

TPI-FMB**Commercial Planned Development**

Proposed Conditions

A. Conditions

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the 29 page Master Concept Plan and Exhibits entitled "A Proposed FMB/TPI Joint Effort to Restore and to Reinvigorate the Downtown Beach Area," stamped received _____, last revised _____, except as modified by the conditions below. This development must comply with all the requirements of the Town of Fort Myers Beach Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The maximum development permitted on 4.51 acres landward of the 1978 Coastal Construction Control Line is:

Hotel 282,484 square feet, of which a maximum of 107,982 square feet can be guest units and 102,318 can be ground level parking.

281 guest units are permitted at a maximum of 450 SF and 9 guest units are permitted at a maximum of 1,000 SF

260 guest units are permitted on the Bay Side Parcel

30 guest units are permitted on the Gulf Side Parcel above the proposed Restaurant

Retail 2,301 square feet located in an existing building, known as the Ocean Jewel on the Bay Side Parcel.

This retail use is only permitted as an ancillary use to the proposed Hotel.

Restaurant 16,029 square feet on the Gulf Side Parcel an additional 1,364 square feet is permitted for outdoor seating to the rear of the proposed building.

This building is also permitted to include 2,020 square feet of indoor storage.

Outdoor Commercial Recreation

3,825 square feet of ancillary restaurant is permitted

2,534 square feet to be located in an existing building, known as the Cigar Hut, for ancillary restrooms and lockers

Pedestrian Overpass 2,711 square feet is permitted to support the development of two publicly accessible pedestrian overpasses

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. **Schedule of Uses**

BAY SIDE PARCEL

Lodging

Principal:

Hotel

Accessory:

Subordinate commercial uses

Administrative Office

Retail

Principal:

None

Accessory:

Retail store, small

GULF SIDE PARCEL

Lodging

Principal:

Hotel

Retail

Principal:

Restaurant

Outdoor Commercial Recreation

Outdoor Seating, Consumption on Premise and Bar Service ancillary to the

Restaurant and Outdoor Commercial Recreation are limited to locations demonstrated on the Master Concept Plan and Exhibits.

Office

Principal:

None

Accessory:

Administrative Office

b. **Site Development Regulations**

Hotel

- 1) Includes the Hotel, Meeting Building and Ancillary Retail Building as demonstrated on Sheets X-109-MCP.03 and X-110-MCP.05 of the Master Concept Plan and Exhibits
- 2) The ancillary retail building may be redeveloped consistent with the existing building footprint approved as part of case 91-9-12-V-6

identified on the Town's Official Zoning Map but would not exceed 3 stories or 40 feet in height.

Build to Line

Estero Boulevard: 9 feet
Crescent Street: 9 feet
South Side of Fifth Street: 10 feet
North Side of Fifth Street: 5 feet

Building Frontage

Estero Boulevard: 95%
Crescent Street: 91%
South Side of Fifth Street: 66%
North Side of Fifth Street: 88%

Maximum Building Height

Hotel: 4 stories and 40 feet
Meeting Building: 3 stories and 28 feet 10 inches
Ancillary Retail: 1 story and 25 feet and 6 inches

Minimum Lot Dimensions

Width: 420 feet
Depth: 533 feet
Area: 2.79 acres or 121,532 square feet

Restaurant

Build to Line

Estero Boulevard: 9 feet
Side Setback: 5 ft minimum
Rear Setback from CPD Boundary: 25 feet

Building Frontage

Estero Boulevard: 15%

Maximum Building Height

4 stories and 40 feet

Minimum Lot Dimensions

Width: 123 feet
Depth: 163 feet
Area: 20,049 square feet

Outdoor Commercial Recreation

- 1) Includes the Ancillary Restrooms and Ancillary Restaurant as demonstrated on Sheet C-201 of the Master Concept Plan and Exhibits
- 2) The ancillary restroom building may be redeveloped consistent with the existing building footprint but would not exceed 2 stories or 35 feet in height.

Build to Line

Estero Boulevard: 9 feet

Side Setback: 5 ft minimum

Rear Setback from CPD Boundary: 54 feet

Building Frontage

Estero Boulevard: 15%

Maximum Building Height

4 stories and 40 feet

Minimum Lot Dimensions

Width: 268 feet

Depth: 194 feet

Area: 51,992 square feet

3. Environmental Conditions

- a. As part of the local development order application, a detailed lighting plan, including any lit signage, must be provided consistent with LDC Section 10-154(8) and 14-76 requirements for sea turtle conservation applicable to new development.
- b. As part of local development order application, a drainage and stormwater management plan must be provided consistent with LDC Section 10-321. The design and implemented stormwater management system must provide for the capture and treatment of all stormwater on the site.
- c. As part of the local development order application, a detailed landscaping plan demonstrating an enhanced right of way and sidewalk buffer in substantial compliance with the cross section shown on Sheets X-502-RW.02 through X-504-RW.02 of the Master Concept Plan and Exhibits stamped received _____.
 - a. The Vegetative Vine planted in front of the proposed trellis must be a 25 gallon trellis and 8 feet in height at the time of planting. One Vegetative Vine is required per trellis.

- b. All other plant materials must be installed consistent with the specifications outlined in LDC 10-420.
- d. As part of the local development order application, a detailed landscaping plan demonstrating the location and type of Beach Plantings must be provided adjacent to existing retaining wall.

4. Parking

Gulf Side Parcel

- a. .23 acres along the eastern property boundary will be provided to the Town of Fort Myers Beach after the area is improved with vehicular and pedestrian access to the beachfront with a minimum of 23 publicly accessible parking spaces.
- b. These 23 parking spaces do not contribute to the development's required parking calculations.

Bay Side Parcel

- a. Parking to support the development is located under the Main Hotel Building and Meeting Building.
- b. Parking is to be by valet only.
- c. Double loaded parking spaces and stacked parking equipment is permitted.
- d. Hotel Guest vehicles shall utilize the upper level of parking stackers to the maximum extent possible.
- e. Each parking space shall have an individual parking stacker. Regular maintenance shall be conducted to ensure functionality of the parking stackers is maintained and the required parking to support the development is available at all times.
- f. All parking provided under an elevated building must be concealed from the view of the passing public.
- g. A minimum of 362 Parking Stalls must be provided to support the proposed development under the Hotel and Meeting Building.
 - i. The Outdoor Commercial Recreation must provide a minimum of 51 parking stalls based on 45% of the 950 occupants being members of the public.

5. Vehicular Access

- a. All existing vehicular access points on Estero Boulevard must be closed.
- b. A single one-way vehicular entry is permitted along Crescent Street.
- c. A single vehicular exit is permitted along the south side of Fifth Street
- d. Ingress and Egress for Service Delivery is permitted along the south Side of Fifth Street.
- e. Ingress and Egress for the Valet only parking and small truck service delivery under the Meeting Building is permitted along the North Side of Fifth Street.

- f. The existing platted right of way at the rear of the Ancillary Retail Building must remain.
6. Pedestrian Circulation
- a. The existing platted rights-of-way internal to the development area on the south side of Estero Boulevard must be vacated concurrently with the local Development Order application.
 - b. Local Development Order plans must include a Pedestrian Walkover above Fifth Street.
 - i. Pedestrian Walkover is to be a self supporting structure and the first element of construction.
 - ii. The sidewalk on the north side of Fifth Street must interconnect to a publicly accessible stairwell within the Meeting Building.
 - iii. The publicly accessible stairwell and elevator must provide access to the second floor of the meeting building and interconnect with the Pedestrian Walkover
 - iv. The Outdoor Patio included on the second floor of the Hotel Building must include a publicly accessible route between the walkover above Fifth Street and the walkover above Estero Boulevard.
 - c. A Pedestrian Walkover above Estero Boulevard must secure permits from Lee County. If these permits are secured, the following publicly accessible improvements must be provided in conjunction with the Pedestrian Walkover on the local Development Order plans
 - i. Publicly accessible stairwell on the north and south side of Estero Boulevard interconnecting the sidewalk with the second floor of the Hotel Building and Restaurant.
 - ii. Publicly accessible restrooms within the second floor of the Restaurant Building
 - iii. A stairwell within the Restaurant Building that interconnects to the sidewalk provided south of Estero Boulevard.
 - iv. Pedestrian Walkover is to be a self supporting structure and the first element of construction.
 - d. Local Development Order Plans must include Publicly Accessible Pedestrian Access to the beachfront provided in two locations south of Estero Boulevard.
 - i. An access easement must be recorded concurrently with the local development order application for the pedestrian access between the Restaurant Building and Outdoor Commercial Recreation as demonstrated on the Master Concept Plan and Exhibits stamped received_____.
 - ii. Directional signage shall be erected along the Estero Boulevard frontage notifying pedestrians of the available public beach access.

- iii. The public pedestrian access between the Restaurant Building and Outdoor Commercial Recreation will interconnect with the private access points to the Outdoor Commercial Recreation Facility.
 - iv. Within the dedicated publicly accessible parking lot immediately east of the Outdoor Commercial Recreation.
 - v. Specifications must be included demonstrating the ADA accessibility from the improved pedestrian access to the beachfront.
 - vi. Beach plantings must be provided adjacent to the improvements for ADA accessibility.
- e. Bike racks must be provided adjacent to the Pedestrian Access points south of Estero Boulevard and the publicly accessible stairwell on the north side of Estero Boulevard.

7. View Corridors

- a. To permit 29% building frontage South of Estero Boulevard consistent with LDC 34-675(a)(4), local development order plans must demonstrate two view corridors south of Estero Boulevard. The western view corridor must be a minimum of 72 feet and the western corridor must be a minimum 252 feet.
- b. Solid walls and/or fencing are prohibited along the South Side of Estero Boulevard. Any fence erected to control pedestrian access must be partially transparent.

8. Hours of Operation

- a. The Outdoor Commercial Recreation and all ancillary uses are permitted
Monday to Friday 7am to 8pm or 1 hour after Sunset
Saturday and Sunday 7am to 8 pm or 1 hour after Sunset

9. Outdoor Seating

- a. Outdoor Seating is permitted on the second story outdoor deck with Consumption on Premises provided Seating and Beverage Service is provided in substantial compliance with the Consumption on Premises Diagram as demonstrated on Sheets X-506-COP.01 and X-5070COP.02 of the Master Concept Plan and Exhibits.
- b. The rooftop is only permitted for outdoor seating and consumption on premises with an event scheduled through the hotel. Permanent structures and public seating are not permitted on the rooftop.

10. Signage

- a. Signage is not approved as part of this Commercial Planned Development. Future sign permits must be sought consistent with Chapter 30.