard and Crescent Street. **The proposed design also seeks to comply with LDC Section 34-676(d)(1) to eliminate all vehicular access points along the primary street of Estero Boulevard.** To access the subject property, patrons will utilize a single access point to turn in on Crescent Street and single access point to exit on Fifth Street. While Crescent and Fifth Streets are primary streets, the singular entry and exit permits a better flow of traffic to limit stacking and impacts to existing street traffic and promotes consistency with LDC Section 34-676(d)(1) by providing reasonable access to the subject property which is entirely bounded by Primary Streets. The single existing platted access point on Fifth Street, adjacent to the Ocean Jewel property will remain to provide access to adjacent property not owned by the applicant. The elimination of all the existing access points along Estero Boulevard and the reduction of access points along Crescent and Fifth Streets will improve the flow of existing traffic down Estero Boulevard from San Carlos Boulevard as well as traffic moving up Crescent Street to exit the Island via Fifth Street or circle under the Matanzas Pass Bridge to reach the Bayfront Pedestrian Plaza. The design will also ensure any traffic associated with the hotel does not further impede traffic conditions along Estero Boulevard. With these committed design enhancements, the requested development exceeds the previously proposed improvements of the existing Seafarer's CPD approval and Development Agreement.



**Figure 13. Proposed Bayside Development**

As previously mentioned, the ground floor of the Bay Side hotel will be open and utilized for parking to support the proposed development. The first, second and third floors will be hotel rooms and resort activities. The facility will have an on-site restaurant, coffee shop, lobby and lounge, sundries shop, and meeting space. The proposed site design clusters the resorts uses and buildings on the Bay Side property and the lower intensity uses will be placed on the Gulf Side property. **This type of design clusters and transitions the intensity of uses to open new view corridors to the Gulf** consistent with the Town's Comprehensive Plan Community Design Element. The proposed building will comply with the commercial design standards associated with the Downtown Zoning District and will be limited to 40 feet and 3 stories above the floodplain elevation and freeboard consistent with the Town's LDC Section 34-675(b)(3). The height of the proposed hotel building is less than the existing Pierview Hotel and would improve consistency of the subject property with the Town's regulations. A detailed analysis of the commercial design standards is included in the attached CPD application materials.

The design of the proposed redevelopment also includes at grade and a vaulted stormwater management system, which will collect and store stormwater, most of which will be a vaulted system under portions of the subject property consistent with Policy 3-D-7. The addition of an engineered storm water management system is a much-needed improvement as the subject property currently does not provide any stormwater collection and/or management consistent with Policies 1-A-2 and 3-D-7. The increase in open spaces and reduction of pavement on the subject property will also improve surface water quality. An analysis utilizing methods established by the South Florida Water Management District demonstrates the proposed development will have a 30% improvement in water quality compared to the current condition of the subject property. TPI-FMB is committed to coordinating with the Town of Fort Myers Beach regarding the design of the stormwater management system to establish a system that contains excess capacity which could be utilized by the Town for other redevelopment projects. TPI-FMB believes this also supports the intent and vision of Town's recent efforts to establish a municipal taxing district for the purposes of constructing a stormwater management system throughout the Town to address local drainage issues.

#### *Bay Side/Gulf Side Connections*

The requested CPD includes two pedestrian overpasses to be constructed by the developer at the first floor above ground level.

One Pedestrian Crossing is located above Estero Boulevard connecting the Bay Side and Gulf Side properties. This elevated connection will improve connectivity between the properties but more importantly will provide much needed public access across Estero Boulevard without impeding vehicular traffic. An elevator and stairwell will be constructed from ground level to the first floor on the Bay and Gulf Side properties to permit pedestrians along Estero to access the pedestrian crossover. On the Gulf Side the ground level access of the pedestrian crossover is immediately adjacent to a Pedestrian Beach Access allowing residents and tourists access to the Gulf.



**Figure 15. Bay Side Street View of Pedestrian Crossover above Estero Boulevard**

The elevator and pedestrian overpass are currently improvements identified in the Seafarer's Developer's Agreement. The requested CPD seeks to ensure this much-needed public improvement is implemented; therefore, the developer is committing to construct the overpass with the commercial uses of the requested development. The previous agreement required the Town to execute the construction of the overpass and upgrade the existing elevator. The commitment by TPI-FMB to include and construct a pedestrian overpass with supporting access elements exceeds the commitments of the existing CPD approval and Developer's Agreement.

The second Pedestrian Crossing is located above Fifth Street connecting the Bay Side properties and will be open to the public. This elevated connection will promote connectivity between the hotel amenity and hotel buildings above Fifth Street to improve vehicular flow. Public stairwells and elevators and stairwell will be constructed from ground level to the first floor to permit pedestrians coming off the Matanzas Pass Bridge to access the pedestrian crossover. Members of the public can then access the outdoor patio on the first level of the hotel building to cross to the Pedestrian Overpass above Estero Boulevard to access the Gulf Side or go down the stairwell and elevators provided on the north side of Estero Boulevard.



**Figure 16. Bay Side Pedestrian Crossing above Fifth Street**

### *Gulf Side*

±2.8 acres of the subject property are located South of Estero Boulevard and are proposed to be developed with a restaurant with guest units above, pedestrian beach access, outdoor recreation with ancillary uses, and public parking with beach access. With the exception of the Cigar Hut building, the existing commercial and residential buildings will be demolished and replaced meeting current floodplain, zoning and building requirements; the Cigar Hut will remain and will be improved within the regulations of the "50% Rule" to provide ground level services to the patrons of the outdoor recreation facility. The redevelopment of this portion of the subject property is designed to provide open gathering spaces, public interaction and civic space, and increase the available views of the Gulf of Mexico from Estero Boulevard. The buildings meet or are less than the maximum permitted height limitations, ensuring view corridors from the top of

the Mantanzas Pass Bridge are also maintained. This is consistent with the Town's Comprehensive Plan in which the Community Design Element states "Along the beach side of Estero Boulevard, infill development is designed to minimize traffic congestion and has opened new view corridors to the Gulf<sup>5</sup>."



**Figure 16. Proposed Gulf Side Development**

The existing Pierview Hotel will be demolished and replaced with a new building for a public restaurant. This building will provide the connection for the pedestrian overpass to the Gulf Side. The restaurant building will be elevated to comply with the property's location in the Velocity Zone and provide freeboard and meets the maximum permitted height. A portion of the ground and first floor of the restaurant building will be enclosed and the remainder will be open seating associated with the restaurant overlooking the Gulf. The third floor of the restaurant building will be guest units. The building's design ensures any noise and activity associated with the outdoor seating is directed away from the existing commercial and residential uses along Crescent Street, the north side of Estero Boulevard and adjacent to the subject property. Currently, there is a platted right-of-way located between the existing Pierview Hotel and Cigar Hut building, which will be vacated concurrently with the requested CPD. The platted ROW only provides access to properties owned by the applicant and does not extend to provide beach access. In the vicinity of the existing platted ROW, immediately adjacent to the east of the proposed restaurant building, will be a public pedestrian beach access. Lighting provided in these outdoor spaces will be consistent with all applicable regulations.

<sup>5</sup> Town of Fort Myers Beach. Comprehensive Plan, Community Design Element. Pg 3-5



**Figure 17. Proposed Outdoor Recreation Facility**

Immediately to the south of the proposed pedestrian beach access is an outdoor recreational facility. The proposed facility will be a private, commercial operation with controlled access points adjacent to the public pedestrian beach access. Patrons of the outdoor recreational facility must pass through a single supervised entry point. The outdoor recreation facility includes a lazy river and wading pools, outdoor entertainment, a service bar and restaurant and restrooms.

The Cigar Hut Building, is proposed to be remodeled consistent with the "50% Rule" to provide at grade restroom and shower facilities for the patrons of the outdoor recreation facility. The second building proposed immediately south of the Cigar Hut building will provide two floors at 24.5' above flood elevation, with freeboard. The new building will provide an outdoor bar with seating on the ground floor, the first floor will have additional outdoor seating with a bar as well as a kitchen to support the bar and seating, and administrative offices and storage are proposed on the second floor. This building has been located in line with the existing Cigar Hut building to provide increased open views of the Gulf from Estero Boulevard. Currently no view corridor is provided between the existing Cigar Hut Building and Canal Street to the east. Aligning the buildings to support the outdoor recreation facility will also screen and buffer the existing uses north of Estero Boulevard as well as provide separation between the proposed development and the adjacent Beacon Hotel. The outdoor seating depicted between the Coastal Construction

Control Line and Gulf is located on an existing improved area which will be maintained but not increased consistent with Policy 6-B-8.

Immediately adjacent to the private outdoor recreation facility to the east, is a proposed public beach access with 23-26 parking spaces for the Town of Fort Myers Beach to meter should the Town desire. Similar to the Bay Side development, the Gulf Side will also incorporate a vaulted stormwater management system, which collects and stores stormwater under the subject property providing a much-needed improvement from current conditions in which no stormwater collection and/or management is provided consistent with Policies 1-A-2 and 3-D-7. An analysis utilizing methods established by the South Florida Water Management District demonstrates approximately a 30% improvement in water quality for the proposed development as compared to the existing conditions of the subject property. TPI-FMB is committed to coordinating with the Town of Fort Myers Beach regarding the design of the stormwater management system to establish a system that contains excess capacity which could be utilized by the Town for other redevelopment projects in this area. Additional vault capacity could also be provided under the proposed public beach access with public parking. TPI-FMB believes designing the vaulted stormwater management system to provide additional capacity supports the intent and vision of Town's recent efforts to establish a municipal taxing district for the purposes of constructing a stormwater management system throughout the Town to address local drainage issues.

The existing properties adjacent to the Gulf currently provide parasailing, personal watercraft and beach furniture rentals. The proposed development seeks to maintain these existing uses for the operation of one location for parasailing and personal watercraft rentals and one location for beach furniture. The subject property's beach frontage is approximately 450 feet and it does not appear there are existing parasailing, personal watercraft or beach furniture rentals north at Crescent Beach Park or South at the Beacon Hotel or the Cottage. Therefore, the continuance of these existing uses is consistent with LDC Section 27-51 and 14-15.

The proposed development is also requesting outdoor seating in conjunction with Consumption on Premises. On the Bay Side hotel development, the outdoor seating is located on the first floor associated with the outdoor restaurant seating and gathering spaces proposed to support the resort. These areas are shielded by hotel rooms and support space. Due to the proposed configuration of the building, outdoor seating and consumption will not be visible from adjacent residential properties. On the Gulf Side, the outdoor seating is located on the ground and first floor of the proposed restaurant building along the western property boundary as well as the ground and first floor of the proposed restaurant with outdoor bars that are ancillary to the outdoor recreation facility. At each location, these spaces will be shielded from adjacent properties due to the proposed design of the development. The restaurant features enclosed storage space adjacent to Estero Boulevard, the outdoor seating is located behind this enclosed space and therefore not visible from Estero Boulevard. The proposed outdoor bar and seating associated with the outdoor recreation facility on the ground level is to be located behind the existing Cigar Hut building which will remain; this location also is not visible from Estero Boulevard. The outdoor seating proposed for the first floor, is located facing the Gulf front and

behind the enclosed kitchen and will not be visible from Estero Boulevard. It is presumed that servers from this proposed new building will walk throughout the lounge chairs and seating of the private, commercial recreation facility to provide food and drinks to patrons at this location. As previously mentioned, the outdoor recreation facility will be a privately operated facility with a single controlled access point for paying patrons only.

### **Public Benefits**

To accomplish the proposed redevelopment two deviations are requested.

1. To allow guest units to be permitted and calculated utilizing Commercial Floor Area Ratio.
2. To allow the Floor Area Ratio calculation to exclude the parking under the hotel building.

A full analysis of the deviations is provided in the attached Schedule of Deviations. As justification for the deviations requested, TPI-FMB is providing the following public benefits.

### *Gulf View Corridors*

The proposed site design clusters the proposed development on the Bay Side property and most of the proposed development on the Gulf Side is 15 feet lower than the allowed maximum height. These design characteristics ensure view corridors from the top of the Matanzas Pass bridge are maintained over the proposed hotel building as well as from pedestrian level on Estero Boulevard. Through the aggregation of multiple properties TPI-FMB has been able develop a site design that improves views of the Gulf of Mexico as compared to the existing development or if each parcel were to be developed independently.

Currently from the Pierview to the Mermaid Bar, views of the Gulf of Mexico are obstructed by the existing buildings and the angled platted configuration of the existing rights of way.



**Figure 18. Existing Gulf Front Development**



**Figure 19. Existing View of the Gulf from Estero Boulevard between the Pierview and Cigar Hut Building**



**Figure 20. Existing View of the Gulf Down Canal Street from Estero Boulevard**

The proposed site plan will develop a new building on the existing Pierview property and will retain the existing Cigar Hut building, all other obstructions along Estero Boulevard will be eliminated, opening a large 252ft view corridor to the Gulf of Mexico. In addition, the proposed restaurant building and adjacent pedestrian corridor will be provided perpendicular to Estero Boulevard providing another 27ft view corridor to the Gulf of Mexico and additional beach access and pedestrian circulation at grade level circulation.

#### *Improved Beach Access*

The proposed development plan includes two beach access points for the public incorporated into the Gulf Side development. TPI-FMB, LLC is proposing to provide a Pedestrian Beach Access from Estero Boulevard to the beach front immediately adjacent to the proposed restaurant on the western side of the property. This new public pedestrian access from Estero Boulevard to the Gulf of Mexico will provide a new beach access, an enhancement that benefits both visitors and residents to the Town.

The second public access point is located immediately adjacent to the eastern boundary and is designed to provide pedestrian and vehicular access to the beachfront. On either side of the proposed access, parking spaces are proposed; 23 – 26 spaces can be accommodated in this location to provide much needed beach parking within the Downtown Core. TPI-FMB, LLC has offered, should the Town desire to accept, to provide these spaces to the Town of Fort Myers Beach for metering. The additional metered parking will provide improved beach access for the motoring public as well as an additional revenue source for the Town.

### *Stormwater Management System*

Due to the size and redevelopment of the property, a stormwater management system will have to be designed, permitted and implemented. However, TPI-FMB, LLC is proposing to enhance the proposed stormwater management system by providing underground vaults and designing the system to have extra storage capacity which can be made available to the Town. Currently due to the age of the existing development, the subject property does not provide stormwater collection and management. The proposed site design will reduce the impervious area of the subject property, increasing open spaces and locating parking under the building, which will provide improvements to the water quality of the stormwater collected. After collection, the management system will treat the stormwater further improving water quality. An analysis of the proposed site design, utilizing methods established by the South Florida Water Management District, demonstrates a 30% improvement in water quality from the current conditions of the subject property. The underground stormwater vaults will provide increased collection capacity for subject property that is expected to be in excess of the amount necessary to support the proposed development. The excess storage capacity of the vault system can be utilized to support other redevelopment projects within the vicinity, improving the stormwater conditions for properties surrounding the subject property as well as supporting the Town's efforts to establish a municipal stormwater management system. Similar systems, above and below ground, have been implemented in municipalities with historic development (Fort Myers, Kissimmee, etc.)

### *Multi-modal Improvements*

The proposed redevelopment includes a singular vehicular access point on Crescent and Fifth Streets, eliminating the existing vehicular ingress/egress points off Estero Boulevard, and reducing the vehicular ingress/egress points off of Crescent and Fifth Streets. In addition, TPI-FMB has proposed pedestrian crossovers above Fifth Street and Estero Boulevard. Furthermore, the proposed development, due to the types of uses proposed, reduces the number of vehicular trips during peak hours as compared to the current maximum existing and approved uses. The proposed site design also includes a trolley pull off near the intersection of Fifth and Crescent Streets and under the proposed hotel building should Lee Tran desire to add a stop in this location. The collective elimination of excess vehicular access points, raising the pedestrian crossings above Fifth Street and Estero Boulevard, reducing the peak hour vehicular trips, and providing improved mass transit opportunities will eliminate points of conflict between vehicles and pedestrians and will improve the flow of vehicular traffic off the Matanzas Pass Bridge and down Estero Boulevard.

### **Surrounding Uses**

The subject property is located near the base of the Matanzas Pass Bridge and spans to the Gulf of Mexico. The Bay Side portion of the property includes the existing Helmerich Plaza and Ocean Jewel commercial buildings as well as the former Seafarer's Plaza commercial development. The Gulf Side portion of the property includes the existing Pierview Hotel, Cigar Hut commercial building, Beach Bums Café commercial building and the Mermaid Bar property as well as the existing residential single family units that occur between Estero Boulevard and the Gulf adjacent to Canal Street. This area of the Town of Fort Myers Beach is the traditional commercial hub for

the Town with most residents and tourists living in or visiting this area, exploring on foot or by bike.

### **Times Square Pedestrian Corridor and Crescent Beach Park**

During the late 1980's extensive planning for the Downtown Core Area began and by 1992, infrastructure improvements including paving and widening streets, improving drainage and adding sidewalks had been implemented. In 1996, the Pedestrian Corridor for Times Square was established and the decorative paving and landscaping design from the Pedestrian Corridor was carried down Estero Boulevard to the Lani Kai property.

Spanning from Lynn Hall Memorial Park to Crescent Beach Family Park, the Times Square Pedestrian Corridor includes a number of commercial uses, ranging from restaurants to art galleries, street performers and other entertainment. Businesses within the Corridor are oriented toward Estero Boulevard provide outdoor seating and display areas adjacent to brightly paved sidewalks and landscaping establishing the Avenue of the Palms<sup>6</sup>. Due to the efforts of the Town of Fort Myers Beach, Lee County, the Estero Island CRA and the Downtown Redevelopment Agency, the Times Square Pedestrian Corridor is a lively commercial/tourist center of town, setting the design theme for further public and private improvements<sup>7</sup>.

The western boundary of the Gulfside portion of the subject property is proximate to the Crescent Beach Park and Times Square Pedestrian Corridor. The proposed site design maintains the sidewalk adjacent to Estero Boulevard and includes a planting area between the proposed uses and the sidewalk to permit palms to be installed extending the Avenue of the Palms consistent with Policy 1-A-2 from the Times Square Corridor down Estero Boulevard. Currently along the South side of Estero adjacent to the subject property, no palms are planted adjacent to the sidewalk. Some properties provide palms as building perimeter plantings; between the eastern boundary of the Pierview to the Mermaid Bar no palms are provided adjacent to the existing sidewalk. Along the Gulf front, the development will extend the existing public gathering elements of the Times Square Pedestrian Plaza and Crescent Beach park by incorporating large outdoor seating areas at the ground and first floor level adjacent to the Gulf of Mexico, which will also encourage interaction between residents and visitors. The two-story height and separation distances of the buildings along the Gulf Side will also ensure new open public view corridors to the Gulf of Mexico consistent with Policy 1-A-3.

The site design of the proposed uses has been developed to ensure noise and light are appropriately shielded from the existing surrounding uses consistent with Policy 4-A-3. For example, the outdoor seating proposed with the new restaurant adjacent to the western property boundary is located at the back of the building overlooking the Gulf of Mexico. The proposed outdoor seating aligns with the existing outdoor seating at the adjacent Salty Crab restaurant (which is owned by the applicant) to promote consistency and compatibility with the existing adjacent use. The front of the buildings adjacent to Estero Boulevard and across from the existing residential along Crescent Street and the existing Beacon Motel and Silver Sands

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<sup>6</sup> Town of Fort Myers Beach, Comprehensive Plan Community Design Element Policy 1-A-2

<sup>7</sup> Town of Fort Myers Beach, Comprehensive Plan, Community Design Element. Pg 3-4.

Hotel will be enclosed ensuring noise and light do not encroach beyond the property boundary to Estero Boulevard or the existing residential neighborhoods. Furthermore, the proposed restaurant building has been located over 300 feet from the existing Beacon Hotel adjacent to the subject property's Eastern property boundary providing adequate separation to eliminate negative impacts to the adjacent property. The entertainment areas incorporated into the outdoor recreation facility are oriented toward the Gulf and have been located behind the existing Cigar Hut commercial building, which will serve as a physical barrier visually and for any noise crossing the property boundary toward the existing residential along Crescent Street and the Silver Sands Hotel. This entertainment area is approximately 250 feet from the Beacon Motel ensuring appropriate separation and as mentioned oriented toward the Gulf eliminating noise and light impacts.

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

### Crescent Street

Crescent Street can be described as a mixture of mostly hotel/motel uses and few single and multifamily residences, with two commercial buildings located near the intersection of Crescent Street and Estero Boulevard. The commercial buildings adjacent to the subject property are one and two story buildings with retail and restaurant uses. The two-story building facing Estero Boulevard appears to have some small residential units on the second story.

Further north on Crescent Street are vacant lots before reaching some multi-family residential units that appear to be first floor over ground floor parking. Additional vacant lots are located on Crescent near the intersection with Fifth Street.

At the terminus of Crescent Street adjacent to the Bay is the Matanzas Inn, a CPD approved by the County Z-95-074 and rezoned again by 03-35 approving all uses permitted within the Downtown Zoning District as well as a bar and cocktail lounge, consumption on premises, boat slips available for rental. Deviations were approved for Floor Area Ratio, the inclusion of additional commercial acreage for density calculations, reductions in parking calculations, and building height.

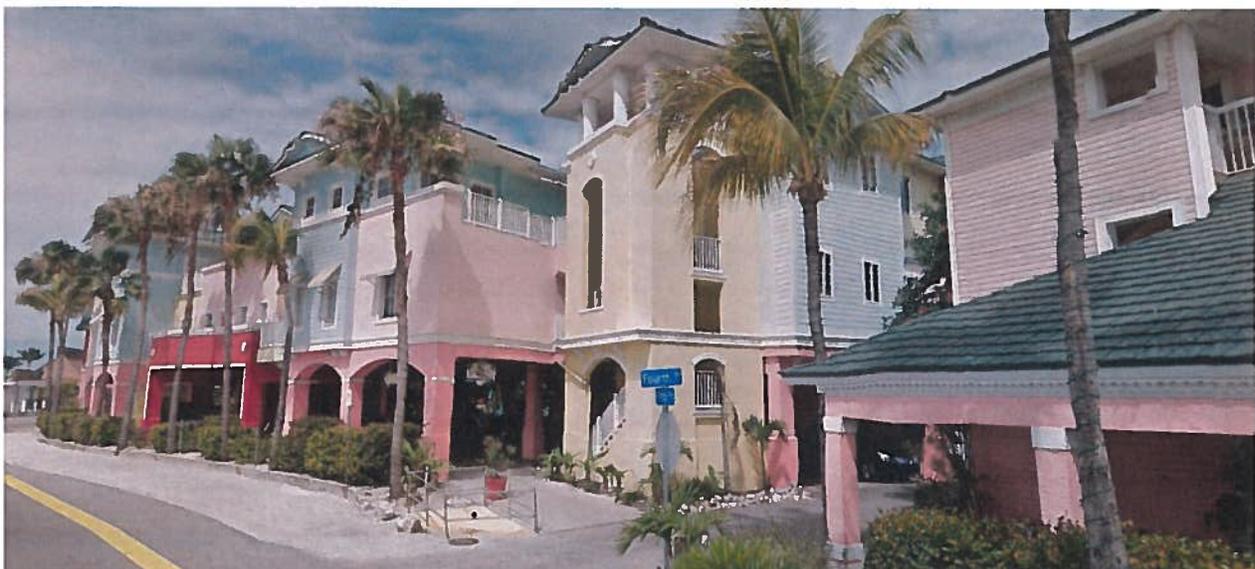


**Figure 21. Location of Matanzas Inn CPD on Crescent Street**

The proposed hotel on the Bay Side is consistent with the existing uses located in the vicinity along Crescent Street. The proposed architectural features of the hotel structure are designed to shield the existing residential uses along Crescent Street. The resort amenities are located on the first-floor interior to the proposed building. The design of the building ensures that the proposed units provide the necessary separation and shielding of the existing residential along Crescent Street from the noise and light of the resort amenities. Furthermore, the proposed units adjacent to Crescent include outdoor balconies with supporting walls on an angle directing any potential noise and light from the guest units down Crescent toward Estero again appropriately shielding the existing residential adjacent to Crescent Street.

#### **Fifth Street**

The property located along Fifth Street has been developed by the Lighthouse Resort, a commercial planned development with hotel, restaurant, bar and entertainment uses similar to the proposed hotel. The Lighthouse Resort utilizes the same design concepts as proposed by the requested site design, resort units are located adjacent to the public and interior rights of way and the interior space is utilized for resorts amenities, pool, bar, outdoor seating, etc.



**Figure 22. Lighthouse Inn Resort**

### **Urban Services**

The subject property is located within the primary commercial district, the Pedestrian Commercial future land use<sup>8</sup> and has access to urban services to provide service the proposed development.

### *Utilities*

The subject property is within the service area for the Town of Fort Myers Beach Utilities. The proposed development is a short distance from the existing treatment facility and will connect to central water and sewer as the existing developments do.

### *Transportation*

The subject property has adequate access to Estero Boulevard however the proposed development has identified the primary vehicular access for the subject property to be on Fifth Street to improve vehicular circulation down Estero Boulevard. Lee Tran Service can be accommodated by the proposed development which includes a trolley drop off and turn around adjacent to the fifth Street access should Lee Tran determine to take advantage of this opportunity.

### *Public Safety*

The subject property is within the service area for multiple providers of emergency services. The Lee County Sherriff's Office, Fort Myers Beach Fire Control District and Lee County Emergency Services will provide service to the subject property.

### *Stormwater Management*

As a result of the proposed development stormwater management will be available to the subject property. Currently the subject property does not collect or treat stormwater. The proposed system will improve the current conditions and the decrease in impervious area will provide an increase in water quality. In addition, TPI-FMB, LCC has committed to working with the Town to establish a vaulted storm water management system with excess capacity which can be utilized by the Town to support other redevelopment efforts in the area.

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<sup>8</sup> Town of Fort Myers Beach. Comprehensive Plan, Future Land Use Element. Page 4-45.