

TPI-FMB**Commercial Planned Development**

Schedule of Deviations and Justifications Narrative

1. Deviation from Section 34-1803(a)(2) which permits guest units to exceed equivalency factors or 1,000 SF if a deviation is requested through a planned development rezoning to permit 108,203 SF of guest units as measured by Commercial Square Footage for measurement by Floor Area Ratio.

The TPI-FMB redevelopment project requests a deviation to permit the proposed Commercial Planned Development to be reviewed per the Floor Area Ratio requirements of the Pedestrian Commercial Future Land Use and Downtown Zoning District.

The subject property is within the Pedestrian Commercial Future Land Use category which permits a Commercial Floor Area Ratio of 2.5 per Policy 4-C-2. The Town's LDC Section 34-675(c) limits this FAR to a maximum of 1.4 for properties fronting Estero Boulevard. LDC Section 34-633 defines Floor Area Ration (FAR) as the "gross floor area of all buildings on a site divided by the site's lot area." The subject property's gross area, as demonstrated by the Boundary Survey included in the application materials, is 5.89 acres or 256,568 square feet and permits a maximum of 359,195.7 square feet of commercial development. However, the subject property includes land area within the Recreation Future Land use and the proposed development includes numerous public benefits, including land area to be provided to other entities. For example, on the Gulf Side the proposed public beach access and parking adjacent to the eastern boundary south of Estero Boulevard may be owned by the Town of Fort Myers Beach. As a result, these areas have been eliminated from the gross developable acreage, reducing the available land area for development to 4.51 acres or 196,455.6 Square Feet. A sketch and description is attached to the application materials demonstrating the Gulf Side Buildable Area. At a Floor Area Ratio of 1.4, the maximum square footage that could be developed on the remaining 4.51 acres is 275,037.8 SF.

The proposed CPD does not maximize the available commercial intensity, 222,924 square feet of commercial square footage or a floor area ratio of 1.1 is proposed for all the commercial uses and only 108,203 SF is allocated toward guest units. The remaining square footage will support traditional commercial uses and public amenities. A detailed breakdown of the commercial uses by floor and square footage is provided in the attached application documents. The requested intensity for the commercial uses included in the CPD is significantly less than the allowed maximum square footage of 313,902 and maximum FAR of 1.4.

The proposed CPD seeks to cluster the intensity of the proposed development on the Bay Side parcel limiting the height and intensity of the Gulf Side parcel to preserve views of the Gulf of

Mexico. The hotel buildings on the Bay Side property includes a total of 189,400 square feet of development for guest units, amenities, operations space, as well as public areas. The operational space for the hotel building utilizes 69,328 square feet for storage (laundry, banquet/food and beverage, merchandise), kitchen facilities, maintenance and an employee lounge. The publicly accessible areas for the hotel building utilizes 11,869 square feet for the lobby, banquet rooms, fitness center, spa, sundries shop, and restaurant. These uses are classified as commercial per Policy 4-B-12 or considered ancillary to permitted commercial uses appropriately measured by floor area ratio and should not be allocated toward the deviation request. For example, a restaurant and its supporting kitchen and storage are permitted in the Open Retail category in the Downtown zoning district. These uses are appropriately classified as commercial and measured by floor area ratio without a deviation request.

The requested guest units utilize 108,203 square feet of the proposed 189,400 SF hotel building. The units and majority of the commercial square footage requested have been purposefully clustered on the Bay Side in a location that was previously approved for a hotel use, immediately adjacent to an existing hotel and across Estero Boulevard from previous hotels consistent with Policy 4-A-9.

Public Benefits

The proposed development represents an opportunity to re-establish a hotel use in an area that has lost previously existing hotels and for numerous public benefits to the Town of Fort Myers Beach. Crescent Beach Family Park is an important community amenity complimenting Lynn Hall Memorial Park and providing a large view corridor at the gateway to the Town of Fort Myers Beach at the base of the Matanzas Pass Bridge. However, it also represents the loss of three former hotel buildings, which have not been replaced. As justification for requesting guest units to be measured through Commercial Floor Area Ratio TPI-FMB, LLC is providing numerous benefits to the Town of Fort Myers Beach.

Gulf View Corridors

The proposed site design clusters a majority of the proposed development on the Bay Side property and the outdoor commercial recreational facility 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 the 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 property 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 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 view corridor to the Gulf of Mexico and additional beach access and pedestrian circulation at grade level circulation. This pedestrian corridor will be part of a new 72 ft. wide view corridor to the Gulf. A second view corridor will be provided east of the existing Cigar Hut building to the property boundary, which will provide a new 252 ft. view corridor from Estero to the Gulf of Mexico.

Improved Beach Access

On the Gulf Side of the proposed development are two beach access points improving access to the water for the existing and future populations as desired by Objective 5-E and Policies 4-A-4 and 4-A-6. TPI-FMB, LLC is proposing to provide a Pedestrian Beach Access from Estero Boulevard through to the beach front immediately adjacent to the proposed public restaurant adjacent to the western boundary. This new public pedestrian access from Estero Boulevard to the Gulf of Mexico will provide 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, approximately 23-26 can be accommodated in this location to provide much needed beach parking within the Downtown Core consistent with Policies 4-A-4, 4-A-6 and 5-E-2. TPI-FMB, LLC has offered, should the Town 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 consistent with Policies 3-D-7, 7-C-2 and 7-H-8, which can be made available to the Town should Staff agree to accept. 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 by increasing open spaces and locating parking under the building, which will provide improvements to the water quality of the stormwater collected on the subject property. 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 the 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 (City of Fort Myers, City of Kissimmee, etc.)

Multi-modal Improvements

The proposed redevelopment includes an ingress off Crescent Street and an egress off Fifth Street, eliminating vehicular ingress/egress off Estero Boulevard, and consolidating access on Crescent and Fifth Street. In addition, TPI-FMB has proposed two Pedestrian Crossovers, one above Fifth Street and one above Estero Boulevard. Furthermore, the proposed development, due to the types of uses proposed, reduces the number of vehicular trip 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, should Lee Tran desire to add a stop in this location. The collective elimination of excess vehicular access points, raising the pedestrian crossing above Estero, 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 Bridge and down Estero Boulevard.

Consistency with the Comprehensive Plan

The requested deviation and the proposed development are consistent with the Town's Comprehensive Plan. The properties subject to the Commercial Planned Development request and owned by TPI-FMB, LLC are located within the Pedestrian Commercial Future Land Use

Category. This category is defined by Policy 4-B-6 of the Town's Comprehensive as a "commercial district applied to intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard)." 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 for 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 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), for the Downtown Zoning District.

The Master Concept Plan and the supplemental Floor Area Ratio Exhibit attached to the Commercial Planned Development application demonstrate the square footage break down of the various uses proposed. Collectively, all uses establish a maximum of 1.1 Floor Area Ratio on the subject property, significantly less than the maximum permitted 1.4 FAR. The Master Concept Plan also provides the maximum building heights above base flood elevation and including freeboard as permitted by 34-631(a)(2)e. All buildings are consistent with the maximum height limitations of 40 feet and 3 stories, even though the Bay Side property is not included in the descriptor language of Section 34-675(b). Therefore, the request to utilize Floor Area Ratio for the proposed commercial uses is consistent with Objective 4-C and Policy 4-C-4 of the Comprehensive Plan.

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 proposed TPI-FMB redevelopment seeks 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. In addition to the proposed hotel, the redevelopment proposal encourages pedestrian connectivity, public gathering spaces, outdoor recreation and a

restaurant for residents and overnight guests in a historically commercial location. The proposal utilizes a design that contributes to the pedestrian character of the Town by providing pedestrian and bicycle connections adjacent to the public rights of way as well as the pedestrian overpass proposed to eliminate the existing pedestrian and vehicular conflicts along Estero Boulevard. The open air design of the commercial uses at grade on the Gulf Side encourage pedestrian activity, public gathering and interaction consistent with the historical use of the property and surrounding area.

The proposed commercial uses are located in a manner that continues to cluster these uses in their historical location within the commercial area of downtown, in addition to transitioning the development intensity to the Bay Side portion 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. 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 for 108,203 SF of guest units.

2. Deviation from LDC Section 34-633 which requires floor area ratio to be measured including "all area below an elevated building that is six feet or more in height, plus all stories of covered parking" to permit floor area ratio to be measured **excluding** all area below an elevated building more than six feet in height.

A significant factor for the proposed redevelopment of the subject property is adhering to the design standards required for construction within special flood hazard areas, more specifically the Coastal High Hazard V-zones. The Bay Side and Gulf Side of the subject property are located within the V-zone (aka Velocity Zone) of the Flood Map (Article IV, Secs 6-401 through 6-528). Failure to meet the standards for development within flood hazard areas will have negative public health, safety, and welfare implications especially in terms of physical damage to the subject and surrounding properties but also financially as the Town of Fort Myers Beach is part of the National Flood Insurance Program. The Gulf Side property has a required base flood elevation of 17 feet within the VE (velocity) zone. The Bay Side property has a required base flood

elevation of 15 feet within the VE (velocity) zone. All development proposed must be elevated to ensure the lowest structural member is above these prescribed floodplain elevations.

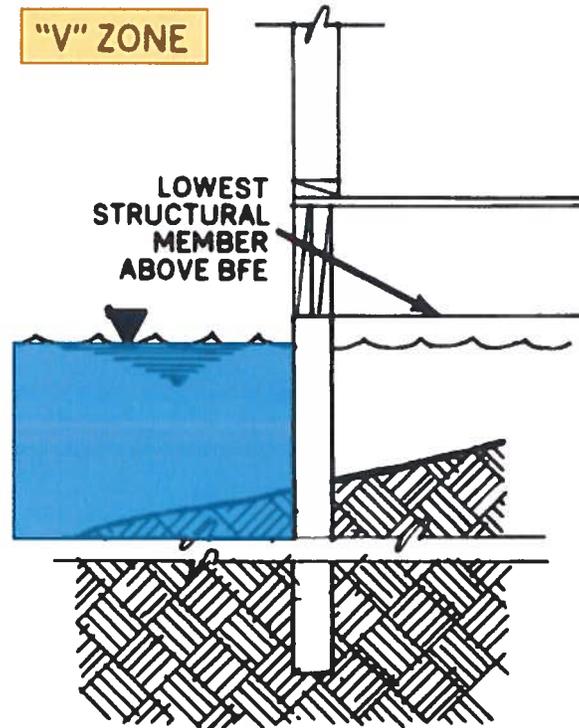


Figure 1. Required Construction Above Base Flood Elevation in a V-Zone

Per the Code of Federal Regulations as well as the Town of Fort Myers Beach Land Development Code, the open area under buildings within V-zones cannot be used for enclosed operating space, whether commercial or residential. In addition, the open area within the V-zone must be free from any structural components that would restrict and/or deflect water flow during a flooding event. However, this area can be utilized for parking or limited storage while meeting specific design criteria.

It is important to note that at the time of the land development code adoption until 2008, large portions of the Town were not located within the V-zone. Therefore, properties undergoing redevelopment had the opportunity to choose between parking at grade or additional commercial square footage. The Town's Comprehensive Plan has always intended for the vision of the development and redevelopment to promote a walkable and pedestrian friendly environment. Therefore, if property owners were going to choose to place parking at grade, rather than commercial square footage, they were required to count the parking as commercial square footage.

Unfortunately for properties located within the V-zone, there is no longer an option of choosing between commercial square footage or parking at grade. The Code of Federal Regulations, requires that all enclosed space for commercial and residential uses be located above the base flood elevation of the V-zone. As a result of this requirement, the proposed development

incorporates ground level parking under the hotel building and should not be required to count this parking towards the commercial square footage as there is no option.

This portion of the subject property is an aggregation of 3 parcels. The question had been asked, what if each parcel were developed individually or if the proposed building were separated into two or more buildings by flood zone. The land development code requirements to develop the parcels individually or provide two or more buildings instead of one coupled with the geometry of the subject property and the location of the flood zone significantly limit the development potential of the subject property.

Developing Individual Parcels

The northwestern portion of the subject property is in the platted Business Center Subdivision. Approximately 11 platted lots are within the subject property and at the time of recording, the lots ranged from 10 feet wide to 40 feet at the street frontage and depths ranging from 33 feet to 200 feet. Since the plat was filed in 1949 the lots adjacent to the intersections have been modified further reducing the lot area, width and depth.

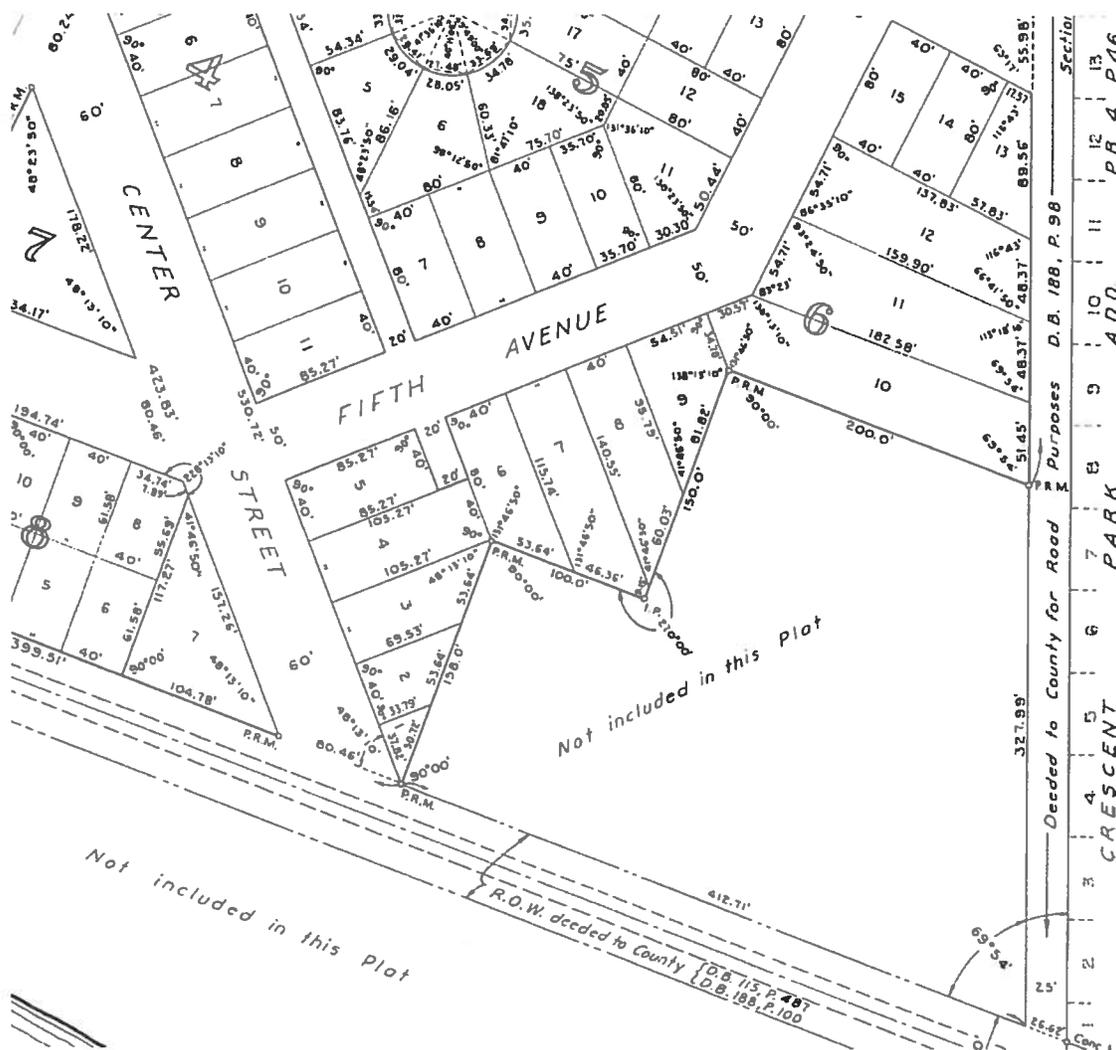


Figure 2. Business Center Plat

The platted lots within the subject property are considered nonconforming per 34-3271(b) of the Town's Land Development Code. Section 34-3277(1) identifies that commercial uses may commence on a non-conforming lot provided the lot is at least 4,000SF with 40 feet in width and 75 feet in depth. A review of the plat and existing conditions demonstrates lots 5, 6, 9, 13, 14, 15 do not have the minimum 4,000 SF of lot area. The applicant notes that lot 5 has existing development and has found a variance supporting this existing condition. This section of the land development code also requires development to meet:

- a. Minimum setbacks of the zoning district for streets, build-to-lines
- b. Side setbacks at 20% of the lot width or 15 feet, whichever is less.
- c. Rear setbacks shall be $\frac{1}{2}$ of the lot depth less the street setback or five feet whichever is less but no more than 25 feet.

A review of the remaining lots, demonstrates the effect of the property development requirements on the developable area of each lot.

Lot #	Width	Depth	Lot Area	Front setback	Side setback	Rear setback	Developable Area
7	40	128.14 avg	5,227.2	5	8	5	3,802.04
8	40	118.17 avg	4,791.6	5	8	5	2,500.8
10	45 avg	191.29 avg	9,147.6	5	9	5	5,254.38
11	51.5 avg	171.24 avg	7,840.8	5	10.3	5	3,798.3
12	51.5 avg	148.86 avg	6,534	5	10.3	5	2,953.49

Table 1. Property Development Regulations for Platted Lots

As demonstrated by the table only 6 of the original 11 platted lots within the subject property can be developed under the existing regulations of the Town and the developable area of these remaining lots is reduced by approximately 50%. The remaining developable lots would not permit a clustered development of the subject property, rather commercial buildings would be constructed in the middle of the platted block with empty lots to either side, inefficiently utilizing the property and public infrastructure supporting this location.

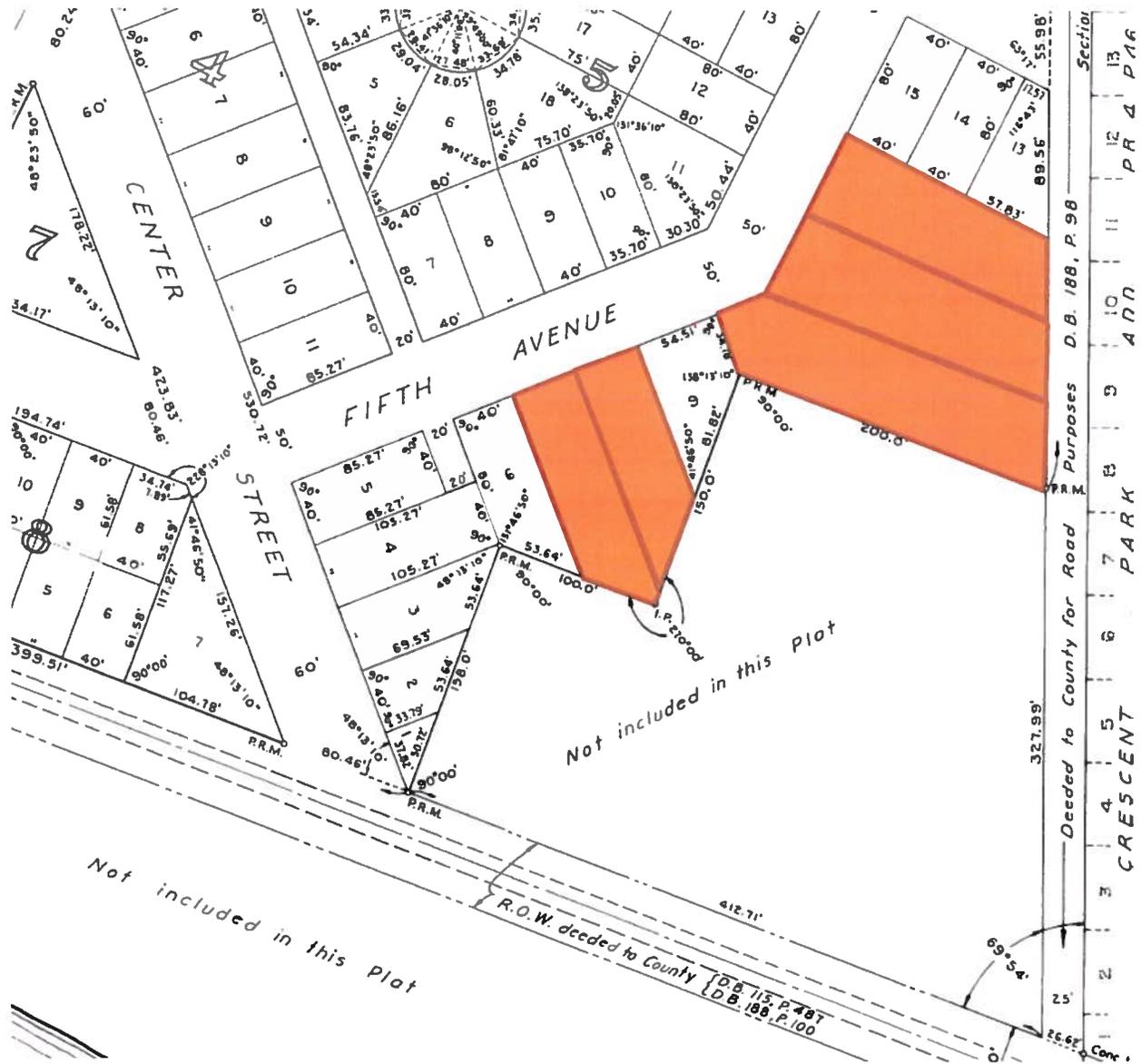


Figure 3. Buildable Platted Lots

Furthermore, only 3 of the remaining 5 lots are wholly within the same floodplain elevation. The other 2 lots are divided by either a V and A zone or 2 different A zone elevations requiring the remaining small developable area to be divided again for two buildings meeting setbacks. It is unlikely these lots would be developed in that manner or that such construction would be supported financially by the market.

To develop the existing platted lots in this manner, individual access points to each lot would need to be provided from Fifth Street or Crescent Street for the through lots in the northern portion of the property. This would increase turning movements into or across traffic on Fifth Street and/or Crescent impacting traffic flow. In addition, each developable platted lot fronting Fifth Street is less than 60 feet wide, which would not permit each lot to meet the separation requirements for a local road as defined in Section 10-1 and 10-285. Local roads require a

minimum of 125 feet between access points (driveways) on Fifth Street. Furthermore, the through lots located on Crescent Street are 51 feet or less in width, which does not meet the separation requirements for a major road as defined in Section 10-1 and 1-285. Major Roads require a minimum of 250 feet between access points on Crescent Street.

The proposed development aggregates the existing platted lots and adjacent unplatted lot in a manner that permits the redevelopment of the subject property and required supporting infrastructure without reducing the developable area by approximately 50% or impeding traffic flow on Fifth Street. The proposed development represents the most efficient use of the subject property given the unique geometry and existing conditions.

Re-design Proposed Building

Federal Regulations require that structures which must be elevated, do so to the most restrictive elevation. In the case of the subject property north of Estero Boulevard, that would be the VE-Zone with a 15-foot Base Flood Elevation. To eliminate this requirement, the proposed singular structure must be separated into two structures, presumably one structure would be elevated to VE-15 requirements while the other would meet AE-13 requirements. Within the AE flood zone, commercial space is permitted at ground level if flood proofing is provided. However, the proposal to separate the proposed building does not take into account the public benefits proposed or the actual location of the VE and AE zones in relation to the unique triangular shape of the Bay Side property.

Separating the proposed building into two or more structures based on the limits of the Velocity Zone includes a number of assumptions.

1. Commercial Space at the Ground Level in the A zone
2. Minimum Depth of Commercial Space is 100 feet
3. Build-to-lines are maintained
4. Joint parking spaces
5. Commercial Frontage on Crescent and Fifth Street
6. Required Parking provided behind the enclosed space

Utilizing these assumptions, for a building with commercial at ground level, the northern portion of the subject property at the Intersection of Fifth and Crescent cannot be utilized for a structure due to the width of the property being less than 225 feet – the minimum depth needed to accommodate access for joint parking and ground floor commercial with the required build to lines on Crescent and Fifth Streets. Access is maintained off Fifth Street at the existing platted location and a second location mid block to permit service delivery while ensuring the improved flow of vehicular traffic by maintaining the elimination of access along Estero Boulevard.



Figure 4. 225 Ft. Width Needed for Ground Floor Commercial

The remaining land area within the A Zone ranges from 225 to 380 FT in width and provides approximately 230 FT in depth for development. Small retail is defined as stores less than 5,000 SF and is permitted by right in the Downtown zoning district. The exercise assumes the commercial building is a minimum 50 FT wide and a maximum 100 FT deep to provide the maximum square footage for multiple small retail stores adjacent to each other. However, there are additional considerations to support the commercial operations that must be addressed.

Due to the unique geometry of the subject property, a commercial building 100 feet in depth along Fifth Street and Crescent Street does not provide adequate space between the buildings to accommodate service delivery. While a semi-truck could access the property and unload goods within a paved area between the buildings, adequate separation is not provided to enable a turning movement for the truck to exit the property. The second commercial building along Fifth Street must be eliminated to accommodate parking, service delivery, stormwater management, etc.

As a result of these conditions, the remaining area of the subject property is only large enough to establish a commercial building fronting on Crescent to meet the build-to-requirements of 34-367 and street frontage requirements of 34-675.

Solid Waste Collection

The Town of Fort Myers Beach Land Development Code does not provide specific requirements for the establishment of solid waste disposal to support commercial businesses. For purposes of this exercise, Lee County's Land Development Code was reviewed as it is the general foundation for the Town's LDC. The subject property has 243 ft. of frontage on Crescent Street, which at a depth of 100' provides 32,600 SF of commercial development. An additional elevated building is proposed within the V zone providing 57,600 SF. Approximately 744 SF of central space is needed for solid waste dumpsters. These must be located in area that provides joint access for the commercial uses as well as circulation for truck pick up. Due to the front loading mechanism of the trucks picking up the solid waste and necessary clearance, the service area cannot be located under the elevated building. It should be noted, this would increase if additional commercial SF was provided on a second or third floor as permitted by LDC 34-675(b) and the subject property supports a maximum 182,952 SF of commercial uses per 34-675(c)(2).

Loading Areas

The Town of Fort Myers Beach Land Development Code provides in Section 34-1986 and 34-1987 that adequate area for loading is required for commercial uses. No dimensional requirements are provided; however, many goods today are shipped via semitrailer and 34-1987(b) establishes that a minimum number of loading spaces based on the proposed square footage of the use. The 57,600 SF of commercial uses proposed would require 3 loading spaces. Standard dimensions for a loading space are 30 FT X 100 FT, again provided from Lee County LDC. To provide the required 3 spaces to support the ground floor commercial an additional 900 SF of central space is necessary. It should be noted, this would increase if additional commercial SF was provided on a second or third floor as permitted by LDC 34-675(b) and the subject property supports a maximum 189,952 SF of commercial uses per 34-675(c)(2). Due to the joint use of the subject property and the purpose of the exercise, only three spaces are shown on the proposed sketch below. If the development were required to meet the minimum spaces outlined by LDC 34-1987, additional parking spaces would be lost further impacting the developable commercial square footage.

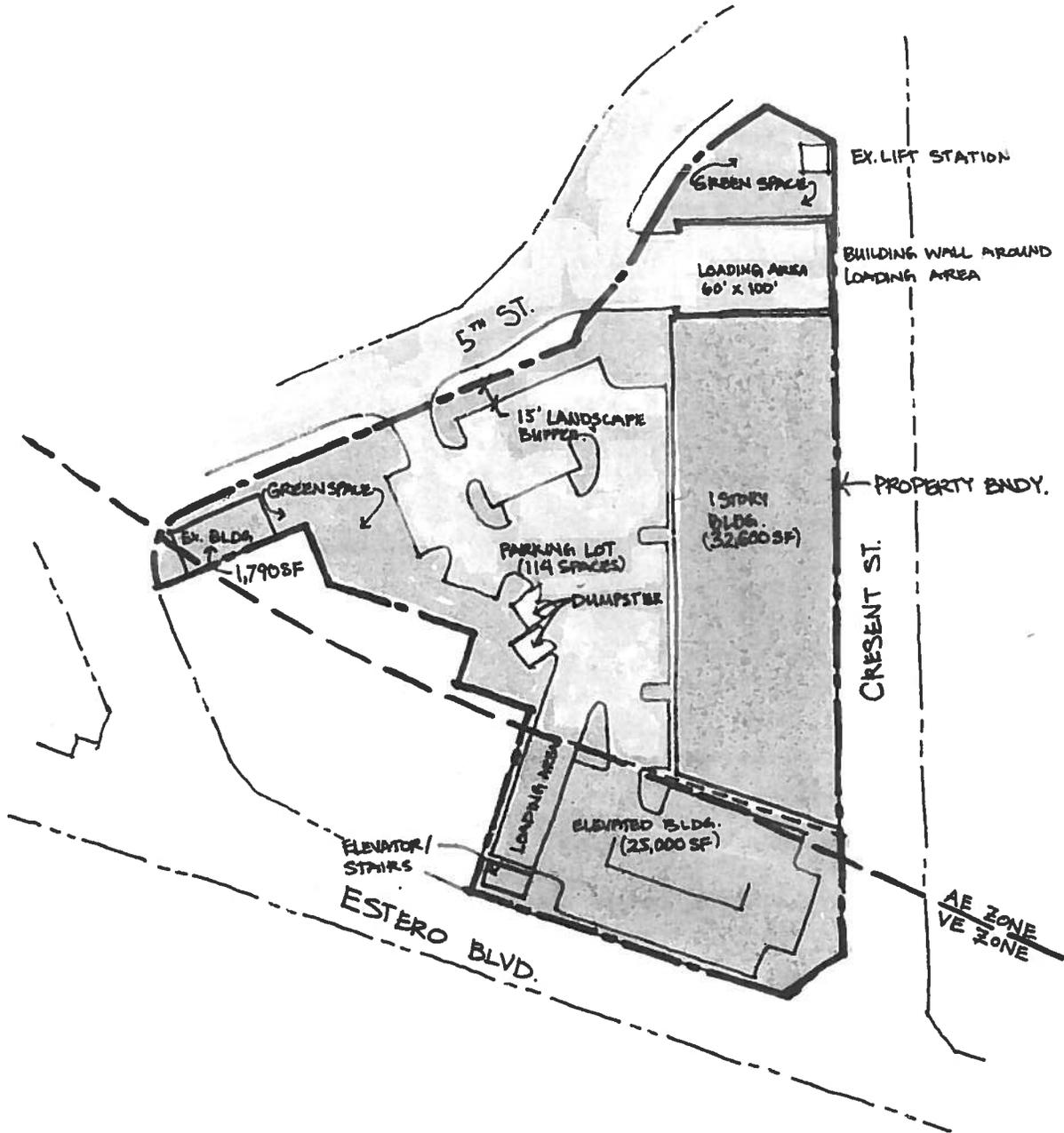


Figure 2. Commercial Development by Flood Zone

Due to the unique geometry of the parcel, the service areas are proposed in the northern most portion of the property and the loading spaces are proposed behind façade walls and underneath the proposed elevated building in the V zone. This configuration permits a central location for loading areas and permits the parking lot circulation to accommodate parking and service vehicles. Furthermore, the service area and necessary parking eliminate the opportunity for a trolley pull off that is provided in the current proposed development. To continue to provide these benefits further reduces the available land area for patron parking spaces and required circulation.

Circulation & Parking

The drive aisles from each access point intersect establishing a single drive aisle between the two commercial buildings for patrons to utilize the proposed shared parking interior to the property to support the proposed commercial uses as well as the parking under the portion of the elevated structure within the V zone. The Town's Land Development Code, Section 34-2016 establishes the required dimensional requirements for parking lots. Drive aisles must be 22 feet, parking spaces must be 18 ft. deep and 8.5 feet wide, the site design sketched in figure 2 provides a parking circulation plan that accommodates patrons and loading areas.

Considering these limitations and the proposed 57,600SF of commercial uses, the necessary 3 spaces for each 1,000 SF of retail would require 173 spaces, with the Downtown Multiplier that would be reduced to 120 spaces. However, these parking spaces cannot be accommodated within the remaining land area. The proposed site design includes 107 spaces per the dimensional requirements in LDC Section 34-2016. To reduce the commercial square footage in a way that balances floor area with the available area for parking spaces, the footprint of the buildings within the A zone must be reduced.

The regulations of the Downtown zoning district establish Estero Boulevard, Crescent Street and Fifth Street as Primary Streets per LDC Section 34-672(b). Build to lines are based on street type and are outlined in LDC Section 34-674(a) and setbacks are established by 34-674(b). The definitions of Lot Lines provided in 34-2 establish that Estero Boulevard is the front property boundary as it is the most distant, at 540 feet, from the property boundary at the intersection of Fifth and Crescent Streets. To continue to comply with the Build to Lines and Frontage requirements, the elevated building within the V must remain and the at grade commercial buildings within the A zone must be reduced to accommodate the necessary parking. It is important to note that the exercise only reviewed a single floor of commercial; however, if an additional floor of commercial SF this situation would exacerbated. Alternatively, if the building footprint were reduced and additional floors of commercial were provided, the building would be tall and narrow, creating conflict with the frontage requirements of the Downtown zoning district.

The proposed development, elevated to accommodate the V-zone across the entire property represents the most efficient use of the unique geometry of the subject property while promoting the site design requirements of the Downtown zoning district and commercial redevelopment and accommodating adequate parking and numerous public benefits.