



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, eleven (11) copies and one digital/electronic copy* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application.

PROJECT NUMBER: _____ DATE: _____

Site Address: 414/416 CRESCENT STREET, 1042/1044 SECOND STREET

STRAP Numbers: 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0130, 24-46-23-W3-00202.0150

Applicant: MURPHY PLANNING Phone: (239) 322-8510

Contact Name: GERALD MURPHY Phone: (239) 322-8510

Email: jerry@murphyplanning.com Fax: (239) 590-9755

Current Zoning District: CPD (Commercial Planned Development)/DOWNTOWN

Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL

FLUM Density Range: FIVE (5) DU/AC; 10 DU/AC Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input type="checkbox"/> Special Exception | PH-A |
| <input type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input checked="" type="checkbox"/> Planned Development <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input checked="" type="checkbox"/> Other – cite LDC Section: <u>34-214</u> | attach on separate sheet |

PART I - General Information

A. Applicant*: MURPHY PLANNING Phone: (239) 322-8510

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 8420 CHARTER CLUB CIRCLE, UNIT 1, FORT MYERS, FL 33919-6881

Email: jerry@murphyplanning.com Fax: (239) 590-9755

Contact Name: GERALD MURPHY Phone: (239) 322-8510

B. Relationship of Applicant to subject property:

- | | | |
|--|---|--|
| <input type="checkbox"/> Owner* | <input type="checkbox"/> Land Trust* | <input type="checkbox"/> Partnership* |
| <input type="checkbox"/> Corporation* | <input type="checkbox"/> Association* | <input type="checkbox"/> Condominium* |
| <input type="checkbox"/> Subdivision* | <input type="checkbox"/> Timeshare Condo* | <input type="checkbox"/> Contract Purchaser* |
| <input checked="" type="checkbox"/> Authorized Representative* | <input type="checkbox"/> Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART IV to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
- Variance from LDC Section _____ - _____
- Conventional Rezoning from _____ to _____
- Planned Development
- Rezoning from CPD/DOWNTOWN to Commercial PD Residential PD
- Amendment. List the project number: FMBDCI2001-00067
- Extension/reinstatement of Master Concept Plan. List project number: _____
- Appeal of Administrative Action
- Vacation Right-of-Way Easement
- Other. Please Explain: _____
- _____
- _____

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: 34-202(a)(2) Description: BOUNDARY SURVEY,

Code Section: 34-212(6) Description: TRAFFIC IMPACT STATEMENT

Code Section: 10-473 Description: PROTECTED SPECIES SURVEY

PART IV - Property Ownership

- Single Owner (individual or husband and wife)
- Name: _____ Phone: _____
- Mailing Address: _____
- Email: _____ Fax: _____

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

- Complete Disclosure of Interest Form (see below)
- Attach list of property owners as Exhibit 4-1
- Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)
- For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP Numbers: 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0130, 24-46-23-W3-00202.0150

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
<u>DOUGLAS SPEIRN-SMITH</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

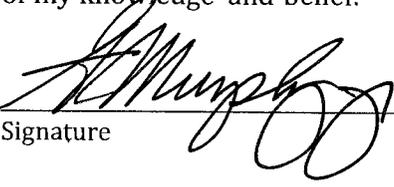
Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.


Signature

GERALD MURPHY
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on March 8, 2013 (date) by Gerald E. Murphy (name of person providing oath or affirmation), who is personally known to me or who has produced D.LIC (type of identification) as identification.



(SEAL)


Signature

Angela Kay Irvin
Printed Name

PART V – Property Information

A. Legal Description:

STRAP: Numbers: 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0130, 24-46-23-W3-00202.0150

Property Address: 414

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? No. Attach a legible copy of the legal description as Exhibit 5-1.

Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. 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. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ Irregular: average 375± feet

Depth (please provide an average width if irregular in shape) _____ Irregular: average 125± feet

Frontage on street: 650± _____ feet. Frontage on waterbody: 565± _____ feet

Total land area: 73,000± _____ acres square feet

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

On both sides of Crescent Street between Third Street and Matanzas Bay on the south side of the Sky Bridge. From the foot of the Sky Bridge: (1) turn right on Estero Boulevard, right on Old San Carlos Boulevard, right on First Street and the property begins at the intersection of First Street and Crescent; alternatively (2) turn left on Estero Boulevard and right on Crescent Street and property begins one-half block south of Third Street on both sides of Crescent Street.

Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

There are no deed restrictions and/or covenants on the subject property.

A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

A narrative statement detailing how the restrictions/covenants may or may not affect the

request is attached as Exhibit 5-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.
- Attach a map showing the surrounding property owners as Exhibit 5-7.
- Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| <input type="checkbox"/> Low Density | <input type="checkbox"/> Marina |
| <input type="checkbox"/> Mixed Residential | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Boulevard | <input type="checkbox"/> Wetlands |
| <input checked="" type="checkbox"/> Pedestrian Commercial | <input type="checkbox"/> Platted Overlay |

H. Zoning (see official Zoning Map):

- | | |
|--|--|
| <input type="checkbox"/> RS (Residential Single-family) | <input type="checkbox"/> CF (Community Facilities) |
| <input type="checkbox"/> RC (Residential Conservation) | <input type="checkbox"/> IN (Institutional) |
| <input type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> BB (Bay Beach) |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marine) | <input checked="" type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> CO (Commercial Office) | <input type="checkbox"/> SANTOS |
| <input type="checkbox"/> CB (Commercial Boulevard) | <input type="checkbox"/> VILLAGE |
| <input type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> SANTINI |
| <input checked="" type="checkbox"/> CPD (Commercial Planned Development) | |

PART VI
AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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 of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

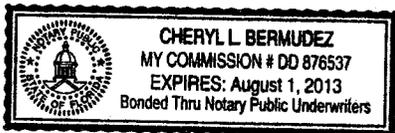
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

G. Murphy, Jr.
Signature of owner or authorized agent

3/7/13
Date

STATE OF FLORIDA)
COUNTY OF LEE)

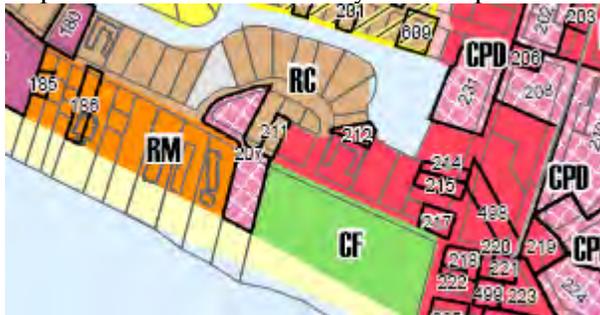
The foregoing instrument was sworn to (or affirmed) and subscribed before me on 3/7/13 (date) by Gerry Murphy (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



(SEAL)

Cheryl L. Bermudez
Signature
Cheryl L. Bermudez
Printed Name

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

Supplement PH-D

**Additional Required Information for a
 Planned Development Application**

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

Project Name: MATANZAS INN & RESORT CPD AMENDMENT
Authorized Applicant: MURPHY PLANNING
LeePA STRAP Number(s): 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0130, 24-46-23-W3-00202.0150

Current Property Status:
Current Zoning: CPD AND DOWNTOWN
Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL
Platted Overlay? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no FLUM Density Range: 6 DU/AC & 10 DU/AC

Requested Action:
<input type="checkbox"/> DRI (with rezoning)
<input checked="" type="checkbox"/> Planned Development (also check below)
<input checked="" type="checkbox"/> Rezoning from: CPD & DOWNTOWN to: CPD
<input checked="" type="checkbox"/> Amendment to Master Concept Plan/attendant documentation

PART I
Narrative Statements

A. Comprehensive Plan Amendments (check one)

<input checked="" type="checkbox"/> There are NO Comprehensive Plan Amendments pending that could affect the future use of this property.
<input type="checkbox"/> 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

<input type="checkbox"/> The development is to be constructed in a single phase.
<input checked="" type="checkbox"/> The development is to be constructed in phases as follows: (describe proposed phasing below)
The existing approved CPD provided the property could be developed in five (5) phases, that the property owner may develop in any order, but a local development order for one (1) of these phases was required within 36 months of the zoning approval. Development orders for subsequent phases are required in subsequent 36 month increments, with all development orders for all phases within 144 months of the CPD zoning approval. A development order for the parcel abutting Old San Carlos Boulevard – the parcel this amendment seeks to remove from the CPD – was required within 48 months. Applicant requests continuation of the approved phasing provisions, except for the parcel on Old San Carlos that applicant believes should be defaulted to the DOWNTOWN redevelopment zoning district. <i>See Resolution 03-35; see also</i> Murphy Planning Memorandum, attached.

C. Comprehensive Plan Compliance.

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

The subject property is located in the "Pedestrian Commercial" future land use map category. This category is described in Comprehensive Plan Policy 4-B-6 that states:
[The "Pedestrian Commercial" future land use map category] "is primarily a commercial district applied to the intense activity centers of Times Square including Old San Carlos and the area around the Villa Santini Plaza. <i>See also</i> , detailed discussion in Section E. Decision-making Compliance, <i>infra</i> .

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.

Exterior walls (in compliance with LDC Section 34-994):
The buildings will be constructed with traditional, pedestrian oriented exteriors and will be clad with typical Florida building materials that are durable and appropriate to the visual environment and climate, using ornamentation from appropriate architectural styles.
The exterior walls, columns, arches, and piers will be finished with either concrete block with stucco, reinforced concrete with smooth finish or stucco, natural stone or brick, wood, pressure-treated or of a naturally decay-resistant species, fiber reinforced cement panels or boards, cast (simulated) stone or brick. Synthetic stucco may be used as an exterior wall covering except on principal facades. Fastenings to dry-floodproof the first floor are integrated into the design of principal facades or are visually unobtrusive.
Transparent windows cover at least 30 percent of the wall below the expression line of exterior walls that are not principal facades, and at least 10 percent of the wall area between the expression line and the roof. All windows have their glazing set back at least three (3) inches from the surface plane of the wall or at least two (2) inches where wood frame construction is used. Except for transom windows, rectangular windows are oriented vertically.
Principal façades (in compliance with LDC Section 34-995):
All principal facades have a prominent expression line and gable or hip roofs, a working entrance, and windows (except for side wall facades where entrances are not required).
Vertical elements are incorporated into the principal façades to mimic smaller scale development. No blank walls (without doors and windows) greater than 10 feet in length.
Expression lines are decorative molding or a jog in the surface plane of the building extending at least three (3) inches out from the principal façade, or a permanent canopy.
Awnings do not hide or substitute for required features. The primary entrance faces the street. Entrances to any additional ground floor retail spaces that adjoin the exterior wall

have their respective primary entrances facing the street. Buildings, the frontages of which exceed 50 feet have operable doors or entrances with public access at intervals averaging no less than 50 feet. Every principal façade contains transparent windows on each story and transmit at least 50 percent of visible daylight. The first floor windows cover at least 60 percent of the wall areas below the expression line; the bottoms of the windows are no higher than 30 inches from sidewalk level; and will be maintained so they provide a continuous view of interior spaces lit from within. The upper story wall area contains between 15 and 75 percent transparent windows, and no single pane exceeds 36 square feet. A façade projection, i.e., awning or canopy, balcony, bay window, porch, stoop, arcade, or colonnade, is provided in accordance with the provisions of LDC Section 34-995(e).
Roofs (in compliance with LDC Section 34-996):
The hip and gable roofs are constructed of metal and have overhangs of at least 18 inches. A small tower is provided.

E. Decision-making Compliance

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

LDC Section 34-85 Considerations: There is no error or ambiguity that must be corrected.
There are changed conditions that make the request appropriate: loss of hotel units in the Town in the aftermath of hurricane Charley support the requested transfer of four (4) dwelling units from Parcel "C" to Parcel "A" and the request to convert them to guest units employing the equivalency multiplier that allows three (3) guest units for a total of 12 additional guest units on Parcel "A," resulting in the razing of an obsolete old residential building and the provision of additional parking on Parcel "C". The parcel located along Old San Carlos Boulevard is no longer under unified control and removal of that parcel from this CPD is requested as part of this amendment. The Old San Carlos Boulevard requested to the CPD as previously approved by the Town.
The impact of the proposed change will further the intent of LDC Chapter 34 by spurring redevelopment in the downtown district area, specifically increasing the number of on-island hotel units in the downtown available to transient guests to the Town.
Thus, the request—with conditions and deviations previously approved—is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Town's Comprehensive Plan as indicated elsewhere in this application. See sections "C" and "D", <i>supra</i> .
The location of this CPD is served by urban services adequate to serve the proposed change.
The request is compatible with existing and planned uses and will not cause damage, hazard, nuisance, or other detriment to persons or property. The request is similar to the previous CPD approval in terms of use and location, eliminates an obsolete non-conforming building, provides additional guest units and additional parking in the downtown district area. As a destination resort, the project has the ability to capture automobile trips and take traffic off of already constrained roads during the peak periods and tourist season.
LDC Section 34-216 Considerations: In addition to the above considerations for zoning changes, the proposed mix of uses is appropriate at the subject location and was previously approved by the Town.
The previously approved conditions to the concept plan—some of which have been satisfied since that approval—provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest created by or expected from the requested change; no change in uses is requested; and following discussion with staff, the previously approved deviations and conditions are recast to better conform to the LDC.
The proposed use of the property meets all specific requirements of the comprehensive plan that are relevant to the requested planned development: It furthers Goal 4 that seeks to

maintain the small town feel of the Town while capitalizing on the beach-resort environment and minimizing the damage that a hurricane could inflict. Thus approval of this requested CPD amendment will allow new floodplain conforming buildings to replace older, obsolete, non-conforming buildings, vulnerable to a flood or hurricane event, at a human scale and design that enhances the pedestrian engagement of the downtown district area. The request furthers the accomplishment of **Objective 4-B** by contributing to the Comprehensive Plan's pedestrian-oriented public realm and the commercial design standards of the LDC provided in **Policy 4-B-6 "PEDESTRIAN COMMERCIAL."**

The request furthers the accomplishment of **Object 4-C** to apply the Future Land Use Map in accordance with **Policy 4-C-3**, by providing new or expanded hotel/motel uses in the Pedestrian Commercial where they are encouraged. **Policy 4-C-6** regarding motel densities supports the request at the higher end of the equivalency between dwelling units and guest units. This downtown district area has lost numerous hotel rooms from the destruction of Hurricane Charley and the subsequent acquisition of beachfront properties by Lee County and conversion of many of those formerly commercial hotel properties to a public beachfront park. As to **Policy 4-C-8** on density transfers:

- i.) the transfer is clearly in the public interest, as a similar transfer was supported by the prior approval of the existing CPD. The current proposal requests approval to include one (1) additional platted lot in the downtown district area, which property abuts the CPD and currently contains an obsolete, non-conforming four-plex building that will be razed. The request proposes that the four (4) existing dwelling units housed in this aging structure will be transferred and converted into the redevelopment of the Matanzas Inn & Resort as 12 equivalent hotel/motel guest units, and the resulting vacant area will be converted to additional parking;
- ii.) the parcels affected by the transfer are in close proximity to each other because the lot from which the units are requested to be transferred (Parcel "C") abuts the existing approved planned development and is located in the block across Crescent Street from the parcel to which the units are requested to be transferred (Parcel "A");
- iii.) the density of residential units is based upon existing density on the parcel from which the density is being transferred because four (4) lawful dwelling units currently exist on the property from which the density transfer is sought;
- iv.) the transfer is requested through the planned development public hearing zoning change process; and,
- v.) the approval of the CPD request will revise an existing condition of the CPD that all density associated with the parcels from which density is being transferred is associated only with Parcel "A," the main Matanzas Inn & Resort development parcel; the only uses associated with Parcels "B" and "C" are essential services and parking. Additionally, the project requested furthers **Objective 4-E** that encourages the relocation of vulnerable structures and the upgrading or replacement of non-conforming structures without waiting for their destruction by a storm. In furtherance of this objective, **Policy 4-E-1** establishes a pre-disaster build-back policy that preserves existing densities that exceed those established by the Comprehensive Plan and allows landowners to request replacement of that greater density *prior* to a natural disaster.

This request would facilitate such replacement of the four-plex and employment of the hotel equivalency factors to raze the non-conforming four-plex and redevelop the existing Matanzas Inn & Resort.

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.

NOTE: Following the below deviations, redrafted from the over 20 deviations that previously governed this planned development master concept plan to result in a more manageable set of deviations, are conditions also established as part of the prior approval for this planned development. Of those prior conditions, some conditions were procedural and have been satisfied. If the Town agrees, the others should carry forward. These conditions follow the redrafted deviations below.

Schedule of Deviations:

1. Deviation (recast from previously approved deviations) from the requirements of LDC Section 34-953—that the building placement, size, design, and all other property development regulations in the CPD zoning district must be the same as for the CR or CB zoning district—to allow the dimensions indicated on the MCP.

JUSTIFICATION: Previously, numerous deviations were specified to the dimensional requirements of the CR zoning district. The requirements of the CR zoning district bare little relationship to and are not really appropriate to the development vision for the “Pedestrian Commercial” FLUM category. However, absent approved deviations, they are required by the sections of the LDC that otherwise address planned developments. Because the previously approved dimensional deviations related directly to the dimensions identified and labeled on that MCP, and the only change from that MCP is the inclusion of a new parcel for parking and elimination of the Parcel abutting Old San Carlos Boulevard, it makes sense to revise these into one comprehensive deviation tied to the MCP, thereby furthering this aspect of the project, which has already been found to meet the deviation criteria of the LDC.

2. Deviation from the LDC Section 34-632(3)c. limitation on combining three (3) or more lots into a development project to allow PARCEL “A,” PARCEL “B,” and PARCEL “C” to include one-half (1/2) of the width of the adjoining street and canals in lot area for the purposes of computing residential densities to allow a total of 44 guest units on PARCEL “A.” See Condition 6, *infra*.

JUSTIFICATION: This deviation was approved by the previous resolution approving this planned development. It is appropriate to carry it forward to account for the way that the density of guest units has been attributed to the CPD

3. Deviation from LDC Section 34-632(4) from the limitation on acreage used primarily for commercial purposes being included in the computation of residential density to

allow a total of 44 guest units on PARCEL "A." See Condition 6, <i>infra</i> .	
<u>JUSTIFICATION:</u> This deviation operates to certify that due to the use of density transfers of residential dwelling units and conversions of residential densities to hotel/motel guest units that the provisions of LDC Section 34-632(4) do not operate to the detriment of the Town and the CPD in considering the Matanzas Inn & Resort anything other than a mixed-use project and mixed use building(s).	
4.	Deviation from LDC Section 34-1803(a)(1) to allow guest units to average 1000 square feet in compliance with Condition 2, <i>infra</i> .
<u>JUSTIFICATION:</u> This deviation operates to allow large area guest units than might otherwise be allowed by LDC Section 34-1803. Section 34-1803(a)(2) allows the Town to grant deviations from the various equivalency factors if the deviation would be in accordance with the Comprehensive Plan. Resolution 03-35, which resolution approved the existing CPD, allowed for a deviation from the equivalency factor limitations in LDC section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the PEDESTRIAN COMMERCIAL future land use category. This redrafted deviation seeks to clearly carry this deviation forward with greater specificity. In addition, the changed circumstances of the on-island hotel/motel guest unit inventory in the aftermath of Hurricane Charley and the acquisition of former commercial hotel/motel properties as public civic space has markedly reduced the number and variety of on-island guest units and their greater ability to capture trips to and from the island and further the pedestrian-oriented character the Town desires for its downtown district area.	
5.	Deviation from LDC Section 34-675(b)(2) from the limitation on Crescent Street to building heights no taller than two (2) stories and 30 feet above base flood elevation, to allow 25 percent of the ground floors of the hotel/motel buildings to be enclosed non-living space for office and other accessory uses for the motel with a maximum building height of 30 feet above base flood elevation with a maximum of two (2) floors total living area over parking or enclosed non-living space.
<u>JUSTIFICATION:</u> The Local Planning Agency, in compliance with LDC Section 34-216(a)(4), included this deviation as a necessary deviation in its recommendation, <i>see</i> LPA Hearing, October 14, 2003, and Town Council approved this deviation. See Resolution 03-35.	
6.	Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 34, Division 26, Parking: LDC Sections 34-2015 (location and design) and 34-2016 (dimensional requirements; delineation of parking spaces) to allow the parking plan delineated on the MCP.
<u>JUSTIFICATION:</u> The parking deviations for location, design, dimensional requirements, and delineation were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that are carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. See DOS2006-00247. Additional parking is being provided with the inclusion of Lot 15 and the transfer of density from that lot to Parcel "A."	

7.	Deviation (recast from previously approved deviation) from the provisions of LDC Chapter 10, Article III, Division 2, Transportation, Roadways, Streets, and Sidewalks: LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated on the MCP.
<p><u>JUSTIFICATION:</u> The connection separation deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. <i>See</i> DOS2006-00247.</p>	
8.	Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.
<p><u>JUSTIFICATION:</u> The open space and buffer deviations were previously approved by Town Council in Resolutions 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. <i>See</i> DOS2006-00247.</p>	
9.	Deviation from LDC Chapter 30 to allow a sign package for Matanzas Inn & Resort comprised of the following commercial identification signs:
1)	“Matanzas Inn Resort Vacancy” two(2)-sided Monument sign, existing. Not to exceed 6’ x 1.5’ x 2-sides = 18 sq. ft. total.
2)	“Matanzas Inn Resort” Monument sign near northern side of motel, existing. Not to exceed 2’ x 8’ = 16 sq. ft. total.
3)	“Matanzas Inn Resort” Monument sign at restaurant parking lot entrance, existing. Not to exceed 1.5’ x 6’ = 9 sq. ft. total
4)	“Upper Deck Entrance” Wall identification sign on western wall of restaurant, existing. Not to exceed 4’ x 8’ = 32 sq. ft. total.
5)	“Matanzas Inn Resort” Projecting sign on roof of restaurant, existing. Not to exceed 4’ x 16’ = 64 sq. ft. total.
Total commercial identification sign area not to exceed 305 square feet total. Other permitted signs not requiring a permit as provided in LDC Chapter 30 or otherwise permissible, allowed.	
<p><u>JUSTIFICATION:</u> With respect to most other commercial properties in the downtown district area, this is a large, irregular, and uniquely located property that is distinguishable from most other commercial uses. It parallels both sides of Crescent Street and portion of First Street together for several hundred feet. It currently contains a mix of uses appropriate to an island resort, and is proposed to contain a potentially more complex hotel/motel resort redevelopment. It also fronts on the Matanzas Pass and on the canal that parallels Crescent street. Regardless of its size, it is in many ways remote from the main traffic routes and without its relatively long-exiting package of signage, would be at a disadvantage is strict coherence to the maximum requirements of LDC Chapter 30 were enforced. In some ways it was believed that the absence of raising compliance with</p>	

Chapter 30 during the prior public hearing made the package of signs that existed on the property at that time non-conforming. This deviation is requested to remove all doubt and bring the properties into compliance with the Town’s street graphic requirements. This sign package helps to enhance the subject property’s ability to compete on a level playing field given the size, irregular configuration and unique placement of the property and its resort uses; public health, safety, and welfare will be preserved and promoted by an effective package of street graphics that promote more effective way-finding to the resort; this maintained package of street graphics will operate to the benefit of new and returning visitors and not to the detriment of the public interest; and is consistent with the Comprehensive Plan, which for the greatest part is silent on street graphics and other signage.

Conditions(see NOTE, *supra*):

1. The development of this project must be consistent with the one (1) page Master Concept Plan (MCP) entitled “Matanzas Inn Redevelopment” stamped received _____, except as modified by conditions below. This development must comply with all requirements of the Town of Fort Myers Beach Land Development Code (LDC) at time of local development order amendment, except:

- a. any additional restrictions provided in conditions of this approval; and
- b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently sought, appropriate approvals will be required.

2. The following restrictions and limitations apply to the project uses:

Schedule of Uses:

PARCEL “A”

All principal and accessory uses permitted in the DOWNTOWN zoning district, plus the additional existing uses:

- Bar or cocktail lounge – limited to two (2); one (1) on the ground floor and one (1) on the second floor of the restaurant
- On-premises consumption of alcoholic beverages
- Outdoor seating areas in conjunction with on-premises consumption of alcoholic beverages
- Boat slips available for public rental/leasing, 18 maximum
- Commercial party fishing boats
- Parking lot, shared permanent

The above uses are limited to 92,000 square feet of floor area within the subject parcel. Of this total, floor area, guest units are limited to 44 units; guest unit size not to exceed a maximum area of 1,600 square feet, not to exceed an average of 1,000 square feet, and not to exceed a total floor area for guest units of 44,000 square feet.

PARCELS “B” AND “C”

	<ul style="list-style-type: none">• Essential services• Parking lots, shared, permanent
3.	All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards. <i>See</i> LDC Section 34-991 through 34-1010.
4.	All use of the pool area must cease by 10:00 P.M.
5.	All outdoor entertainment must cease by 10:00 P.M.
6.	All lot area associated with PARCEL "B" and PARCEL "C" for density purposes is attributed to PARCEL "A" as part of the MCP for this CPD district. <i>See</i> Deviations 2 and 3, <i>supra</i> .
7.	PARCEL "A" may be developed in phases in any order, but a certificate of compliance for the initial phase must be reasonably requested no more than 60 months following Town Council approval of this amended CPD district and certificates of compliance for the entire project must be reasonably requested not less than 160 months following Town Council approval of this amended CPD district or the MCP will expire and be deemed vacated and the zoning on the property will default to the DOWNTOWN redevelopment zoning district.

G. Administrative amendments to approved Master Concept Plan

For amendments to an approved Master Concept Plan, indicate the specific amendments that could not be approved administratively as set forth in LDC Section 34-219.

The requested amendments seek to add a platted lot into the approved CPD, transfer the redevelopment rights associated with the existing density for four (4) dwelling units on the platted lot to Parcel "A" of the Master Concept Plan (MCP) utilizing the equivalency multiplier for guest units, and remove the parcel on Old San Carlos Boulevard previously included on the approved MCP. The transfer of development density is required to be considered under the public hearing requirements for amendments to planned developments.
Since the prior approval of this CPD, Hurricane Charley devastated the Town, resulting in a Town-wide declaration of disaster, several hotel/motels were razed downtown and along the beachfront and Estero Boulevard, the Matanzas Inn Resort restaurant was renovated, the Snug Harbor (now Nervous Nellie's) restaurant was constructed, as was Harbour House at the Inn, Zushi Sushi, and the Yucatan Beach Stand. The property on Old San Carlos Boulevard currently associated with this CPD is proposed to be sold to another entity and thus will no longer be under unified control. The Snug Harbor parking lot has been rezoned to another CPD.

PART 2
Submittal Requirements

All applications for a planned development must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplement Form PH-D
- Master Concept Plan
- Traffic Impact Statement
- Architectural Elevations
- Schedule of Uses
- For DRI: A Binding letter of interpretation from DCA or a complete and sufficient ADA.

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Application for Waiver of Submittal Requirements

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

Public Hearing

- General Requirements
- DRI
- Planned Development
- Conventional Rezoning
- Special Exception
- Variance
- Appeal
- Other
- Other

Administrative Action

- General Requirements
- Planned Dev. Amendment
- Commercial Antenna
- Consumption on Premises
- Forced Relocation of a Business
- Interpretation of LDC
- Minimum Use Determination
- Setback Variance

Name of Project: MATANZAS INN AND RESORT CPD AMENDMENT

Applicant: MURPHY PLANNING

LeePA STRAP Number(s): 19-46-24-W4-0150E.0210, 24-46-23-W3-00202.0130, 24-46-23-W3-00202.0150

Street address: 414/416 CRESCENT STREET and 1042/1044 SECOND STREET

Phone Number: (239) 322-8510

E-mail: jerry@murphyplanning.com

Specific requirements from which waiver is sought

Section Number	Requirement
LDC SECT(ION 34-202(a)(2)	BOUNDARY SURVEY
LDC SECTION 34-212(6)	TRAFFIC IMPACT STATEMENT
LDC SECTION 10-473	PROTECTED SPECIES SURVEY

Scope of project and reasons for request

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

THE PROJECT SEEKS TO AMEND THE EXISTING CPD TO INCLUDE AN ADDITIONAL PLATTED LOT (LOT 15, BLK 2, BUSINESS CENTER SUBDIVISION, PLAT BOOK 9, PAGE 9, PUBLIC RECORDS OF LEE COUNTY, FLORIDA), AND TRANSFER THE EXISTING DWELLING UNITS TO PARCEL "A," EMPLOYING THE MULTIPLIER FOR CONVERTING DWELLING UNITS TO HOTEL/MOTEL GUEST UNITS, RAZE THE EXISTING STRUCTURES AND REPLACE THEM WITH ADDITIONAL VEHICULAR PARKING AND OTHERWISE MAINTAIN THE USES APPROVED BY TOWN COUNCIL RESOLUTION 03-35. BECAUSE THIS IS A CPD AMENDMENT, THE SUBMISSION OF OF THE FOLLOWING APPLICATION REQUIREMENTS WILL HAVE NO BEARING ON THE ON THE REVIEW AND PROCESSING OF THE APPLICATION BECAUSE THE USES WILL NOT CHANGE AND WILL ELIMINATE AN OBSOLETE BUILDING IN THE "PEDESTRIAN COMMERCIAL" FUTURE LAND USE MAP (FLUM) CATEGORY AND DOWNTOWN DISTRICT AREA:
LDC SECTION 34-202(a)(2): BOUNDARY SURVEY: APPLICANT WILL PROVIDE A REVISED LEGAL DESCRIPTION AND CERTIFIED SKETCH OF DESCRIPTION; LDC SECTION 34-212(6): TRAFFIC IMPACT STATEMENT: NO CHANGE OF PRIOR APPROVED USES IS REQUESTED, DENSITY AND INTENSITY WILL NOT INCREASE OVER WHAT IS CURRENTLY APPROVED BY THE EXITING CPD OR THE "PEDESTRIAN COMMERCIAL" FLUM CATEGORY; LDC SECTION 10-473: PROTECTED SPECIES SURVEY: THE PROJECT IS IN AN EXISTING DEVELOPED URBAN AREA NOT FURTHER AFFECTING PROTECTED SPECIES; LDC CHAPTER 30 REQUIREMENT: THE APPLICANT WILL PROVIDE A SIGN PACKAGE SPECIFIC TO THE MULTI-PARCEL PROJECT.

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.

[Signature]
Signature

24 FEBRUARY 2013

Date

Director's Decision Approved Denied

Comments:

Need survey to determine sign setbacks, etc.
Applicant has discussed add'l density, TIS may be
necessary. Sawtooth issues may need to be evaluated.

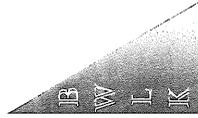
[Signature]
Signature

2-27-13

Date







Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land

Lying in
Section 24, Township 46 South, Range 23 East
Town of Fort Myers Beach, Lee County, Florida
(Parcel C)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East, being all of Lots 14 and 15 and Part of Lot 13, Block 2, Business Center according to the map or plat thereof as recorded in Plat Book 9, Pages 9 and 10, Public Records of Lee County, Florida, and further described as follows:

Commencing at the northeast corner of said Lot 13; thence run S00°43'09"E along the east line of said Lot 13 for 82.62 feet (82.59 record) to the southeast corner of said Lot 13; thence run N64°00'09"W along the south line of said Lot 13 for 6.15 feet to the southwest corner of a right-of-way taking parcel as described in Official Record Book 2311 at Page 2801 and to the Point of Beginning; thence continue N64°00'09"W along the south line of said Lots 13, 14 and 15 for 135.14 feet to the southwest corner of said Lot 15; thence run N25°59'51"E along the west line of said Lot 15 and the easterly line of State Road 865 for 73.80 feet to an intersection with the south right-of-way line of Second Street (50 feet wide), being the northwest corner of said Lot 15; thence run S64°00'09"E along the south right-of-way of said Second Street and the north line of said Lots 15, 14 and 13 for 89.99 feet; thence run S34°44'19"E for 9.27 feet to the west line of said right-of-way taking; thence run S02°09'05"E along said west right-of-way taking for 78.56 feet to the Point of Beginning.

Parcel contains 0.20 acres (8,530 square feet), more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing S00°43'09"E relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

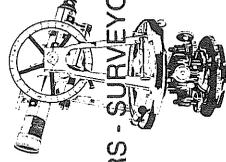
33374_C-2013

3/13/13


Scott C. Whitaker, P.S.M. 4324

PRINCIPALS:

SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT



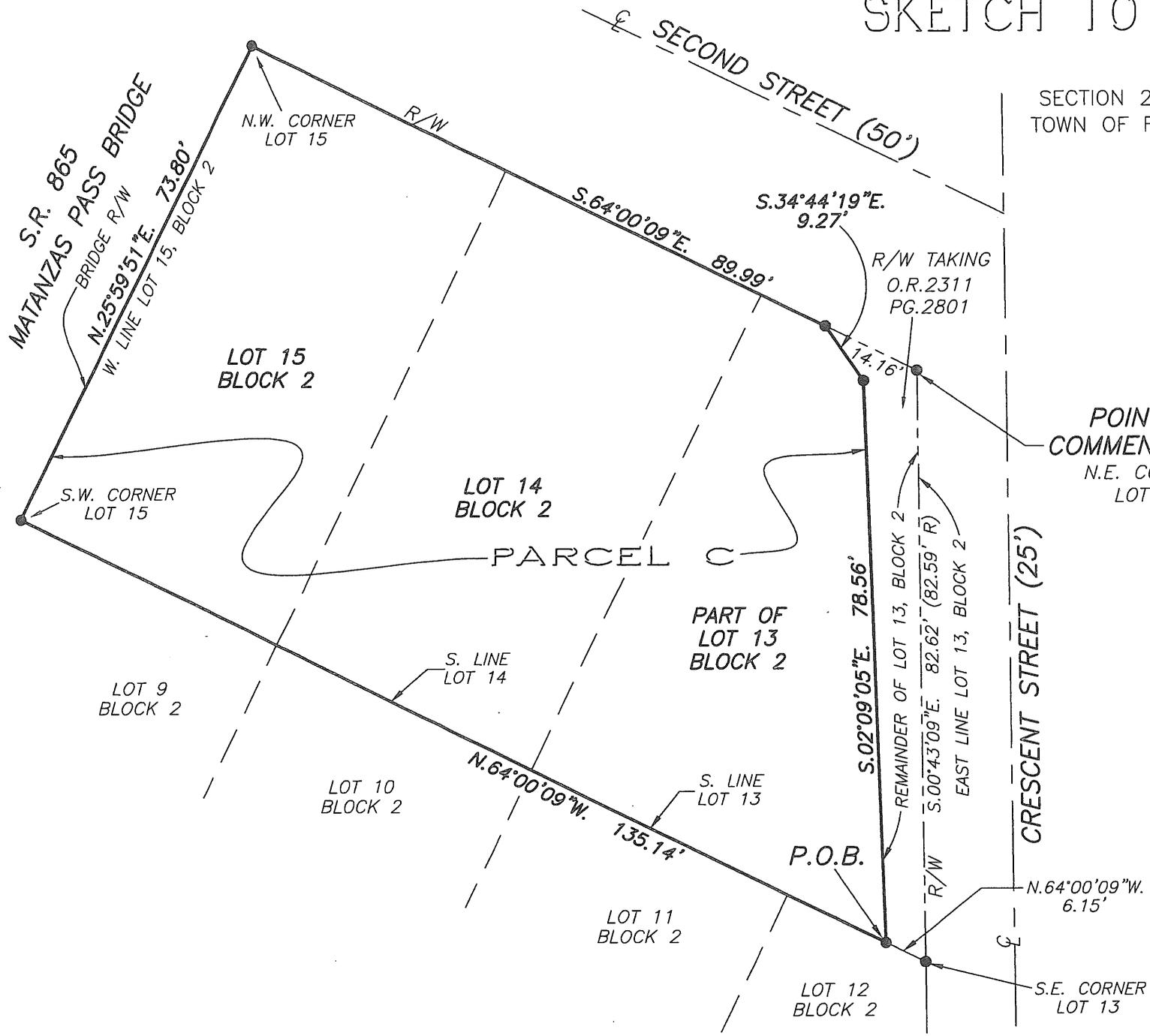
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:

JAMES A. HESSLER, PSM
CHRISTEN N. ALPEN, PSM
MUNIR R. SULEH, PE, M.S.E.E.

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND
 LYING IN
 SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
 TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA.



BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY
 LINE OF CRESCENT STREET AS BEARING N.00°43'09\"W.
 RELATIVE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION
 RIGHT-OF-WAY MAPS (SECTION 12530-2614).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,
 AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED
 AND UNRECORDED).

P.O.B. = POINT OF BEGINNING
 R = RECORD
 R/W = RIGHT OF WAY

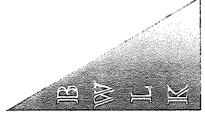
**POINT OF
 COMMENCEMENT**
 N.E. CORNER
 LOT 13

*** THIS IS NOT A SURVEY ***
 BEAN, WHITAKER, LUTZ & KAREH, INC.

Scott C. Whitaker
 SCOTT C. WHITAKER, P.S.M.
 FLORIDA CERTIFICATE NO. 4324

PARCEL C
LOTS 14, 15 & PART OF LOT 13
BLOCK 2, BUSINESS CENTER

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4918)					
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS					
13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331					
SK28958_C_2013.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
03-13-13	28958	SCW	1" = 20'	2 OF 2	24-46-23



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land

Lying in
Section 24, Township 46 South, Range 23 East
Town of Fort Myers Beach, Lee County, Florida
(Parcel B)

A parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Section 24, Township 46 South, Range 23 East, and further described as follows:

Commencing at the northwesterly corner of Lot 25, Block E, Crescent Park Addition, according to a plat or map thereof recorded in Plat Book 4 at Page 46 of the Public Records of Lee County, Florida, said point being on the east line of said Section 24; thence run northwesterly at an angle of 63°16'50" north to northwest with said section line for 27.99 feet to the northeasterly corner of lands described in Deed Book 262 at Page 191 of the Public Records of Lee County and to the Point of Beginning; thence run N64°00'09"W along the northwesterly line of said lands described in said Deed Book 262 at Page 191 along with the southwesterly line of First Street described in Deed Book 191 at Page 274 of said Public Records for 9.97 feet to an intersection with the easterly right-of-way line for Matanzas Pass Bridge recorded in Official Record Book 1167, Page 1576, Lee County, Public Records; thence run southerly along said easterly right-of-way along the arc of a curve to the right having a radius of 2904.79 feet, said curve having a central angle of 01°58'53", a chord and chord bearing of S20°32'55"W, 100.45 feet; thence run along the arc of said curve for 100.46 feet to the north line of Lot 6, Block 1, Business Center as recorded in Plat Book 9 at Pages 9 and 10, Public Records; thence run S64°00'09"E for 50.76 feet to an intersection with the westerly right-of-way line of Crescent Street; thence run N00°43'09"W along said westerly right-of-way line for 111.95 feet to the Point of Beginning.

Containing 0.07 acres (3,007 square feet), more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

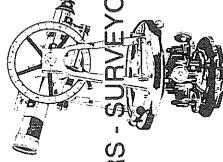
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3/13/13


Scott C. Whitaker, P.S.M. 4324

PRINCIPALS:

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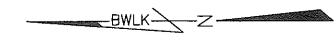
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:

JAMES A. HESSLER, PSM
CHRISTEN N. ALPEN, PSM
MUNIR R. SULEH, PE, M.S.E.E.

SKETCH TO ACCOMPANY DESCRIPTION OF A PARCEL OF LAND

SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA.



BEARINGS ARE BASED ON THE EASTERLY
RIGHT-OF-WAY LINE OF CRESCENT STREET AS
BEARING N.00°43'09"W. RELATIVE TO THE FLORIDA
DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
MAPS (SECTION 12530-2614).

SUBJECT TO EASEMENTS, RESTRICTIONS,
RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN
AND UNWRITTEN, RECORDED AND UNRECORDED).

P.O.B. = POINT OF BEGINNING
R = RECORD
R/W = RIGHT OF WAY
D.B. = DEED BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.C. = POINT OF COMMENCEMENT

*** THIS IS NOT A SURVEY ***
BEAN, WHITAKER, LUTZ & KAREH, INC.
Scott C. Whitaker
SCOTT C. WHITAKER, P.S.M.
FLORIDA CERTIFICATE NO. 4324

PARCEL B

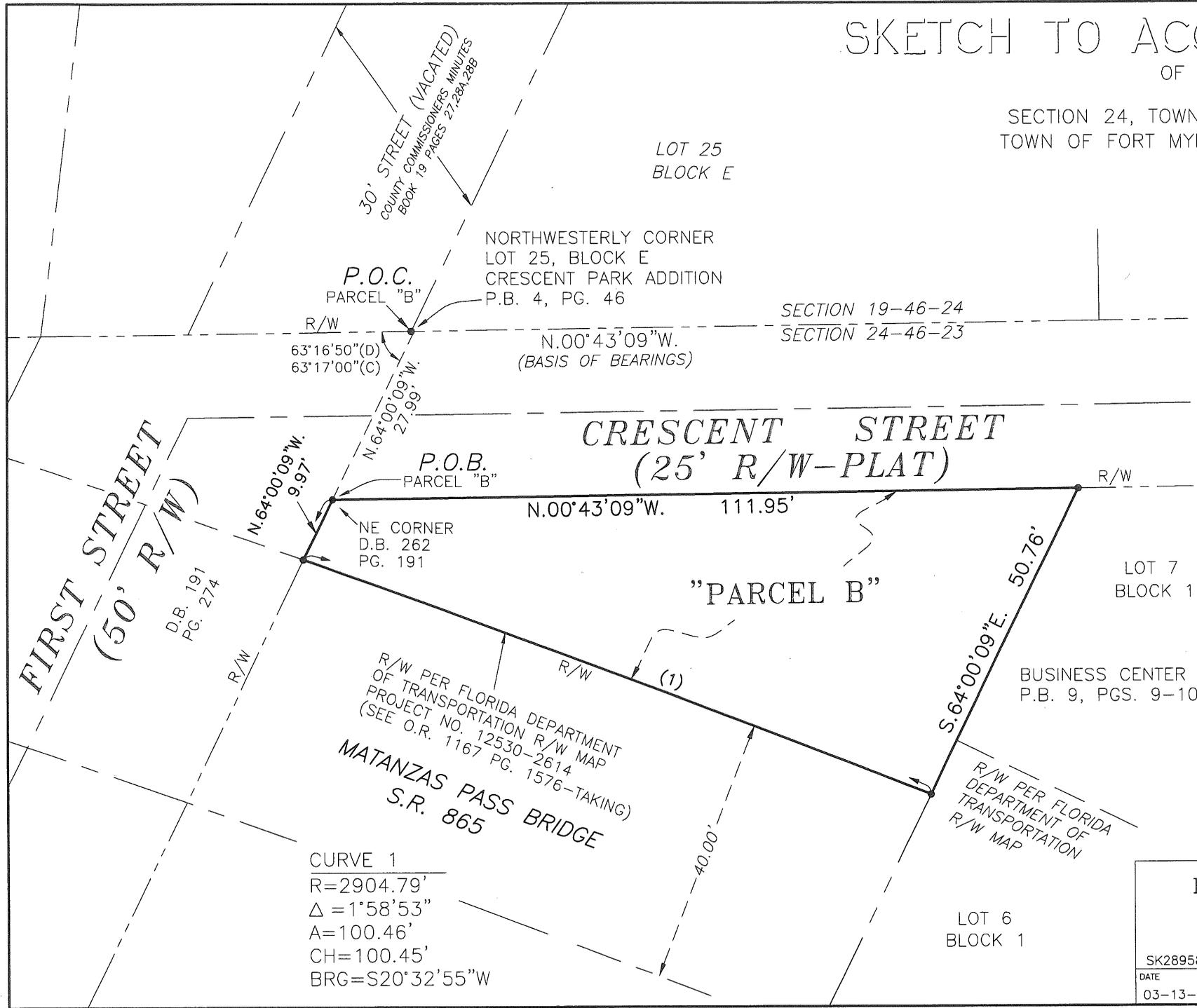
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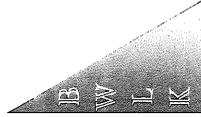
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

SK28958_B_2013.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
03-13-13	28958	CNA	1" = 20'	2 OF 2	24-46-23





Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land

Lying in
Section 24, Township 46 South, Range 23 East
and
Section 19, Township 46 South, Range 24 East
Town of Fort Myers Beach, Lee County, Florida
(Parcel A)

A tract or parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, lying on Estero Island, being a part of Section 24, Township 46 South, Range 23 East and Section 19, Township 46 South, Range 24 East, and further described as follows:

Commencing at the southwest corner of Lot 20, Block E, Crescent Park Addition as recorded in Plat Book 4 at Page 46, Public Records of Lee County, Florida; thence N00°43'09"W along the westerly line of said Lot 20 for 30.00 feet; thence N89°16'51"E for 11.60 feet to the easterly line of a right-of-way taking parcel per Settlement Case 93-203-CA-RWP (Parcel No. 19) and the Point of Beginning; thence N02°09'14"W along said taking parcel for 124.21 feet; thence N05°46'55"W along said easterly line for 96.21 feet to the northwest corner of Lot 24, Block E of said Crescent Park Addition; thence N00°43'09"W along the easterly line of Crescent Street (25 feet wide) and along the range line between said Sections 24 and 19 for 158.83 feet to an intersection of said easterly line with the northeasterly line of First Street (50.00 feet wide); thence N64°00'09"W along said northeasterly line for 18.87 feet to a point on a curve concave to the northwest having a radius of 2904.79 feet and to which point a radial line bears S71°26'08"E; thence northeasterly along said curve and the southeasterly line of State Road #865 through a central angle of 02°17'53.8" for 116.52 feet to a PK nail with brass disk stamped LB4919 in a concrete seawall along the waters of Matanzas Pass; thence S70°18'52"E along said waters and seawall for 82.79 feet to the beginning of a curve in said seawall, said curve being described with the following chord bearings and distances; thence S59°52'04"E for 13.95 feet; thence S47°54'41"E for 10.35 feet; thence S36°30'10"E for 10.02 feet; thence S25°39'44"E for 10.08 feet; thence S14°17'28"E for 10.56 feet; thence S07°08'02"E for 10.56 feet to the end of said curve; thence S00°20'42"E along said waters and said seawall for 55.38 feet to a steel pin in said seawall; thence S83°09'31"E for 2.71 feet to the west line of a canal (60 foot right-of-way) as shown on the record plat of said Crescent Park Addition; thence S00°43'09"E along the westerly line of said platted canal for 361.22 feet to an intersection with a line perpendicular to said east line of said Crescent Street passing through the Point of Beginning; thence deflect 90° to the right and run S89°16'51"W perpendicular to said east line of said Crescent Street for 121.07 feet to the Point of Beginning.

Containing 1.41 acres (61,404 square feet), more or less.

Bearings are based on the easterly right-of-way line of Crescent Street as bearing N00°43'09"W relative to the Florida Department of Transportation Right-of-Way Maps (Section 12530-2614).

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

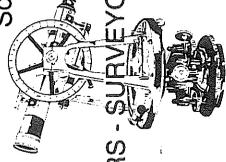
33374_A-2013

3/13/13

Scott C. Whitaker, P.S.M. 4324

PRINCIPALS:

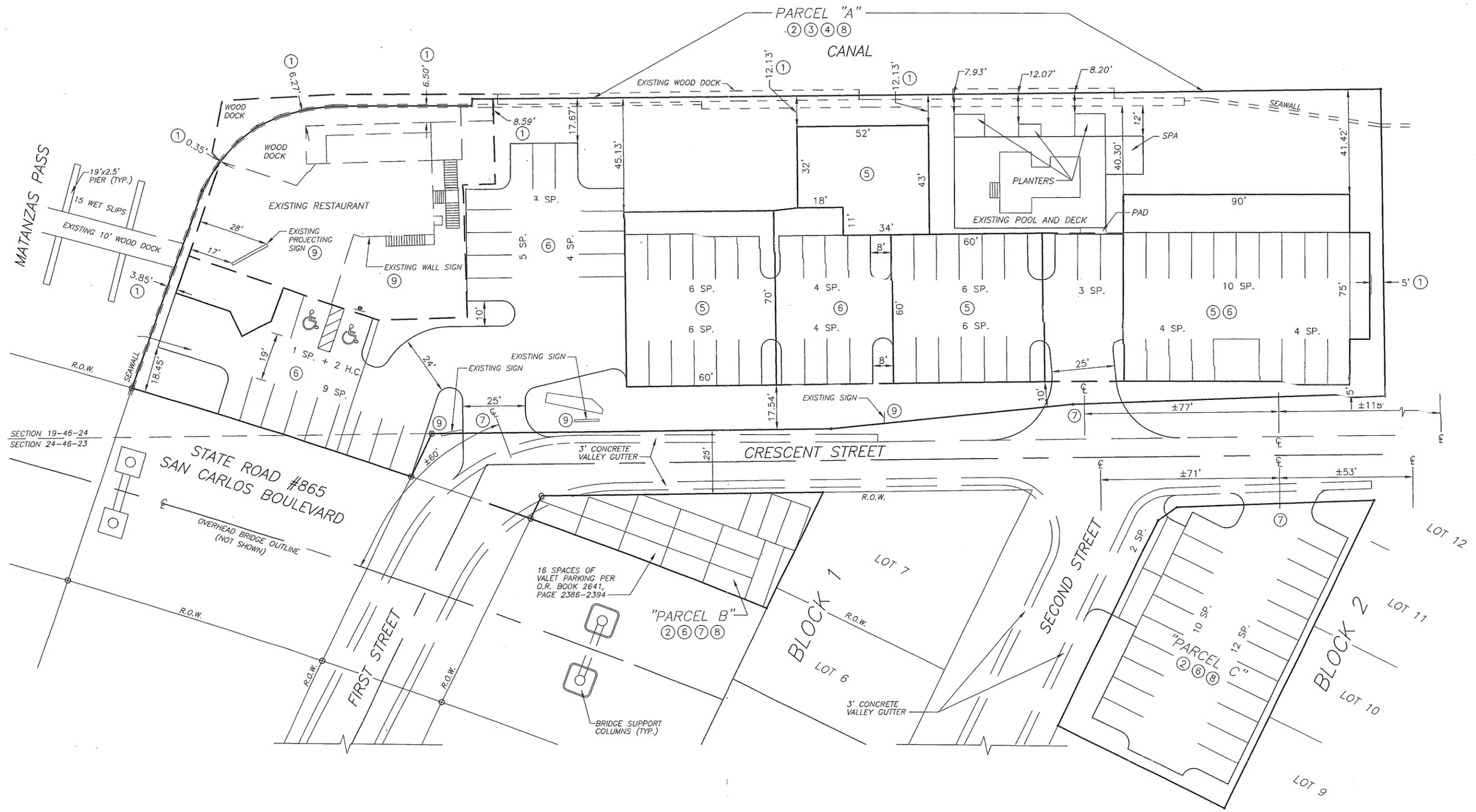
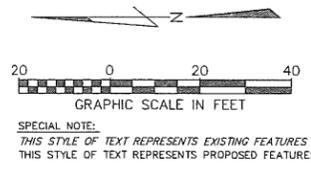
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT



CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:

JAMES A. HESSLER, PSM
CHRISTEN N. ALPEN, PSM
MUNIR R. SULEH, PE, M.S.E.E.



MURPHY PLANNING
 8420 CHARTER CLUB CIRCLE UNIT 1
 FORT MYERS, FL 33919-6681
 PHONE: (239) 322-8510
 FAX: (239) 560-9785

DATE	REVISION
03/12/13	REVISIONS TO DEVIATIONS

DRAWING DATE: 1-17-2013
 DRAWN BY: K. O'NEAN (3337AMCP)
 COUNTY: LEE
 SECTION: 19, 46 S., 24 E.

MASTER CONCEPT PLAN
 MATANZAS INN
 REDEVELOPMENT



Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

May 8, 2013

Jerry Murphy
Murphy Planning
8420 Charter Club Circle Unit 1
Fort Myers, FL 33919

**Re: DCI2013-0002
Matanzas Inn CPD Amendment**

Dear: Mr. Murphy,

The Community Development Department has reviewed the information provided for the above zoning application. The Town of Fort Myers Beach Land Development Code (LDC) required additional information for the application to be found sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various other Town reviewing departments.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the LDC requires that this application be considered withdrawn. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

Leslee Chapman
Zoning Coordinator
Town of Fort Myers Beach
Community Development

Town of Fort Myers Beach

Community Development
2523 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0591

ZONING REVIEW – Leslee Chapman

The application and drawings submitted for the referenced project have been reviewed in accordance with the LDC, Florida Statutes as well as other applicable codes and ordinances as adopted by the Town of Fort Myers Beach. Your application requires the following additional information:

Application for Public Hearing

Part III – Waivers

The application received on March 19, 2013 included a request for three waivers; one from the boundary survey requirement, one from the Traffic Impact Statement requirement and one from the Protected Species requirement.

Prior to the submittal of the full application, on February 24, 2013 the applicant submitted this same waiver request. Staff denied this request on February 27, 2013.

Please provide Staff with the required missing documents, i.e. boundary survey, traffic impact statement and protected species survey, or provide additional justification for Staff to reconsider the waiver.

Supplement PH-D

B. Phasing of Construction

The application proposes that the development is to be constructed in five phases.

Please include a Phasing Plan, either on the Master Concept Plan or a separate drawing, identifying and indicating the scope of each Phase.

E. Decision Making Compliance

34-85(2)

The application as submitted, addresses some, but not all of the decision-making considerations listed in Section 34-85(2).

Please specifically address and answer each item in 34-85(2): a, b, c, g, h, I, j, k, and l, providing a more detailed explanation of compliance.

34-216(2)

Similar to the comments in regards to the decisions making considerations in 34-85(2) the applicant address some of the requirements in Section 34-216(2) but more detail is necessary for Staff review.

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Please specifically address and answer each item listed in 34-216(2): a-d, providing a more detailed explanation of compliance.

F. Schedule of Deviations and Justifications

As a general comment please provide the Schedule of Deviations and Justifications on under separate heading on separate sheets so that these elements can be easily attached to the Staff report and draft resolution(s), etc.

8. Deviation (recast from previously approved deviations) from the provisions of the LDC Chapter 10, Article III Division 6, Open Space Buffering and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.

Staff does not see where the open space and buffers are delineated on Parcel A, Parcel B or Parcel C on the MCP submitted with this application. Additionally Staff is concerned with the lack of buffering indicated for Parcel C and to a lesser extent Parcel B. These parcels abut existing residential uses and should have buffers provided. Please revise the MCP to indicate these areas or provide a landscape betterment plan that illustrates compliance.

9. Deviation from LDC Chapter 30 to allow a sign package for Matanzas Inn & Resort comprised of the following commercial identification signs: etc.

Staff recognizes signs 1-5 as listed by the applicant as the commercial sign on the subject property. However by Staff's calculations the grand total of sign area would be 139 square feet. The applicant is requesting sign area not to exceed 305 square feet. Please explain this discrepancy or revise the deviation.

Additionally, the applicant does not address sign height or sign lighting/illumination as part of this deviation. Please provide the exact sections of Chapter 30 the applicant is requesting relief from in creating the sign package for the subject property.

The applicant submitted photographs of the existing signs. Please label these photographs in such a manner than they can be linked to their on-site location.

Master Concept Plan

Please label the areas proposed for outdoor seating & entertainment for consumption on premises.

Please label areas proposed for stormwater management.

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Please include a Phasing Plan, either on the Master Concept Plan or a separate drawing, identifying and indicating the scope of each Phase.

Please label and indicated areas for required buffers or provide a landscape betterment plan indicating compliance with required landscaping and buffers.

Please identify and label building footprints, as well as building heights and number of stories. Additional Architectural elevations are encouraged.

Please provide parking calculations.

Please identify and label required sidewalks along all property fronting on Crescent Street. See Section 10-289(b).

General Comments

Please provide a narrative statement that summarizes the scope of the request, and provides background and history of previous approvals on the subject property. Be sure to include highlights of each main item, i.e. transfer & conversion of the units, sign package, etc. Please also include a discussion on existing Development Order(s) and the status/timeline for redevelopment.

Please provide the proposed conditions and Schedule of Uses under separate heading on separate sheets so that these elements can be easily attached to the Staff report and draft resolution(s), etc.

Additional elevations of the proposed new structures would be helpful in reviewing the rest of the application.

Please label the included photographs and elevation as to where they relate on the Master Concept Plan.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Leslee Chapman
Zoning Coordinator
239-765-0202 ext 105

Murphy Planning

August 27, 2013

Mrs. Leslee Dulmer, AICP
Zoning Coordinator
Town of Fort Myers Beach Community Development
2523 Estero Blvd
Fort Myers Beach, Florida 33931

**Re: DCI2013-0002
Matanzas Inn CPD Amendment**

Dear: Mrs. Dulmer,

Thank you for coordinating the review of the above referenced application for public hearing and planned development amendment supplement. Below is a point by point response to the substance of your letter and our prior in-person meeting on this project.

Application for Public Hearing

Part III – Waivers

The application received on March 19, 2013 included a request for three waivers; one from the boundary survey requirement, one from the Traffic Impact Statement requirement and one from the Protected Species requirement. Prior to the submittal of the full application, on February 24, 2013 the applicant submitted this same waiver request. Staff denied this request on February 27, 2013. Please provide Staff with the required missing documents, i.e. boundary survey, traffic impact statement and protected species survey, or provide additional justification for Staff to reconsider the waiver.

Response: Murphy Planning submitted 12 hard copies of the boundary survey discussed with Town staff at our meeting prior to the issuance of your sufficiency review. The Traffic Impact Statement discussed at that time is included with this response. As also discussed when last we met, the project proposes no impacts or other work in the waters associated with the property, hence there will be no impacts to the small-tooth sawfish or any other protected species. The site is an existing developed urban lands area and the project only proposes additional development and redevelopment within these areas. As indicated by shading on the Master Concept Plan(s) for the phases, the end result of the redevelopment will be a net increase in buffering and open space and should be a net benefit to the environment associated with the project and subject property.

Supplement PH-D

B. Phasing of Construction

The application proposes that the development is to be constructed in five phases.

Please include a Phasing Plan, either on the Master Concept Plan or a separate drawing, identifying and indicating the scope of each Phase.

Response: Murphy Planning has revised the Master Concept Plan to identify and label phases A through D. Phase B is divided into two sub-phases: Phase B-1 proposes to develop a second floor on to the existing one-story resort motel building along the eastern half of that building facing the canal, totaling 2,200 square feet of additional enclosed building area. This phase is delineated on Master Concept Plan sheet 1 of 2. Phase B-2 proposes to raze the existing one-story resort motel building and replace it with a new two story building.

The scope of each phase is identified and indicated in the following table:

MATANZAS INN RESORT	UNITS PER PHASE			
	Approved CPD	Currently Existing	Proposed phased redevelopment	Proposed full development
Existing two-story motel building	11	11	Existing building razed Phase D	Phase D
Existing house/office building	2	2	Existing building razed Phase A	Phase A
Existing one story motel building	12	12	Existing building razed Phase B-2	Phase B-2
Additional approved guest unit (not built)	8	N/A	Phases A-D	Phases A-D
4 existing dwelling units--Lot 15 (transfer to Resort Parcel A)	Currently not included	4 dwelling units proposed for conversion to 12 guest units	Existing building razed Phase A	12 guest units to be built in Phases A and D
Phase A	N/A	N/A	6	6
Phase B-1	N/A	N/A	6	0
Phase B-2	N/A	N/A	+15	21
Phase C	N/A	N/A	10	10
Phase D	N/A	N/A	8	8
TOTALS	33	25	45*	45*
2013: Additional guest units proposed from Lot 15 CPD amendment		4 dwelling units	4 dwelling units converted to 12 hotel/motel guest units	12
Total existing and not built guest units		33	45*	45*
*Note: The number of units in each phase may vary, but the total must not exceed 45 maximum total. At full development, Developer may also build fewer than 45 proposed guest units.				

E. Decision Making Compliance

34-85(2)

The application as submitted, addresses some, but not all of the decision-making considerations listed in Section 34-85(2). Please specifically address and answer each item in 34-85(2): a, b, c, g, h, i, j, k, and l, providing a more detailed explanation of compliance.

Response: LDC Section 34-85(2) Considerations:

34-85(2)(a). There is no error or ambiguity that must be corrected. The application requests to change the boundaries of an approved Commercial Planned Development (CPD) to remove a parcel of land on Old San Carlos Boulevard, included in the existing approved CPD, and to include an additional platted lot (Lot 15) with its associated, existing apartment building and its 4 existing dwelling units. The application requests to raze the existing apartment building and convert the 4 existing dwelling units to 12 hotel/motel guest units. These additional guest units will be incorporated into the approved redevelopment for the Matanzas Inn & Resort as part of this amendment.

34-85(2)(b). There are changed conditions that make the request appropriate. The loss of hotel/motel guest units in the Town in the aftermath of Hurricane Charley support the requested transfer of four (4) dwelling units from Parcel “C” to Parcel “A” and the request to convert them to hotel/motel guest units, because the Town now has a deficit of transient guest units compared to the pre-Charley situation. The proposed request would provide 12 additional guest units in the Pedestrian Commercial Comprehensive Plan land use category. The result would provide additional guest units in the pedestrian-oriented downtown district area, providing the option for transient visitors to walk to the various commercial retail and service opportunities afforded by the Town’s urban core.

The request proposes employing the equivalency multiplier provided by LDC Section 34-1803(a)(1) that allows three (3) guest units for each residential dwelling unit in the Pedestrian Commercial future land use map category for a total of 12 additional guest units on Parcel “A”. This proposed transfer and conversion will result in the razing of an old, nonconforming residential apartment building and provide eight (8) additional parking spaces on Parcel “C”. The parcel located along Old San Carlos Boulevard is no longer under unified control and removal of that parcel from this CPD is also requested as part of this amendment to address the changed conditions.

34-85(2)(c). The impact of the proposed change will further the intent of LDC Chapter 34 by spurring redevelopment in the downtown district area, specifically increasing the number of on-island hotel/motel guest units in the downtown available to transient visitors to the Town and razing a nonconforming building.

34-85(2)(g). The request—with the conditions and deviations previously approved—is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Town’s Comprehensive Plan. The subject property is located in the “Pedestrian Commercial” future land use map category. This category is described in Comprehensive Plan **Policy 4-B-6** that states: [The “Pedestrian Commercial” future land use map category] “is primarily a commercial district applied to the intense activity centers of Times Square including Old San Carlos and the area around the Villa Santini Plaza. The proposed amendment requests to modify the existing Matanzas Inn Resort on Crescent Street in the downtown district area. These existing uses have been previously approved for expansion through the approval of a Commercial Planned Development, which included approval of an expansion from 25 guest units to 33 guest units in redeveloped buildings in several phases, the order of which phased redevelopment is at the discretion of the owner in response to a changing market. The request of the application is to amend

the CPD to eliminate the stand-alone Old San Carlos parcel from the planned development, to include the abutting Lot 15 into Parcel “C”, and to raze an existing older, non-conforming 4-unit apartment building, replace it with additional parking, and transfer and convert the four (4) associated dwelling units to the main Resort parcel (Parcel “A”) is consistent with the goals, objectives, policies, and intent of the Comprehensive Plan. The proposed use of the property meets all specific requirements of the comprehensive plan that are relevant to the requested planned development because: It furthers **Goal 4** that seeks to maintain the small town feel of the Town while capitalizing on the beach-resort environment and minimizing the damage that a hurricane could inflict. Approval of this requested CPD amendment will continue to allow new floodplain conforming buildings to replace older, non-conforming buildings, vulnerable to a flood or hurricane event. The new, conforming buildings will be constructed at a human scale and design that enhances the pedestrian engagement of the downtown district area. The request furthers the accomplishment of **Objective 4-B** by contributing to the Comprehensive Plan’s pedestrian-oriented public realm and complies with the commercial design standards of the LDC as provided in **Policy 4-B-6 “PEDESTRIAN COMMERCIAL.”**

The request furthers the accomplishment of **Object 4-C** to apply the future land use map, in accordance with **Policy 4-C-3**, by providing new or expanded hotel/motel uses in the Pedestrian Commercial land use category, where such uses are encouraged. **Policy 4-C-6** regarding motel densities supports the request at the higher end of the equivalency between dwelling units and guest units. This downtown district area has lost numerous hotel/motel guest units from the destruction of Hurricane Charley. The subsequent acquisition of beachfront properties associated with those transient guest units by Lee County and redevelopment of many of those formerly commercial hotel properties into a public beachfront park removes a significant number of transient units from the Town’s downtown and on-island inventory. This decrease in available lodging downtown and on-island, requires a greater number of visitors to the island—who before might have stayed downtown and availed themselves to the pedestrian and transit amenities of that area and the rest of the Town, to utilize other forms of transportation to arrive—predominantly personally-owned automobiles—thereby adding to the vehicular congestion that the Town typically witnesses during the tourist season and on holidays and weekends. The requested amendment provides additional guest units and parking--opportunities to arrive, park once, and enjoy the Town’s transportation alternatives to driving.

The requested amendment also furthers **Policy 4-C-8** on density transfers:

i.) the transfer is clearly in the public interest, as a similar transfer was supported by the prior approval of the existing CPD. The current proposal requests approval to include one (1) additional platted lot in the downtown district area, which property abuts the existing approved CPD and currently contains an obsolete, non-conforming four-plex building the requested amendment proposes to raze. The requested amendment proposes that the four (4) existing dwelling units housed in this aging, nonconforming structure be transferred and converted into the redevelopment of the Matanzas Inn Resort as 12 equivalent hotel/motel guest units, and the resulting vacant area be converted to additional parking; ii.) the parcels affected by the transfer are in close proximity to each other because the lot from which the units are requested to be transferred (“Lot 15”) abuts the existing approved planned development (“Parcel C”) and is located across Crescent Street from the parcel to which the units are requested to be transferred (“Parcel A”); iii.) the density of residential units is based upon existing density on Lot 15 from which the density is being transferred because four (4) lawful dwelling units currently exist on the property from which the density transfer is sought; iv.) the transfer is requested through the planned development public hearing zoning change process; and, v.) the approval of the CPD request will revise an existing condition of the CPD that all density associated with the parcels from which density is being transferred is associated only with Parcel A, the main Matanzas Inn Resort development parcel; the only remaining uses associated with Parcels B and C are essential services and parking.

Additionally, the project requested furthers **Objective 4-E** that encourages the relocation of vulnerable structures and the upgrading or replacement of non-conforming structures without waiting

for their destruction by a storm. In furtherance of this objective, **Policy 4-E-1** establishes a pre-disaster build-back policy that preserves existing densities that exceed those established by the Comprehensive Plan and allows landowners to request replacement of that greater density *prior* to a natural disaster. This request would facilitate such replacement of the four-plex and employment of the hotel equivalency factors to raze the non-conforming four-plex and redevelop the existing Matanzas Inn Resort.

The CPD amendment request is consistent with the densities, intensities, and general uses as set forth in the Comprehensive Plan. The subject property consists of three (3) parcels of land, and proposes a total of 45 hotel/motel guest units with resort accessory uses, including a restaurant, offices, swimming pool, outdoor seating areas, and other activities normally associated with a resort inn. As such, it is also consistent with the densities, intensities, and general uses set forth in the Comprehensive Plan.

34-85(2)(h). The requested amendment seeks to demolish an existing, nonconforming four (4) unit apartment building, redevelop the underlying land for additional, low-impact designed parking, and transfer the associated dwelling units to the portion of the property currently associated with the Matanzas Inn Resort hotel/motel and convert those dwelling units to hotel/motel units. The requested amendment meets or exceeds all performance and location standards set forth for hotel/motels. The Matanzas Inn Resort is located entirely within the Pedestrian Commercial future land use map category, the development and redevelopment of which the Comprehensive Plan foresees as a vibrant, mixed-use area and will provide both new and expanded hotel/motel where they are encouraged, as discussed above in relation to LDC section 34-85(2)(g).

The subject property is currently zoned CPD and DOWNTOWN. The request would bring the DOWNTOWN-zoned portion of the property (Lot 15) into the CPD and consolidate the hotel/motel units while providing additional parking for the Matanzas Inn Resort. The redevelopment of the future phases, with the configuration previously approved for the CPD and by development order DOS2006-00247—which is not proposed to change with this requested amendment—brings the buildings closer to the street. This furthers the performance and location standards of Article III, Division 5 of the LDC, with regard to redevelopment districts; Division 6, with regard to planned development districts; Article IV, Division 19, with regard to hotels and motels, and Division 26-A, with regard to performance standards.

In accordance with LDC section 34-661, with regard to the general purpose of the redevelopment zoning districts, the requested amendment furthers the redevelopment concepts established in the Comprehensive Plan—as discussed in the analysis provided above for LDC Section 34-85(2)(g) for **Goal 4, Objective 4-B, Policy 4-B-6, Objective 4-C, Policies 4-C-3, 6, 8, Objective 4-E, and Policy 4-E-1**. The requested amendment's accordance with these Comprehensive Plan provisions also supports the project compliance with LDC section 34-931 with regard to planned developments. The flexibility provided by the original approval for the Matanzas Inn Resort CPD is carried forward in the requested amendment with additional parking and converting four (4) non-conforming dwelling units to 12 additional hotel/motel guest units as foreseen by that Goal and those Objectives and Policies.

With regard to LDC Division 19 provisions for hotel/motels, the existing approved CPD has previously been found by town council to comply with the provisions of this division. The requested amendment seeks to incorporate Lot 15 into the boundary of the CPD, raze the existing four-plex currently located on that lot, and convert the four (4) dwelling units associated with that property into 12 hotel/motel guest units. This request is consistent with the conditions and deviations approved for the existing CPD and in accordance with the provisions of section 34-1807 of Division 19 and section 34-1803 because it meets the location within the Pedestrian Commercial future land use map category and the performance standards for equivalency factors provided by the approved deviation of the CPD.

With regard to the performance standards provided by LDC Division 26-A, the uses and activities permitted and the requested amendment are and will be constructed, maintained, and operated in compliance with all local, state, and federal air, noise, and water pollution standards and do not and will not adversely impact water quality. Neither will such uses be injurious or offensive to the owners and occupants of adjacent premises, nearby residents, or to the community, nor will they cause any light trespass beyond the boundaries of the subject properties.

34-85(2)(i). The requested amendment does not propose a change to the land use and as such the existing urban infrastructure that serves the site is, or will be, available and adequate to serve the Matanzas Inn Resort. As indicated on the MCP, the proposed redevelopment phases result in a net increase in open space and pervious areas, increasing on-site stormwater infiltration and improved stormwater quality.

34-85(2)(j). As discussed immediately above, the requested amendment provides a phased redevelopment plan that will result in a net increase in buffers, open space and pervious areas. This spatial increase in open and pervious space will reduce the net amount of stormwater run-off, thereby improving the subject property's protection, conservation, and preservation of environmentally critical areas and natural resources of Estero Island and the Town.

34-85(2)(k). Because the requested amendment does not propose a change in use, but only seeks to incorporate Lot 15 into the boundary of the CPD, raze the existing four-plex currently located on that lot, and convert the four (4) dwelling units associated with that property into 12 hotel/motel guest units, the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.

34-85(2)(l). The property subject to the requested amendment is an existing resort hotel/motel located in the Pedestrian Commercial future land use map category along Crescent Street at the intersections of First Street and Second Street in the Downtown District Area. It is and will be adequately served by these streets, which have adequate capacity to carry the traffic generated by this requested amendment. Because the location of the requested amendment is in the heart of the Downtown District Area, it does not and will not place any undue burden upon existing transportation or other services or facilities. See *also* the Traffic Impact Statement for Matanzas Inn prepared by JMB Transportation Engineering, Inc., July 31, 2013.

34-216(2)

Similar to the comments in regards to the decisions making considerations in 34-85(2) the applicant address some of the requirements in Section 34-216(2) but more detail is necessary for Staff review. Please specifically address and answer each item listed in 34-216(2): a-d, providing a more detailed explanation of compliance.

Response: In addition to the compliance considerations required by LDC section 34-85(2) for zoning changes discussed above, the requested amendment satisfies the following criteria under LDC section 34-216(a)(2).

34-216(a)(2)a. The requested amendment proposes the same use or mix of uses, approved by the existing CPD and are the same uses as currently exist on the subject property. For this reason, and because there have been no regulatory changes to the Comprehensive Plan or LDC that would otherwise make this mix of uses inappropriate in this location, the proposed use or mix of uses is appropriate at the subject location. In addition, the requested amendment seeks to remove a currently residential building and use from the Downtown District Area where

such residential uses—while not necessarily inappropriate or incompatible with this commercial urban area—often conflict with these more intensive uses. Furthermore, the building housing the residential uses is nearing obsolescence, and is nonconforming for current floodplain regulations. The buildings removal and the relocation and conversion of the residential dwelling units to hotel/motel guest units in a new, conforming building is more appropriate than the current situation on the ground.

34-216(a)(2)b. The Matanzas Inn Resort is an existing, approved, conforming use of the subject property and together with the requested amendment is in the public interest of the Town. The requested amendment seeks to refine and continue the conditions and deviations provided in the previous approvals for the existing CPD. The Town has previously approved these conditions to the concept plan as providing sufficient safeguards to the public interest. The Town's LDC provisions with respect to development in the floodplain, and with respect to pre-disaster redevelopment of nonconforming buildings, seek to further the public interest by protecting the public from the consequences of flooding. The Town is subject to periodic inundation that may result in the loss of life and property, as well as health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare. These flood losses are caused by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or floodproofed or otherwise unprotected from flood damages. See LDC section 6-402. The requested amendment proposes to raze an existing four-plex building that is non-conforming for floodplain regulations. Further, the requested amendment proposes to transfer and convert the four (4) dwelling units to 12 hotel/motel guest units to be constructed in buildings that conform to the provisions of the LDC and the conditions and deviations of the approved CPD.

34-216(a)(2)c. Due to the limited aspects of the requested amendment, the applicant believes that the conditions and deviations currently applicable to the CPD are reasonably related to the impacts on the public's interest created by or expected from the proposed development. These existing conditions and deviations—including a new condition to address construction of sidewalks along Crescent Street and Second Street—should suffice to protect the public's interest. The applicant understands that staff may suggest, and the LPA may recommend additions, changes, or deletions through the public hearing process, but the existing language should be sufficient for the application.

34-216(a)(2)d. The proposed use meets all the specific requirements of the Comprehensive Plan that are relevant to the requested planned development amendment. The proposed amendment requests to modify the existing Matanzas Inn Resort on Crescent Street in the downtown district area. These existing uses have been previously approved for expansion through the approval of a Commercial Planned Development, which included approval of an expansion from 25 guest units to 33 guest units in redeveloped buildings in several phases, the order of which phased redevelopment is at the discretion of the owner in response to a changing market. The request of the application is to amend the CPD to eliminate the stand-alone Old San Carlos parcel from the planned development, to include the abutting Lot 15 into Parcel C, and to raze an existing older, non-conforming 4-unit apartment building, replace it with additional parking, and transfer and convert the four (4) associated dwelling units to the main Resort parcel ("Parcel A") is consistent with the goals, objectives, policies, and intent of the Comprehensive Plan.

The proposed use of the property meets all specific requirements of the comprehensive plan that are relevant to the requested planned development because: It furthers **Goal 4** that seeks to maintain the small town feel of the Town while capitalizing on the beach-resort environment and minimizing the damage that a hurricane could inflict. Approval of this requested CPD amendment will

continue to allow new floodplain conforming buildings to replace older, non-conforming buildings, vulnerable to a flood or hurricane event. The new, conforming buildings will be constructed at a human scale and design that enhances the pedestrian engagement of the downtown district area. The request furthers the accomplishment of **Objective 4-B** by contributing to the Comprehensive Plan's pedestrian-oriented public realm and complies with the commercial design standards of the LDC as provided in **Policy 4-B-6 "PEDESTRIAN COMMERCIAL."**

The request furthers the accomplishment of **Object 4-C** to apply the future land use map, in accordance with **Policy 4-C-3**, by providing new or expanded hotel/motel uses in the Pedestrian Commercial land use category, where such uses are encouraged. **Policy 4-C-6** regarding motel densities supports the request at the higher end of the equivalency between dwelling units and guest units. This downtown district area has lost numerous hotel/motel guest units from the destruction of Hurricane Charley. The subsequent acquisition of beachfront properties associated with those transient guest units by Lee County and redevelopment of many of those formerly commercial hotel properties into a public beachfront park removes a significant number of transient units from the Town's downtown and on-island inventory. This decrease in available lodging downtown and on-island, requires a greater number of visitors to the island—who before might have stayed downtown and availed themselves to the pedestrian and transit amenities of that area and the rest of the Town, to utilize other forms of transportation to arrive—predominantly personally-owned automobiles—thereby adding to the vehicular congestion that the Town typically witnesses during the tourist season and on holidays and weekends. The requested amendment provides additional guest units and parking--opportunities to arrive, park once, and enjoy the Town's transportation alternatives to driving.

The requested amendment also furthers **Policy 4-C-8** on density transfers:

i.) the transfer is clearly in the public interest, as a similar transfer was supported by the prior approval of the existing CPD. The current proposal requests approval to include one (1) additional platted lot in the downtown district area, which property abuts the existing approved CPD and currently contains an obsolete, non-conforming four-plex building the requested amendment proposes to raze. The requested amendment proposes that the four (4) existing dwelling units housed in this aging, nonconforming structure be transferred and converted into the redevelopment of the Matanzas Inn Resort as 12 equivalent hotel/motel guest units, and the resulting vacant area be converted to additional parking; ii.) the parcels affected by the transfer are in close proximity to each other because the lot from which the units are requested to be transferred ("Lot 15") abuts the existing approved planned development ("Parcel C") and is located across Crescent Street from the parcel to which the units are requested to be transferred ("Parcel A"); iii.) the density of residential units is based upon existing density on the parcel ("Lot 15") from which the density is being transferred because four (4) lawful dwelling units currently exist on the property from which the density transfer is sought; iv.) the transfer is requested through the planned development public hearing zoning change process; and, v.) the approval of the CPD request will revise an existing condition of the CPD that all density associated with the parcels from which density is being transferred is associated only with Parcel A, the main Matanzas Inn Resort development parcel; the only remaining uses associated with Parcel B and Parcel C are essential services and parking.

Additionally, the project requested furthers **Objective 4-E** that encourages the relocation of vulnerable structures and the upgrading or replacement of non-conforming structures without waiting for their destruction by a storm. In furtherance of this objective, **Policy 4-E-1** establishes a pre-disaster build-back policy that preserves existing densities that exceed those established by the Comprehensive Plan and allows landowners to request replacement of that greater density *prior* to a natural disaster. This request would facilitate such replacement of the four-plex and employment of the hotel equivalency factors to raze the non-conforming four-plex and redevelop the existing Matanzas Inn Resort.

In furtherance of **Policy 7-J-2** the amendment request includes a traffic impact statement (TIS). This TIS studies the cumulative impacts of the requested amendment (7-J-2

ii.), and concludes that the traffic impacts are acceptable and that no design improvements are necessary to offset the impacts of this requested amendment (7-J-2 iii.).

F. Schedule of Deviations and Justifications

As a general comment please provide the Schedule of Deviations and Justifications on under separate heading on separate sheets so that these elements can be easily attached to the Staff report and draft resolution(s), etc.

Response: As requested, Murphy Planning is providing the Schedule of Deviations and Justifications under separate heading on separate sheets for Town convenience.

8. Deviation (recast from previously approved deviations) from the provisions of the LDC Chapter 10, Article III Division 6, Open Space Buffering and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.

Staff does not see where the open space and buffers are delineated on Parcel A, Parcel B or Parcel C on the MCP submitted with this application. Additionally Staff is concerned with the lack of buffering indicated for Parcel C and to a lesser extent Parcel B. These parcels abut existing residential uses and should have buffers provided. Please revise the MCP to indicate these areas or provide a landscape betterment plan that illustrates compliance.

Response: The MCP has been revised as requested.

9. Deviation from LDC Chapter 30 to allow a sign package for Matanzas Inn & Resort comprised of the following commercial identification signs: etc.

Staff recognizes signs 1-5 as listed by the applicant as the commercial sign on the subject property. However by Staff's calculations the grand total of sign area would be 139 square feet. The applicant is requesting sign area not to exceed 305 square feet. Please explain this discrepancy or revise the deviation.

Response: The deviation has been revised to address the calculation and the total sign area requested reduced to 210 square feet maximum to allow for minor flexibility as sign structures are repaired, replaced, or otherwise updated over time.

Additionally, the applicant does not address sign height or sign lighting/illumination as part of this deviation. Please provide the exact sections of Chapter 30 the applicant is requesting relief from in creating the sign package for the subject property.

Response: The sign photographs have been modified to reflect their respective heights, dimensions and labeled so that they can be linked to the MCP as regards their on-site location. All signs are permitted and presumably conforming for sign lighting/illumination. If there are lighting/illumination issues that need to be addressed, please advise ASAP. Otherwise, no deviations for lighting/illumination are requested. We agree to a condition that signs must comply with current Chapter 30 lighting/illumination requirements. Due to the nature of chapter 30, it seems wise to ask to deviate from the provisions of the entire chapter for approval of the described, photo illustrated package as part of the CPD.

Arguendo: it appears the package will deviate from LDC Sections 30-4, 30-56, 30-91, and 30-153, as discussed below.

LDC Section 30-4 provides that a roof sign is a prohibited sign. However, LDC Section 34-998 allows roof signs as projecting signs in the DOWNTOWN zoning district. Additionally, the sign was granted a variance in 1989 by the Lee County Hearing Examiner prior to

incorporation of the Town.¹ A justification in that case included the proximity of the property to the Matanzas Pass Bridge (Skybridge) and remote location of the property.

LDC Section 30-56 provides that non-conforming signs must be brought into compliance with the requirements of LDC chapter 30 by September 13, 2007. The signs in the package are non-conforming for, *inter alia*, prohibited signs, sign area, and provisions of the requirements for permanent signs in commercial areas.

LDC Section 30-91(a) provides that supporting structures must be equal to or less than the permitted sign area to be excluded from the measured sign area. The three 3 monument signs equal or exceed the area allowed by this requirement.

LDC Section 30-153(a) allows 32 square feet of signage for each “frontage providing vehicular access.”

LDC Section 30-153(b) provides additional signs for multiple-occupancy complexes. It is unclear whether the subject property satisfies the definition of *multiple-occupancy complex* provided in LDC chapter 34. Even if the Matanzas Inn Resort is considered a multiple occupancy complex—and this is probably the nearest property classification that suits the site for street graphic purposes—the package of existing signs proposed do not accord with the specific criteria for that section.

A deviation from the chapter for a specific sign package, opposed to a detailed identification of specific deviations for specific signs seems more appropriate—especially if the sign ordinance (LDC chapter 30) is revisited, revised, and otherwise readopted in the future.

¹ See Hearing Examiner Decision in Case 89-10-12-V-4 (approving a variance to allow the existing [projecting] roof sign, limited to the restaurant and the 64 square feet).

The applicant submitted photographs of the existing signs. Please label these photographs in such a manner that they can be linked to their on-site location.

Response: The sign photographs have been labeled so that they can be linked to the MCP as regards their on-site location.



EXISTING FOUR (4) FEET HIGH (ABOVE ROOF PEAK) DOUBLE-FACED PROJECTING ROOF SIGN ON RESTAURANT





EXISTING FOUR (4) FEET HIGH "UPPER DECK" RESTAURANT WALL SIGN

← 8 FEET →



↑ 4 FEET ↓



EXISTING FIVE (5) FEET HIGH RESTAURANT MONUMENT GROUND SIGN





EXISTING FOUR (4) FEET HIGH RESORT MONUMENT GROUND SIGN





EXISTING FIVE (5) FEET HIGH DOUBLE-FACED RESORT "VACANCY" MONUMENT GROUND SIGN



Master Concept Plan

Please label the areas proposed for outdoor seating & entertainment for consumption on premises.

Response: Outdoor seating is limited to Parcel “A” to enable the Restaurant to provide room service to the pool and patio/balcony areas of the Matanzas Inn Resort. Outdoor entertainment is proposed only in the outdoor seating areas associated with the restaurant.

Please label areas proposed for stormwater management.

Response: The areas on the MCP indicated as parking spaces and the shaded areas indicated on the MCP as “open space” are proposed for stormwater management. Subsequent to the public hearing before the Local Planning Agency and prior to the public hearing before the Town Council, Murphy Planning can revise the MCP to indicate these areas as stormwater management areas or craft a condition to such effect—whatever is most acceptable to the Town.

Please include a Phasing Plan, either on the Master Concept Plan or a separate drawing, identifying and indicating the scope of each Phase.

Response: The MCP has been revised to identify the phases, and the scope of each phase is indicated in the table provided in response to the request under “Supplement PH-D, B, above.

Please label and indicated areas for required buffers or provide a landscape betterment plan indicating compliance with required landscaping and buffers.

Response: The MCP has been revised to indicate areas for buffers, landscape betterment, and open space.

Please identify and label building footprints, as well as building heights and number of stories. Additional Architectural elevations are encouraged.

Response: The MCP has each building footprint identifies as a phase. Building heights will not exceed 30 feet above base flood elevation and three (3) stories.

Please provide parking calculations.

Response: The following table provides the parking calculation for the requested amendment.

MATANZAS INN RESORT PARKING CALCULATIONS

Existing CPD/Development Order	Size	Parking Need	Current Parking Required	Current Parking Provided	Future Parking Need	Future Parking Provided
	Restaurant- Existing-structure	5000	8/1000 @50%	20.0	16.0	20.0
Restaurant- Existing outside	1800	8/1000 @50%	7.2	0.0	7.2	0.0
Approved expansion restaurant	4000	8/1000 @50%	N/A	0.0	16.0	0.0
Existing Resort Units	25 units	1.2/unit @67%	20.1	27.0	20.1	53.0
Existing Marina (no changes proposed by requested amendment)	18 slips	1/2 slips@67%	6.0	0.0	6.0	0.0
Approved Resort expansion	7 units	1.5/unit @67%	N/A	0.0	7.0	0.0
Settlement Agreement- Crescent Street ROW	N/A	N/A	N/A	5.0	N/A	5.0
Parcel "C"	N/A	N/A	N/A	16.0	N/A	14.0
Valet	N/A	N/A	N/A	16.0	N/A	13.0
totals	N/A	N/A	53.3	80.0	76.4	103.0
Amended CPD 2013 Application						
Existing Lot 15 4unit multifamily (to be razed)	4 units	1.25/unit @67%	3.4	4.0	N/A	N/A
Old San Carlos parcel removed	N/A	N/A	N/A	N/A	N/A	N/A
Resort/motel equivalency added additional lot 15 parking added to Parcel "C"	12 units	1.5/unit @67%	N/A	N/A	12.0	8.0
Revised totals with existing /phased development 2013			56.7	84.0	88.4	111.0
Parking plan with MCP and total redevelopment						
Parcel "C"	22					111.0
Parcel "A": Restaurant	18					
valet	13					
Parcel "A": hotel/motel	53					
Settlement Agreement- Crescent Street ROW	5					
Total	111					

Please identify and label required sidewalks along all property fronting on Crescent Street. See Section 10-289(b).

Response: At staff's request, Murphy Planning met with the Public Works Director and was requested to draft a condition to be added to the requested amendment approval. This language has been supplied to the Public Works Director and staff for review and approval.

General Comments

Please provide a narrative statement that summarizes the scope of the request, and provides background and history of previous approvals on the subject property. Be sure to include highlights of each main item, i.e. transfer & conversion of the units, sign package, etc. Please also include a discussion on existing Development Order(s) and the status/timeline for redevelopment.

Response:

NARRATIVE STATEMENT

Summary of Request Scope. As discussed above, the requested amendment seeks to:

- (1) remove a parcel of land (the "Old San Carlos Parcel") from the existing CPD;
- (2) include a platted lot ("Lot 15) into Parcel B;
- (3) transfer 4 existing dwelling units from an existing non-conforming apartment building located on Lot 15, raze the existing non-conforming apartment building, and convert the 4 existing dwelling units to 12 hotel/motel guest units;
- (4) revise the existing CPD phasing plan for expansion of the restaurant and redevelopment of the hotel/motel to add a phase 2A that proposes a second story on the western half of the southernmost hotel/motel building, and clarify that the phases of redevelopment may proceed in any order depending on the market.
- (5) deviate from the requirements of LDC chapter 30 to adopt a unified sign package for the entire resort.

Background and History of Previous Approvals

Lee County Zoning Resolution Z-95-074. Prior to the municipal incorporation of the Town, an application for rezoning was filed to expand the areas of the existing restaurant and caretaker's residence, combine the restaurant include an additional parcel (now referred to as the "Old San Carlos Parcel") for additional "off-site" parking. At the behest of Lee County staff, the application was cast as a Commercial Planned Development (CPD) to allow for deviations with conditions to best conform the property to the Lee County Land Development Code (LCLDC) requirements at the time.² Under prior Lee County zoning, the restaurant property was zoned C-1 (commercial),³ the hotel/motel property was zoned RM-2 (residential multi-family) and the Old San Carlos Parcel was zoned CP (commercial parking).⁴ The County's CPD approval included 13 conditions and 14 deviations.⁵

Approved Conditions. The conditions related to the following subject areas:

² See Lee County Zoning Resolution Number Z-95-074.

³ Consumption on premises (COP) special exceptions were approved previously in 1983, see Resolution Number ZB-83-380 of the Zoning Board; for COP/outdoor seating earlier in 1995, see Hearing Examiner Decision 95-01-003.00S. See also, *supra* fn. 1.

⁴ See Lee County Hearing Examiner Recommendation, Case 95-01-003.02Z, pp. 12-13, (indicating that the "Old San Carlos Parcel" was rezoned to CP by the Lee County Board of County Commissioners in 1988).

⁵ *Supra* note 1, pp. 2-5.

1. Requirements that the development of the project be in accordance with the approved Master Concept Plan (MCP) except as modified by the approved conditions and as granted by approved deviations, and that any subsequently pursued changes would necessitate appropriate approvals.
2. a) Elimination of previously approved business services and repair shop uses from the Schedule of Uses; and b) requirement that the building height not exceed 35 feet above grade.
3. Local development order plans must delineate 25 percent open space for the project parcels.
4. Requirements for a vegetative buffer on the southern boundary of what is now referred to as Parcel A, and the perimeter of the Old San Carlos Parcel.
5. Limitations on the hours of service for alcoholic beverages on the pool deck to motel guests only.
6. Requirements limiting consumption on premises (COP) of alcoholic beverages in outdoor seating areas to 1,750 square feet on the ground level deck, with limited seating, and 1,250 square feet on the rooftop deck, with limited seating.
7. Limitation on the hours of outdoor seating between 10:00 AM and 12:00 midnight.
8. Prohibition on outdoor entertainment occurring after 10:00 PM.
9. Limitation on the use of outdoor paging and placement of the speakers.
10. Requirements for distinctive signage inside an outside both the restaurant and hotel/motel buildings directing customers to the off-site parking.
11. Requirements for parking surfaces.
12. Requirements to mitigate the project's vehicular and pedestrian traffic impacts, if necessary, at time of local development order.
13. Noting that approval of the zoning change did just that and did not vest present or future development that may exceed any Lee Plan provision.

Approved Deviations. The deviations related to the following subject areas:

1. Relief from open space minimum average requirements subject to the requirement of 25 percent in condition 3.
2. Relief from minimum open space area requirements subject to the requirement of 25 percent in condition 3.
3. Relief from required 25-foot waterbody setback requirement to allow waterbody setbacks from 0 to 22 feet.
4. Relief from the buffer wall or berm requirement to allow buffer widths from 0 to 11 feet and eliminate the wall or berm.
5. Relief the parking requirement of 14 spaces per 1,000 square feet to allow 9 spaces per 1,000 square feet.
6. Relief from minimum driveway connections separations to allow the existing separations of 25, 45, 57, 58, 65, 72, 75, 85, and 91 feet as indicted on the MCP.
7. Relief from the required 25-foot parking setback to allow a two-foot setback on Parcel A.
8. Relief from the required 15-foot structural setback between similar uses to allow structural setbacks varying from 1 foot to 11 feet.
9. Relief from the required 25-foot parking lot entrance width to allow widths varying from 13 to 24 feet limited to the existing entrances on the site.
10. Relief from the requirement that 90 degree parking spaces be 9 feet by 18 feet to allow 9 feet by 16 feet spaces.
11. Relief from the required 24-foot parking lot aisle width to allow a width of 18 feet.

12. Relief from the requirement of a minimum of 2 acres for business hotels to allow 1.9 acres for the existing use only.
13. Relief from the requirement of a minimum lot depth of 200 feet for business hotels to allow a lot depth of 130 feet for the existing use only.
14. Relief to eliminate the required street landscape strip along Crescent Street.

Subsequent to the approval of the CPD by Lee County in 1995, the Town of Fort Myers Beach incorporated as a municipality. Initially, the Town operating under the Lee Plan and the Lee County Land Development Code, which were adopted by the Town Charter, December 31, 1995. Contemporaneous to adoption of the Town Charter, a Core Area Master Plan (CAMP) was developed by Wallace Roberts & Todd. The CAMP focused primarily on what has become the Pedestrian Commercial future land use category. Following incorporation, the Town began to develop its own Comprehensive Plan—adopted effective January 1, 1999. Many of the provisions and recommendations of the CAMP were incorporated into the Comprehensive Plan. While the Comprehensive Plan was being prepared, the Town also began amending provisions of the Lee County Land Development Code (LDC) to tailor portions of that Code to be directly applicable to the unique conditions of the Town, particularly in the community redevelopment areas addressed by the CAMP. These interim LDC changes were adopted while the Comprehensive Plan was being developed and refined and in many cases informed that progress.

Fort Myers Beach Zoning Resolution FMB-99-05. Under the zoning change request that resulted in Town Council Zoning Resolution FMB-99-05, approved February 8, 1999, applicant intended to modify the approved expansion of the restaurant and add 20 additional hotel/motel guest units to Parcel A. Instead of being developed exclusively as a parking lot, as previously approved, the Old San Carlos Parcel was requested to maintain the existing commercial and residential uses as well as the existing parking, and to add a fourth rental unit and/or 6,400 square feet of office retail. Two additional parcels, the Triangle Parcel (now referred to as “Parcel C”) and the Shell Shop Parcel (“Parcel B”) were added to the CPD to provide additional off-street parking. The modifications were sought to and required to develop the project in compliance with the Town’s Core Area Overlay Zoning Master Plan.

The changes provided a new MCP. The Schedule of Uses was modified and expanded from the previous County CPD and amended to include to dwelling units on the Old San Carlos Parcel, a list of development regulations specific to the project (detailed below), and four (4) deviations (detailed below). The tiki pool bar approved in the prior CPD was prohibited. An opaque buffer to block headlights from the parking facing the eastern canal and residential homes on the other side of the canal was required. Outdoor entertainment was limited to the upper deck as indicated on the MCP, and a buffer along parking lots abutting Crescent Street was required.

Site Development Regulations.

1. The minimum lot area, dimensions, setbacks, and lot coverage, were required to comply with the Core Area Overlay Zoning Master Plan.
2. Off-street parking requirements were required to comply with the Core Area Zoning Overlay Master Plan.
3. The minimum standard for open space, buffering, stormwater detention, and intersection separation were required to comply with the Core Area Overlay Zoning Master Plan.
4. Building height was limited so as not to exceed two (2) stories above the lowest habitable floor or for the highest point on an exterior wall, exclusive of the roof system, to exceed 25 feet above base flood elevation (BFE).

Approved Deviations. The terms and conditions of Resolution Z-95-074 were to remain in full force and effect except as modified by four (4) approved deviations related to the following subject areas:

1. Relief from the required 25-foot waterbody setback to allow 6 feet for a second floor expansion of the open deck on the restaurant.
2. Relief from the requirement that parking spaces must be located on the same premises to allow parking spaces on all parcels in the CPD and to permit use of the parking spaces by all approved uses, regardless of their location.
3. Relief from driveway separation requirements to allow reduced distance driveway connections on Parcel B.
4. Relief from the equivalency factor of one (1) dwelling unit equals one (1) hotel/motel guest unit to allow 20 hotel/motel guest units to be added to the 23 existing units, increasing the number of units to 43 with the condition that 16 of the hotel/motel guest units must be affordable units consistent with the adopted redevelopment plan, based on a density multiplier of one (1) dwelling unit = three (3) hotel/motel guest units.

Administrative Amendment ADD2002-00115. Three years after the approval of the 1999 CPD Amendment for Matanzas Inn Resort, the applicant filed an application to amend the CPD. See DCI2001-00067, discussed *infra*. During the pendency of processing that amendment the applicant sought approval to relocate the swimming pool, deck, two (2) parking spaces and to replace asphalt pavement with pavers in front of the existing restaurant. This request was proved administratively in accordance with the Town's LDC provisions for administrative changes to planned developments that do not increase density, intensity; decrease buffers or open space; underutilize public resources or infrastructure; and do not otherwise adversely impact on surrounding land uses. The administrative approval was subject to three (3) conditions, requiring compliance with the amended MCP, noting that any affects the parking space reduction might have in conjunction with the pool and deck relocation would have to be addressed in the pending CPD amendment public hearing process or otherwise be in accordance with the LDC at time of local development order, and that the terms and conditions of the original zoning resolutions remained in full force and effect.

Fort Myers Beach Zoning Resolution Z-03-35. The most recent zoning change prior to the instant request was heard by the Town Council at the end of 2003. In that case staff recommended approval to rezone the property from CPD from CPD (primarily lodging), under the provisions of LDC Section 34-951 et seq., to allow the applicant to make certain modifications and to better conform the CPD project to the then current requirements of chapter 34 of the LDC and the Comprehensive Plan. The request included in DCI2001-00067 asked to revise and modify the MCP to:

- a. revise the plan for Parcel A to expand the existing restaurant and related support services for the existing dock and boat slips to a total area not to exceed 16,700 square feet and to revise the motel phasing for 32 guest units and reconfigure the site plan to better implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan; and
- b. revise the plan for the Old San Carlos Parcel to allow all principal and accessory uses permitted in the Downtown zoning district and develop a building and parking to better implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan.

Parcels B and C were to remain parking lots to provide adequate off-street parking for existing and proposed development of the other two parcels. Much of the discussion in that case concerned change to the Old San Carlos Parcel, which was being posed for redevelopment consistent with the 1999 Old San Carlos Boulevard / Crescent Street Master Plan, and which ultimately became an internally consistent satellite property and is currently being requested to be removed from the CPD with the uses, deviations, and conditions approved from in 2003. These will be discussed briefly at the end of this narrative.

Town Council Resolution 03-35 was approved with the following Conditions:

A. Conditions

1. Development of the project was required to be consistent with the approved Master Concept Plan (MCP), except as modified by the conditions below. The development was required to comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except:
 - a. any additional restrictions as provided in conditions of the approval; and
 - b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

[Note: Staff has indicated that this requested amendment to the CPD is the appropriate path to approval for the applicant’s request.]

2. Schedule of Uses. The uses in the schedule for the subject parcels were modified and revised to conform to the terminology of the Town’s LDC (rather than those of Lee County, which had been used in the previous approvals:

Parcel A:

All principal and accessory uses permitted in the DOWNTOWN zoning district, plus the following additional uses:
Bar/cocktail lounge – limited to two (2), one (1) each on ground and second floor of restaurant
On premises consumption of alcoholic beverages (COP) (anywhere within the restaurant)
Outdoor seating, in conjunction with COP (where indicated on the MCP)
Boat slips available for public rental/leasing, limited to 18 maximum (existing)
Commercial party fishing boats (existing)
Parking lot, shared permanent

Note: The above uses are limited to 73,635 total square feet of floor area within the subject parcel (including Parcel B and Parcel C). Of this total floor area:

- a. A total of 32 hotel/motel guest units were approved, guest unit size not to exceed a maximum are of 1,200 square feet, not to exceed an average of 800 square feet, and not to exceed a total floor area of for guest units of 25,600 square feet.
- b. Restaurant, bar/cocktail lounge, and associated outdoor seating— combined must not exceed a total floor area of 16, 700 square feet.

Parcels B and C:

Essential services
Parking lot, shared permanent

3. The zoning approval did not address the mitigation of the project's vehicular or pedestrian traffic impacts. A Traffic Impact Statement was required at time of local development order with potential additional conditions required at that time.
4. [Related to Old San Carlos Parcel]
5. [Satisfied prior to public hearing]
6. [Satisfied prior to public hearing]
7. Prior to seeking building permits for redevelopment on Parcel A the developer was required to: a) combine the existing platted lots into one lot of record; combine the existing platted lots of in Parcel B into one lot of record as part of the local development order for any development on the Parcel A portion of the CPD.
8. [Related to Old San Carlos Parcel]
9. All development, redevelopment, and substantial improvements in this CPD district were required to meet or exceed the commercial design standards provided in LDC Sections 34-991 et seq.
10. All use of the pool area was required to cease by 10 PM.
11. All outdoor music or entertainment was required to cease no later than 10 PM. [An independent sound consultant satisfied the remaining provision of this condition]
12. The maximum floor area ratio for the entire CPD was required not to exceed 1.2 (2.03 acres x 43650 square feet per acre = 106,112 square feet of total floor area.
13. Parcels B and C would have no lot area for purposes of residential/motel density. All lot areas associated with these parcels for density purposes was attributed to Parcel A as part of the MCP for this CPD.
14. Parcels B and C were limited exclusively to use as shared permanent parking lot for the benefit of Parcel A.
15. [Satisfied prior to public hearing]
16. [Related to Old San Carlos Parcel]
17. Phases II through V on Parcel A were allowed to be developed in any order, but a local development order for one of these phases was required to be received within 36 months of the approval of the CPD zoning change, and local development orders for subsequent phases were required to be received in subsequent 36 month increments. Local development orders for all phases were required to be received within 144 months of the approval of the CPD zoning change.

B. Deviations:

1. Relief from the 10-foot street setback required by LDC Table 34-3 to allow reduced street setbacks on Parcel A.
2. Relief from the 20-foot side setbacks on a waterfront lot required by LDC Table 34-3 to allow reduced side setbacks on Parcel A.
4. Relief from the 20-foot rear setbacks required by LDC Table 34-3 to allow reduced rear setbacks on Parcel A.
5. Relief from the 25-foot waterbody setbacks required by Table 34-3 to allow reduced waterbody setbacks on Parcel A.
6. Relief from the 20,000 square feet of lot area required by Table 34-3 to allow 5,500 square feet for Parcel B and 3,049 square feet for Parcel C.

7. Relief from the 100 feet of lot width required by Table 34-3 to allow a minimum lot width of 72.5 feet for Parcel B.
8. Relief from the 100 feet of lot depth required by Table 34-3 to allow a minimum lot depth of 74 feet for Parcel B and 32 feet for Parcel C.
10. Relief from the limitation on combining three (3) or more lots into a development project required by LDC Section 34-632(3)c. to allow Parcel A, Parcel B, and Parcel C to include one-half the widths of adjoining streets and canals in lot area for the purposes of computing residential densities to allow a total of 32 hotel/motel guest units on Parcel A. See Condition 13.
11. Relief from the limitation on including acreage used primarily for commercial purposes in computation of residential density required by LDC Section 34-632(4) to include the portion of Parcel A used primarily for the restaurant in the acreage of the portion of the CPD project abutting Crescent Street to allow a total of 32 hotel/motel guest units on Parcel A. See Condition 13.
12. Relief from the equivalency factor table in LDC Section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the PEDESTRIAN COMMERCIAL land use category.
13. Relief from the requirement of LDC Section 34-2015(1) that parking spaces that are required to support specific land uses must be provided on the same premises to allow parking spaces located on Parcel B and Parcel C of the CPD to be used by all approved uses on Parcel A. See Condition 14.
14. Relief from the requirement of LDC Section 34-2016(1) that parking lots with ninety degree (90%) angle of parking spaces have a length of 18 feet to allow a parking space length of 16 feet.
15. Relief from the requirement of LDC Section 34-2016(1) that parking lots with ninety degree (90%) angle of parking spaces and two-way aisles have an aisle width of 22 feet to allow an aisle width of 19 feet.
17. Relief from the required connection separation standards of LDC Section 10-285(a) for local roads to allow the connection separations indicated on the MCP.
18. Relief from the minimum open space dimensional requirement of LDC Section 10-413(d)(1) for 10 feet of width to allow the open space indicated on the MCP.
19. Relief from the minimum open space dimensional requirement of LDC Section 10-413(d)(2) 180 square feet to allow the open space areas indicated on the MCP.
20. Relief from the minimum dimensional and compositional requirements of LDC Section 10-414(a) to allow buffers shown on the MCP.
21. Relief from the height limitations of LDC Section 34-675(b)(2) to allow 25 percent of the ground floors of phases II through V of the hotel/motel to be enclosed non-living space, office, and other accessory uses for the motel with a maximum height of 30 feet above base elevation with a maximum of two (2) floors total habitable space over parking or enclosed non-living space.

Conditions and Deviations specific to the Old San Carlos Parcel:

A. Conditions:

1. Development of the project was required to be consistent with the approved Master Concept Plan (MCP), except as modified by the conditions below. The development was required to comply with all requirements of the Town of Fort Myers Beach LDC at time of local development order approval, except:
 - a. any additional restrictions as provided in conditions of the approval; and
-

- b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

[Note: Staff has indicated that this requested amendment to the CPD is the appropriate path to approval for the applicant's request.]

2. Schedule of Uses. The uses in the schedule for the subject parcels were modified and revised to conform to the terminology of the Town's LDC (rather than those of Lee County, which had been used in the previous approvals:

Old San Carlos Parcel:

All principal and accessory uses permitted in the DOWNTOWN zoning district.

Note: The above uses were limited to a maximum 36,900 square feet, but only if the FAR for the entire CPD does not exceed 1.2.

4. A driveway access from Third Street into the parking lot of the Old San Carlos Parcel was required at time of local development order.
7. Prior to seeking building permits for redevelopment on the Old San Carlos Parcel, the developer must combine the existing platted lots into one lot of record.
9. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards provided in LDC Sections 34-991 et seq.
16. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards provided in LDC Sections 34-991 et seq.
18. A local development order for the Old San Carlos Parcel was required within 48 months of the approval of the CPD zoning change or the MCP would expire.

B. Deviations:

1. Relief from the 10-foot street setback required by LDC Table 34-3 to allow reduced street setbacks on the Old San Carlos Parcel to allow the developer to build to the right-of-way line for Old San Carlos.
3. Relief from the 15-foot side setbacks on non-waterfront lots required by LDC Table 34-3 to allow the developer to build to the right-of-way lines for Second Street and Third Street on the Old San Carlos Parcel.
6. Relief from the 20,000 square feet of lot area required by Table 34-3 to allow 18,456 square feet for the Old San Carlos Parcel.
9. Deviation from the maximum floor area relation (FAR) of 1.2 required by Table 34-3 to allow a maximum FAR of 2.0 on the Old San Carlos Parcel. See Condition 12
16. Relief from the minimum off-street parking space requirement of LDC Section 34-2020 for uses permitted on the Old San Carlos Parcel to allow the off-street parking reductions of the DOWNTOWN zoning district provided in LDC Section 34-676(a)(1). See Condition 16.
17. Relief from the required connection separation standards for local roads to allow the connection separations indicated on the MCP.

Existing Development Orders and Timeline for Redevelopment.

As required by condition 3 of zoning resolution Z-03-35, the applicant applied for and received a local development order, DOS2006-00247. By operation of state law and approved requests, the expiration date for DOS2006-00247 has been extended. The current expiration date is April 19, 2014. Upon approval of the requested amendment to the planned development, an appropriate application will be filed to amend the local development order. Given the flexibility of development phasing, applicant would like to begin implementation as soon as practicable.

Please provide the proposed conditions and Schedule of Uses under separate heading on separate sheets so that these elements can be easily attached to the Staff report and draft resolution(s), etc.

Response: The proposed conditions and Schedule of Uses follows the Schedule of Deviations and Justifications provided under separate heading on separate sheets as requested.

Additional elevations of the proposed new structures would be helpful in reviewing the rest of the application.

Response: Subsequent to the issuance of the Town's sufficiency review letter, Murphy Planning submitted a copy of the approved development order which contains additional elevations for the proposed new structures. No conceptual changes are being proposed to those elevations as part of the requested amendment.

Please label the included photographs and elevation as to where they relate on the Master Concept Plan.

Response: The included photographs have been labeled above with regard to the discussion of the requested sign package. The attached elevations have also been labeled to indicate where they relate on the MCP.

Please make the corrections and resubmit with the necessary information so we can process your application. Please note that these comments represent only those of the reviewer signing below. Other comments may be forthcoming, and a re-submittal shall not occur until all reviewer comments are addressed.

Response: Murphy Planning appreciates the opportunity to respond to your questions and requests. No other comments have been received from any other reviewers at this time.

Sincerely,

Gerald Murphy, AICP, CFM
(For the firm and the applicant)

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

NOTE: Following the below deviations, redrafted from the over 20 deviations that previously governed this planned development master concept plan to result in a more manageable set of deviations, are conditions also established as part of the prior approval for this planned development. Of those prior conditions, some conditions were procedural and have been satisfied. If the Town agrees, the others should carry forward. These conditions follow the redrafted deviations below.

Schedule of Deviations:

1. Deviation (recast from previously approved deviations) from the requirements of LDC Section 34-953—that the building placement, size, design, and all other property development regulations in the CPD zoning district must be the same as for the CR or CB zoning district—to allow the dimensions indicated on the MCP.

JUSTIFICATION: Previously, numerous deviations were specified to the dimensional requirements of the CR zoning district. The requirements of the CR zoning district bare little relationship to and are not really appropriate to the development vision for the “Pedestrian Commercial” FLUM category. However, absent approved deviations, they are required by the sections of the LDC that otherwise address planned developments. Because the previously approved dimensional deviations related directly to the dimensions identified and labeled on that MCP, and the only change from that MCP is the inclusion of a new parcel for parking and elimination of the Parcel abutting Old San Carlos Boulevard, it makes sense to revise these into one comprehensive deviation tied to the MCP, thereby furthering this aspect of the project, which has already been found to meet the deviation criteria of the LDC.

2. Deviation from the LDC Section 34-632(3)c. limitation on combining three (3) or more lots into a development project to allow PARCEL “A,” PARCEL “B,” and PARCEL “C” to include one-half (1/2) of the width of the adjoining street and canals in lot area for the purposes of computing residential densities to allow a total of 44 guest units on PARCEL “A.” See Condition 6, *infra*.

JUSTIFICATION: This deviation was approved by the previous resolution approving this planned development. It is appropriate to carry it forward to account for the way that the density of guest units has been attributed to the CPD

3. Deviation from LDC Section 34-632(4) from the limitation on acreage used primarily for commercial purposes being included in the computation of residential density to allow a total of 44 guest units on PARCEL “A.” See Condition 6, *infra*.

JUSTIFICATION: This deviation operates to certify that due to the use of density transfers of residential dwelling units and conversions of residential densities to hotel/motel guest units that the provisions of LDC Section 34-632(4) do not operate to the detriment of the Town and the CPD in considering the Matanzas Inn & Resort anything other than a mixed-use project and mixed use building(s).

4. Deviation from LDC Section 34-1803(a)(1) to allow guest units to average 1000 square feet in compliance with Condition 2, *infra*.

JUSTIFICATION: This deviation operates to allow large area guest units than might otherwise be allowed by LDC Section 34-1803. Section 34-1803(a)(2) allows the Town to grant deviations from the various equivalency factors if the deviation would be in accordance with the Comprehensive Plan. Resolution 03-35, which resolution approved the existing CPD, allowed for a deviation from the equivalency factor limitations in LDC section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the PEDESTRIAN COMMERCIAL future land use category. This redrafted deviation seeks to clearly carry this deviation forward with greater specificity. In addition, the changed circumstances of the on-island hotel/motel guest unit inventory in the aftermath of Hurricane Charley and the acquisition of former commercial hotel/motel properties as public civic space has markedly reduced the number and variety of on-island guest units and their greater ability to capture trips to and from the island and further the pedestrian-oriented character the Town desires for its downtown district area.

5. Deviation from LDC Section 34-675(b)(2) from the limitation on Crescent Street to building heights no taller than two (2) stories and 30 feet above base flood elevation, to allow 25 percent of the ground floors of the hotel/motel buildings to be enclosed non-living space for office and other accessory uses for the motel with a maximum building height of 30 feet above base flood elevation with a maximum of two (2) floors total living area over parking or enclosed non-living space.

JUSTIFICATION: The Local Planning Agency, in compliance with LDC Section 34-216(a)(4), included this deviation as a necessary deviation in its recommendation, *see* LPA Hearing, October 14, 2003, and Town Council approved this deviation. *See* Resolution 03-35.

6. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 34, Division 26, Parking: LDC Sections 34-2015 (location and design) and 34-2016 (dimensional requirements; delineation of parking spaces) to allow the parking plan delineated on the MCP.

JUSTIFICATION: The parking deviations for location, design, dimensional requirements, and delineation were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that are carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. *See* DOS2006-00247. Additional parking is being provided with the inclusion of Lot 15 and the transfer of density from that lot to Parcel "A."

7. Deviation (recast from previously approved deviation) from the provisions of LDC Chapter 10, Article III, Division 2, Transportation, Roadways, Streets, and Sidewalks: LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated on the MCP.

JUSTIFICATION: The connection separation deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. *See* DOS2006-00247.

<p>8. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.</p>
<p><u>JUSTIFICATION:</u> The open space and buffer deviations were previously approved by Town Council in Resolutions 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. See DOS2006-00247.</p>
<p>9. Deviation from LDC Chapter 30 to allow a sign package for Matanzas Inn & Resort comprised of the following commercial identification signs with locations indicated on the MCP:</p>
<p>1) "Matanzas Inn Resort Vacancy" Two- (2)-sided Monument sign, existing. Not to exceed 6' x 1.5' x 2-sides = 18 sq. ft. total.</p>
<p>2) "Matanzas Inn Resort" Monument sign near northern side of motel, existing. Not to exceed 2' x 8' = 16 sq. ft. total.</p>
<p>3) "Matanzas Inn Resort" Monument sign at restaurant parking lot entrance, existing. Not to exceed 1.5' x 6' = 9 sq. ft. total</p>
<p>4) "Upper Deck Entrance" Wall identification sign on western wall of restaurant, existing. Not to exceed 4' x 8' = 32 sq. ft. total.</p>
<p>5) "Matanzas Inn Resort" Two- (2)-sided Projecting sign on roof of restaurant, existing. Not to exceed 4' x 16' x 2-sides = 128 sq. ft. total.</p>
<p>Total commercial identification sign area not to exceed 210 square feet total. Other permitted signs not requiring a permit as provided in LDC Chapter 30 or otherwise permissible, allowed.</p>
<p><u>JUSTIFICATION:</u> With respect to most other commercial properties in the downtown district area, this is a large, irregular, and uniquely located property that is distinguishable from most other commercial uses. It parallels both sides of Crescent Street and portion of First Street together for several hundred feet. It currently contains a mix of uses appropriate to an island resort, and is proposed to contain a potentially more complex hotel/motel resort redevelopment. It also fronts on the Matanzas Pass and on the canal that parallels Crescent street. Regardless of its size, it is in many ways remote from the main traffic routes and without its relatively long-existing package of signage, would be at a disadvantage is strict coherence to the maximum requirements of LDC Chapter 30 were enforced. In some ways it was believed that the absence of raising compliance with Chapter 30 during the prior public hearing made the package of signs that existed on the property at that time non-conforming. This deviation is requested to remove all doubt and bring the properties into compliance with the Town's street graphic requirements. This sign package helps to enhance the subject property's ability to compete on a level playing field given the size, irregular configuration and unique placement of the property and its resort uses; public health, safety, and welfare will be preserved and promoted by an effective package of street graphics that promote more effective way-finding to the resort;</p>

this maintained package of street graphics will operate to the benefit of new and returning visitors and not to the detriment of the public interest; and is consistent with the Comprehensive Plan, which for the greatest part is silent on street graphics and other signage.

Conditions(see NOTE, *supra*):

1. The development of this project must be consistent with the one (1) page Master Concept Plan (MCP) entitled “Matanzas Inn Redevelopment” stamped received _____, except as modified by conditions below. This development must comply with all requirements of the Town of Fort Myers Beach Land Development Code (LDC) at time of local development order amendment, except:

a. any additional restrictions provided in conditions of this approval; and

b. any restrictions modified or eliminated by approved deviations.

If changes to the MCP are subsequently sought, appropriate approvals will be required.

2. The following restrictions and limitations apply to the project uses:

Schedule of Uses:

PARCEL “A”

All principal and accessory uses permitted in the DOWNTOWN zoning district, plus the additional existing uses:

- Bar or cocktail lounge – limited to two (2); one (1) on the ground floor and one (1) on the second floor of the restaurant
- On-premises consumption of alcoholic beverages
- Outdoor seating areas in conjunction with on-premises consumption of alcoholic beverages
- Boat slips available for public rental/leasing, 18 maximum
- Commercial party fishing boats
- Parking lot, shared permanent

The above uses are limited to 92,000 square feet of floor area within the subject parcel. Of this total, floor area, guest units are limited to 44 units; guest unit size not to exceed a maximum area of 1,600 square feet, not to exceed an average of 1,000 square feet, and not to exceed a total floor area for guest units of 44,000 square feet.

PARCELS “B” AND “C”

- Essential services
- Parking lots, shared, permanent

3. All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards. See LDC Section 34-991 through 34-1010.

4.	All use of the pool area must cease by 10:00 P.M.
5.	All outdoor entertainment must cease by 10:00 P.M.
6.	All lot area associated with PARCEL "B" and PARCEL "C" for density purposes is attributed to PARCEL "A" as part of the MCP for this CPD district. <i>See Deviations 2 and 3, supra.</i>
7.	PARCEL "A" may be developed in phases in any order, but a certificate of compliance for the initial phase must be reasonably requested no more than 60 months following Town Council approval of this amended CPD district and certificates of compliance for the entire project must be reasonably requested not less than 160 months following Town Council approval of this amended CPD district or the MCP will expire and be deemed vacated and the zoning on the property will default to the DOWNTOWN redevelopment zoning district.

TRAFFIC IMPACT STATEMENT

For

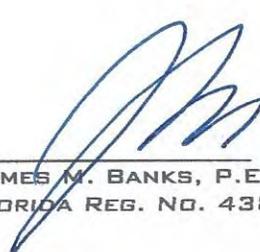
MATANZAS INN
(Fort Myers Beach, Florida)

July 31, 2013

Prepared by:

JMB TRANSPORTATION ENGINEERING, INC.
761 21ST STREET NW
NAPLES, FLORIDA 34120
(239) 919-2767
CERTIFICATE OF AUTHORIZATION NO. 27830

(PROJECT NO. 130616)



JAMES M. BANKS, P.E.
FLORIDA REG. NO. 43860

7-31-2013
DATE

TABLE OF CONTENTS

Conclusions	2
Scope of Project	2
Project Generated Traffic	3
Project Build-Out Traffic Conditions	4
Appendix	6

Conclusions

Based upon the findings of this report, it was determined that the proposed changes to the Matanzas Inn will not result in a significant impact to the road network. It was verified that all roadways, within the project's area of influence, have a surplus of capacity and can accommodate the net new trips that will result from the proposed removal of four (4) apartment units and the addition of twelve (12) resort hotel rooms. After completion of the land use changes, the road network will continue to operate at acceptable levels of service.

Also, the proposed changes to Matanzas Inn are in compliance with Policy 7-I-2 of the Comprehensive Plan as set forth by the Town of Fort Myers Beach, which is: *"The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 AM to 5:00 PM during each month do not exceed that level for more than four calendar months in any continuous twelve month period. Measurements from the Permanent County Station at Donora Boulevard shall be used for this standard.*

As concluded, the peak capacity of Estero Boulevard's congested segments is 1,300 vph and the peak traffic demand for the peak month (January) at project completion will be 1,168 vph, which is a *v/c ratio = 0.90*; and for the fourth highest peak month (April) the peak demand will be 1,042 vph, which is a *v/c ratio =0.80*.

Scope of Project

Matanzas Inn is an existing 32 room resort hotel on Estero Island (known as the Town of Fort Myers Beach), having a street address of 416 Crescent Street and is on the bay side of Estero Island. In addition to lodging, the Inn has on-site guest amenities, such as a pool, restaurant, boat docking, etc. The Inn's location places its guests within walking distance of many of the on-island attractions, such as public beaches, fishing pier, restaurants, shops, etc.

It is being proposed to raze four (4) abutting apartment units to create additional parking for the Inn and increase its lodging capacity by adding (12) hotel rooms.

**TABLE A
EXISTING &. PROPOSED LAND USE**

	Resort Hotel	Apartment
Existing Land Use	32 Rooms	4 Units
Proposed Change	+ 12 Rooms	- 4 Units

Project Generated Traffic

Traffic that can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 9th Edition. That is, historical traffic data collected at similar land uses was relied upon in estimating the project’s traffic. It was concluded that Land Use Codes “Apartment ” (LUC 220) and "Resort Hotel"(LUC 330) were the most appropriate uses for the purpose of estimating the existing and the proposed land use trips.

It is important to realize that the results of the ITE Trip Generation Manual do not reflect the fact that guests of Matanzas Inn are much more likely to travel by foot after arriving to the island, than at those resorts that were surveyed as part of establishing the ITE trip rates. This is due to the Inn's close proximity to the beach, fishing pier, restaurants and other attractions. While ITE provides an accurate assessment of the trips associated with most resort hotels in conventional settings, it clearly overstates the trips generated by the Matanzas Inn.

It should also be recognized that the business model of Matanzas Inn is based upon the attraction of Fort Myers Beach, and the Inn is part of a larger tourist industry that caters to those folks that will be visiting the island regardless. As with many of the on-island hotels and resorts, Matanzas Inn is competing for the opportunity to provide convenient lodging for those wanting to vacation on Fort Myers Beach. For those folks that do not find lodging on the island, they do so off-island which results in more trips generated to and from the island.

In order to determine the project's net new traffic, the estimated trips for the existing apartment units were subtracted from the estimated trips associated with the additional resort hotel rooms.

That is,
Proposed Development Trips less Existing Development Trips = Net New Trips

Table 1 provides a detail of the estimated total trips less existing trips.

TABLE B
NET NEW TRIPS GENERATED
(Proposed Trips Less Existing Trips)

	AM Peak Hour (vph)	PM Peak Hour (vph)
Proposed Resort Hotel Rooms	4	5
Existing Apartment	2	2
Net New Trips	2	3

Project Build-Out Traffic Conditions

The current traffic volumes on Estero Boulevard were established based upon the traffic counts performed by the Lee County Department of Transportation (LDOT), which are published in their annual Traffic Count Report. Over the past nine years there has been a notable decrease in the traffic volumes on Estero Boulevard. That is, during the year 2003 the average annual daily traffic volume on Estero Boulevard was 16,100 AADT and in 2012 it was 13,700 AADT, which is a decrease by 15%.

Policy 7-I-2 of the Comp Plan states: *"The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 AM to 5:00 PM during each month do not exceed that level for more than four calendar months in any continuous twelve month period. Measurements from the Permanent County Station at Donora Boulevard shall be used for this standard.*

Therefore, the proposed changes to Matanzas Inn are subject to the conditions of Policy 7-I-2. In comparing the most current traffic count information on file with LDOT it was determined that this project will not result in exceeding the Town of Fort Myers Beach's level of service standard for Estero Boulevard, as follows:

<u>Background Traffic</u>			
<u>Month</u>	<u>Recorded Average Veh/Hour</u>	<u>LOS Standard Veh/Hour</u>	<u>Standard Exceeded Yes/No</u>
January	1,165	1,300	No
February	1,111		No
March	1,004		No
April	1,039		No
May	939		No
June	887		No
July	918		No
August	805		No
September	777		No
October	916		No
November	1,118		No
December	1,007		No

<u>Background + Project Traffic</u>			
<u>Month</u>	<u>Recorded Average Veh/No</u>	<u>LOS Standard Veh/Hour</u>	<u>Standard Exceeded Yes/No</u>
January	1,168	1,300	No
February	1,114		No
April	1,042		No
November	1,121		No

As determined, the proposed changes to Matanzas Inn are in compliance with Policy 7-I-2 of the Comprehensive Plan, which is:

The peak capacity of Estero Boulevard's congested segments is 1,300 vph and the peak traffic demand for the peak month (January) at project completion will be 1,168 vph, which is a *v/c ratio = 0.90*; and for the fourth highest peak month (April) the peak demand will be 1,042 vph, which is a *v/c ratio = 0.80*.

APPENDIX

SUPPORT DOCUMENTS

TABLE 1
TRIP GENERATION COMPUTATIONS
MATANZAS INN

<u>Land Use</u>			<u>Build Schedule</u>	
<u>Code</u>	<u>Land Use Description</u>			
220	Apartment			4 Dwelling Units
	<u>Trip Period</u>	<u>Trip Generation Equation</u> <u>(Based upon D.U.'s)</u>	<u>Total Trips</u>	<u>Trips Enter/Exit</u>
LUC 220	AM Peak Hour (vph) =	T = 0.51(X) = 20% Enter/ 80% Exit =	2 vph	0 / 2 vph
	PM Peak Hour (vph) =	T = 0.62(X) = 65% Enter/ 35% Exit =	2 vph	1 / 1 vph

<u>Land Use</u>			<u>Build Schedule</u>	
<u>Code</u>	<u>Land Use Description</u>			
330	Resort Hotel			12 Rooms
	<u>Trip Period</u>	<u>(Based upon Rooms)</u>	<u>Total Trips</u>	<u>Trips Enter/Exit</u>
LUC 330	AM Peak Hour (vph) =	T= 0.37(X) @ 85.4% Occupancy = 72% Enter/ 28% Exit =	4 vph	3 / 1 vph
	PM Peak Hour (vph) =	T= 0.49(X) @ 85.4% Occupancy = 43% Enter/ 57% Exit =	5 vph	2 / 3 vph

NET NEW TRIPS GENERATED	AM Peak Hour (vph) =	2 vph	2 / 0 vph
	72% Enter/ 28% Exit =		
	PM Peak Hour (vph) =	3 vph	1 / 2 vph
	43% Enter/ 57% Exit =		

PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)

STREET	LOCATION	Station #	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	CS	Area
ESTERO BLVD	@ BIG CARLOS PASS BR.	274	7900	8300	7800	9200	8100	6200	6500	9100				7
	N OF AVE. PESCADORA	272	13800	13900	13900	14700	13900	12300	12000	12600			44	7
	N OF DENORA ST	44	16100	16100	16400	15300	14900	14200	14200	13700	13500	13700		7
	N OF VIRGINIA AVE	520	18000	17400	16200	16400	18500	16600	15600	14500				7
ESTERO PKWY	W OF BEN HILL GRIFFIN PKW	459							9100	9400	11800		15	6
	E OF US 41	465	3700	5900	5900	7000	6700	6600	8300	9000	8300		15	6
EVANS AVE	N OF HANSON ST	625	5100	5800	5900	6800	3400	U/C	4000				29	3
	S OF HANSON ST	626	8200	8600	8900	9800	8200	6800	6600				29	3
	N OF COLONIAL BLVD	627	6600	7000	6200	7600	6700	5000	4600				29	3
EVERGREEN RD	W OF BUS 41	499	1500	1600		1800	1400	1200	1400				41	2
FIDDLESTICKS BLVD	S OF DANIELS PKWY	276	7500	8500	9000	8000	8100	6800	8000	6900			31	4
FIRST ST	E OF ALTAMONT AVE	630	4700	4900	4800	4400	3100	4500	3400				29	3
	E OF EVANS AVE	631	14100	14800	14900	16300	U/C	U/C	8200				29	3
FORD ST	S OF M.L.K. BLVD (SR 82)	611	8300	9800	10600	12000	7800	5400	5200				29	3
	S OF EDISON AVE	612	9700	11000	10300	12700	8300	6400	5400				29	3
	N OF COLONIAL BLVD	613	1400	2000	2000	2900	1800	2500	2300				29	3
FORUM BLVD	N OF COLONIAL BLVD	629	1500	2300	6400	6200	7700	4700	4400				18	3

PCS 44 - Estero Blvd North of Donora Blvd

2012 AADT = 13700 VPD

Hour	NB	SB	Total
1	0.86%	0.63%	0.74%
2	0.55%	0.37%	0.46%
3	0.41%	0.28%	0.34%
4	0.20%	0.21%	0.21%
5	0.26%	0.34%	0.30%
6	0.74%	0.75%	0.74%
7	1.79%	2.06%	1.93%
8	4.41%	4.19%	4.30%
9	5.70%	6.03%	5.87%
10	6.47%	7.21%	6.85%
11	6.90%	7.54%	7.23%
12	7.00%	7.68%	7.35%
13	6.90%	7.62%	7.26%
14	6.87%	7.27%	7.07%
15	7.02%	7.34%	7.18%
16	7.05%	7.10%	7.08%
17	7.24%	6.66%	6.95%
18	6.63%	6.54%	6.58%
19	5.72%	5.73%	5.72%
20	5.01%	4.63%	4.81%
21	4.53%	3.73%	4.12%
22	3.72%	2.81%	3.25%
23	2.57%	2.11%	2.34%
24	1.47%	1.19%	1.32%

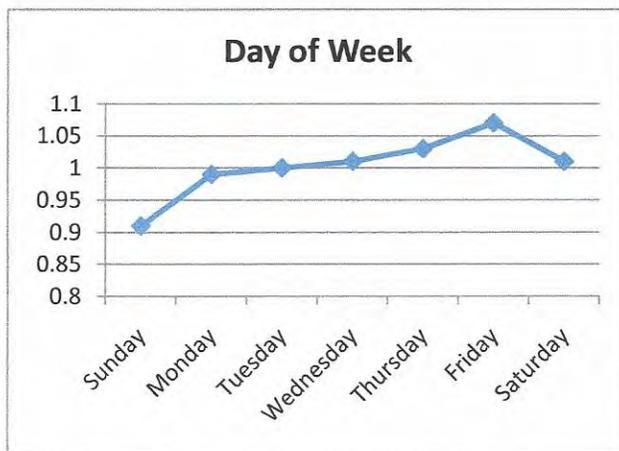
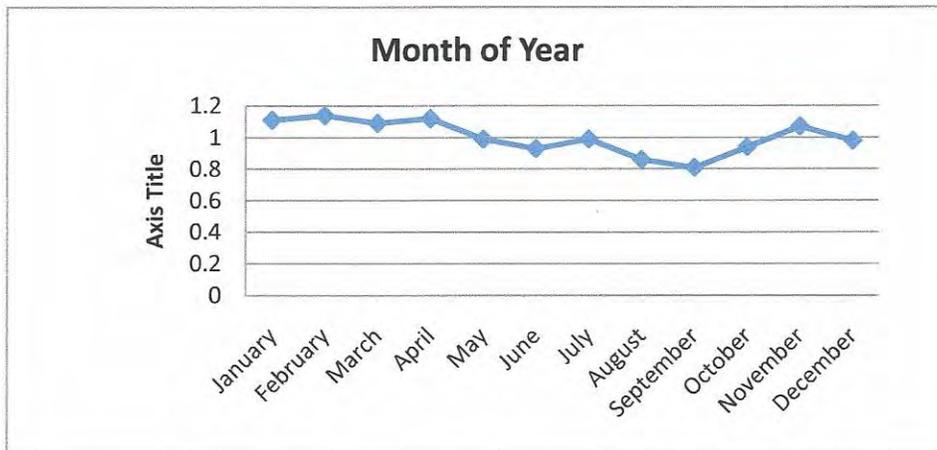
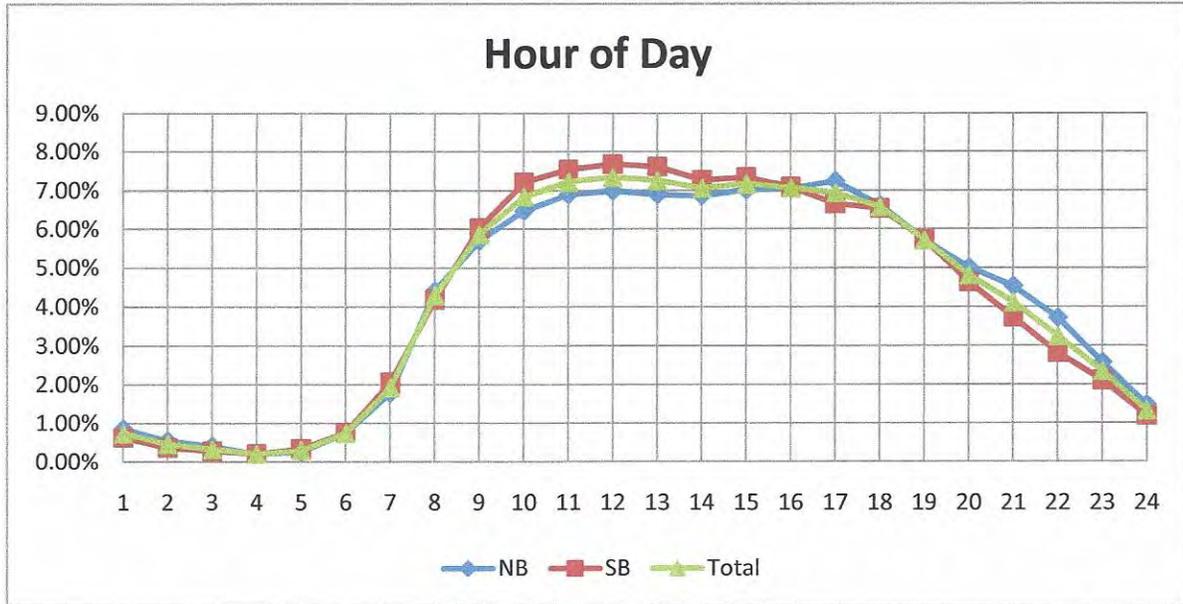
Month of Year	Average	Fraction
January	15,115.68	1.11
February	15,465.96	1.14
March	14,829.03	1.09
April	15,228.18	1.12
May	13,463.10	0.99
June	12,685.57	0.93
July	13,546.37	0.99
August	11,682.10	0.86
September	11,011.63	0.81
October	12,794.33	0.94
November	14,554.54	1.07
December	13,398.61	0.98

Day of Week	Average	Fraction
Sunday	12,363.96	0.91
Monday	13,427.77	0.99
Tuesday	13,559.48	1
Wednesday	13,784.20	1.01
Thursday	13,985.12	1.03
Friday	14,559.53	1.07
Saturday	13,710.48	1.01

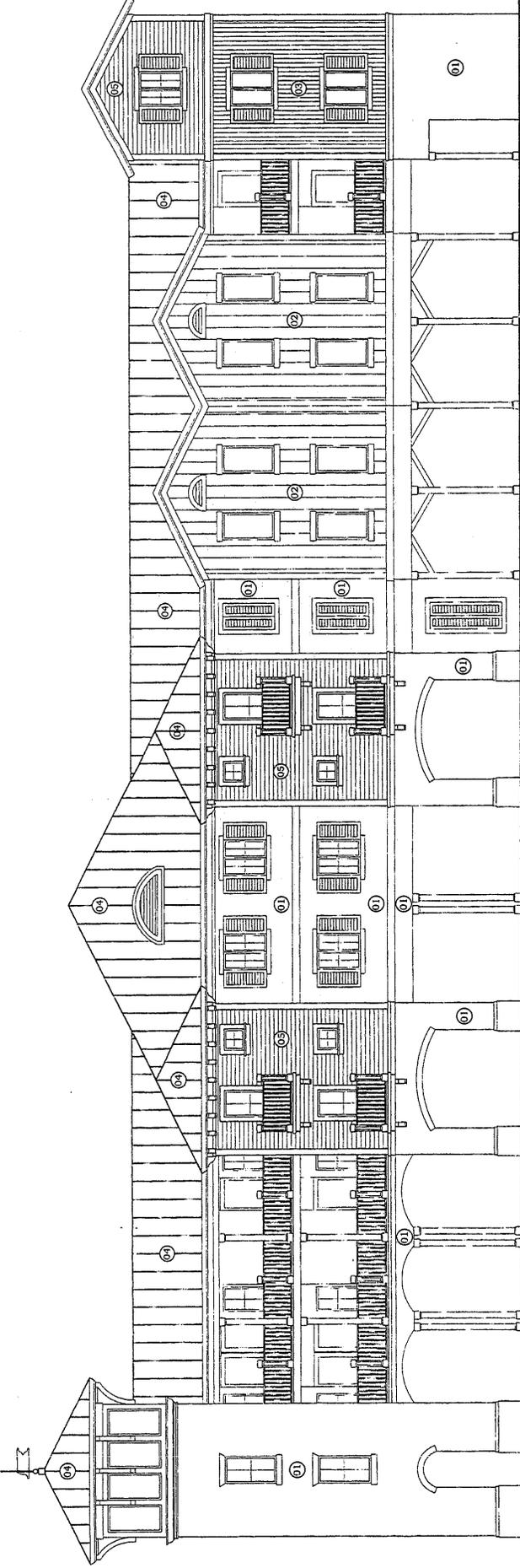
Design Hour Volume				
#	Volume	Date	Hour	Factor
1	1350	2/8/2012	10:00-11:00	0.099
8	1330	2/14/2012	09:00-10:00	0.097
30	1289	11/20/2012	11:00-12:00	0.094
50	1269	1/19/2012	14:00-15:00	0.093
100	1239	2/3/2012	11:00-12:00	0.090
150	1218	2/6/2012	15:00-16:00	0.089
200	1197	4/24/2012	15:00-16:00	0.087
250	1181	12/28/2012	09:00-10:00	0.086

Directional Factor	
AM	0.54
PM	0.52

PCS 44 - Estero Blvd North of Donora Blvd



TYPICAL CONCEPT: PHASE A-D

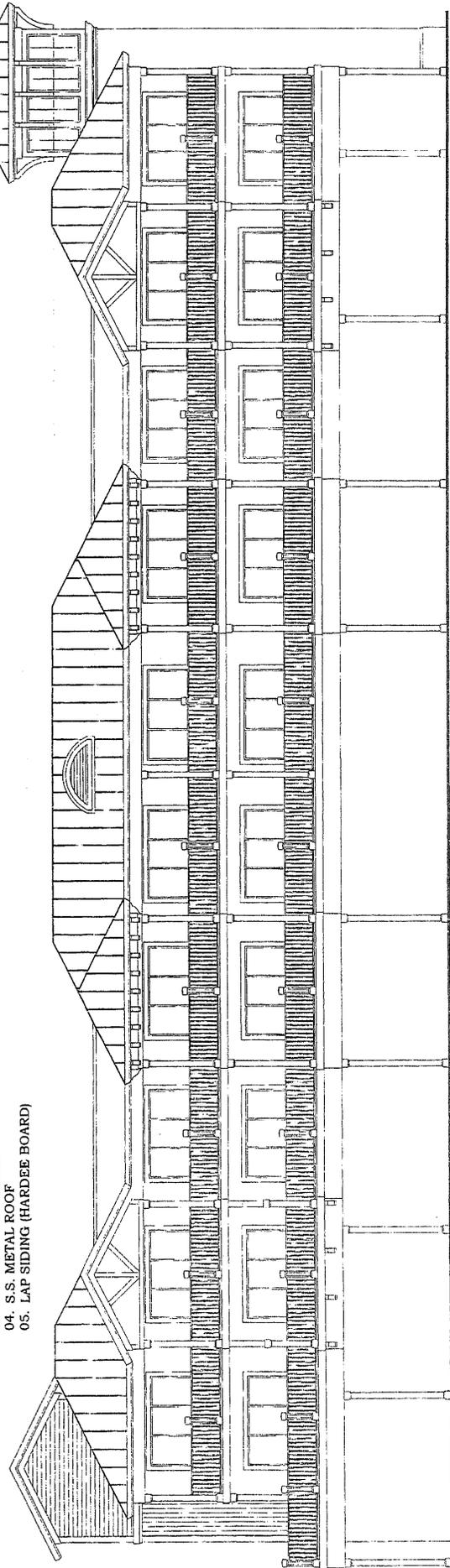


FRONT ELEVATION

SCALE: 3/16"=1'-0"

MATERIALS LIST

- 01. STUCCO
- 02. BATT & BOARD (W/ HARDEE MATERIALS)
- 03. CORRUGATED METAL
- 04. S.S. METAL ROOF
- 05. LAP SIDING (HARDEE BOARD)



REAR ELEVATION

SCALE: 3/16"=1'-0"

MCHARRIS
 PLANNING & DESIGN
 1001 BELMONT AVENUE
 SUITE 100
 FORT MYERS BEACH, FL 33931
 PHONE: 889-4444
 FAX: 889-4444
 EMAIL: MCHARRIS@MCHARRIS.COM

SEP 25 2006

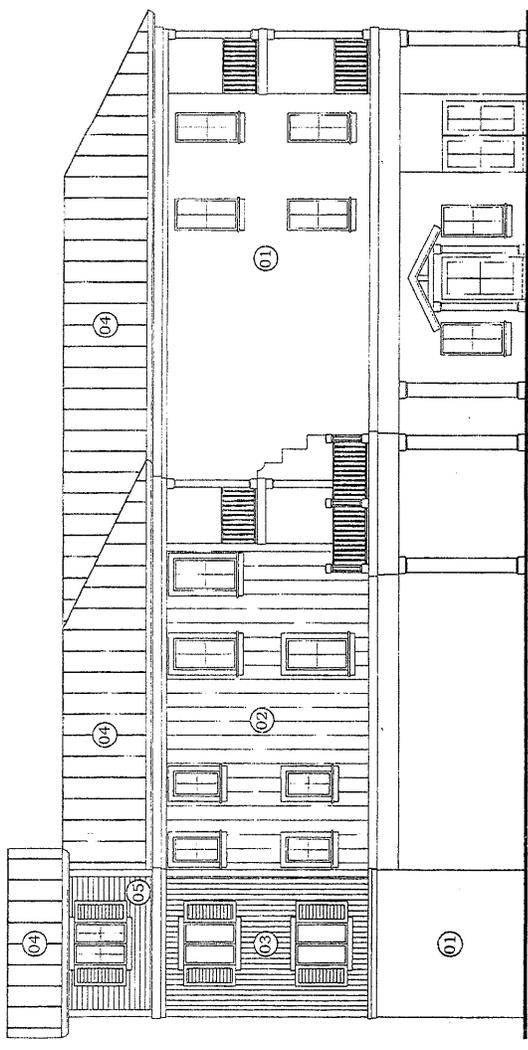
Approved for construction with all codes and local laws.
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NO.	DATE	DESCRIPTION	BY	CHK
1	09/25/06	ISSUED FOR PERMIT		
2				
3				
4				
5				

CRESCENT STREET
 HOTEL
 FORT MYERS BEACH, FL

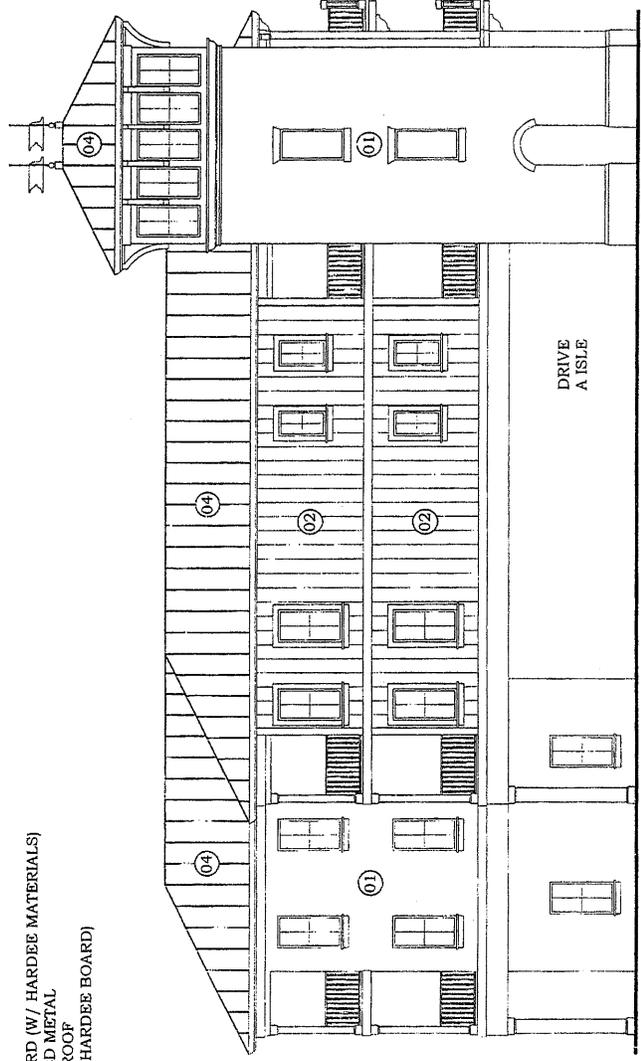
PROJECT NO.: 06-0000
 SHEET NO.: A-4

TYPICAL CONCEPT - PHASE A - D



RIGHT ELEVATION
SCALE: 3/16"=1'-0"

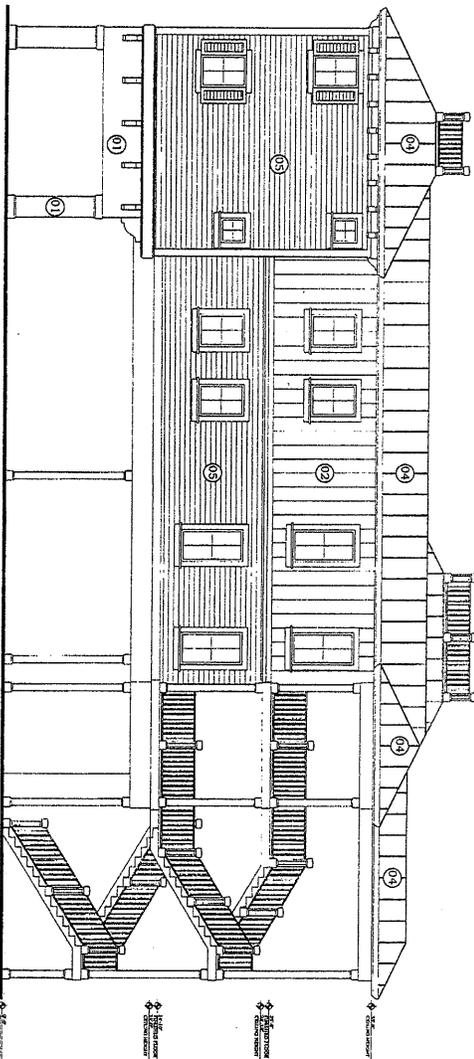
- MATERIALS LIST
- 01. STUCCO
 - 02. BATT & BOARD (W/ HARDEE MATERIALS)
 - 03. CORRUGATED METAL
 - 04. S.S. METAL ROOF
 - 05. LAP SIDING (HARDEE BOARD)



LEFT ELEVATION
SCALE: 3/16"=1'-0"

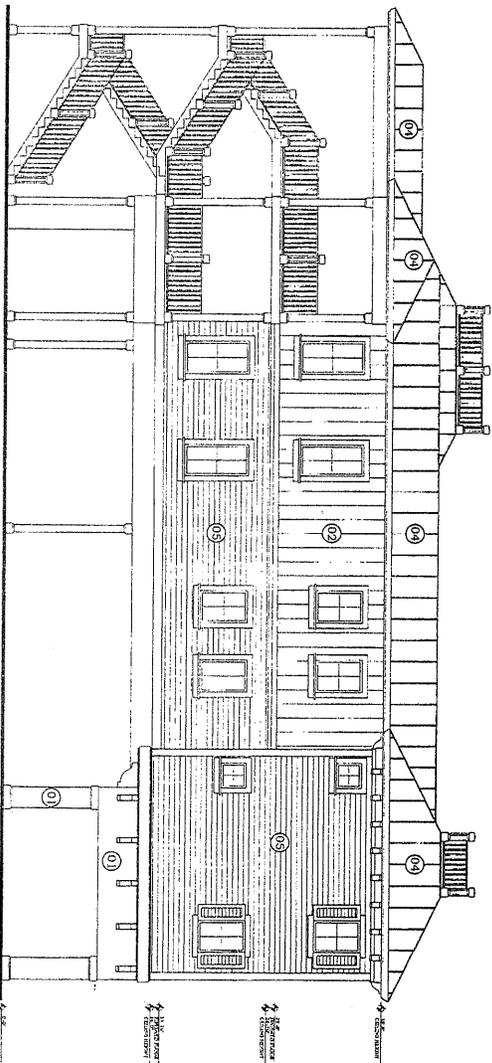
<p>FOR ALL INFORMATION CONCERNING THIS PROJECT, CONTACT THE ARCHITECT AT THE ADDRESS LISTED BELOW.</p> <p>M.K.P.D. INC. 1000 W. PALM BEACH BLVD., SUITE 100 PALM BEACH, FL 33480 TEL: 561-833-1111 FAX: 561-833-1112</p>		<p>DATE: 08/26/2008</p>	<p>PROJECT: CRESCENT STREET HOTEL</p>	<p>NO. 1</p>	<p>DATE</p>	<p>DESCRIPTION</p>	<p>BY</p>	<p>DATE</p>	
<p>CRESCENT STREET HOTEL</p>		<p>FORT MYERS BEACH, FL</p>		<p>PROJECT NO. RE-0000</p>		<p>SCALE: A-5</p>		<p>DATE: 08/26/2008</p>	

TYPICAL CONCEPT PHASE A-D



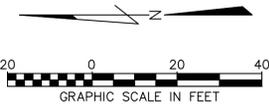
RIGHT ELEVATION
SCALE: 3/16"=1'-0"

- MATERIALS LIST
- 01. STUCCO
 - 02. BATT & BOARD (W/ HARDEE MATERIALS)
 - 03. CORRUGATED METAL
 - 04. S.S. METAL ROOF
 - 05. LAP SIDING (HARDEE BOARD)



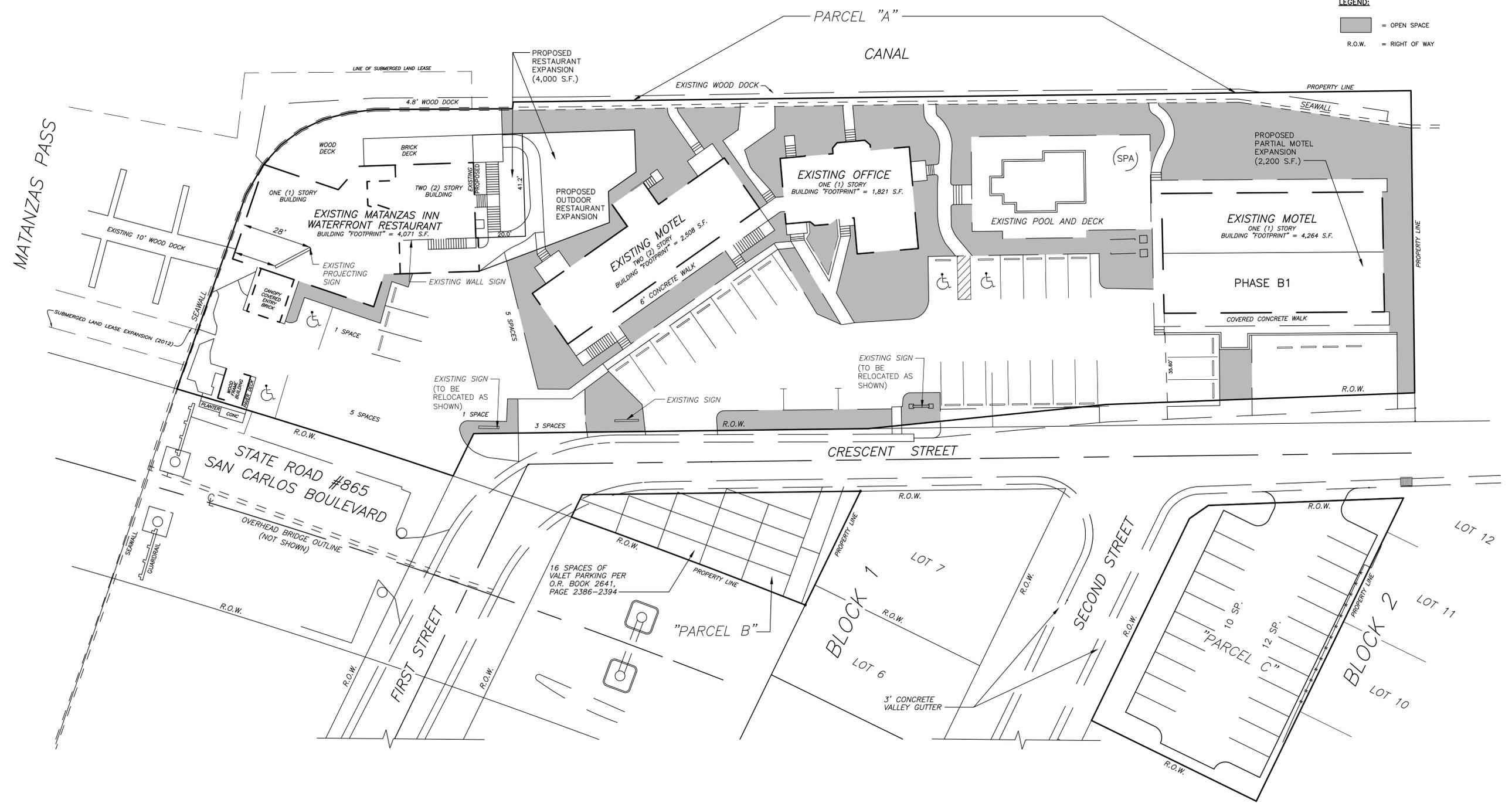
LEFT ELEVATION
SCALE: 3/16"=1'-0"

<p>© 2006 MKP, INC.</p>	<p>CRESCENT STREET HOTEL FORT MYERS BEACH, FL</p>	<p>DATE: _____ BY: _____</p>	<p>MKPD INC</p> <p>10 THE BERRY OF BOWLING GREEN PLAZA FORT MYERS BEACH, FL 33908 TEL: 888-888-8888 WWW.MKPDINC.COM</p>																																				
<p>A-7</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Issue</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>DESIGN DEVELOPMENT</td> </tr> <tr> <td>2</td> <td></td> <td> </td> </tr> <tr> <td>3</td> <td></td> <td> </td> </tr> <tr> <td>4</td> <td></td> <td> </td> </tr> <tr> <td>5</td> <td></td> <td> </td> </tr> </tbody> </table>	No.	Date	Issue	1		DESIGN DEVELOPMENT	2			3			4			5			<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Issue</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td> </td> </tr> <tr> <td>2</td> <td></td> <td> </td> </tr> <tr> <td>3</td> <td></td> <td> </td> </tr> <tr> <td>4</td> <td></td> <td> </td> </tr> <tr> <td>5</td> <td></td> <td> </td> </tr> </tbody> </table>	No.	Date	Issue	1			2			3			4			5			<p>10 THE BERRY OF BOWLING GREEN PLAZA FORT MYERS BEACH, FL 33908 TEL: 888-888-8888 WWW.MKPDINC.COM</p>
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SPECIAL NOTE:
 THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
 THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

LEGEND:
 [Grey Box] = OPEN SPACE
 [Dashed Line] = R.O.W. = RIGHT OF WAY



MURPHY PLANNING
 8420 CHARTER CLUB CIRCLE, UNIT 1
 FORT MYERS, FL 33919-6881
 PHONE: (239) 322-8510
 FAX: (239) 590-9755

DATE	REVISION
1-17-2013	

DRAWING DATE: 1-17-2013
 DRAWN BY: K. O'NAN (3337MGP)
 COUNTY: LEE
 SECTION: 19, 46 S., 24 E.

MASTER CONCEPT PLAN
 MATANZAS INN
 EXISTING SITE REDEVELOPMENT

MEMORANDUM



To: Hank Zuba, Chair of the Local Planning Agency
Local Planning Agency members

From: Leslee Dulmer, Zoning Coordinator

CC: Walter Fluegel, Community Development Director

Date: December 3, 2013

Re: DCI2013-0002 Matanzas Inn CPD Amendment

Sec. 34-235. Deferral or continuance of public hearing. The following procedures and regulations for deferring or continuing a public hearing apply for the local planning agency and town council:

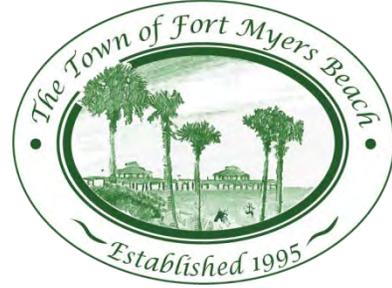
(2) **Continuance.** A scheduled, advertised public hearing may be continued by the town or by the applicant as follows:

a. *Town-initiated continuance.*

1. The local planning agency or town council, upon staff request or upon its own initiative, may continue a public hearing when it is necessary to require additional information, public testimony, or time to render an appropriate recommendation.
2. The hearing shall be continued to a date certain, and the local planning agency or town council shall continue its consideration on the hearing matter on that date certain. Any hearing not continued to a date certain is deemed to be denied without prejudice.
3. There shall be no limitations on the number of town-initiated continuances.
4. The town shall bear all re-notification costs of any town-initiated continuance.

Town Staff is requesting a continuance of case DCI2013-0002 to a date certain of January 14, 2013 in order to utilize additional time to render an appropriate recommendation.

MEMORANDUM



To: Hank Zuba, Chair of the Local Planning Agency
Local Planning Agency Members

From: Leslee Dulmer, Zoning Coordinator

CC: Walter Fluegel, Community Development Director

Date: January 7, 2014

Re: DC12013-0002 Matanzas Inn CPD Amendment

Sec. 34-235. Deferral or continuance of public hearing. The following procedures and regulations for deferring or continuing a public hearing apply for the local planning agency and town council:

(2) **Continuance.** A scheduled, advertised public hearing may be continued by the town or by the applicant as follows:

a. *Town-initiated continuance.*

1. The local planning agency or town council, upon staff request or upon its own initiative, may continue a public hearing when it is necessary to require additional information, public testimony, or time to render an appropriate recommendation.
2. The hearing shall be continued to a date certain, and the local planning agency or town council shall continue its consideration on the hearing matter on that date certain. Any hearing not continued to a date certain is deemed to be denied without prejudice.
3. There shall be no limitations on the number of town-initiated continuances.
4. The town shall bear all re-notification costs of any town-initiated continuance.

Town Staff is requesting a continuance of case DCI2013-0002 as the applicant was unable to provide Staff with the revised materials in time for Staff Review. Specifically, Staff has been communicating with the applicant regarding revisions to the Master Concept Plan, but at the date of this memo has yet to receive the final draft.

From: [Gerald Murphy](#)
To: [Leslee Dulmer](#)
Cc: [Walter Fluegel](#); "[Doug Speirn-Smith](#)"
Subject: RE: Matanzas
Date: Thursday, January 09, 2014 5:21:34 PM
Attachments: [140109 Matanzas Inn Resort MCP.pdf](#)

Hi, Leslee:

Please see attached MCP revisions and let me know if any questions, etc. Thanks.

Also, Doug offers the following additional narrative summary for your read reference if you find helpful in drafting your report:

Applicant summary

This change to our existing CPD is intended to help simplify previous approvals, create a phasing plan that balances existing buildings with future options, reconcile the current signs with the new ordinance and the approved roof sign variance that exists. We also sold one of the parcels in the current CPD and we wish to add an adjacent out-parcel into the CPD to simplify the redevelopment plan. We are not asking for any additional density or square footage or setback changes on our remaining and existing CPD parcels. We have also worked with staff to develop a neighborhood strategy for pedestrian circulation if an when a grand plan is available to be implemented.

This amendment was prompted by two issues- First was the technical issue of the approved roof sign combined with our existing signs exceeded the maximum size allowed but complied with the rest of the sign ordinance. This overage is needed primarily because the site has distinct businesses, uses, entrances and street exposure- so signage is important but good signage is not simple. We have modified our signs and this request we believe is reasonable for the job that needs to be done. The second factor influencing the request is the changing marketplace and balancing future redevelopment with existing structures and potential phasing of any redevelopment.

Looking forward. And, again, don't hesitate to contact me with any questions.

Best!

Jerry Murphy, AICP, CFM
Murphy Planning/Florida Resilient Communities Initiative
<http://frci.dcp.ufl.edu>
2755 Coconut Bay Lane, Unit 1D
Sarasota, FL 34237-3029
Phone: (239) 322-8510

From: Leslee Dulmer [<mailto:leslee@fortmyersbeachfl.gov>]
Sent: Friday, December 27, 2013 2:36 PM
To: Doug Speirn-Smith; Walter Fluegel; Gerald Murphy
Subject: RE: Matanzas

Good Afternoon,

Other than the two day holiday on December 31 and January 1, I am back in the office. Please forward the Master Concept Plan as soon as possible to avoid any further delays.

Thank you,

Leslee Dulmer

Zoning Coordinator

From: Doug Speirn-Smith [<mailto:dougspeirnsmith@gmail.com>]

Sent: Thursday, December 19, 2013 4:33 PM

To: Walter Fluegel; Leslee Dulmer; Gerald Murphy

Subject: Re: Matanzas

Walter,

Thanks and you know best and I agree with you. Have a happy holiday and break. I would appreciate everyone's time as early in the year as is necessary to review this application in detail enough to be clear and make the February meeting with clear understandings of the issues for both the applicant and staff.

All my best,

Doug

On 12/19/2013 2:18 PM, Walter Fluegel wrote:

Doug,

Unfortunately, I will be on vacation for the next two weeks and tomorrow I will be working on Council package for January 6 agenda, which is why we set the deadline for earlier in the week. Based upon an earlier cursory review of the prior resolutions on the subject property, it is clear they are complex and even somewhat confusing. Accordingly, I don't believe it is in your best interests, nor ours, to rush through the analytical phase of the review process. For example, I can already tell you that we will recommend Denial of Gerry's proposed automatic reversion clause to Downtown zoning, a concept that we have previously rejected. I hope to base our recommendation upon sound and thoughtful analysis. We attempt to work with applicants to reach a positive recommendation, versus curtailed analysis, wherein a recommendation for Denial serves as safe harbor. Accordingly, at this point, we have no choice but to postpone till February.

Best regards,

Walter

From: Doug Speirn-Smith [<mailto:dougspeirnsmith@gmail.com>]

Sent: Thursday, December 19, 2013 3:47 PM

To: Leslee Dulmer; Gerald Murphy

Cc: Walter Fluegel

Subject: Re: Matanzas

I just talked to Scott and the draft changes are done and will be emailed late afternoon /today to everyone.

On 12/19/2013 12:59 PM, Leslee Dulmer wrote:

Gentlemen,

As previously agreed upon when we met on 12/9, we have not received all necessary resubmittal information by the deadline discussed. Most importantly the Master Concept Plan has not been resubmitted after we all identified areas for revisions and improvement when we met.

Accordingly, Staff will need to postpone the hearing before the Local Planning Agency.

In regards to the comments in the previous email about deviations and any changes or updates necessary, the burden of proof is always upon the applicant to assess, revise and request any new deviations.

Thank you,

Leslee Dulmer

Zoning Coordinator

From: Gerald Murphy [<mailto:jerry@murphyplanning.com>]

Sent: Wednesday, December 18, 2013 5:13 PM

To: Leslee Dulmer

Subject: RE: Matanzas

Hi, Leslee.

I don't believe the MCP changes will require the deviations to be modified or changes in the justifications. If you have or can identify which deviations might need to be changed, I'll be happy to do that, but the MCP should be able to stand.

Please let me know.

Thanks.

Jerry Murphy, AICP, CFM

Murphy Planning/Florida Resilient Communities Initiative

<http://frci.dcp.ufl.edu>

2755 Coconut Bay Lane, Unit 1D

Sarasota, FL 34237-3029

Phone: (239) 322-8510

From: Leslee Dulmer [<mailto:leslee@fortmyersbeachfl.gov>]

Sent: Wednesday, December 18, 2013 3:49 PM

To: Gerald Murphy

Subject: RE: Matanzas

Don't the changes to the MCP requires some modifications to the requested deviations? Can I get an amended list of deviations and justifications, please.

Leslee Dulmer

Zoning Coordinator

From: Gerald Murphy [<mailto:jerry@murphyplanning.com>]

Sent: Tuesday, December 17, 2013 9:12 PM

To: Leslee Dulmer; 'Doug Speirn-Smith'

Cc: Walter Fluegel

Subject: RE: Matanzas

Leslee/Doug:

Attached are the changes to which we agreed when last we met.

Leslee, Doug has not yet had an opportunity to review these, so he may want some modifications, but I'm sending them to you both in the interest of time

The phasing plan is revised to indicate 44 max total guest units.

The Uses and Conditions are provided in "track changes" for your ready reference.

The more complicated changes are obviously to the 2-Sheet MCP, which Doug has been handling directly and should have to you ASAP.

Thanks for your help. Don't hesitate to let me know if there is something else you need.

Jerry Murphy, AICP, CFM

Murphy Planning/Florida Resilient Communities Initiative

<http://frci.dcp.ufl.edu>

2755 Coconut Bay Lane, Unit 1D

Sarasota, FL 34237-3029

Phone: (239) 322-8510

From: Leslee Dulmer [<mailto:leslee@fortmyersbeachfl.gov>]

Sent: Tuesday, December 17, 2013 4:30 PM

To: Doug Speirn-Smith; Gerald Murphy

Cc: Walter Fluegel

Subject: RE: Matanzas

Gentlemen,

What is the status on the resubmittal timeline?? We had discussed that these items would be to me by the end of last week. Then the email below said 'first thing' next week.

We are fast approaching a situation where I will not have sufficient time to review and prepare materials for the January LPA hearing date.

Thanks,

Leslee Dulmer

Zoning Coordinator

From: Doug Speirn-Smith [<mailto:dougspeirnsmith@gmail.com>]

Sent: Wednesday, December 11, 2013 8:12 AM

To: Leslee Dulmer; Gerald Murphy

Subject: Matanzas

Leslee,

I met with Bean Whitiker and they have started the changes to the MCP as we discussed. They indicated they were really tied up this week but will have it first thing next week for us.

Thanks,

Doug

--

Doug Speirn-Smith
303-818-0900

--

Doug Speirn-Smith
303-818-0900
dougspeirnsmith@gmail.com

--

Doug Speirn-Smith
303-818-0900
dougspeirnsmith@gmail.com

MATANZAS INN RESORT	UNITS PER PHASE			
	Approved CPD	Currently Existing	Proposed phased redevelopment	Proposed full development
Existing two-story motel building	11	11	Existing building razed Phase D	Phase D
Existing house/office building	2	2	Existing building razed Phase A	Phase A
Existing one story motel building	12	12	Existing building razed Phase B-2	Phase B-2
Additional approved guest unit (not built)	8	N/A	Phases A-D	Phases A-D
4 existing dwelling units--Lot 15 (transfer to Resort Parcel A)	Currently not included	4 dwelling units proposed for conversion to 12 guest units	Existing building razed Phase A	12 guest units to be built in Phases A and D
Phase A	N/A	N/A	6	6
Phase B-1	N/A	N/A	6	0
Phase B-2	N/A	N/A	+14	20
Phase C	N/A	N/A	10	10
Phase D	N/A	N/A	8	8
TOTALS	33	25	44*	44*
2013: Additional guest units proposed from Lot 15 CPD amendment		4 dwelling units	4 dwelling units converted to 12 hotel/motel guest units	12
Total existing and not built guest units		33	44*	44*
				*Note: The number of units in each phase may vary, but the total must not exceed 44 maximum total. At full development, Developer may also build fewer than 44 proposed guest units.

From: [Gerald Murphy](#)
To: [Leslee Dulmer](#)
Cc: "[Doug Speirn-Smith](#)"; scwhit@bwk.net; "[Steve Pierce](#)"
Subject: RE: Matanzas Inn CPD
Date: Thursday, February 20, 2014 9:38:04 AM
Attachments: [image001.png](#)
[140219 Matanzas Inn Resort MCP.pdf](#)

Hi, Leslee:

Attached please find page 2 of 2 of the MCP revised per your request to indicate dimensions for the new buffers between parking and ROW and with new deviation 10 indicated accordingly. Open space is indicated by shading on page 2 of 2. This revised page 2 of 2 of the MCP is to accompany the revised schedule of deviations and justifications submitted earlier.

Below are the requested calculations for the open space areas indicated by shading on the revised page 2 of 2 of the MCP:

	Total Area	Open Space Area	Open Space Percentage
Parcel A	61,404 sq. ft.	18,120 sq. ft.	29.5%
Parcel B	3,007 sq. ft.	434 sq. ft.	14.4%
Parcel C	8503 sq. ft.	2,193 sq. ft.	25.8%
Total	72,914 sq. ft.	20,747 sq. ft.	28.4%

Please let us know if there is anything else you may need.

Looking forward to seeing you in March. Please confirm LPA Hearing date at your earliest possible convenience.

Thanks, Leslee.

Jerry Murphy, AICP, CFM
Florida Resilient Communities Initiative
<http://frci.dcp.ufl.edu>



Results Beyond Education
Murphy Planning
2755 Coconut Bay Lane, Unit 1D
Sarasota, FL 34237-3029
Phone: (239) 322-8510

From: Leslee Dulmer [mailto:leslee@fortmyersbeachfl.gov]
Sent: Thursday, February 20, 2014 8:40 AM
To: Gerald Murphy
Subject: RE: Matanzas Inn CPD

Thanks Jerry. I will take a look at them after our Staff meeting this morning.

Leslee Dulmer

Zoning Coordinator

From: Gerald Murphy [<mailto:jerry@murphyplanning.com>]
Sent: Wednesday, February 19, 2014 6:37 PM
To: Leslee Dulmer; 'Doug Speirn-Smith'
Cc: Walter Fluegel; Marilyn Miller - Fowler White
Subject: RE: Matanzas Inn CPD

Leslee:

Attached please find the revised schedule of deviations and justifications. I will be sending along the revised MCP directly along with the open space calculations.

Please let me know if we can otherwise assist in any way.

Thanks.

Jerry Murphy, AICP, CFM
Florida Resilient Communities Initiative
<http://frci.dcp.ufl.edu>



Murphy Planning
2755 Coconut Bay Lane, Unit 1D
Sarasota, FL 34237-3029
Phone: (239) 322-8510

From: Leslee Dulmer [<mailto:leslee@fortmyersbeachfl.gov>]
Sent: Tuesday, February 11, 2014 4:23 PM
To: jerry@murphyplanning.com; Doug Speirn-Smith (dougspeirnsmith@gmail.com)
Cc: Walter Fluegel; Marilyn Miller - Fowler White
Subject: Matanzas Inn CPD

Jerry,

In reviewing the case materials for preparation of the Staff Report for the Matanzas Inn CPD amendment, I identified areas where it does not appear that the plan is in compliance with Town buffer requirements. Per our phone conversation earlier this afternoon, Staff advises that you may want to consider requesting an additional (#10) deviation from Section 10-416(d)(2) also known as Table 10-8. Table 10-8 requires a Type D buffer between Parking and vehicle use areas and right-of-way.

Please revise the schedule of deviations and justifications to include this request.

Also, I spoke with the Community Development Director and the Town Attorney regarding your request to delay revising the MCP to reflect this additional deviation. The consensus was that the MCP must be revised to reflect ALL deviation requests prior to going before the Local Planning Agency. Please also provide dimensions of the buffer areas provided on Parcel B and Parcel C.

The additional deviation will require re-advertising. Please provide me with this information no later than Thursday February 20 in order to meet the advertising deadline.

As always, if you have any questions please do not hesitate to contact me.

Thanks,

Leslee Dulmer
Zoning Coordinator

Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931
Phone: 239-765-0202 ext 105
Fax: 239-765-0591

We value your opinion and would ask that you take a minute to complete a survey regarding our Customer Service at the following link: <http://www.surveymonkey.com/s/6T2P9DC>



Think Green. Please print this e-mail only if necessary.

Please Note: Florida has very broad public records laws. Most written communications to and from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

NOTE: Following the below deviations, redrafted from the over 20 deviations that previously governed this planned development master concept plan to result in a more manageable set of deviations, are conditions also established as part of the prior approval for this planned development. Of those prior conditions, some conditions were procedural and have been satisfied. If the Town agrees, the others should carry forward. These conditions follow the redrafted deviations below.

Schedule of Deviations:

1. Deviation (recast from previously approved deviations) from the requirements of LDC Section 34-953—that the building placement, size, design, and all other property development regulations in the CPD zoning district must be the same as for the CR or CB zoning district—to allow the dimensions indicated on the MCP.

JUSTIFICATION: Previously, numerous deviations were specified to the dimensional requirements of the CR zoning district. The requirements of the CR zoning district bare little relationship to and are not really appropriate to the development vision for the “Pedestrian Commercial” FLUM category. However, absent approved deviations, they are required by the sections of the LDC that otherwise address planned developments. Because the previously approved dimensional deviations related directly to the dimensions identified and labeled on that MCP, and the only change from that MCP is the inclusion of a new parcel for parking and elimination of the Parcel abutting Old San Carlos Boulevard, it makes sense to revise these into one comprehensive deviation tied to the MCP, thereby furthering this aspect of the project, which has already been found to meet the deviation criteria of the LDC.

2. Deviation from the LDC Section 34-632(3)c. limitation on combining three (3) or more lots into a development project to allow PARCEL “A,” PARCEL “B,” and PARCEL “C” to include one-half (1/2) of the width of the adjoining street and canals in lot area for the purposes of computing residential densities to allow a total of 44 guest units on PARCEL “A.” *See Condition 6, infra.*

JUSTIFICATION: This deviation was approved by the previous resolution approving this planned development. It is appropriate to carry it forward to account for the way that the density of guest units has been attributed to the CPD

3. Deviation from LDC Section 34-632(4) from the limitation on acreage used primarily for commercial purposes being included in the computation of residential density to allow a total of 44 guest units on PARCEL “A.” *See Condition 6, infra.*

JUSTIFICATION: This deviation operates to certify that due to the use of density transfers of residential dwelling units and conversions of residential densities to hotel/motel guest units that the provisions of LDC Section 34-632(4) do not operate to the detriment of the Town and the CPD in considering the Matanzas Inn & Resort anything other than a mixed-use project and mixed use building(s).

4. Deviation from LDC Section 34-1803(a)(1) to allow guest units to average 1000 square feet in compliance with Condition 2, *infra.*

JUSTIFICATION: This deviation operates to allow large area guest units than might otherwise be allowed by LDC Section 34-1803. Section 34-1803(a)(2) allows the Town to grant deviations from the various equivalency factors if the deviation would be in accordance with the Comprehensive Plan. Resolution 03-35, which resolution approved the existing CPD, allowed for a deviation from the equivalency factor limitations in LDC section 34-1803(a)(1) to allow guest units with over 450 square feet of floor area to utilize an equivalency factor of 3.0 in the PEDESTRIAN COMMERCIAL future land use category. This redrafted deviation seeks to clearly carry this deviation forward with greater specificity. In addition, the changed circumstances of the on-island hotel/motel guest unit inventory in the aftermath of Hurricane Charley and the acquisition of former commercial hotel/motel properties as public civic space has markedly reduced the number and variety of on-island guest units and their greater ability to capture trips to and from the island and further the pedestrian-oriented character the Town desires for its downtown district area.

5. Deviation from LDC Section 34-675(b)(2) from the limitation on Crescent Street to building heights no taller than two (2) stories and 30 feet above base flood elevation, to allow 25 percent of the ground floors of the hotel/motel buildings to be enclosed non-living space for office and other accessory uses for the motel with a maximum building height of 30 feet above base flood elevation with a maximum of two (2) floors total living area over parking or enclosed non-living space.

JUSTIFICATION: The Local Planning Agency, in compliance with LDC Section 34-216(a)(4), included this deviation as a necessary deviation in its recommendation, *see* LPA Hearing, October 14, 2003, and Town Council approved this deviation. *See* Resolution 03-35.

6. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 34, Division 26, Parking: LDC Sections 34-2015 (location and design) and 34-2016 (dimensional requirements; delineation of parking spaces) to allow the parking plan delineated on the MCP.

JUSTIFICATION: The parking deviations for location, design, dimensional requirements, and delineation were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that are carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. *See* DOS2006-00247. Additional parking is being provided with the inclusion of Lot 15 and the transfer of density from that lot to Parcel "A."

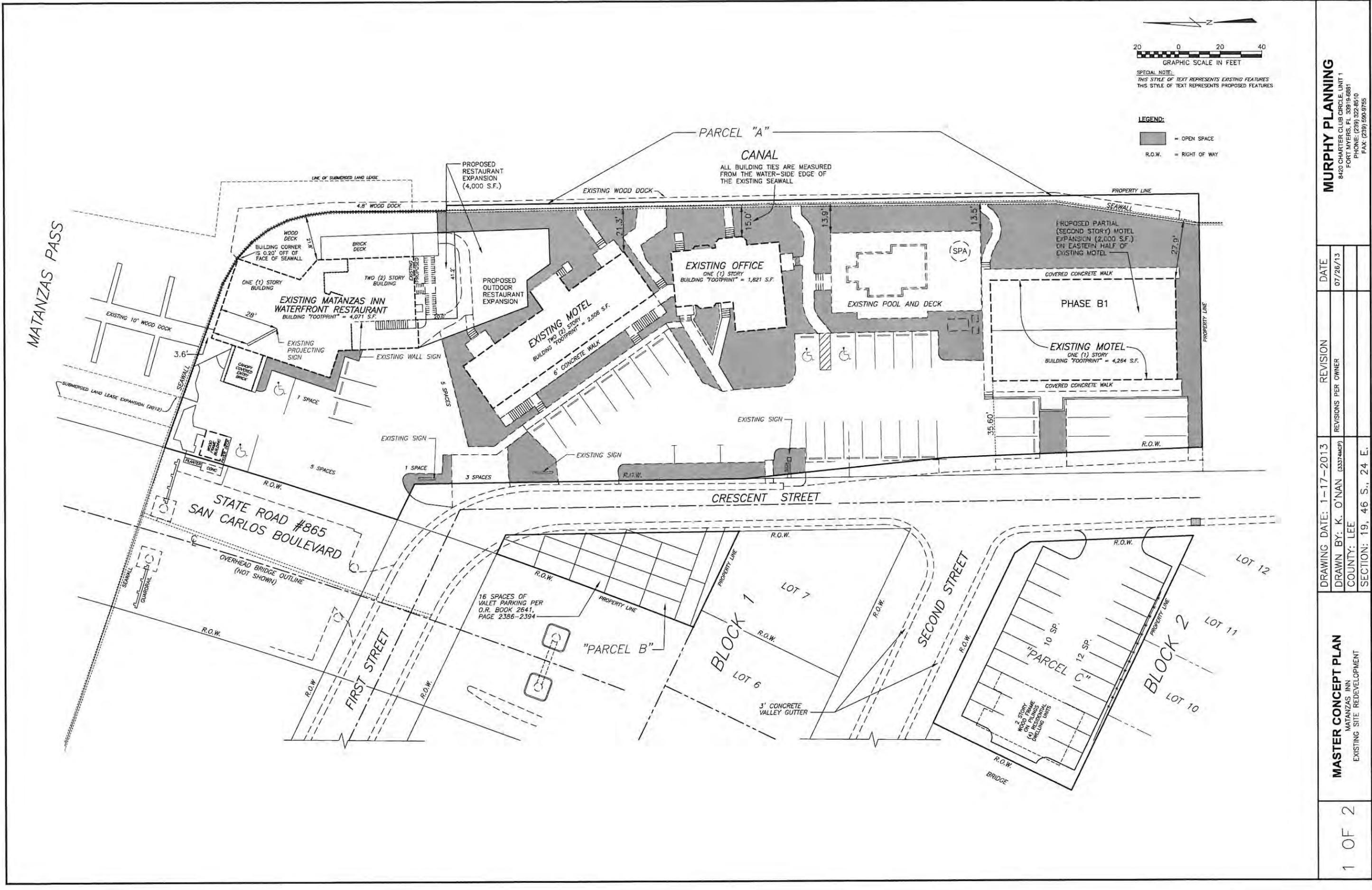
7. Deviation (recast from previously approved deviation) from the provisions of LDC Chapter 10, Article III, Division 2, Transportation, Roadways, Streets, and Sidewalks: LDC Section 10-285(a) from the required connection separation for local roads of 125 feet to allow connection separations as indicated on the MCP.

JUSTIFICATION: The connection separation deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. *See* DOS2006-00247.

<p>8. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Sections 10-415 (open space) and 10-416 (landscaping standards) to allow the open space and buffers delineated on the MCP.</p>
<p><u>JUSTIFICATION:</u> The open space and buffer deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. See DOS2006-00247.</p>
<p>9. Deviation from LDC Chapter 30 to allow a sign package for Matanzas Inn & Resort comprised of the following commercial identification signs with locations indicated on the MCP:</p>
<p>1) “Matanzas Inn Resort Vacancy” Two- (2)-sided Monument sign, existing. Not to exceed 6’ x 1.5’ x 2-sides = 18 sq. ft. total.</p>
<p>2) “Matanzas Inn Resort” Monument sign near northern side of motel, existing. Not to exceed 2’ x 8’ = 16 sq. ft. total.</p>
<p>3) “Matanzas Inn Resort” Monument sign at restaurant parking lot entrance, existing. Not to exceed 1.5’ x 6’ = 9 sq. ft. total</p>
<p>4) “Upper Deck Entrance” Wall identification sign on western wall of restaurant, existing. Not to exceed 4’ x 8’ = 32 sq. ft. total.</p>
<p>5) “Matanzas Inn Resort” Two- (2)-sided Projecting sign on roof of restaurant, existing. Not to exceed 4’ x 16’ x 2-sides = 128 sq. ft. total.</p>
<p>Total commercial identification sign area not to exceed 210 square feet total. Other permitted signs not requiring a permit as provided in LDC Chapter 30 or otherwise permissible, allowed.</p>
<p><u>JUSTIFICATION:</u> With respect to most other commercial properties in the downtown district area, this is a large, irregular, and uniquely located property that is distinguishable from most other commercial uses. It parallels both sides of Crescent Street and portion of First Street together for several hundred feet. It currently contains a mix of uses appropriate to an island resort, and is proposed to contain a potentially more complex hotel/motel resort redevelopment. It also fronts on the Matanzas Pass and on the canal that parallels Crescent street. Regardless of its size, it is in many ways remote from the main traffic routes and without its relatively long-existing package of signage, would be at a disadvantage if strict coherence to the maximum requirements of LDC Chapter 30 were enforced. In some ways it was believed that the absence of raising compliance with Chapter 30 during the prior public hearing made the package of signs that existed on the property at that time non-conforming. This deviation is requested to remove all doubt and bring the properties into compliance with the Town’s street graphic requirements. This sign package helps to enhance the subject property’s ability to compete on a level playing field given the size, irregular configuration and unique placement of the property and its resort uses; public health, safety, and welfare will be preserved and promoted by an effective package of street graphics that promote more effective way-finding to the resort;</p>

<p>this maintained package of street graphics will operate to the benefit of new and returning visitors and not to the detriment of the public interest; and is consistent with the Comprehensive Plan, which for the greatest part is silent on street graphics and other signage.</p>
<p>10. Deviation (recast from previously approved deviations) from the provisions of LDC Chapter 10, Article III, Division 6, Open Space, Buffering, and Landscaping: LDC Section 10-416 (landscaping standards), subsection (d)(2) and Table 10-8, Buffer Requirements to allow a reduction from the Type D buffer requirements between ROW (rights-of-way) and PRKG (parking and vehicle use areas) to allow the buffer widths delineated on the MCP.</p>
<p><u>JUSTIFICATION:</u> The buffer deviations were previously approved by Town Council in Resolution 03-35. No changes are requested from those prior deviations that were carried forward with reference to the master concept plan. The Town has issued a development order in furtherance of this plan. See DOS2006-00247. The proposed MCP provides buffers between the parking and vehicle use (PRKG) areas and the rights-of-way for Crescent Street and Second Street significantly greater than those previously approved and should enhance the overall appearance of the neighborhood from both existing conditions and those approved by DOS2006-00247. The existing development order will be amended to reflect these improvements over those previously approved by the Town.</p>
<p>Conditions(see NOTE, <i>supra</i>):</p>
<p>1. The development of this project must be consistent with the one (1) page Master Concept Plan (MCP) entitled “Matanzas Inn Redevelopment” stamped received _____, except as modified by conditions below. This development must comply with all requirements of the Town of Fort Myers Beach Land Development Code (LDC) at time of local development order amendment, except:</p>
<p>a. any additional restrictions provided in conditions of this approval; and</p>
<p>b. any restrictions modified or eliminated by approved deviations.</p>
<p>If changes to the MCP are subsequently sought, appropriate approvals will be required.</p>
<p>2. The following restrictions and limitations apply to the project uses:</p>
<p style="text-align: center;"><u>Schedule of Uses:</u></p>
<p>PARCEL “A”</p>
<p>All principal and accessory uses permitted in the DOWNTOWN zoning district, plus the additional existing uses:</p>
<ul style="list-style-type: none"> • Bar or cocktail lounge – limited to two (2); one (1) on the ground floor and one (1) on the second floor of the restaurant
<ul style="list-style-type: none"> • On-premises consumption of alcoholic beverages
<ul style="list-style-type: none"> • Outdoor seating areas in conjunction with on-premises consumption of alcoholic beverages
<ul style="list-style-type: none"> • Boat slips available for public rental/leasing, 18 maximum

	<ul style="list-style-type: none"> • Commercial party fishing boats
	<ul style="list-style-type: none"> • Parking lot, shared permanent
	<p>The above uses are limited to 92,000 square feet of floor area within the subject parcel. Of this total, floor area, guest units are limited to 44 units; guest unit size not to exceed a maximum area of 1,600 square feet, not to exceed an average of 1,000 square feet, and not to exceed a total floor area for guest units of 44,000 square feet.</p>
	<p>PARCELS "B" AND "C"</p>
	<ul style="list-style-type: none"> • Essential services
	<ul style="list-style-type: none"> • Parking lots, shared, permanent
3.	<p>All development, redevelopment, and substantial improvements in this CPD district must meet or exceed the commercial design standards. <i>See</i> LDC Section 34-991 through 34-1010.</p>
4.	<p>All use of the pool area must cease by 10:00 P.M.</p>
5.	<p>All outdoor entertainment must cease by 10:00 P.M.</p>
6.	<p>All lot area associated with PARCEL "B" and PARCEL "C" for density purposes is attributed to PARCEL "A" as part of the MCP for this CPD district. <i>See</i> Deviations 2 and 3, <i>supra</i>.</p>
7.	<p>PARCEL "A" may be developed in phases in any order, but a certificate of compliance for the initial phase must be reasonably requested no more than 60 months following Town Council approval of this amended CPD district and certificates of compliance for the entire project must be reasonably requested not less than 160 months following Town Council approval of this amended CPD district or the MCP will expire and be deemed vacated and the zoning on the property will default to the DOWNTOWN redevelopment zoning district.</p>

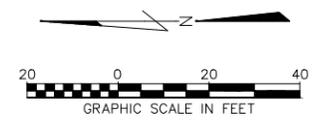


MURPHY PLANNING
 8420 CHARTER CLUB CIRCLE, UNIT 1
 FORT MYERS, FL 33919-8881
 PHONE: (239) 322-8510
 FAX: (239) 590-9755

DATE	REVISION
07/26/13	REVISIONS PER OWNER

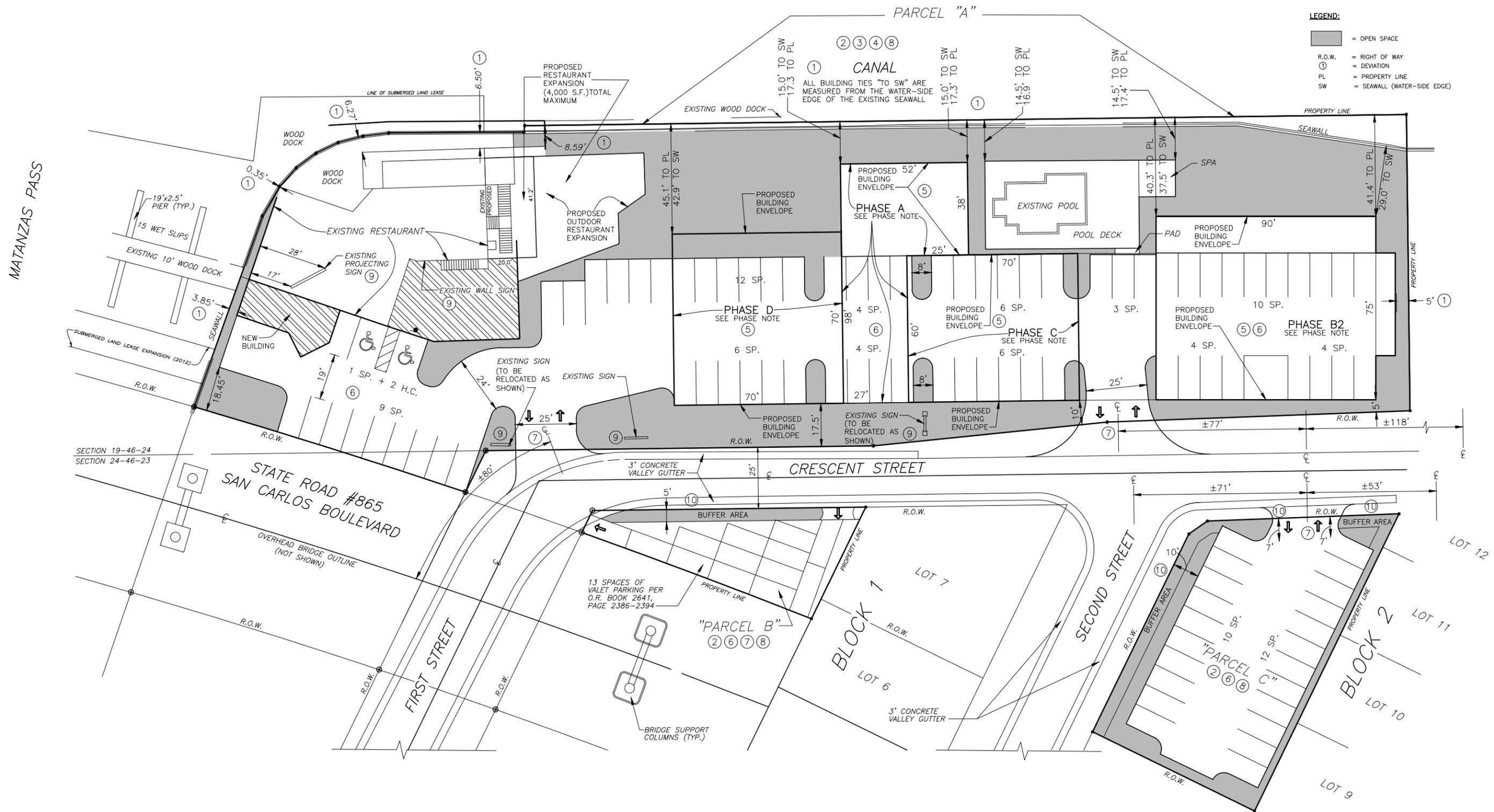
DRAWING DATE: 1-17-2013
 DRAWN BY: K. O'NAN (33374MCP)
 COUNTY: LEE
 SECTION: 19, 46 S., 24 E.

MASTER CONCEPT PLAN
 MATANZAS INN
 EXISTING SITE REDEVELOPMENT



SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

- LEGEND:**
- = OPEN SPACE
 - R.O.W. = RIGHT OF WAY
 - ① = DEVIATION
 - PL = PROPERTY LINE
 - SW = SEAWALL (WATER-SIDE EDGE)



PHASE NOTE:
*BUILDING HEIGHT MUST NOT EXCEED 30 FEET
ABOVE BFE AND TWO (2) HABITABLE FLOORS.

MURPHY PLANNING
8420 CHARTER CLUB CIRCLE, UNIT 1
FORT MYERS, FL 33919-6881
PHONE: (239) 322-8510
FAX: (239) 590-9755

DATE	REVISION
03/12/13	REVISIONS TO DEVIATIONS
07/01/13	REVISIONS PER OWNER
07/26/13	REVISIONS PER OWNER

DRAWING DATE: 1-17-2013
DRAWN BY: K. O'NAN (33374MCP)
COUNTY: LEE
SECTION: 19, 46 S., 24 E.

MASTER CONCEPT PLAN
MATANZAS INN
TOTAL REDEVELOPMENT