

1. Discussion Objective:

Work Session Date: April 21, 2014

Determine next step for the vacant parcel at 216 Connecticut Street, which was purchased by the Town in 2003 for the purpose of providing off-site parking for the Mound House, a strategic physical improvement proposed in the Management Plan for the Mound House submitted to the Florida Communities Trust (FCT) in 2000.

2. Submitter of Information:

☐ Council
☒ Town Staff
☐ Town Attorney

3. Estimated Time for this item:

45

5. Background:

The Town purchased the property at 216 Connecticut on April 16, 2003 for \$220,000, with the intent to use the property as surplus parking for the Mound House. To that end, the Town submitted a rezoning application in February 2011 to rezone the property from Residential Conservation (RC) to Commercial Planned Development (CPD). The Future Land Use Map was amended earlier (in 2004) from Mixed Residential to Recreation to be used in conjunction with the Mound House.

On February 8th, 2011, the LPA heard the case #DCI2011-0001 and there was considerable public opposition to rezoning the property to a Commercial Planned Development. Some feared commercial intrusion into their neighborhood, while others were not in support of the Mound House being located within their neighborhood from the very beginning stages of that project.

Designs and a draft landscape plan were completed for the project, but the case was never brought forward to the Town Council after a unanimous LPA recommendation of denial.

Attachments:

Tab a - LPA minutes from February 8, 2011

Tab b - Application for DCI2011-0001

Tab c - Warranty Deed (Official Record Book 3917, Page 2440)

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
				JRO		

Unsigned, but

adopted on

March 8, 2011

**MINUTES
FORT MYERS BEACH
Local Planning Agency**

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Tuesday, February 8, 2011

I. CALL TO ORDER

Meeting was called to order at 9:03 AM by Chairperson Joanne Shamp. Other members present:

Bill Van Duzer
Joe Kosinski
John Kakatsch
Hank Zuba
Rochelle Kay
Carleton Ryffel-excused

LPA Attorney Marilyn Miller

Staff present: Community Development Director Walter Fluegel, Tina Ekblad,
Planning Coordinator, Leslee Chapman, Zoning Coordinator

II. PLEDGE OF ALLEGIANCE and INVOCATION

Ms. Kay

III. MINUTES

A. Minutes of January 11, 2011

Motion: Ms. Kay moved to accept the minutes, as recorded.

Seconded by Mr. Kakatsch;

A few name spelling corrections were noted and corrected.

Vote: Motion passed 6-0.

IV. ADMINISTRATIVE AGENDA

A. Rezoning 216 Connecticut St.-DCI2011-0001

Staff confirmed the Affidavit of Advertising publication and Ms. Shamp polled members for ex-parte communications, adding that she had a site visit only. There were no other declarations.

Applicant testimony:

Ms. Ekblad represented the Town for this rezoning for parking at the Mound House.

She testified that this was approved by Council at the December work session and she gave a brief history of the property, including current zoning and future land uses. Ms. Chapman said the request is to rezone .42 acres from residential conservation to commercial planned development to allow a 27 space parking lot with an information kiosk and storage, which the current zoning does not allow for. Parking lots can only be permitted by special exception or planned development rezoning. Ms. Chapman referred to a document showing the proposed rezoning area and said that staff has added a condition to limit the sizes and location of the storage areas. Staff is recommending the rezoning with the following condition: a gate is to be included to secure the property at the front entrance.

Ms. Kay asked how they will keep beach goers from parking there and Chapman said that staff has suggested that the lot be monitored by staff whenever possible.

Mr. Kakatsch suggested there be a charge for parking along with some type of validation program so that beach goers may not use the lot for free beach parking. Mr. Fluegel suggested that Ms. Schober answer any operational questions and issues since she knows those procedures the best. Ms. Shamp asked Ms. Miller for authorization to change the hearing procedures slightly to allow Ms. Schober to give her presentation at this time and then return to the discussion.

Mr. Zuba asked for clarification from Mr. Fluegel regarding the waiving of the traffic impact study. Mr. Fluegel said he waived this one because all of the parking generation for this lot is generated by the Mound House and controlled by the Mound House CPD. He said that these are 2 separate CPDs and wants to keep it clear that the Mound House is the trip generator and they are not contemplating any principal uses on this property. He said the uses are all ancillary and relate back to the Mound House, and staff will control that and not allow any other principal use. Mr. Zuba said that the parking is directly related to the host business and he wanted to know how much parking is currently available under the Mound House CPD, how is it used and what will this add. He said the proposed 27 spaces do not currently exist. Mr. Fluegel said that the entire reason for the parking lot is due to the added underground exhibit and existing displays inside the house.

Ms. Shamp reminded that the LPA is mandated to monitor sufficient safeguards to public interest and she is concerned that they remain aware of their responsibility to the neighborhood and what the traffic and parking may do to the community. She said that the location of the lot creates an impact of its own in that it is beside the Mound House and this puts any pedestrians walking from the lot to the house in possible jeopardy. She asked how they intend to address this safety issue. Mr. Fluegel said that one of the reasons for the kiosk is to have a kind of gathering station where visitors can wait for staff to assist them, perhaps with a golf cart. Ms. Schober added that this is one of the uses intended for having a kiosk and staff will be able to guide patrons to the attractions safely. In addition, she explained that they intentionally placed the lot at the existing 3-way stop to make it less of a hazard. She said that from the public input sessions during the plan development, there was resistance to a

sidewalk being installed so they needed an alternative. Ms. Shamp said that she is also concerned about the need for extra signage for parking in the area and Ms. Schober agreed that this has been a problem since they acquired the property, but there remains a need for some signs. Existing signs in the area are not all from or for the Mound House and some are outside the gates. Ms. Schober said that the property is posted to be open from sunrise to sunset, as a park, and therefore some parking is still open to the public. Ms. Shamp asked Ms. Schober to discuss the storage shed and give details about why it is located in this area, what it will be used for, etc. Schober said it's a small (75 sf) shed and will hold lawn maintenance equipment for the property.

Mr. Kakatsch asked for the proposed hours and Ms. Schober said there aren't specific ones set yet but they are now open from 8:30 AM-4:30 PM M-Sat. and there is limited evening programming anticipated. She said that night lighting is required by code and will be done by special permit for those events, being sure that they follow restrictions like sea turtle season.

Mr. Zuba asked about "Note 3" in the Master Concept Plan which states that "detailed alternative landscape plan will be submitted at the time of the development order." He said that this has happened in the past and not been acceptable so he would like to see what is being proposed as well as the Mound House proposed budget. Mr. Fluegel replied and referred to the statement of "alternative betterment plan" which means the requirement for what will go in there is greater than a normal buffer. Ms. Chapman expanded that the design of the lot was chosen through the public process and it doesn't technically meet the guidelines of a traditional buffer, so they tried to incorporate any area not being used otherwise, into the buffer. The plan exceeds normal requirements in order to accommodate the interested public and comply with resident's concerns. Ms. Schober said that the landscape architect's preferred plan was estimated at \$188,649.00-\$211,000.00 and about 36,000.00 is for plantings alone. There was more discussion about the proposed plan and what will be installed.

Mr. Kosinski disclosed that he had no involvement in the lot but he is directly involved in the restoration of the Mound House and feels he can be objective on this issue. He said that their function is to recommend approval of the entire plan to Council but he feels they cannot do that without all of the information before them; he opined that this should come back before them at a time when the whole package is available. However, Mr. Fluegel reminded that the "missing parts," the landscape and lighting plan are not required as part of the CPD process. Mr. Kosinski stated that he is aware that these aren't required but insists that they should be part of the proposal so that they know the totality of what they have passed along for approval. Mr. Fluegel said that it is not part of the package at this point and would hold up the entire project to wait for that. As an alternative, he offered the possibility of other restrictions to be put in place by the board, referring to the back of the report where there is a cost estimate. Mr. Kosinski asked about consideration of area home values being impacted and Mr. Fluegel again repeated that these things are not within the scope of what staff can consider and it is not part of the criteria. There was brief

discussion about the bus parking and handicapped parking spaces and Ms. Schober gave a history of the development of parking areas at the property.

Ms. Shamp asked what material the lot would be constructed with and Ms. Chapman replied that they need to comply with the code, which may include "stabilized surfaces of grass or clean-washed angular gravel or other similar porous materials." Chapman went on to cite the code and said that the lot would need to be impervious, by code standards.

Ms. Kay pointed out that there are 2 letters in their packets from neighbors who oppose the lot and asked if there were any comments supporting the lot. Ms. Schober said that there were 3 meetings held by CELCAB which brought much support for the project from some residents. Mr. Fluegel also referred to the comments from some residents in the report.

Public comment:

Ms. Shamp asked for public comment and noted that they received some letters from the public, which she opined should be partially read into the record. Ms. Chapman read from the first letter, signed by James and Nancy HARNER, on behalf of the Horner family trust whose property at 119 Andre Mar Drive is adjacent to the Mound House property and it is opposed to the rezoning and use of the lot for parking vehicles.

The next letter is from Robin Driskill at 365 Connecticut St. who could not attend but wanted to express that "a zoning change in the middle of a residential neighborhood is not appropriate." She feels that this poses a danger to residents and does not understand the need for an educational kiosk within feet of the historical Mound House and feels that there are other options for parking. In addition, this letter includes a portion the writer said was taken from the FMB LDC online she feels says it all: *"Maintaining and improving the quality of life on FMB by restricting commercial activities from intruding into residential neighborhoods are public efforts. The success of these efforts will be proportionate to the degree of participation of the residents, property owners and the professionals who assist them."* The writer continued on to say "your continued cooperation is appreciated by your neighbors and encourages a pleasant residential environment where permanent and seasonal visitors can enjoy life together on Estero Island..."

The third letter is from Jim and Barbara Higgins at 121 Andre Mar and it simply states their objection to the rezoning and they fear the change will lead to negative impact to their property.

At this point Ms. Shamp realized her neglect to swear any previous witnesses and the attorney did so here.

Nancy Harner spoke on behalf of their trust and said they live in a stilt house at the rear of the property, which they purchased many years ago. She again pointed out that

the LPA's job is to protect their residents and they do not want this lot in their neighborhood. She pleaded that the LPA not approve this project.

Mr. ??? of 364 Connecticut St. addressed the meeting and said he's lived there for 25 years. He said that this is the first time he has been aware of any public meetings regarding this lot and he and several neighbors came to voice their objections. He said the street is already a very busy one and signs don't help to keep extra traffic out. He objects to the lot and said that there is already a "commercial" building in this area (church) and the Mound House adds a second commercial property here even without the lot. He is also disturbed by the lack of a bicycle park on Estero "but we are willing to spend half a million dollars on (a) parking lot for 20 cars!" He added that "we already spend \$250,000.00 to purchase the property and now we have to spend \$300,000.00 to improve the property and we have to maintain that property with our taxpayer's money." He cannot agree with the cost or the project itself.

Ms. Barbara Hill said she lives in Shell Mound park, a permanent resident, and is a board member of CELCAB and a member of the Friend's of the Mound House. She voiced her support for the project and said that there were a few public meetings held for the project and residents came out in support of the plan. Ms. Hill said that the Mound House project as a whole is an exciting addition to the beach and the parking area is critical to its success.

Mr. Mike ?? of 159 Connecticut St. addressed the meeting and said he has been here for 21 years. He said it is a residential neighborhood and the church only has a full lot 1 day a week. He said through the years, there have been expansions and improvements as the Town grew and they were in favor of most of these projects, even the Mound House. Now, the church has opened a "day care" which he feels has turned into a playground and he doesn't want to live next to a playground, saying the kids are "screaming and yelling" everyday and they cannot do anything about it. He said that he was never notified about any meetings wherein he could voice opinions about these projects or he would have done so even with the church daycare. He heard about this meeting from his neighbor and said that he is very opposed to this project and doesn't want it. He said that the Town put in speed bumps on his street and now he hears the constant "boom boom" of cars driving over them. He also complained about the Town allowing the church to add a building to their property and now there are "2 houses over there and they put their garbage dumpster as close as possible" to his property. Now, he said, there is more noise at 5:00 AM when they pick up the trash and he doesn't "want anymore aggravation!" He feels his property value is going down more every day with all of these projects. He objected to terms in development plans like "it could...it would...it's contemplated..." and said that there needs to be concrete facts no matter how much time someone had to get the plans done.

Steve Stanley of 250 Connecticut St. spoke next and said he did attend the prior public meetings and was initially "for it but now I'm (he's) against it." He said that some people have been parking there "for quite some time" and people are walking

back and forth, putting people in harm's way. He said that Ms. Schober has reported that about 50,000 people have visited the Mound House and said most of those people are going to walk to and from the lot, not be escorted or driven. He said that when the traffic backs up on Estero Blvd. people already cut around to the Red Coconut to beat traffic and this will make that much worse. He also objected to extra lighting at night shining into his property and the added noise and activity making this area a serious problem. Mr. Stanley said that once this "goes commercial" there are no limits to what the residents will have to face. He feels that there needs to be a study to determine the effect of this on property values, adding that he bought his property based on the area, quiet neighborhood, etc. He added for the record, that even though he is within 50 ft. of the property, he received no notice of this hearing and he recommends that the LPA reject this proposal.

Shirley ???, 131 Connecticut St. spoke and said that she bought her property 19 years ago and feels that the Town should open the Mound House and see what happens first with the spaces they already have and decide later whether they need the additional parking or if some other option can be developed.

Ms. Ceil Spuhler addressed the board and said she is a member of the Friend's of the Mound House and CELCAB. She said knowing what she does through being part of process, she can understand what the neighbors are feeling. She gave a short history about how this was developed and said asked that the public imagine how the parking situation will take shape if this plan is not put into place. She talked about nights in the past when there were holiday events, etc. taking place there and said that this will continue but by parking the cars in a lot, there will be less chaos and less danger. She said 2 things to weigh here are is the parking around the Mound House going to be less of an impact than the parking lot because people are going to visit the property no matter...it is a museum.

Carol Geison, 421 Connecticut St. said that people do not obey and they ignore the signs that tell them where to park. She agrees with her neighbors who oppose the lot.

Mr. Norbert Demars, 125 Connecticut St. repeated again what others have referred to in the LDC that the LPA is to protect the residents and he feels that the Mound House was a "mistake 10-11 years ago." He said that Council has had many opportunities to correct this mistake but they continue to support this property. He said that it was commercial intrusion into residential neighborhoods that formed the basis for incorporation several years ago and now "the people that we authorized to represent us want to ruin our neighborhood." Mr. Demars also wondered if the LPA has asked the developers "what would happen if we don't approve this?"

Mr. Lee Melsick addressed the meeting and said that he thinks that more important than the LPA dealing with 27 parking spaces is the subject of single-family neighborhoods on the island. He said that there is more and more intrusion into those residential areas and it needs to be controlled. He agreed that the purchase of the Mound House property was a mistake years ago and said that the LPA can change this

pattern starting with opposing this parking lot in the middle of a residential neighborhood.

LPA testimony and questions for staff:

Town attorney asked staff for acknowledgement as to affirmation of truth in testimony; all staff acknowledged same.

Ms. Shamp asked if letters were mailed out in notice of this meeting and whether they are required by the LDC. Mr. Fluegel said that letters were mailed and provided copies of the labels, although some may have been sent to wrong addresses. The code does not require that. Shamp also asked if the church lot has lighting but no one knows for sure. She also asked if there is room for additional parking on the Mound House property. Ms. Schober said there are 2 areas that are not archeologically or historically sensitive where parking could be installed but she doesn't know how many spaces it could provide until an engineering report is done. She added that the original plan, with parking in the right-of-way, went to Council a few years ago but the Council removed those spaces. And Ms. Shamp asked the suggested question "what will happen if the LPA does not approve this parking lot?" Mr. Fluegel said their recommendation would go to Council who has the final say, but with the LPA's opinion.

Mr. Kakatsch asked if there is a possibility of widening Connecticut St. and Ms. Schober said the documents regarding this are in their packets. He asked if there will be a walkway added and, since Ms. Chapman said the residents didn't want one, he assumed that means people will walk in the street, which he pointed out is narrow in that area and dangerous. He recommended that all of the members, and staff present, actually go to the property and walk in this area to experience the danger.

Mr. Fluegel clarified for the record that this is not a commercial rezoning and added some comments for further explanation. He said that the CPD process allows for the LPA to look at this property and add restrictions to the proposal which would provide a more controllable rezoning or special exception of the property.

Testimony portion closed; LPA discussion opened:

Mr. Kosinski said he is in full support of the Mound House, in general but feels they should proceed cautiously before changing this neighborhood. He added that they should have the property opened for a time first to see how it operates and then revisit this issue at a later time.

Mr. Zuba agreed and wants a more complete picture of the finished package from the developer, as well as a more precise look at the budgetary concerns to be sure there is funding to complete the project rather than starting it only to run out of money before completion.

Ms. Kay also agreed and said that the Town incorporated basically to protect the residents and she also feels that the whole project should be completed before they

consider the parking lot area.

Mr. Kakatsch also agrees and said that there should be an inquiry to the church to see if it is possible for the Town to rent some of their lot space. He also agrees that the walkway issue is extremely dangerous.

Mr. Van Duzer agreed with comments by one of the earlier speakers in the audience and said that this agency cannot evade the Comp Plan to approve this. He said there are other options, including the right of way on Connecticut St. which he feels can be used to sidewalks. He admired what CELCAB has done with the project but he cannot recommend approval of the plan as it stands now.

Ms. Shamp reminded that the task before them is not how they personally feel about the Mound House, but it is about the rezoning plan for the parking lot. She said that there is difficulty in just defining what type of rezoning this is because it is tourism, which is a commercial interest, and this is trying to put that commercial interest into a residential neighborhood. She also agreed with the other members in that this is a conflict with the rezoning, and referred to the report itself, wherein the conclusion states "*if the request is in conflict with the criteria in LDC Sec. 34-8 regarding zoning exception,*" and asks if there are conflicts. She feels that there are conflicts, such as with policy 4c3-#6, which points out in the ending quote "*commercial activities that will intrude into residential communities because of their type, scale or orientation, shall not be approved.*" Additionally, Sec 34-85, which staff has used as basis, she refers to "K" which directs considering "*whether the request is compatible with existing or planned uses and not cause damage, hazard, nuisance or other detriment to persons or properties.*" Ms. Shamp feels that this proposal poses many risks and used another example, referring to "L" which covers considering if the location will pose an undue burden on existing transportation or services and there is discussion of a trolley of some type. Ms Shamp went on to read the other sections to be considered and feels that each creates a conflict; thus, she cannot support this proposal.

Motion: Mr. Zuba moved the LPA deny the request for rezoning due to the inconsistency of rezoning a residential area to commercial, the incompleteness of the plan and the lack of connection between the pedestrian walkway and addressing the potential population usage of the Mound House by occupants of the parking lot. Ms. Shamp added references to 4c3 and Sec. 34-85 that the request is in conflict with LDC 34-85 regarding zoning.

Seconded by Mr. Kakatsch;

Vote: Motion passed 6-0.

Hearing closed at 11:16 AM.

Short recess.

Meeting resumed at 11:27 AM, without Mr. Kosinski who was excused due to illness.

B. LPA Membership Requirements Workshop

Mr. Fluegel said that Council directed staff to address a code amendment regarding LPA members serving on other committees and is asking for the board's thoughts and recommendations for this. He gave recommendations as to possible criteria for future members.

Mr. Zuba feels that membership in too many committees takes away from other people serving and puts too much weight on the member in terms of commitment. He feels also that residency is important.

Ms. Kay agrees with Mr. Zuba's opinions.

Mr. Kakatsch said that he applied to serve on the MRTF and doesn't see a problem with serving on that and the LPA. In addition, he owns "quite a bit of property on this island" and even though he lives in Ft. Myers, he feels he is a resident. Mr. Kakatsch feels that this workshop is directed at him because he chose to homestead his Ft. Myers residence and he was upset that he is being made an example of. Debate took place between Mr. Fluegel and Mr. Kakatsch about the residency issue.

Mr. Van Duzer opined that anyone who owns property on the island should be allowed to serve.

Ms. Shamp read the residential requirement, Sec. 34-13, as it is currently written "all members must be residents, or owners of real property located within the territorial limits of the Town of FMB at the time of membership on the LPA and during the period of service on the LPA. She asked for a show of hands for those interested in changing that. Mr. Zuba interrupted and referred to Ord. 08-11, passed on Sept. 15, 2008, which amended FMB LDC Ch. 34 regarding the conditions for membership on the LPA. He said it reads "*if otherwise qualified, a member may be repeatedly appointed to an additional term by Town Council and may serve on other committees.*" He pointed out that the word "resident" is not defined specifically and he feels this could include renters. There was a consensus of the 5 members that this should remain the same.

No members were interested in the makeup of the board. The last point of discussion was the topic of membership on other committees. Ms. Shamp said she does not agree that LPA members may not serve on other boards but does believe that LPA membership is much more demanding. Discussion ensued.

Ms. Kay supports members not being allowed to serve on other committees. Of the members present 4 feel members should not be allowed to serve on other committees.

C. EAR Process Review

This is the Evaluation and Appraisal Report which is a 5 year assessment of the Comp Plan, mandated by the state. This is due in April 2012 so there will likely be a more in depth presentation next month, according to Mr. Fluegel and he said it is a very

important tool for them. He would provide a copy of the Comp Plan to each member during the lunch break.

V. ADJOURN AS LPA AND RECONVENE AS THE HPB

Motion: Mr. Van Duzer moved to adjourn as LPA and Reconvene as HPB.

Seconded by Ms. Kay;

Vote: Motion passed 5-0.

Meeting commenced at 12:10 PM. Ms. Kay stated that the HAC did not meet this month but will meet later this month. Mr. Fluegal said that he met with Russ Carter to discuss the presentation ceremony, suggesting scheduling something at the end of the month or early March at his home so attendees can tour the house. He again reminded the members to email Ms. Ekblad with their suggestions for invitees.

Ms. Shamp asked about the status of the sign ordinance and Ms. Kay reported that the first hearing was yesterday when Council decided to take over the issue. They suggested that the LPA would look over the criteria and decide whether a sign should be historically designated and then send it to Council who will do the same thing. Ms. Kay feels this is redundant and was not happy with the suggested process but it will come up again at their next meeting.

Motion: Mr. Van Duzer moved to adjourn as HPB and reconvene as the LPA.

Seconded by Mr. Kakatsch;

Vote: Motion passed 5-0.

VI. ADJOURN AS HPB AND RECONVENE AS THE LPA

Meeting was reconvened at 12:15 PM, with the same members still present.

VII. LPA MEMBER ITEMS AND REPORTS

Mr. Zuba asked Mr. Fluegel for a status report on the Seafarer's project and said he asked this earlier in the week in an email as well. In addition, he would like to have the environmental officer give some analysis of the Nature Conservancy report on water quality in Estero Bay. Mr. Fluegel said that there is "a dialogue that is ongoing" on the Seafarer's property but there is no decision as of yet but the property across the street, beachfront, is moving forward through the permitting process. Ms. Shamp asked what kind of permits are being issued since this is a CPD. Mr. Fluegel said this is just going to be a "beach park at this point" including some landscaping and some handicapped parking, etc. More discussion took place about the planning and the problems that may come up.

Ms. Kay commented about the Seafarer's property and said it's going on too long. Mr. Kakatsch agreed and said this is a "disgrace" property for the beach the way it stands. He also asked for a status for the port-a-potties for the beach and Mr. Fluegel gave a few of the locations he thought were being picked for these, but he wasn't sure. He was frustrated that the LPA was not involved in the placing of these units and wants to ask the Council to allow them to give some input into placing these.

Ms. Shamp discussed her concern with the section in the LDC regarding public hearings, 34-216b1 "after the LPA's hearing, an application for a planned development together with all information and staff reports, LPA's minutes and resolution of recommendation..." and said that the LPA is still not having resolutions. She said they should have had a resolution, to which Mr. Fluegel commented "it's in your back-up on this..." and pointed it out to Ms. Shamp asked where it is. Mr. Fluegel said the one in the packet will need to be modified based upon their vote; it is Resolution #11-003.

Mr. Kakatsch also commented about the Farmer's Market location and feels there is a liability issue with holes in the ground, etc. He recommended a "general spruce-up" on the property and "regular maintenance." Mr. Fluegel said he would pass those comments along.

VIII. LPA ATTORNEY ITEMS

Ms. Miller had nothing to report.

IX. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Mr. Fluegel gave his comments regarding the following segment, adding that the Surf Club and Mermaid topics will be coming back with modified applications for the COP to cover their entire properties. These applicants said they did not intend to limit consumption to their deck. Ms. Shamp asked for a description of "their entire property," for the Mermaid Club. Mr. Fluegel said this is an interesting point because he is not sure what that includes. Ms. Chapman opined that their strap number does not go all the way to the beach and Ms. Shamp said she feels that if one of these comes before them and it

does go to the beach, the LPA will need a very lengthy report to properly consider it.

X. LPA ACTION LIST REVIEW

- Special exceptions-Surf Club and Mermaid Lounge-Van Duzer/Kay
- Shipwreck-Continued at LPA request-May 10, 2011

Future Work Activities

- ROW Residential Connection; Van Duzer-TBD
- LDC 613-14 10-25 Storm Water-TBD
- Parasail, jet ski ordinances-TBD; Fluegal
- IPMC (code enforcement clean-up)
- Post-disaster reconstruction/recovery-TBD; Ms. Miller
- ISO (relates to FEMA)
- Connecticut St. resolution-March meeting; Mr. Zuba

XI. PUBLIC COMMENT

No comment.

XII. ADJOURNMENT

Motion: Mr. Kakatsch moved to adjourn.

Seconded by Ms. Kay;

Vote: Motion passes 5-0.

Meeting adjourned at 12:42 PM.

Adopted _____ with/without changes. Motion by _____
(DATE)

Vote: _____ Signature: _____

- End of document

Case # DCI2011-0001
Planner T. Ekblad

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Application for Public Hearing

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

Project Name: Mound House Parking
Authorized Applicant: Town of Fort Myers Beach
LeePA STRAP Number(s): 29-46-24-W1-00151.005A

Current Property Status: Vacant
Current Zoning: Residential Conservation
Future Land Use Map (FLUM) Category: Recreation
Platted Overlay? <u> </u> yes <u>X</u> no FLUM Density Range: 1du/20ac

Action Requested	Additional Form Required
<u> </u> Special Exception	Form PH-A
<u> </u> Variance	Form PH-B
<u> </u> Conventional Rezoning	Form PH-C
<u>X</u> Planned Development	Form PH-D
<u> </u> Master Concept Plan Extension	Form PH-E
<u> </u> Appeal of Administrative Action	Form PH-F
<u> </u> Development of Regional Impact	Schedule Appointment
<u> </u> Other (cite LDC section number: <u> </u>)	Attach Explanation

Town of Fort Myers Beach
Department of Community Development
2523 Estero Boulevard
Fort Myers Beach, FL 33931
(239) 765-0202

Case # DCI2011-0001
Planner T. Ekblad

Date Received
Date of Sufficiency/Completeness

PART I – General Information

A. Applicant:

Name(s):	Town of Fort Myers Beach
Address:	Street: 2523 Estero Boulevard
	City: Fort Myers Beach State: FL Zip Code: 33931
Phone:	239.765.0202
Fax:	239.765.0591
E-mail address:	

B. Relationship of applicant to property (check appropriate response)

☐ Owner (indicate form of ownership below)	
☐ Individual (or husband/wife)	☐ Partnership
☐ Land Trust	☐ Association
☐ Corporation	☐ Condominium
☐ Subdivision	☐ Timeshare Condo
☐ Authorized representative (attach authorization(s) as Exhibit AA-1)	
☐ Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2)	
☒ Town of Fort Myers Beach (Date of Authorization: _____)	

C. Agent authorized to receive all correspondence:

Name:	Terrance Stewart
Mailing address:	Street: 2523 Estero Blvd
	City: Fort Myers Beach State: FL Zip Code: 33931
Contact Person:	
Phone:	(239) 765-0202
Fax:	(239) 765-0591
E-mail address:	

D. Other agents:

Name(s):			
Mailing address:	Street:		
	City:	State:	Zip Code:
Phone:	Fax:		
E-mail address:			

Use additional sheets if necessary, and attach to this page.

Case # DCI2011-0001
Planner T. Ekblad

Date Received _____
Date of Sufficiency/Completeness _____

PART II – Nature of Request

Requested Action (check applicable actions):

☐ Special Exception for:
☐ Variance for:
☐ Conventional Rezoning from _____ to: _____
☒ Planned Development
☒ Rezoning (or amendment) from RC _____ to: CPD
☐ Extension/reinstatement of Master Concept Plan
☐ Public Hearing of DRI
☐ No rezoning required
☐ Rezoning from _____ to: _____
☐ Appeal of Administrative Action
☐ Other (explain):

PART III – Waivers

Waivers from application submittal requirements: Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director's approval(s) as Exhibit 3-1.

Code Section Number	Describe Item
10-286	Traffic Impact Statement

PART IV – Property Ownership

☒ Single owner (individual or husband and wife)			
Name: Town of Fort Myers Beach			
Address: Street: 2523 Estero Boulevard			
City: Fort Myers		State: FL	Zip Code: 33931
Phone: 239.765.0202		Fax: 239.765.0591	
E-mail Address:			

☐ Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision)

Attach Disclosure Form as Exhibit 4-1

Attach list of property owners as Exhibit 4-2

Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved

For condominiums, timeshare condominiums, and subdivisions, see instructions.

PART V – Property Information

A. Legal Description of Subject Property

Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County?

☒ Yes ☐ No

If yes:

Subdivision name: Cases Subdivision

Plat Book Number: 1 Page: 58 Unit: Block: Lot: 51

If no:

Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line.

B. Boundary Survey

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida.

C. STRAP Number(s):

29-46-24-W1-00151.005A

D Property Dimensions:

Area: 18,975 square feet .42 acres

Width along roadway: 75 feet Depth: 253 feet

E. Property Street Address:

216 Connecticut Street

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

F. General Location of Property (from Sky Bridge or Big Carlos Pass Bridge):

From the base of the Sky Bridge, turn left on to Estero Boulevard.
The subject property is on the left just past Mid Island Drive
but before Andre Mar Drive.

Attach Area Location Map as Exhibit 5-3

G. Property Restrictions (check applicable):

☒ There are no deed restrictions or covenants on this property that affect this request.

☐ Restrictions and/or covenants are attached as Exhibit 5-4

☐ A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

H. Surrounding property owners:

☒ Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6

☒ Attach two sets of mailing labels as Exhibit 5-7

☒ Attach a map showing the surrounding property owners as Exhibit 5-8

I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)

☐ Low Density

☐ Marina

☐ Mixed Residential

☒ Recreation

☐ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Tidal Water

Is the property located within the "Platted Overlay" area on the Future Land Use Map? ☐ Yes ☒ No

J. Zoning: (see official zoning map, as updated by subsequent actions)

☐ RS (Residential Single-family) ☐ CM (Commercial Marina)

☒ RC (Residential Conservation) ☐ CO (Commercial Office)

☐ RM (Residential Multifamily) ☐ CB (Commercial Boulevard)

☐ VILLAGE ☐ SANTINI

☐ SANTOS ☐ DOWNTOWN

☐ IN (Institutional) ☐ RPD (Residential Planned Dev.)

☐ CF (Community Facilities) ☐ CPD (Commercial Planned Dev.)

☐ CR (Commercial Resort) ☐ EC (Environmentally Critical)

☐ BB (Bay Beach)

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART VI – Affidavit

Application Signed by Individual Owner or Authorized Applicant

I, Terrance Stewart, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Terrance Stewart Terrance Stewart
Signature Typed or Printed Name

State of Florida
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed

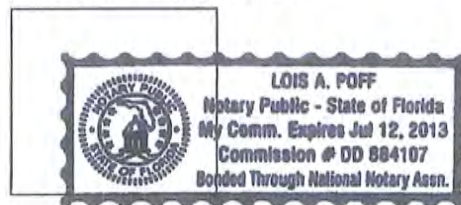
before me this 3rd of February, 2011 by TERRANCE STEWART
(date) (name of person under oath or affirmation)

who is personally known to me or produced _____
(type of identification)

as identification.

Lois A. Poff Lois A. Poff
Signature of person administering oath Typed or Printed Name

SEAL:



PART I
Narrative Statements

A. Comprehensive Plan Amendments (check one)

☒ There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
☐ The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect)

B. Phasing of Construction

☒ The development is to be constructed in a single phase.
☐ The development is to be constructed in phases as follows: (describe proposed phasing below)

C. Comprehensive Plan Compliance.

Explain how the proposed development complies with applicable Goals, Objectives, and Policies of the Fort Myers Beach Comprehensive Plan.

The property was purchased as a vacant lot by the Town of
Fort Myers Beach in 2003 to provide off-site parking for the
Mound House. Off-site parking is necessary for the operation
of the Mound House.
The Recreation Future Land Use Category is specifically for
public parks, schools, and undevelopable portions of beach.
Allowable uses include parks, schools, libraries, bathing
beaches, beach access points, and related public facilities.
The parking provided on site will be a public facility
related to the Mound House, a public facility owned and
operated by the Town of Fort Myers Beach. As a result, the
request is consistent with the Recreation Future Land Use.

D. Design Standards Compliance

For projects required to meet Commercial Design Standards, explain how the proposed development complies with the design standards set forth in LDC Sections 34-991 through 34-997.

Any commercial design standards required for the project
will be submitted for approval at the time of Development
Order.

E. Decision-making Compliance

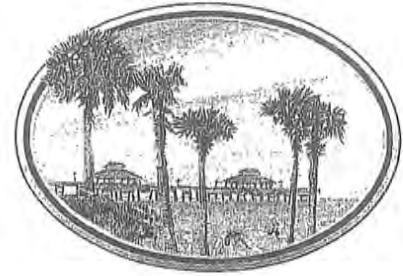
Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

The proposed parking lot is necessary to support the
operation of the Mound House. The lot has been designed to
maintain the design characteristics proposed for the Mound
House in an effort to provide continuity between the two
sites. An Alternative Landscape Buffer is proposed to
maintain the areas character and incorporate suggestions
made by surrounding property owners and residents.

F. Schedule of deviations and written justification

Provide a list of the requested deviations keyed to the Master Concept Plan, and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

Please see attached sheet labeled Exhibit F.



Memorandum

To: Tina Ekblad, Planning Coordinator

From: Walter Fluegel, Community Development Director

Date: January 28, 2011

Re: 216 Connecticut Street CPD Rezoning Traffic Impact Statement (TIS) Requirement

I have reviewed the Planned Development Rezoning submittal requirements, contained in Code Section 34-212 and determined that pursuant to Sections 34-202 and 34-203, the requirement for a Traffic Impact Statement can be waived. Based upon the proposed development plan and limitations for the 216 Connecticut Street rezoning, it is clear that traffic generation related to the proposed parking lot will not stem from the parking lot, but rather will stem from the Mound House proper. Further, the proposed development program on 216 Connecticut Street is ancillary to the Mound House proper. Accordingly, I am comfortable waiving the TIS requirement for the proposed 216 Connecticut Street CPD rezoning, in as much as, trip generation for this site is more a function of the development program on the Mound House, which is articulated in and regulated by the Mound House CPD, as embodied in Resolution 05-13.

Mound House Parking

Exhibit F – Deviations and Justifications

1. Deviation from 34-1174(b) to allow a structure to be located closer to a street right-of way line than the primary use.

Justification: As an ancillary use to the primary function of the parking lot, the information kiosk/education station is to be placed 7ft 8in in front of the pavement for the parking lot. This location provides the most space for people to gather at the information kiosk/education station without impacting the driveway, parking aisle, or the Connecticut Street right of way. This location does not affect the visibility triangle from the driveway.

2. Deviation WITHDRAWN.

3. Deviation from 10-416(d)(2) to allow for an Alternative Landscape Buffer rather than the required buffer type by proposed use.

Justification: Traditional buffer requirements constrain the property to the point that the parking lot could not be designed within the lot configuration. The required wall has been eliminated from the proposed Alternative Landscape Buffer to provide compatibility with the neighborhood context and increase planting space. The number of trees provided per linear foot is 6 times more than the amount required by traditional buffers but visibility to the site from surrounding properties is not decreased as requested during the public input process.

4. Deviation from 10-416(c)(2)a. to allow a peninsula with a minimum width of less than 10 feet.

Justification: The design of the parking lot maximizes the number of parking spaces available. To maintain the 27 spaces proposed the peninsulas minimum width must be 8 feet. Trees will be planted within the peninsula as required by the LDC to provide canopy coverage.

5. Deviation from 10-416(d)(9)b. to allow a pedestrian path that is more than 20% of the width of the buffer for impervious surface.

Justification: The walking path provides access to the parking spaces at the back of the lot while keeping visitors from walking in the parking aisle to exit and enter the lot. The dimensions of the site and the alternative landscape buffer do not provide enough room for this requirement to be met. The impervious surface requirement is only exceeded within the buffer along the eastern boundary of the site.

6. Deviation from 10-416(d)(9)c. to allow the total width of the buffer to vary.

Justification: The design of the parking lot proposes a meandering parking aisle with adjacent spaces to maximize the number of spaces available. The Alternative Landscape Buffer proposes to utilize the space between the parking spaces and the property line as the area for the buffer in an effort to promote compatibility with the existing neighborhood. This distance is not constant; it varies from 5 to 31 feet throughout the site.

7. Deviation from 34-2016(1) to allow the minimum parking aisle width to be 20'.

Justification: The 75 foot width of the subject property constrains the design of the parking lot. To overcome this and maximize the number of spaces, the design utilizes a meandering parking aisle. To accommodate 27 spaces and an Alternative Landscape Buffer within the dimensions of the subject property, the width of the parking aisle must be reduced from the 22' requirement.

8. Deviation from 34-2013(b) to allow the parking lot entrance to enter the street right-of-way at an angle of 88 degrees.

Justification: The entryway has been designed to keep with the context of the neighborhood and existing property lines. The 88 degree angle of the driveway is consistent with the angle of existing driveways on surrounding properties as well as the angle of the property boundaries.

9. Deviation from 10-285 Table 10-1 to allow the driveway separation on a local street to be less than 125 feet.

Justification: The length of the subject property is 75 feet and the driveway connections to Connecticut Street on the adjacent properties are existing. The separation requirement of 125 feet cannot be met on the property with the existing development on adjacent sites. The reduction of the connection separation distance would fit with the existing neighborhood.



Town of Fort Myers Beach

Memo

To: Tina Ekblad, Planning Coordinator
Cc: Walter Fluegel, Community Development Director
From: Keith Laakkonen, Environmental Sciences Coordinator
Date: January 27, 2011
Re: 216 Connecticut Street site inspection

I inspected the property at 216 Connecticut Street for any environmental issues that may be relevant to any land or use changes. I noted the following:

- There are several existing cabbage palms (*Sabal palmetto*) in the center of the proposed parking lot. The parking lot site plans do not reflect the preservation or relocation of these trees. Cabbage palms are protected trees under § 14-380 of the Town of Fort Myers Beach Land Development Code and every effort should be made to preserve or relocate them.
- There is an elevated pad on the property, which resembles the size and shape of a septic tank. The applicant should provide evidence that there is no septic tank on the site.
- There is a foot path through the property that connects the properties at 119 Andre Mar Drive and 208 Connecticut Street. The applicant should determine if there is a prescriptive or dedicated easement between these two properties that may affect future property changes.



Town of Fort Myers Beach

Memo

To: Walter Fluegel, Community Development Director
Cc: Keith Laakkonen, Environmental Sciences Coordinator
From: Tina Ekblad, Planning Coordinator
Ken Miller, Building Safety Services Coordinator
Date: February 3, 2011
Re: 216 Connecticut Street site inspection

On February 3, 2011, Ken Miller and I conducted a site visit at 216 Connecticut Street and noted the following:

- The elevated pad referenced in the memo dated January 27, 2011 from Keith Laakkonen, is not a septic tank.

Handwritten signature and date:
2/3/11

**FORT MYERS BEACH, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT**

TYPE OF CASE: Commercial Planned Development
CASE NUMBER: DCI2011-0001 (Mound House Parking)
LPA HEARING DATE: February 8, 2011
LPA HEARING TIME: 9:00 AM

I. APPLICATION SUMMARY:

Applicant: Town of Fort Myers Beach
Request: Rezone .42 acres at 216 Connecticut Street from Residential Conservation (RC) to Commercial Planned Development (CPD)
Subject property: Cases Subdivision
Plat Book 1 Page 58
Physical Address: 216 Connecticut Street, Fort Myers Beach, FL 33931
STRAP #: 29-46-24-W1-00151.005A
FLU: Recreation
Zoning: Residential Conservation
Current use(s): Vacant

Adjacent zoning and land uses:

Adjacent properties are designated as Low Density and Mixed Residential on the Future Land Use Map (FLUM)

North: Multi-family; Residential Conservation
South: Multi-Family; Residential Conservation
East: Single Family; Residential Single Family

West: Single Family; Residential Conservation

II. BACKGROUND AND ANALYSIS

Background:

The subject property, located at 216 Connecticut Street and owned by the Town of Fort Myers Beach, is currently vacant.

The request is to rezone .42 acres, located at 216 Connecticut Street, from Residential Conservation (RC) to Commercial Planned Development (CPD) to allow a 27 space parking lot with a limited information kiosk/education station and storage amenities on site. A Master Concept Plan is included as Exhibit A.

Analysis:

The subject property is within the Recreation Future Land Use category, which allows "parks, schools, libraries, bathing beaches, beach access points, and related public facilities." The proposed parking facility will be owned and operated by the Town of Fort Myers Beach to directly support the Mound House, also a public facility. This is consistent with the Recreation Future Land Use Category. The proposal also supports Goal 13 of the Comprehensive Plan, which seeks to improve opportunities for public access to publicly supported resources.

A permanent parking lot can only be approved by a special exception or rezoning application. The requested rezoning to Commercial Planned Development provides flexibility for specific, customized conditions to be applied to the unique parking design proposed, while providing specific mitigation measures to ensure compatibility with the adjacent neighborhood.

The subject property is located in a predominately residential area. As a result, the development plan has been designed in cooperation with the surrounding property owners and residents. The proposed design was selected from a number of options presented at a January 26, 2010 meeting of Cultural and Environmental Learning Center Advisory Board (CELCAB) for its ability to increase parking and the Alternative Landscape Buffer. The Landscape Master Plan Summary Memorandum, attached as Exhibit B, provides details about this public process. The proposed information kiosk/education station and storage are considered ancillary to the parking lot and will be limited to the size and general location noted on the Master Concept Plan, attached as Exhibit A. The parking lot will be a low turnover lot and will utilize alternative unpaved surfaces consistent with the requirements outlined in Section 34-2017(b) of the Land Development Code.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezoning, staff makes the following findings and conclusions.

1. *The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

The subject property is located within the Recreation Future Land Use Category. As stated in Policy 4-B-8 of the Comprehensive Plan, allowable uses in this district include "parks, schools, libraries, bathing beaches, beach access points, and related public facilities." The proposed parking lot will be a public facility owned and operated by the Town of Fort Myers Beach and is therefore, consistent with the Recreation Future Land Use Category.

The Comprehensive Plan also supports the rezoning request in the Historic Preservation Element. Objective 13-H seeks to "improve opportunities for appropriate public access to publicly supported resources." Policy 13-H-7 suggests the Town "continue to improve availability and appropriate public access to historic and cultural resources..." The proposed rezoning will provide necessary off-site parking for the Mound House, furthering the efforts to improve public access to historical and cultural resources. Therefore, the request is consistent with the Historical Preservation Element.

The request also furthers Policy 1-B-2 of the Community Design Element by providing enhanced landscaping on public property.

The request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The proposed development will support increased access to publicly supported historical and cultural resources, will promote enhanced landscaping on public property, and is consistent with the Recreation Future Land Use Category.

2. *The request meets or exceeds all performance and locational standards set forth for the proposed use.*

The nature of this application indicates the requested use of a parking lot is not an allowable use by right on the property. It is however a permissible use by Special Exception or Planned Development Zoning per LDC Section 34-622 Use Table 34-1. The proposed design exceeds the required number of parking spaces as outlined by LDC Section 34-2020(d)(3)c.

The request is appropriate at this location due to the property's proximity to the Mound House. The property is approximately 700 feet from the Mound House or less than a 5 minute walk.

3. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

On January 27, 2011, the Environmental Science Coordinator for the Town of Fort Myers Beach conducted a site visit of the property. During the visit it was noted the existing cabbage palms are a protected tree and efforts should be made to relocate and preserve the trees. A condition has been proposed to require the trees be preserved and relocated to the Alternative Landscape Buffer on site. A foot path was also noted connecting 119 Andre Mar Drive and 208 Connecticut via 216 Connecticut. This path is not dedicated by easement (as confirmed by the Boundary Survey dated 3/14/08 by RWA) and will not affect the construction of the parking lot.

The proposed parking facility will have virtually no negative effects on environmentally critical areas and natural resources. The property is currently vacant and has been previously disturbed.

4. *The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. The proposed mix of uses is appropriate at the subject location.*

The surrounding properties are within the Low Density and Mixed Residential Future Land Use. The design of the development is compatible with the neighborhood context and will not negatively affect surrounding properties. A public input process was implemented to develop and chose the proposed design for the site as outlined in Exhibit B.

5. *Urban services are, or will be available and adequate to serve the proposed land use change at this location. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.*

The Traffic Impact Statement requirement has been waived by the Community Development Director. It has been determined traffic will not be generated from the proposed development but from the Mound House, which is already approved by Resolution 05-13.

6. *The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

The proposed development plan was chosen via a public workshop on January 26, 2010. To protect the public interest and intent of the design chosen, limitations are proposed for the information kiosk/education station and storage facility to prevent increases in size or relocation without an amendment to the Master Concept Plan, which requires approval by Town Council. It has also been proposed that design and architectural standards for the information kiosk/education station and storage be submitted at the time of Development Order or permit application for approval. A condition is also proposed to require a Alternative Landscape Betterment Plan to be submitted consistent with LDC Section 10-419 with the Development Order or permit application to ensure the alternative landscape buffer meets the intent of the of the chosen design option.

7. *The request is compliant with the Land Development Code and other applicable codes and regulations.*

The request is consistent with the Land Development Code. The proposed parking lot and limited information kiosk/education station can only be approved by Commercial Planned Development given the deviations necessary and conditions proposed.

8. *The deviations granted:*

- a. *Enhance the achievement of objectives of the planned development; and preserve and promote the general intent of the LDC to protect the public health, safety, and welfare; and*
- b. *Operates to the benefit, or at least not to the detriment, of the public interest; and*
- c. *Is consistent with the Fort Myers Beach Comprehensive Plan.*

The following deviations have been requested for the proposed development.

Deviation from 34-1174(b) to allow a structure to be located closer to a street right-of-way line than the primary use.

The information kiosk/education station is placed in front of the edge of pavement for the parking lot. This location ensures pedestrians and visitors viewing material are out of harm's way of vehicles entering and exiting the parking lot as well as the Connecticut Street right-of-way. The clear visibility of the station from Connecticut Street provides a landmark for the lot and a convenient stopping point for visitors. The location does not impede the visibility triangle from the driveway.

The structure is proposed to be conditioned to ensure the design is submitted for review and consistency with the Town's design standards at the time of Development Order or permit application and cannot be relocated or expanded without an amendment to the Master Concept Plan and approval by Town Council.

Deviation WITHDRAWN.

Deviation from 10-416(d)(3) to allow an Alternative Landscape Buffer instead of the required buffer type by proposed use.

Traditional buffer requirements constrain the property to the point that the parking lot could not be designed within the lot configuration. The proposed design was developed and agreed upon through a public input process outlined in the attached Exhibit B. The required wall was eliminated to maintain compatibility with the neighborhood context and increase planting space. The number of trees to be planted per 100 linear feet is 6 times the amount required by the LDC but visibility to the site from surrounding properties is not decreased as requested during the public input sessions.

It is proposed that the buffer be conditioned to require the submittal of an Alternate Landscape Betterment Plan consistent with LDC Section 10-419 at the time of Development Order or permit application.

Deviation from 10-416(c)(2)a. to allow a peninsula with a minimum width of less than 10 feet.

In an effort to maximize the number of spaces available on site, the peninsulas are designed at a width of 8 feet. Trees will still be located in the peninsulas as required by the LDC to provide canopy coverage.

Deviation from 40-416(d)(9)b. to allow a pedestrian path that is more than 20% of the width of the buffer for impervious surface.

A proposed walking path was incorporated into the development design as a result of the January 26, 2010 meeting with CELCAB and stakeholders. The proposed walking path provides a connection from Connecticut Street, to the information station/education kiosk, and continues on within the buffer to the parking spaces at the back of the lot. The walking path provides access to the parking spaces at the back of the lot and keeps visitors from walking in the parking aisle to exit and enter the lot. The path exceeds the impervious surface requirement only within the buffer along the *eastern* boundary of the site.

It is proposed that the walking path be conditioned to made of the same material as the parking lot.

Deviation from 10-416(d)(9)c. to allow the total width of the buffer to vary.

The design of the parking lot proposes a meandering parking aisle with adjacent spaces to maximize the number of spaces provided. The design of the Alternative Landscape Buffer proposes to utilize the space between the property line and the front of the parking spaces as the buffer in an effort to promote compatibility with

the existing neighborhood. Due to the meandering nature of the parking, the width of the buffer varies from 5 to 31 feet.

Deviation from 34-2016(1) to allow the minimum parking aisle width to be 20'.

The 75 foot width of the subject property constrains the design of the parking lot. To overcome this and maximize the number of spaces available, the design utilizes a meandering parking aisle. To accommodate 27 spaces and an Alternative Landscape Buffer within the dimensions of the property, the width of the parking aisle must be reduced from the 22' requirement.

Deviation from 34-2013(b) to allow the parking lot entrance to enter the street right-of-way at an angle of 88 degrees.

The entryway has been designed to keep with the context of the neighborhood and existing property lines. The 88 degree angle of the driveway is consistent with the angle of existing driveways on surrounding properties as well as the angle of the property boundaries.

Deviation from 10-285 Table 10-1 to allow the driveway separation on a local street to be less than 125 feet.

The length of the subject property is 75 feet and the driveway connections to Connecticut Street on the adjacent properties are existing. The separation of 125 feet cannot be met on the lot with the existing development on adjacent sites. The reduction of the connection separation would fit with the existing neighborhood

IV. RECOMMENDATION

With consideration to the current and existing conditions, Staff recommends **APPROVAL** of the requested rezoning to Commercial Planned Development to allow a permanent parking facility and limited information kiosk/education station and storage. Limitations on the proposed development are for Town Council to determine at public hearing. If the Town Council chooses to approve the requested rezoning, staff recommends the approval be subject to the following conditions:

1. The development of the subject property must be consistent with the 1 page Master Concept Plan entitled 216 Connecticut Street Master Concept Plan dated February 1, 2011.
2. The construction of the parking lot must comply with Land Development Code Section 34-2017(b).
3. The materials used for the construction of the walking path must be consistent with the materials utilized for the parking lot.

4. The design and architectural standards for the information kiosk/education station must be submitted at the time of Development Order or permit application for approval.
5. The information kiosk/education station and storage are limited to the size and general location indicated on the Master Concept Plan, attached as Exhibit A.
6. An Alternate Landscape Betterment Plan consistent with LDC Section 10-419 must be submitted at the time of Development Order or permit application.
7. The Cabbage Palms located on-site must be preserved and relocated within the Alternative Landscape Buffer.
8. The parking lot is to be utilized by patrons of the Mound House property only.

V. CONCLUSION:

Rezoning the property from Residential Conservation to Commercial Planned Development is consistent with the Recreation land use category. The request would not adversely affect the surrounding properties and would give the property the appropriate zoning district for the future use of the property.

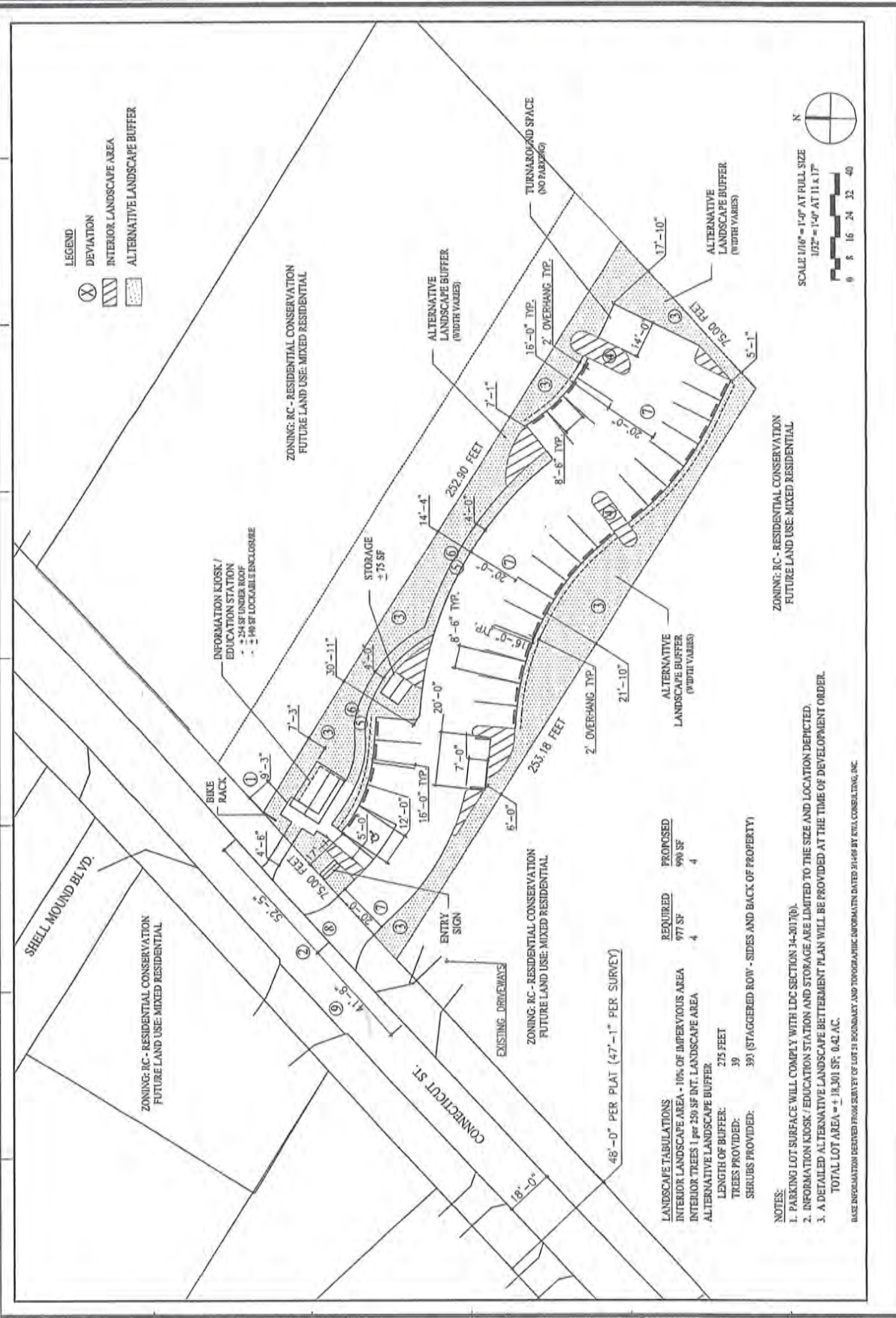
If Town Council finds that the requested use is contrary to the public interest or the health, safety, comfort, convenience, and/or welfare of the citizens of the Town, or that the request is in conflict with the criteria of LDC Section 34-85 regarding Rezoning Exceptions, Town Council should deny the request as provided in LDC Section 34-85(4). If Town Council chooses to approve the request, special conditions necessary to protect the health, safety, comfort, convenience, or welfare of the public may be attached if Council finds that such conditions are reasonably related to the requested special exception. Staff has recommended conditions for the Town Council's convenience and consideration.

Staff recommends **APPROVAL** of the requested rezoning, as conditioned.

Exhibits:

Exhibit A – Master Concept Plan

Exhibit B – Landscape Master Plan Summary Memorandum



216 Connecticut Street
Town of Fort Myers Beach, Florida
Landscape Master Plan
Summary Memorandum



DRAFT
February 22, 2010

216 Connecticut Street Landscape Master Plan
DRAFT Summary Memorandum
February 22, 2010

Introduction

The vacant parcel of land at 216 Connecticut Street, Fort Myers Beach was purchased by the Town in 2003 for the purpose of providing off-site parking for the Mound House, a strategic physical improvement proposed in the Management Plan for the Mound House submitted by the Town to the Florida Communities Trust (FCT) in 2000. Fulfilling the objectives and performing the management activities described in the Management Plan are conditions of the FCT grant which helped fund acquisition of the Mound House. The development of supplemental parking off-site is one of those activities and will be necessary for the operation of the museum and site.

This Memorandum describes the planning process and outcome of developing a Landscape (Site) Master Plan for 216 Connecticut Street. The purpose of this planning was to develop a site plan that would:

- Support accessory functions for the Mound House: primarily parking, but potentially other functions as well, such as storage, office space for staff or volunteers, and/or providing information to visitors;
- Address integration of the parking facility into the surrounding residential neighborhood, with a minimum of negative impacts;
- Incorporate substantial public input into the planning process and outcome; and
- Provide the information necessary for Town approval of a plan that can be used in a re-zoning of the property, which will be necessary in order to use it for parking.

The steps of the process were as follows:

1. The potential development program for the property was reviewed with the Town's project manager.
2. Applicable Town development regulations and zoning requirements were reviewed.
3. An on-site review of the general conditions, aesthetics and neighborhood context of the property was performed.
4. Initial stakeholder input was solicited regarding concerns and ideas for the plan, in individual interviews with the planning consultants. (Stakeholders are here defined as any person having interest or concern for the development of the property; this can include Town officials, residents, visitors, or any other interested person.)
5. Results of the above tasks were summarized at a meeting of the Cultural and Environmental Learning Center Advisory Board (CELCAB) and additional comments were received. (All CELCAB meetings are noticed public meetings.)
6. Based on the above steps, the planning consultants drafted three Alternative Site Concepts (plans) that showed a variety of approaches to issues such as programming, site layout, landscape style and the buffering of adjacent properties.
7. The Alternative Concept Plans were presented at a CELCAB meeting with extensive discussion and feedback by Board members and members of the public. A general consensus of direction for the Plan was provided by the Board.

8. A Draft "preferred" Concept for the Master Plan was prepared and presented at a CELCAB meeting, with additional comments received. This concept plan and the feedback received about it have served as the basis for the Draft Site Master Plan included in this Memorandum.

These steps are detailed in the following sections.

Programming

The initial list of uses and activities that the Town might wish to accommodate on the property was provided by the Town's Director of Cultural Resources, Theresa Schober. These included a variety of possible program elements to support programming of the Mound House. However, it was recognized that due to limitations of space and depending on the outcome of the planning process, a number of these elements may not be able to be accommodated at this site.

The Mound House site is currently open to the public and hosts programming ranging from educational field trips to kayak tours and special events such as a fishing derby and environmental clean-up days. The house (museum) is in process of restoration is not currently open, pending receipt of additional funding for interior build-out. A renovated former garage provides a contact point and restroom for visitors and includes an archaeology lab and an office for the Cultural Resources department, presently staffed with two positions, Director and Administrative Assistant. An underground archaeological exhibit and renovation of the grounds are scheduled to be completed in the spring of 2010.

Parking

Based on past observations and estimated increases in attendance, it is estimated that approximately 40 parking spaces will serve reasonably well for typical day-to-day operations; this includes general visitor parking as well as allowing for 6 spaces for staff, interns and volunteers. The Master Plan for the Mound House site included approximately 15 spaces (subsequently reduced to 9 during preparation of construction documents, although more may be added in the future). The program goal for parking at 216 Connecticut Street was a minimum of 25 spaces. In addition, easy connection from this site to the Mound House must be provided, for pedestrian access or via some type of shuttle (e.g., golf carts).

Staff and Volunteer Support

It is estimated that staffing for the museum / site, when open, will initially require approximately six staff positions (five full-time and one part-time), as follows:

- Director
- Administrative Assistant
- Education Curator
- Marketing / Public Relations & Special Events
- Museum Clerk
- Volunteer Coordinator (part time)

Two additional staff positions – Program Assistant and Marketing / Events staff – are estimated to be needed in subsequent years as programming and visitation grow. To help operate the museum, numerous volunteers are also anticipated, although the number on-site at any given time may be small. Internships will also likely continue to be offered in the future. In addition, the Florida Public Archaeology Network (FPAN) will be providing program staff to be located at or near the Mound House, although funding for these positions is subject to annual renewal.

A stand-alone parking area which serves a cultural facility on another property is an unusual land use and does not fit neatly into the standard zoning districts defined in the Town's Land Development Code (LDC). Broadly considered, the following districts might serve as appropriate zoning designations for the intended uses:

CF – Community Facility: intended for parks and nature preserves, this designation might be appropriate considering the public ownership of the parcel and the possible inclusion of neighborhood-serving open space in its development.

IN – Institutional: intended for government and civic buildings, schools, churches, etc., this designation might be appropriate considering the public ownership of the parcel and its main function in support of a museum and cultural site.

CPD – Commercial Planned Development: intended for customized proposals for non-residential development that complies with the Town's Comprehensive Plan but not with all the specific requirements of any of the conventional zoning districts, this designation appears most appropriate given the unique characteristics of the land use(s) as well as the physical constraints on the property described below.

A CPD application gives the Town Council flexibility to require specific, customized conditions for approval of the site plan whereas a re-zoning to a conventional district such as CF or IN does not. Designs which vary from LDC standards may be approved as deviations as part of a CPD application, but would require a variance – a more stringent and less flexible process – in a conventional re-zoning.

Setbacks and Buffers

One key constraint on the site's development and use is the requirement to provide landscape buffers in addition to observing building setbacks. The parcel is narrow and deep, measuring approximately 75 by 253 feet. Setbacks and buffers in each of the above zoning districts are summarized below.

District	CF – Community Facility	IN – Institutional	CPD – Commercial Planned Development *
Setback – Front	20 feet	20 feet	20 feet
Setback – Side	10 feet	7 feet	5 feet
Setback – Rear	20 feet	20 feet	20 feet
Landscape Buffer @ parking	Type C or Type F **	Type C or Type F **	Type C or Type F **

* Standards follow "CB" district requirements unless modified by approved deviations.

** Type C buffer requires 15 foot width and a perimeter wall, plus certain tree and shrub quantities; Type F buffer requires 30 foot width (no perimeter wall), plus certain tree and shrub quantities.

Figures 1 and 2 below show the impact of the above requirements on the developable area of the site. Of critical concern are the standard buffer requirements – either 15 or 30 feet on each side – which, on a 75-foot wide parcel, may quickly render it virtually unusable for parking. Deviation or variance approval will be necessary in order to use the property as intended.

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Landscape Buffer @ parking	Type C or Type F **	Type C or Type F **	Type C or Type F **
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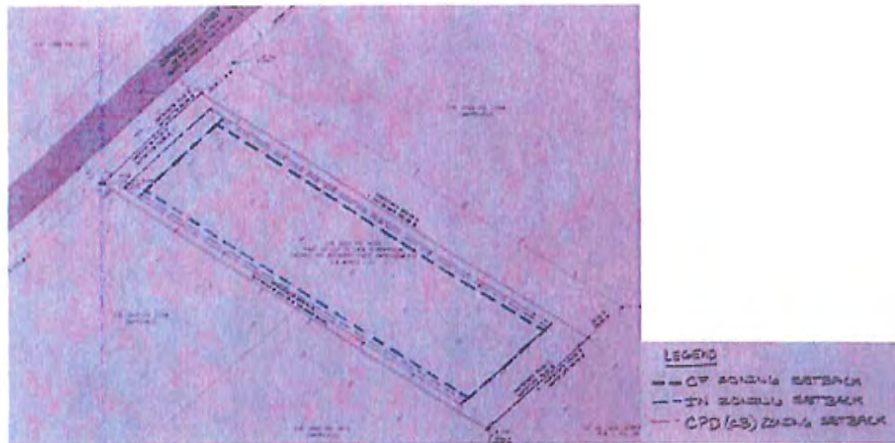


Figure 1. Setback requirements of various zoning districts.

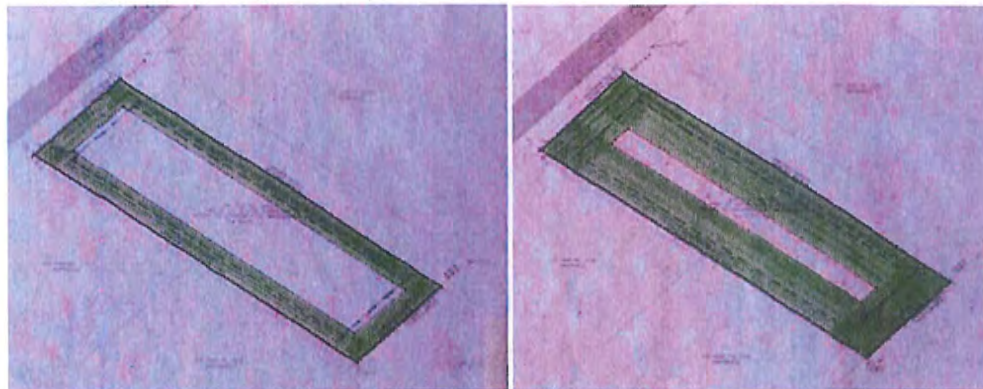


Figure 2. Type C buffer, 15 feet wide (left); Type F buffer, 30 feet (right)

Figure 3 shows the approximate spatial relationship of the built program elements (see table above), excluding general open space, to the available space on site, assuming a 15-foot wide buffer.

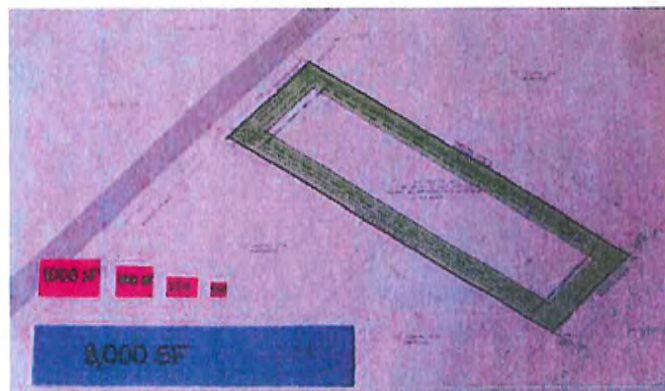


Figure 3. Program elements – approximate footprints.

Site Conditions Review

216 Connecticut Street is an undeveloped parcel surrounded by one- and two-story single family residences. As noted above, the property is deep (from the street) and narrow, which provides challenges for effective use of the space. The site rises slightly higher than neighboring properties, reportedly due to filling activities by a former owner. The setting is appealingly green and open, but the site itself is largely devoid of planting, other than a scattering of cabbage palms (*Sabal palmetto*) and a thin and weedy turf layer; trees and palms on adjacent properties (the boundaries of which are not always obvious) greatly enhance the visual quality.

The property sits on the south side of the road one block from Estero Boulevard, more or less directly opposite the terminus of Shell Mound Boulevard at Connecticut Street. Connecticut Street is a narrow two-lane residential street which, beyond Shell Mound Boulevard, is a dead end. The first block adjacent to Estero Boulevard is dominated on the south side by a large church and parking area. Area residences are generally well landscaped with open and contiguous front yards, enhancing the sense of open space.

The photographs below show the site and neighborhood as of June, 2009.



View from Estero Boulevard



216 Connecticut Street



On-site vegetation



Trees immediately adjacent



Neighboring properties



Connecticut Street views from the property

Initial Stakeholders Input

Initial interviews were held with all interested and available stakeholders on June 9 and 10, 2009. In addition, several interviews were subsequently held by telephone with area residents who were not available on June 9-10. Each interview included a brief introduction by the consultants on the scope and process of the planning, and the findings to date, i.e., the preliminary program for development. Included were three Town Council members: their comments are attributed, in accordance with Sunshine Law requirements (listed in chronological order). Other comments are summarized without attribution.

Comments from Councilmember Tom Babcock:

- Compatibility with the neighborhood is important.
- A sidewalk connecting 216 to the Mound House could be an issue.
- Other neighbor concerns could be objection to a raised (2nd story) structure; development that is out of scale with the neighborhood; traffic; noise; "commercial" zoning.
- Consider speed bumps to minimize traffic interference with residents.
- Bus parking should be considered.
- Someday there could be a trolley stop here. Consider a drop off at the front of the property (25 foot minimum length).
- If including a building, keep in scale with the neighborhood.
- Note that with flood criteria requiring buildings to be elevated, accessibility requires ramps (unsightly or an elevator (very costly). Also in such a case consider ways to maximize the usefulness of the space beneath.
- Keep in mind the Town may need additional office space elsewhere on the island. That could be another opportunity to provide space for Mound House staff.

Comments from Councilmember Jo List:

- Make sure to address community members' input. Develop several alternatives.
- Neighborhood green space for after-hours use sounds like a good addition.

- Supports the idea [discussed] of developing 2 or 3 very different scenarios, e.g., one with just parking, one incorporating some green space, one incorporating some office space. The plan ultimately developed could be a hybrid.

Comments from Councilmember Bob Raymond:

- The Newton Cottage should not be re-located here. *
- Make sure to review LDC requirements under any re-zoning considerations (e.g., Commercial, Institutional).
- Must have a way to transport people from 216 to the Mound House.
- Consider putting more parking at the Mound House.
- Note that Town has recently acquired the Bay Oaks property. Storage can be located there; doesn't need to be here. There should also be space available at the Mound House property for office and storage rather than here.
- Be sensitive to the residential nature of Connecticut Street.

* At the time planning was initiated, the Town was considering relocating a residential structure known as the Newton Cottage from the historic Newton property to 216 Connecticut Street.

Comments from area residents:

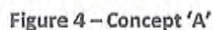
- Avoid using asphalt. Make it look like old Fort Myers Beach not like a parking lot. [gravel, shell OK.]
- Make sure there is perimeter landscaping.
- Prefer native landscaping and an informal look.
- Not in favor of any storage space, although a small gazebo-type structure (as a "visitor contact station") would be good.
- A small structure for welcome or office / storage space might be alright if nicely designed and carefully sited. "Key West cottages" are a good prototype.
- A place where neighbors can congregate would be great.
- Don't want the Newton Cottage or a maintenance building here.
- No outside storage of equipment – bucket trucks, carts, etc.
- This is a residential neighborhood so whatever's done should look residential.
- A paved lot would lower property values. White stone would fit in with the neighborhood.
- Fix the drainage problems that affect neighbors ever since someone dumped fill on this lot.
- Privacy is the greatest concern [adjacent neighbor]. Make sure there is landscaping.
- Don't want tall lighting.
- Consider ways to close the lot off at night – gates, signs. (Don't want to see a fence.) Keep cars and kids out after dark.
- The lot is an eyesore and anything would be an improvement.
- No objection to having parking here.
- No objection to the possibility of sidewalks although knows some neighbors are against it.
- The Beach needs to attract visitors in order to prosper. Wants to see the project succeed.
- Consider distributing material (mail, email) to residents who can't attend the meetings. Make them available at the Mound House for people to see.

Site Alternative Concept Plans

The three Alternative Concept Plans shown and described on the following pages were developed and reviewed with CELCAB members and citizens on January 26, 2010. The concepts include varying amounts of parking and a varying menu of other elements such as structures and neighborhood green space. In each case the parking / driving surface is proposed as gravel or shell, which will require some form of manufactured cellular containment system in order to be durable, but which will provide the desired "old Florida" *

All the concepts feature an intensive landscape buffer, although the dimensions of these buffers' widths generally do not conform to LDC standards (and would thus require a deviation or variance), due to the unusual characteristics of the parcel and its program for development. None of the buffers is depicted with a solid wall either; this is felt to be a feature that would lessen the site's compatibility and "fit" within the neighborhood context, as well as add significant cost, reduce planting space and potentially impact the success of plantings by reducing air movement. If desired a perimeter wall could be added to any of the plans.

Concept 'A' (Figure 4) uses a straight-line layout for a single row of parking spaces on one side of the drive aisle. This is the most conventional layout in terms of parking lot design and is generally efficient, yielding 22 spaces (20 standard and 2 handicapped parking) while allowing for a small structure and a fair amount of open space. The entire north edge of the parcel is an open green space with a straight path to the building. The path is lined with palms and the property line is screened with a continuous row of small flowering trees (Geiger trees, *Cordia sebestena*). The structure, shown at approximately a 500-square foot footprint, is small even as a residential scale building. Envisioned as elevated to flood elevation, the habitable upper floor would be accessed by a ramp that begins adjacent to the handicapped parking spaces, and extends the straight line of the path. Below the building could be storage space and a small enclosed storage yard could be adjacent. At the front of the property a main sign or kiosk is placed adjacent to a small gathering (or queuing) area where the walkway meets Connecticut Street.



Concept 'B'

This concept (Figure 5) sought to maximize parking by curving the drive aisle slightly (thereby increasing its length), and to make the landscape buffer more informal and naturalistic by varying its width. The overall landscape effect would be made stronger by providing certain larger areas where a concentration of planting can be made, such as the 'planted grove' along the south property line. This scheme provides 25 parking spaces. A smaller structure than in concept A is indicated as an approximately 360-square foot footprint, at the front of the site, where a minimal amount of open space serves a forecourt to the little building. The structure could be as simple as an at-grade, open air gazebo, or could be developed as a small enclosed building (not at flood elevation) serving as a visitor contact point and, possibly, for storage. An additional small shed is located further back on the property, screened in landscape. A small "turn-out pad" is added, as the curved and slightly longer drive aisle may make it harder for drivers to gauge whether a space is available at the back before they have come too far to comfortably back out. The turnout pad allows for a three-point turn.

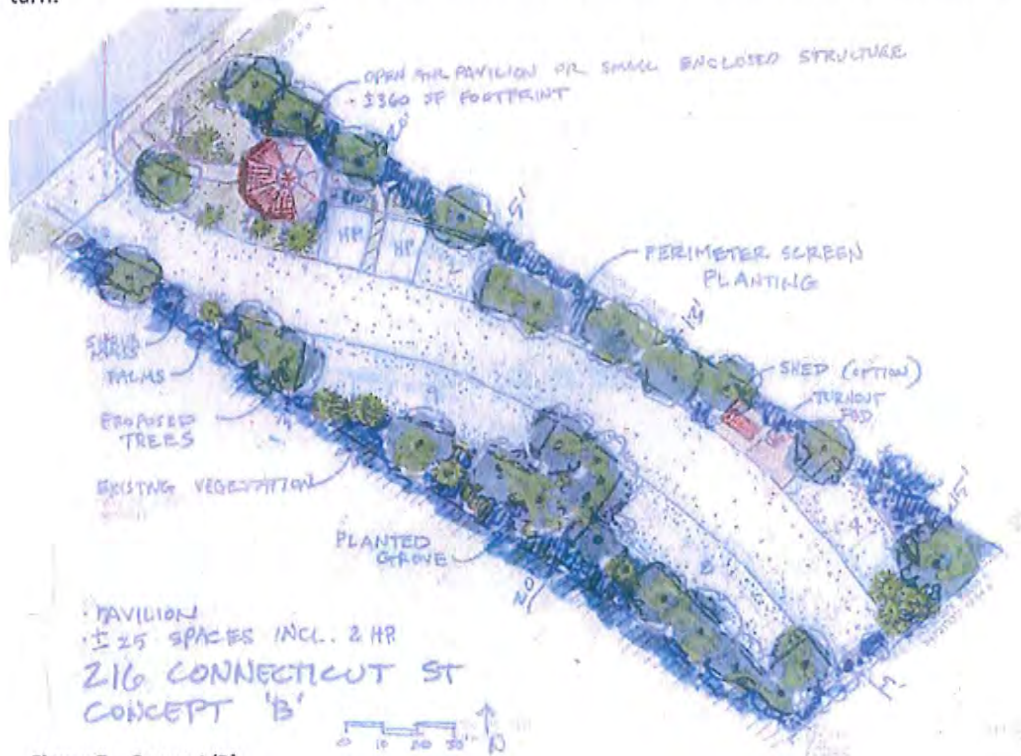


Figure 5 – Concept 'B'

Concept 'C'

Concept 'C' (Figure 6) maximizes the open space character of the property. A one-way drive aisle loop serves 15 parking spaces, which are set at a 45 degree angle between the inbound and outbound lanes. A continuous landscape buffer wraps three sides of the property, approximately 10 feet wide on the south and 20 feet wide on the north. The wider (north) buffer contains a meandering walkway under the trees, connecting a small seating area at the back of the parking to a "mini-park" at the front. The mini-park

features an open air shelter, facing Connecticut Street, that can double as a contact station and a waiting space for shuttles or other transport. Behind the shelter, an oval lawn is ringed by a walkway and benches.

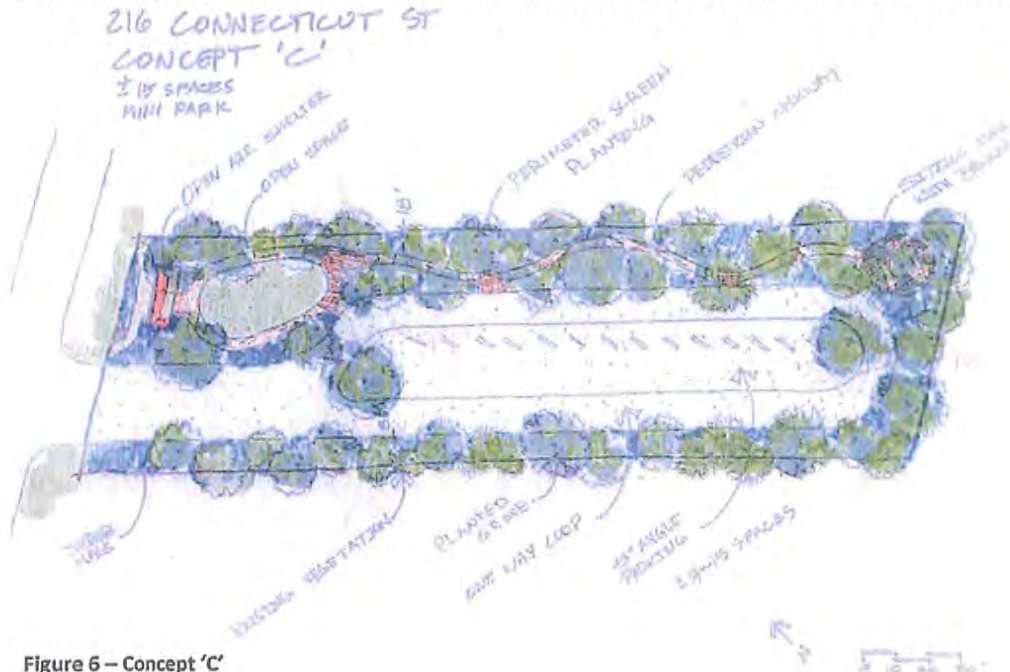


Figure 6 – Concept 'C'

Stakeholders Review

Public comment on the alternatives, received at the January 26 CELCAB meeting, is summarized as follows:

- All those in attendance who spoke were pleased with the quality of the work, how the design was approached and the potential aesthetic value of the project within the neighborhood
- Specific locations were suggested where various neighbors would like to see buffers increased.
- Some neighbors expressed that they like having views toward each other's properties as well as to keep an eye on the 216 site, so they would like the planting not to be too dense.
- Concern was expressed that the structure in concept 'A' would block off a neighbor's property; objection was noted to outdoor storage being located close to a neighbor.
- Three citizens commented that more parking was needed; in some of the plans, too much attention (and space) are given to secondary or unnecessary elements like buildings and sitting areas. This is to be an attractively landscape parking lot, not a park.
- It was noted that some visitors stop here already and come to a neighbor's house looking for the Mound House. Much better orientation is needed.
- It was asked whether kiosks, and spaces to congregate and obtain information, weren't duplicative of what the Mound House itself will provide.
- Objection was noted to perimeter walls.
- Concern was expressed that the drainage (currently impacting neighboring properties) be addressed.
- General support was expressed for the beautification of the property as a significant improvement over what's there now.
- Discussions about security and vagrants included suggestions that landscaping not be excessively dense; that open air shelters or buildings might be undesirable, or at least should be placed at the

front of the property; and that gating the parking lot may or may not be desired (some in favor, some preferring to 'wait and see if it's needed").

- It was discussed that keeping beach parking out of this lot will be an operational concern.
- It was asked whether the lot would be lighted. [Per the LDC it cannot be lighted except when in use, i.e., when the Mound House is having an evening event. Normally the park closes at sunset.]

Commentary and directives from the CELCAB board were as follows:

- Concept 'B' lacks a pedestrian walkway; this should be considered.
- An open, small structure located towards the front is the best option for reducing security concerns.
- The purpose of potential structures was discussed and clarified. Two primary needs are a small storage space for those who may be maintaining the property; and a small storage space for volunteers to keep items necessary for manning the property. It does seem essential that a volunteer be stationed to direct visitors. This also requires a small covered area. The maintenance and the volunteer spaces should be two separate structures.
- A pavilion or similar structure and some open space, at the front of the property, will make the site appear welcoming to visitors. Keep in mind bicyclists and pedestrians as well as drivers. This could be an inviting and useful stopping point.
- Planting design should maintain clear sight lines for security (e.g., maintaining a clear zone between approximately 2-3 and 7 feet off the ground).
- The consensus preference was for Concept 'B' as it provides more parking, and the curved alignment makes it feel less like a typical parking lot. Two small structures should be included, one for a volunteer / contact station, with racks for printed materials and the ability to enclose it at night, and another just for storage. The locations should be studied to minimize intrusion on neighbors.

Preferred Concept Plan

The Preferred Concept Plan (Figure 7) was drafted based on CELCAB directives and was presented at the public meeting on January 28, 2010. The overall layout is similar to the previous Concept 'B' and had a total of 26 spaces (one parking space was added, parallel on south side of the entry drive). The landscape buffer, again, varies in width, and is conceived as a generally open landscape, using native hammock materials but without the understory and shrub layers that can block the desired visibility. A low, informal perimeter hedge that can be easily maintained at no taller than about 4 feet (Figure 8) can be achieved with the right selection of shrub species.

The front of the lot includes a smaller building (Figure 9), mostly open-air but lockable at night, and similar in general style to the Mound House office. This Contact Station includes a closet for volunteer supplies, sheltered open-air space for a volunteer to sit and for visitors to gather, and large screen or mesh sliding panels and doors that secure the structure at night. These panels and doors can display more permanent kinds of informational signs, while printed materials can be offered in wall racks within the lockable portion of the structure. There is also a very small storage shed in back of the first parking spaces. A walkway connects the parking area to the front of the site.

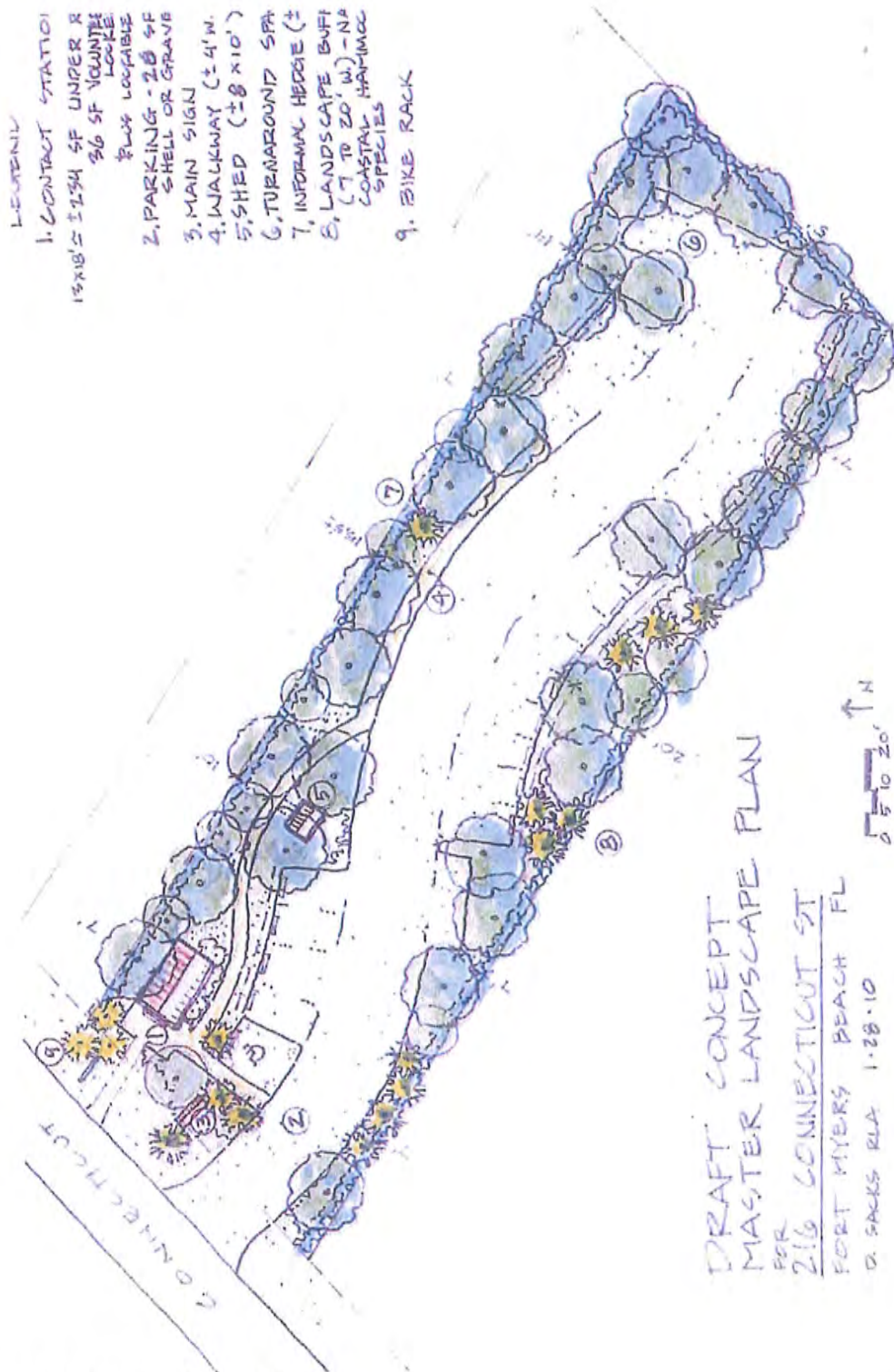


Figure 7 – Preferred Concept Plan

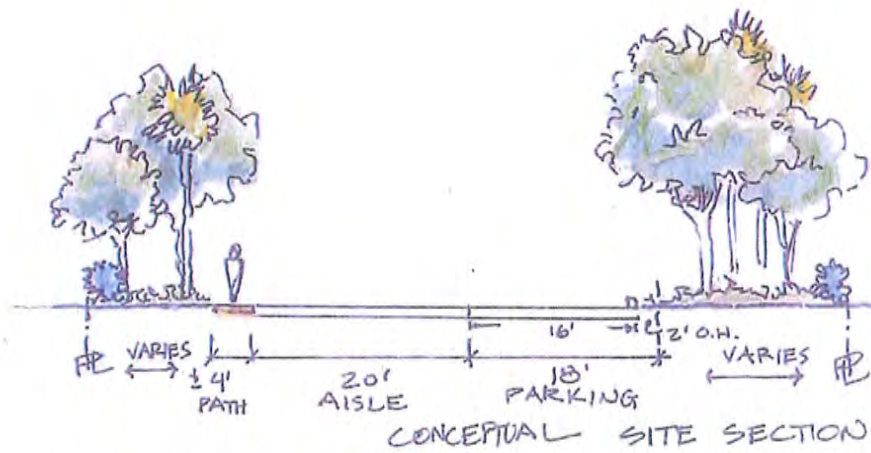


Figure 8 – Preferred Concept – Site Section

0 5 10'

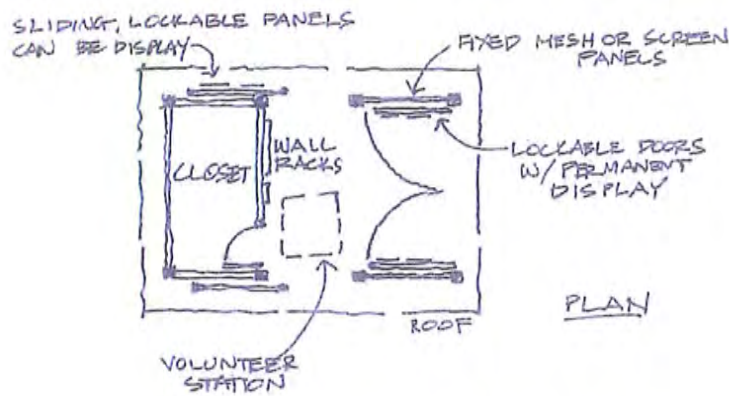
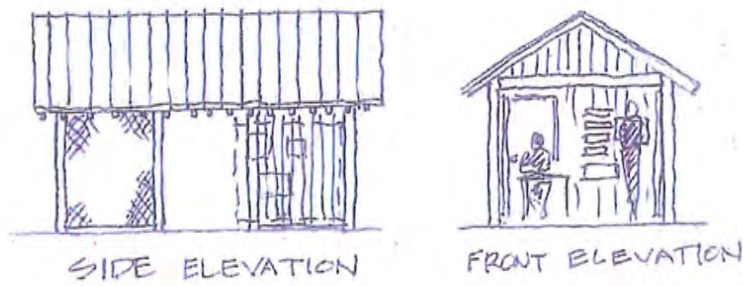


Figure 9 – Contact Station Concept

0 2 4 8'

Stakeholders Review

Public comment on the alternatives, received at the January 28 CELCAB meeting, is summarized as follows:

- All those in attendance who spoke expressed support for the draft preferred Concept Plan.
- The CELCAB members' willingness to hear, seriously consider, and incorporate public input was commended, as was the planning consultants' responsiveness to the public's concerns and suggestions in preparing the plan.
- Objection was noted to Live Oaks and a preference stated for palms, as oaks' leaf-drop creates a mess on adjacent property.
- A contrasting preference for trees rather than palms was expressed, so that more shade will be provided to people.
- It was reiterated that planting should not be so dense as to preclude neighbors' viewing, and thus helping to police, the property after hours.
- The importance of adequate policing was noted along with the provision of trash receptacles so that the property maintains a good appearance.

The CELCAB members expressed unanimous support for the plan and requested that the more formally drafted version and this Summary Report be submitted.

Draft Site Master Plan

The DRAFT Site Master Plan is attached as Figure 10. It provides 27 parking spaces (gained from more accurate digital drafting, and a slight adjustment of the curved alignment), pedestrian connection form back to front, and the two small structures as shown in the previous Concept Plan. (A more generous walkway area and a deeper front roof overhang have been provided at the Contact Station, for easier visitor access and enhanced shelter.) The landscape buffer is generally 7 to 20 feet wide, with a few points slightly narrower or somewhat wider, and is comprised of primarily native species, although a few non-native ornamentals may be appropriate at the front of the site. Relatively open shade, such as that provided by Gumbo Limbo (*Bursera simaruba*), the official Town tree, is envisioned, along with selected and carefully placed other mid-sized trees and palms. Low native ground covers will fill the site to reduce maintenance requirements and water demand, except for a small open area of lawn at the front. Medium layers that would block visibility are avoided.

Implementation

Next steps upon Town approval of the Site Master Plan would include re-zoning, design / construction documents, identification of funding, permitting and approvals, and bidding and construction.

Re-zoning

The recommended category for re-zoning the property is CPD – Commercial Planned Development. (Although not a commercial use, "commercial" is the available designation for all non-residential planned developments.) Deviances may be required for the following elements of the plan:

- Non-standard landscape buffer with varying width
- Wall not included in perimeter buffer
- Non-standard front and side setbacks for Contact Station

Design considerations – stormwater management

Construction of improvements at this site is also an opportunity to ameliorate existing drainage problems in this portion of Connecticut Street. Consideration should be given to enhancing the stormwater collection,

storage, and infiltration and conveyance systems of this project beyond what is technically required for the improvements shown, to help address block-wide drainage problems. One potential technique for this would be the addition of subsurface storage beneath the parking area.

Permitting

Permits and approvals likely to be required include an Environmental Resource Permit (ERP) from the Southwest Florida Water Management District and a Town of Fort Myers Beach building permit.

Statement of Probable Cost of Construction

A Statement of Probable Cost of Construction is provided as Appendix A attached.



Figure 10 - Draft Site Master Plan

216 Connecticut Street Landscape Master Plan					DRAFT 2/22/2010	
Fort Myers Beach, FL						
Conceptual (Master Plan) Statement of Probable Construction Cost						
Item	Quantity	Units	Unit Cost	Subtotal	Remarks	
Mobilization	1 allowance		\$ 7,500	\$ 7,500		
Maintenance of traffic	1 lump sum		\$ 500	\$ 500		
Clearing, Grubbing, and Preparation	0.42 acre		\$ 3,500	\$ 1,470		
Erosion control / SWPPP	1 allowance		\$ 8,500	\$ 8,500		
Surveying - layout & as-builts	1 allowance		\$ 6,500	\$ 6,500		
Parking area	9530 sf		\$ 3,500	\$ 33,355	Gravel or shell, reinforced	
Walkway	1041 sf		\$ 5	\$ 5,205	Assumes polymeric bound aggregate	
Concrete - HP parking space	222 sf		\$ 8	\$ 1,776		
Wheelstops	27 each		\$ 35	\$ 945		
Signs and striping	1 allowance		\$ 5,000	\$ 5,000	Striping at HP space only	
Contact Station	253.5 sf		\$ 90	\$ 22,815	Average including enclosure + roof overhang area	
Shed	80 sf		\$ 75	\$ 6,000		
Sign	1 allowance		\$ 2,500	\$ 2,500		
Bike rack	1 allowance		\$ 500	\$ 500		
Trees - canopy	26 each		\$ 350	\$ 9,100		
Trees - midsize/accnt	13 each		\$ 200	\$ 2,600		
Palms - cabbage	19 each		\$ 150	\$ 2,850		
Palms - other	1 each		\$ 500	\$ 500		
Hedge	581 lf		\$ 10	\$ 5,810	Includes work in R/W	
Turf	854 sf		\$ 0.50	\$ 427		
Beds	216 sf		\$ 6	\$ 1,296	More intensive planting at sign and contact station	
Other landscape area	5400 sf		\$ 2.50	\$ 13,500	Less intensive native ground cover throughout remainder of site	
Irrigation	1 allowance		\$ 15,000	\$ 15,000	Permanent at hedge and bed areas only. Includes well, pump & clock.	
Electric service	1 allowance		\$ 6,000	\$ 6,000		
Lighting	1 allowance		\$ 20,000	\$ 20,000	Assumes parking lot lights & security lights at structures	
Water service	1 allowance		\$ 5,000	\$ 5,000		
Drinking fountain	1 allowance		\$ 4,000	\$ 4,000		
Subtotal				\$ 188,649		
Concept level estimating factor - 25%				\$ 47,162		
Total				\$ 235,811		
Notes						
2010 costs, not adjusted for future escalation.						
Does not include additional stormwater storage / right-of-way drainage improvements.						
Does not include security gate or fence.						

TOWN OF
FORT MYERS BEACH

FEB - 4 2011

RECEIVED BY TO: Town of Fort Myers Beach

COPIED TO:
COUNCIL MEMBERS
TOWN ATTORNEY
TOWN MANAGER
TOWN CLERK

February 3rd, 2011

FROM: Robin Driskill-365 Connecticut Street, Fort Myers, FL 33901

RE: Mound House Parking Rezoning Sent via facsimile and return receipt us mail

CASE #: DC12011-0001

I am writing in regards to the above referenced case and the proposed hearing that will take place in the council chamber at Fort Myers Beach Town Hall on February 8th, 2011 at 9:00am. I will be unable to attend this hearing but felt the subject matter too important not to comment. It is my contention that changing the zoning in the middle of this residential neighborhood from residential to commercial would be an egregious move on the part of the town. The property is surrounded on three sides by seven residences that share the property line and will then have a commercial property as their property boarder. You cannot neglect the fact of the danger that imposes for those residents. I also find it impossible to understand why an information kiosk and educational stand would be necessary just several hundred yards from the Mound House grounds that has changed incarnation many, many times and includes all of the informational opportunities necessary. The residents of this neighborhood have been asked to endure a great burden with the mound house project and I am certain that many of our very sacred property rights have been encumbered by what the town has promised, changed promises, changed again and eventually just moved forward with what was best for someone other than our neighborhood. If anyone else were to have purchased that property at 216 Connecticut Street and asked for a commercial zoning, what would the response have been? Of course it would never have been granted. Why then does the town have that right to endanger the very citizens it is supposed to protect with continued intrusion into a RESIDENTIAL NEIGHBORHOOD?

There are obvious solutions; there is parking at the end of the street at the beach access as well as at the Mound House. Additionally, there is a large portion of the church lot that is never used mere yards from the proposed parking lot, why doesn't someone at the town try to arrange a lease agreement for the parking lot when necessary? That is certainly significantly better from a cost perspective as well as from an intrusion perspective and may help the church.

I have again attached a copy of the statement from Land Development Code which seems to have been ignored time and time again. The lot located at 216 Connecticut St. should always remain residential and never be zoned commercial.

Thank you for your attention to this most important matter to our neighborhood.

Robin D. Driskill

The below statement taken from the Fort Myers Beach Land Development Code that is available on line says it all:

"Maintaining and improving the quality of life on Fort Myers Beach by restricting commercial activities from intruding into residential neighborhoods are public efforts. The success of these efforts will be proportionate to the degree of participation by residents, property owners, and the professionals who assist them. Your continued cooperation is appreciated by your neighbors, and encourages a pleasant residential environment where permanent and seasonal residents, and temporary visitors, can enjoy life together on Estero Island. The extent of roads, sidewalks, parking areas, and other infrastructure and amenities in and around these neighborhoods is appropriate for the less intense use that results from annual residency rather than transient rentals. The residents of such neighborhoods have a reasonable expectation of quiet, cleanliness, and order. One of the policies of the Town is to restrict commercial intrusion into residential neighborhoods. The strain on infrastructure and reduced neighborhood cohesion that results from commercial use of low density residential neighborhoods has a detrimental impact on all members of the community. Your cooperation in maintaining the Town's community standards is appreciated."

February 4, 2011

The Town of Fort Myers Beach
Care of Mr. Tina Ekblad, Planning Coordinator
2523 Estero Boulevard
Fort Myers Beach, FL 33931

RE: Rezoning of 216 Connecticut Street egregious Case Number DCI2011-0001

Ladies and Gentlemen:

On behalf of the members of The Harner Family Trust, whose property at 119 Andre Mar Drive is directly adjacent to the above-referenced property, this letter shall serve as our written objection to the rezoning and /or use of the vacant lot for parking of vehicles.

In our recent consultations with an experienced land planer and our attorney we have learned that a rezoning must meet a series of criteria including but not limited to:

- a. Adjacent zoning should be compatible with rezoning.
- b. Re-zoning will NOT devalue existing properties.

With regards to the adjacent zoning, the property is bordered on all sides by residential properties and the subject property was a residential property when it was purchased by the Town. The residential neighborhood would be impacted in many ways by this rezoning including but not limited to noise, pollution, industrialization of views, and transient access directly into the property owner's driveways and yards. Although we have seen the City's intentions with regards to minimizing the current impact of a parking lot being placed in the middle of our neighborhood, as budgets run tight and time passes it is very likely that the access control, and condition of the property will deteriorate. Based on the aforementioned, it can be concluded that the re-zoning will unequivocally devalue the existing properties.

The Town should use available solutions such as hiring professionals to design and construct parking at the Mound House site taking into account environmental, historical and archeological impacts (it can be done). Or, there is a parking lot used by a church on the same street that could likely be leased by the Town. The church would likely appreciate having an "informational" kiosk that could also serve to control traffic of beachgoers parking in their lot when occupied. If money is needed, sell the residential lot to a home builder and use those funds.

We have consulted with and are prepared to hire legal representation should the Town continue to pursue this egregious plan and should our presence at the meeting and this letter not be sufficient to make the Town abandon this plan.

Signed by James O. Harner and Nancy Harner on behalf of
The Harner Family Trust

C:
David Ben Israel, Esquire.

This Instrument Prepared by and Relain to:

Richard T. Cotter, P.A.

ACCENT TITLE INSURANCE AGENCY, INC.

6100 Estero Blvd.

FL Myers Beach, FL 33931

Property Appraisers Parcel Identification (Folio) Numbers:

29-46-24-W1-00151.005A

Grantee SS #s:

SPACE ABOVE THIS LINE FOR RECORDING DATA



INSTR # 5803477

Official Records BK 03917 PG 2440

RECORDED 04/30/2003 10:44:29 AM

CHARLIE GREEN, CLERK OF COURT

LEE COUNTY

RECORDING FEE 10.50

DEED DOC 1,540.00

DEPUTY CLERK C Keller

THIS WARRANTY DEED, made the **16th** day of **April**, A.D. **2003** by**RICHARD R. REDENIUS and NANCY G. REDENIUS, husband and wife** herein called the grantors, to**TOWN OF FORT MYERS BEACH, a Florida Municipal Corporation** whose post office address is:
2523 Estero Blvd, Fort Myers Beach, FL 33931, hereinafter called the Grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz:**See Exhibit "A" attached hereto and made a part hereof.****Subject to all reservations, restrictions and easements of record and taxes for the year 2003.****This property does not constitute the homestead of the Grantors.**
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.**TO HAVE AND TO HOLD**, the same in fee simple forever.**AND**, the grantors hereby covenant with said grantee that the grantors is/are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.**IN WITNESS WHEREOF**, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness 1 Signature as to RICHARD R. REDENIUS

Type/Print Name of Witness 1

Witness 2 Signature as to RICHARD R. REDENIUS

Type/Print Name of Witness 2

Witness 1 Signature as to NANCY G. REDENIUS

Type/Print Name of Witness 1

Witness 2 Signature as to NANCY G. REDENIUS

Type/Print Name of Witness 2

RICHARD R. REDENIUS

5218 Williams Drive, Fort Myers Beach, FL 33931

NANCY G. REDENIUS

5218 Williams Drive, Fort Myers Beach, FL 33931

EXHIBIT "A"

All of that part of Lot 51 of Cases' Subdivision according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 1, Page 58, described as follows:

Beginning at the Point of Intersection of the Northwestern line of Estero Boulevard with the Southeasterly line of Connecticut Street, thence run Northeasterly along the said Southeasterly line of Connecticut Street for 772 feet to the point of beginning of the land herein described, said point being the Southwest corner of Lot 5 unrecorded Plat of "Coco's Park", thence continue on said mentioned course for 75 feet; thence deflect right 74°47' and run Southeasterly for 253 feet to a point on the Southeasterly line of said lot 51 thence run Southwesterly along said Southeasterly line of Lot 51 for 75 feet; thence run Northwesterly 253 feet, more or less to the point of beginning.

Parcel contains .42 acres, more or less.