



# Town of Fort Myers Beach

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Tina M. Ekblad  
C/O Morris Depew  
2891 Center Pointe Drive, Unit 100  
Fort Myers, FL. 33916

**April 20, 2017**

**RE: DCI17-0001 Sufficiency Review**

Dear Tina,

Town staff has reviewed the proposed Commercial Planned Development rezoning information that was submitted to the Town on March 30<sup>th</sup>, 2017, and the Town finds that additional information is required before the application can be reviewed and scheduled for the required public hearings.

Please respond to each sufficiency review comment. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. If additional time is needed, the applicant may ask for additional time. Please feel free to contact me if you have any questions.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

Matthew A. Noble  
Principal Planner

## **DCI17-0001 Sufficiency Comments:**

**Evidence of Unified Control and Property Ownership:** The submitted application includes ownership information for TPI-FMB I, II, III, however the property appraiser lists Grand Resort Ft Myers Beach LLC. The submittal included an exhibit entitled “TPI-FMB Commercial Planned Development” that lists the various ownerships for the parcels involved in the proposed application. Please clarify and revise this table as necessary.

**Legal Description and Boundary Survey:** The provided description for Parcel No. 3 is not a metes and bounds legal description. Please provide a metes and bounds legal description for parcel No. 3. In addition, the Sketch and Description refers to “Two Parcels” not three. Please revise to refer to three parcels. Staff would also ask the applicant to review the Description for Parcel No. 2 which includes N.19’24’24”W. but appears to be NE in the Sketch. Please revise as necessary.

**Master Concept Plan (MCP):** Please clearly delineate any proposed replacement public beach accesses. Proposed dedications, if any, including public beach access, boat ramps, park or recreation areas, open space, or other easements must be depicted on the MCP (34-212(4)(1)). The current proposed MCP makes no mention of public access way placement and the number of public access ways to be placed on site. Please show on the MCP where the public will be able to access the beach when the proposed development is complete.

Staff notes that Canal Street is a Town right of way and that an application to vacate the street is necessary to utilize this property. No vacation application has been submitted. Similarly, a replat of the subject property is also required.

Please provide an exhibit that clearly delineates the location and size of any areas proposed to be utilized for consumption on premises (COP). Please include an exhibit that includes proposed hours of operation for the COP use areas.

Please include the 1978 and 1991 Coastal Construction Control Lines on the MCP. Will any development phases be utilized? The MCP must include the maximum height of any proposed buildings or structures using the Town’s Land Development Code’s (LDC) means of measuring height (see 34-631)(34-212(4)(b)).

The MCP does not show any buffering around the building or parking area. Per Fort Myers Beach LDC Sec. 34-1745, some land uses are required to provide perimeter buffers. Per Sec. 34-2015(2) all parking lots must be designed in accordance with the buffer, landscaping, drainage and other requirements of this code. In LDC section 10-416(d)(2) buffer requirements for a parking lot adjacent to a right-of-way are a minimum buffer width of 15 feet, a minimum number of 5 trees per 100 linear feet, and a shrub hedge (Type D).

Sec. 10-416(b)(1)(b) states that perimeter building edge buffering is required for all newly built commercial developments in the downtown area of Fort Myers Beach. Building edge planting must be installed and maintained along at least 50 percent of the length of all walls that face on-site parking areas with more than 25 parking spaces. The planting areas must be at least 5 feet wide and may consist of landscape areas or adequately drained raised planters or planter boxes. Please adjust the MCP accordingly to reflect these requirements or seek a Deviation.

**Drainage and Stormwater Management Plan:** The proposed plans currently do not show any drainage and/or stormwater plans to be built along with the described structures. Per LDC Sec. 34-212(4)(i), the general location of stormwater management areas must be shown on the proposed MCP. Please revise the MCP showing the location of proposed curbs and gutters, inlets, culverts, swales, ditches, water control structures, water retention or detention areas, and other drainage or water management structures or facilities.

**Property Development Regulations:** Property Development Regulations specific to the proposal were not submitted as part of the March 30<sup>th</sup> rezoning application. The application states that the Downtown zoning district was utilized in the development of the MCP. Please provide an exhibit that contains the property development regulations that the applicant will use for the proposed property development.

**Development Parameters:** The only development parameters that the application contained were located in the Traffic Impact Statement as well as on the tables on the MCP. Please provide an exhibit that clearly specifies the development that is being proposed. This exhibit should contain the number of units proposed for each use, i.e. hotel or motel units, gross square feet of types of commercial uses, and maximum floor area ratios (34-212(4)).

**Parking Plan and Parking Requirements:** A parking plan is required for all uses, except single-family and two-family dwelling units. A parking plan has not been submitted as part of the proposed rezoning, please provide a parking plan. The parking plan must include calculations based on the LDC's required parking spaces (34-2020). The applicant has raised the issue of "Parking Location" and the code section (34-676(b)) requirement that parking be placed in rear yards and that the development is proposing parking underneath the hotel building. Section 34-676(b)(2) provides that off-street parking may be provided under commercial or mixed-use buildings provided that the parking area is acceptably screened.

**Signage:** In reviewing the proposed design plans there is an insufficient amount of information to complete a review of the plans. In exhibit "Sign Locations" proposed signs D, A, and G appear as if they cross into the EC District. Please show the 1978 Coastal Construction Control Line in the proposed placement of the signs to show if placement occurs in the EC District per Sec.6-366 (b) and Sec. 30-93(c)(1) of the LDC.

**Lighting:** In order to make a determination of the proposal's code consistency with lighting on and adjacent to the beach, a lighting plan must be submitted to demonstrate consistency with the Town's regulations for sea turtles. Please create such a lighting plan and submit to the Town for review per LDC Sec. 14-76(2). The location, number, wattage, elevation, orientation, and all types of proposed exterior artificial light sources must be included on the lighting plan.

**Dune Walkovers:** The current version of the MCP does not show any dune walk over placement for the new proposed public walkthrough areas which cut into the dune landscape. Please show dune walkover placement in the MCP per LDC Sec. 6-366(d). All walkovers must meet these criteria in addition to state approval: (1) Walkovers must be placed perpendicular to the dune or no more than 30 degrees from perpendicular. New walkovers cannot be placed closer than 150 feet to the nearest walkover. (2) Walkovers must be supported on posts embedded to a sufficient depth to provide structural stability. These posts may not be encased in concrete. (3) Walkovers cannot exceed four feet in width when serving single-family homes or six feet in width otherwise. (4) Walkovers must be elevated at least two feet above the highest point of the dune and dune vegetation and must extend to the seaward toe of any existing dune and dune vegetation. (5) Walkovers must be constructed in a manner that minimizes short-term disturbance of the dune system. Any dune vegetation destroyed during construction must be replaced with similar native vegetation that is suitable for beach and dune stabilization.

The proposed design plans should be modified. The "Illustrative Site Plan", The "Perspective Site Plan", and "Scene Six-View from Beach toward Social Club" show planted palm trees within the natural dune line. Please remove them and replace with native Florida dune vegetation per LDC Sec. 14-3(a)(2). Examples of appropriate vegetation include, but are not limited to, sea oats, railroad vine, panic grass, beach elder, and dune sunflower.

**Pedestrian Oriented Development:** The proposed plan currently does not meet the Old San Carlos Blvd. – Crescent St. Master Plan in that the predominant usage for the street level area on Crescent Street is parking. The proposed plan provides for no street level activity along Crescent Street. Please consider adding street level commercial or hotel ancillary uses in the AE zoned area of Crescent Street which would act like liner buildings in front of the proposed parking area.

**Utilities:** No information has been provided by the applicant from the utility providers as to the availability (capacity) of utilities to serve the proposed project. Per LDC Sec. 10-154(7)(j) a statement indicating the proposed method intended to provide water, sewer, electricity, telephone, refuse collection, and street lighting, including but not limited to, a plan showing the location and size of all water mains and services, fire hydrants, sewer mains and services, and pumping stations, together with plan and profile drawings showing the depth of utility lines and points where utility lines cross one another or cross storm drain or water management facilities. Please provide letters of availability from the utility service providers.

**Lee Tran/Mass Transit/Lee County:** The project narrative provides that “The proposed site design also includes a trolley pull off near the intersection of Fifth and Crescent Streets and under the proposed hotel building should Lee Tran desire to add a stop in this location.” Has the applicant coordinated with Lee Tran?

The application proposes an overhead pedestrian crossing of Estero Boulevard. Has the applicant coordinated this aspect of the proposed project with Lee County Department of Transportation (DOT)? Please provide evidence of coordination with DOT and Lee Tran such as review memorandums.

**Schedule of Deviations:** Deviation #1 does not provide number of hotel units but only “SF of guest units.” Staff notes that the subject property does not meet the location that is eligible for exceptional circumstances as described in the comprehensive plan (Policy 4-C-6). Please revise the deviation to refer to 34-1803(a)(1).

The justification provided for Deviation #2 has not convinced staff of the need for this requested Deviation.

**Traffic Impact Statement:**

- 1) In the Trip Generation forecasts in Appendix C, for the Pre-Demolition scenario, it is unclear why there are two separate lines for the same Land Use 826 – these sizes should be combined into a single line item. For the Build Per Code scenario, it is unclear why there are two separate retail uses, especially since this is a conceptual scenario. In general, Land Use 820 is used for large retail areas, such as malls or big-box general retailers. For this site, Land Use 826 Specialty Retail, would be more appropriate for all general retail uses on the site for all three scenarios.
- 2) The report applies reductions to trip generation forecasts based on foot and bicycle traffic, but does not explain how these percentages were arrived at. Additionally, the reductions applied to the Proposed Development (55% during AM and PM) are higher than the reductions applied to the Pre-Demolition and Build Per Code (47% AM; 46% PM) conditions.
- 3) The internal capture calculations were not included – just the rate information available in Trip Generation Handbook, 3<sup>rd</sup> Edition. Given the higher internal capture rates for the Proposed Development, it is preferable for the calculation spreadsheets to be included in the report.
- 4) The Build Per Code scenario should be reviewed for feasibility – it has a very large retail size that may technically fit on the site, but would not allow room for other necessities, such as parking, open space requirements or setbacks. Trip generation comparisons with this scenario should be considered cautiously because of this, and the

comparison between the Pre-Demolition and Proposed Development scenarios should be looked at closer because they are reasonable expectations for the site.

- 5) The report did not state the basis for the proposed trip generation (i.e. based on existing traffic patterns), but just provided a statement as to how the trips were distributed.
- 6) The report focuses more on the trip generation comparison between the Build Per Code and Proposed Development scenarios, citing the reduction of trips the Proposed Development would have. The difference in trips is not as significant when comparing to the Pre-Demolition scenario, and the Proposed Development is forecast to generate significantly more trips during the AM peak hour.
- 7) It appears that only PM peak hour operational analyses were performed. Typically both AM and PM operational analyses are performed, especially when there is a significant increase in forecast traffic during the AM peak hour.