



# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

**TYPE OF CASE:** Conventional Rezoning (REZ) & Special Exception

**CASE NUMBER:** REZ2015-0001 & SEZ2015-0001

**LPA HEARING DATE:** August 11, 2015

**LPA HEARING TIME:** 9:00 AM

**STAFF RECOMMENDATION:** APPROVE

### I. APPLICATION SUMMARY

Applicant/Agent: Town of Fort Myers Beach/Alison Giesen

Request: Rezone subject property located at 216 Connecticut Street from RC (Residential Conservation) to CF (Community Facilities). A Special Exception is sought to develop a parking lot in the CF zoning district.

Subject property: See attached Exhibit A

Physical Address: 216 Connecticut Street

STRAP #: 29-46-24-W1-00151.005A

FLU: Recreation

Zoning: RC (Residential Conservation)

Current use(s): Vacant

Adjacent zoning and land uses:

North: Multi-family, RC (Residential Conservation) & Single family, RS (Residential Single Family), Mixed Residential & Low Density FLUM

South:	Single family, RS (Residential Single Family), Low Density FLUM
East:	Single family, RC (Residential Conservation) & RS (Residential Single Family), Mixed Residential & Low Density FLUM
West:	Single family, RC (Residential Conservation), Mixed Residential FLUM

## **II. BACKGROUND AND ANALYSIS**

### **Background:**

The subject site is located at 216 Connecticut Street near the intersection of Shell Mound Boulevard (see Exhibit B). The site's recent background is linked with the Mound House.

The Management Plan for the Mound House approved by Council on April 3, 2000 provided that off-site parking will be pursued to lessen impacts on the neighborhood. The Town purchased 216 Connecticut Street in 2003 with the intent to develop a parking lot to support the Mound House. On May 16, 2005 Town Council rezoned the Mound House to a CPD zoning district (see Exhibit C Resolution #05-13).

In 2011 the Town proposed to rezone the site to a Commercial Planned Development (CPD) to accommodate a parking lot that was ancillary to the Mound House. Several public concerns were expressed in the public hearing process such as commercial intrusion into residential neighborhood, location and expansion of the information kiosk and storage building. A public hearing was held before the Local Planning Agency (LPA) on February 8, 2011. The LPA recommended that the Town Council deny the request to rezone the subject property to a CPD zoning district. The LPA found that the requested rezoning from residential to commercial was inconsistent with the neighborhood context. The case was not scheduled for a Town Council Public Hearing.

The issue was further discussed at Cultural and Environmental Learning Center Advisory Board (CELCAB) meetings such as a joint session with Council and CELCAB on April 22, 2013. On March 27, 2014 Mayor Cereceda attends the CELCAB meeting as Council liaison and agrees to follow up on the rezoning. On May 22, 2014 Mayor Cereceda asks CELCAB to support a meeting with the neighborhood. On June 3, 2014 a neighborhood meeting was held at Newton Park. On September 11, 2014 CELCAB provides that the Town Council should pursue parking on the subject site. The proposed parking lot was discussed at several Council work sessions, such as February 26 and March 26.

On May 18, 2015, Town Council provided staff consensus to move ahead with the rezoning of 216 Connecticut Street for a parking lot to support Mound House. The consensus was to initiate a rezoning to the CF (Community Facilities) zoning district.

**Analysis:**

The Town has submitted a request to rezone the subject site to the CF zoning district. A companion special exception application to permit a parking lot in the CF district has also been submitted (see Exhibit D). The special exception application provides a Master Concept Plan for the proposed parking lot (see Exhibit G).

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

The request is to rezone the site to the CF (Community Facilities) zoning district. The requested use, a public (or “Civic”) parking lot is permitted by Special Exception (SE). The SE process allows placing restrictions on the use as a condition of approval. Conditions can be incorporated in the approval of the use to ensure compatibility with the adjacent neighborhood.

The subject site is located in a predominately residential area. This is true of the Mound House as well. The parking lot has been designed to assure compatibility with the neighborhood. The staff report for the proposed CPD contained the following discussion on this point:

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

The intent of the parking lot has remained unchanged. It will provide parking for the Mound House. The lot will be a low turnover parking lot and will utilize alternative unpaved surfaces consistent with the requirements of the LDC.

Staff has further requested that the Master Concept Plan (MCP) be amended to assure consistency with the Land Development Code as well as to address previous neighborhood comments. The revised MCP has eliminated the “Information Kiosk/Education Station” and the small “Storage” building. The revised MCP has eliminated the need for previously identified deviations or variances such as the angle of the driveway connection to

Connecticut Street, the width of the parking aisle or the width of the tree island in the parking lot. The use of the Alternative Landscape Buffer process to provide a buffer in lieu of the required buffer is allowable by the code without the need of a variance. The effect of this proposed buffer is to provide substantially more plants in a vegetative landscape buffer with no wall. This was the desire expressed by the neighborhood in the previous case.

In the previous CPD case it was noted that there is no sidewalk on Connecticut Street. There is a sidewalk improvement project for Connecticut Street programmed with the Lee County Metropolitan Planning Organization (MPO). The project has a design phase in fiscal year 2018, with a construction phase in fiscal year 2020.

The Mound House was acquired utilizing funding from the Florida Communities Trust (FCT). FCT provided a grant of \$1,031,000 to acquire the Florence Long Estate at 289 Connecticut Street (The Mound House). The Town entered into a "Grant Award Agreement" with FCT which as a non-regulatory agency within the Department of Community Affairs (See Exhibit E). The agreement includes conditions and project site requirements that the Town agreed to when accepting the funds to acquire the site. If these requirements are not met the site ownership will be conveyed to the Board of Trustees of the Internal Improvement Trust Fund (State of Florida).

The agreement specifies that Mound House will be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site. Disturbance of the site requires written authorization from the Department of State, Division of Historical Resources. The agreement also specifies that the Town will ensure that the location and design of the parking facility will have minimal impacts on natural and historic resources and that the parking area will incorporate pervious material wherever feasible. Subsequent to entering into this agreement, the Town developed the existing 8 space on-site parking lot. There is an additional handi-cap parking space adjacent to the facility office. No additional on-site parking can be developed without impacting site resources.

Town Council adopted a "Management Plan" for the "Fort Myers Beach Cultural Museum and Environmental Learning Center (The Mound House) on April 3, 2000 (See Exhibit F). The management plan was developed to ensure that the site is developed consistent with the Grant Award Agreement. This management plan contemplated off-site parking and the use of electric trams to satisfy the bulk of the parking for the facility (see page 8 of the Management Plan).

Considerations:

The Land Development Code, in Section 34-85, provides a series of "Considerations" that Town Council will consider when deciding for changes in zoning district boundaries. The Considerations are discussed in order below:

- a. *Whether there exists an error or ambiguity which must be corrected.*

There exists no error or ambiguity which must be corrected. The rezoning does allow a civic use that is consistent with the property's Recreation Future Land Use Map (FLUM) designation.

- b. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

There are changed and changing conditions which make approval of the request appropriate. Renovations of the Mound House have recently been completed. The Grand Opening for the museum facility is scheduled for November. Extended hours of operation have recently been approved by Council –being 9 AM to 4 PM Tuesday, Wednesday, and Saturday, May 1st to December 31st and 9 AM to 4 PM Tuesday thru Saturday from January 1st to April 30th. The old hours were 10 AM to 1:30 PM Tuesday, Wednesday and Thursday. With these changes there will be a larger demand for parking. The museum is also creating a marketing plan that is expected to be launched this fall. This plan as well as expanded programs for students and adults is expected to bring more visitors to the Mound House. The Town will have a new museum with several new exhibits and a museum store that will launch at the Grand Opening. The property also contains a new observation pier as well as a kayak launch. The museum is expected to have a staff of 6 during season as well as additional volunteer. The Mound House property only has 9 parking spaces (2 handi-cap, 7 non-handicap). The museum needs additional parking to accommodate staff, volunteers and visitors to the museum.

- c. *The impact of a proposed change on the intent of this chapter.*

The proposed rezoning will have no impact on the intent of Chapter 34 of the LDC.

- d. *The testimony of any applicant.*

The public hearing process will allow for the participation of all interested parties.

- e. *The recommendation of staff and of the local planning agency.*

These recommendations will be provided by the staff report and the public hearing process.

- f. *The testimony of the public.*

The public hearing process will allow for the participation of all interested parties.

- g. *Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses as set forth in the Fort Myers Beach Comprehensive Plan.*

The subject property is located within the Recreation Future Land Use Category. As stated in Policy 4-B-8 of the Comprehensive Plan, allowable uses in this district include “parks, schools, libraries, bathing beaches, beach access points, and related public facilities.” Policy 4-B-13 provides that “Most public facilities such as parks, schools, libraries, fire stations, and government buildings will continue to be located within the ‘Recreation’ category.” The proposed parking lot will be a public facility owned and operated by the Town of Fort Myers Beach and is therefore, consistent with the Recreation Future Land Use Category.

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

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

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

- h. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

A parking lot is not an allowable use by right on the subject property. It is however a permissible use by Special Exception or Planned Development Zoning per LDC Section 34-622 Use Table 34-1. The proposed design exceeds the required number of parking spaces as outlined by LDC Section 34-2020(d)(3)c. This section of the code requires 1 space per 500 square feet of total floor area for a museum. The facility has a total floor area of 4,602 square feet. This equates to a parking requirement of 10 parking spaces ( $4,602/500 = 9.204$  or rounded up to 10). The number of staff and volunteers could create a demand that would exceed the existing spaces or the 10 required spaces. The proposed parking lot MCP accommodates 27 additional parking spaces.

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

- i. *Whether urban services are, or will be available and adequate to serve a proposed land use change.*

Urban services are available and adequate to serve the proposed parking lot.

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

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

The proposed parking facility will have virtually no negative effects on environmentally critical areas and natural resources. The property is currently vacant and has been previously disturbed. Staff notes that site conditions have not changed since the 2011 site visit.

- k. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The proposed parking lot will not cause damage, hazard, nuisance, or other detriment to persons or property. Parking is a ubiquitous land use. In other words, parking occurs all over the landscape as an accessory use and in certain areas as a primary use. The proposed parking lot will have limited hours of operation, the same hours of operation with the Mound House. Most days the parking lot will be open from 7:30 AM to 5 PM. Hours of operation are being included in the Special Exception approval. Hours of operation are being limited by condition from 7 AM to 9 PM. The slightly extended hours are intended to accommodate occasional special events at the Mound House.

The proposed parking lot plan includes an extensive vegetative planting area to buffer the adjacent residences. The planting plan will exceed the LDC minimum planting requirements. The residences previously expressed a desire to not have a wall. The LDC requires that 10 trees per 100-linear-feet and that a hedge be planted. The hedge is required to be maintained at 5 feet. The Alternative Landscape Betterment Plan will effectively accomplish these requirements.

The parking lot will not include parking lot standard type lighting such as pole lamps. The Special Exception approval includes a condition that precludes this. This furthers neighborhood compatibility.

The parking lot will be patrolled by the Town's Beach and Street Enforcement staff to provide security for the neighborhood. The proposed parking lot will be compatible with the neighborhood.

- l. Whether the location of the request places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*

The parking lot will not generate traffic on Connecticut Street as a primary use but will be used by visitors to the Mound House, which was approved by Resolution 05-13. Connecticut Street has the capacity to carry traffic generated by the Mound House. Other services such as potable water and sanitary sewer services will be available at the Mound House to provide service for the proposed parking lot.

- m. For planned development rezonings...*

This section does not apply to the conventional rezoning request.

**Findings and Conclusions:**

The Land Development Code, in Section 34-85, provides a series of *Findings* that Town Council will make that the requested zoning district complies with. Staff recommends that Town Council make the following findings and conclusions concerning the proposed parking lot:

- a. Complies with the Fort Myers Beach Comprehensive Plan.
- b. Complies with the Land Development Code.
- c. Complies with other applicable town ordinances or codes.

**Special Exception Considerations, Findings and Conclusions:**

Land Development Code Section 34-88 contains Considerations and Findings specific to the Special Exception request. Many of the Considerations listed under this section of the LDC have been discussed above under the rezoning considerations. Previously discussed Considerations include:

- a. Whether there exist changed or changing conditions which make approval of the request appropriate;*
- b. The testimony of any applicant;*
- c. The recommendation of staff and of the local planning agency;*
- d. The testimony of the public;*
- e. Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan;*
- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use;*
- g. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources;*



- h. Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

Sec. 34-88, Special exceptions, contains one additional Consideration, i., that is not specifically addressed in the rezoning Considerations:

- i. Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

The proposed parking lot is in compliance with the CF zoning district and is being proposed as a special exception consistent with LDC Section 34-622 and Use Table 34-1. The design of the lot is consistent with the requirements of the LDC.

Findings under Sec. 34-88 mirror those of Sec. 34-85. Before granting any special exceptions, the town council must find that the applicant has demonstrated that the requested special exception complies with the standards in Sec. 34-88 and with:

- a. The Fort Myers Beach Comprehensive Plan;*
- b. This chapter (Chapter 34); and*
- c. Any other applicable town ordinances or codes.*

Staff finds that the requested special exception is consistent with the Fort Myers Beach Comprehensive Plan, Chapter 34, and other applicable town ordinances or codes.

### **III. RECOMMENDATION**

Staff recommends **APPROVAL** of the requested rezoning and special exception subject to conditions, including the required findings and conclusions for granting a rezoning and special exception under LDC Sections 34-85 and 34-88. Staff recommends that approval of the special exception be subject to the following conditions:

#### **CONDITIONS OF APPROVAL:**

- 1. The parking lot will be developed substantially in compliance with the Master Concept Plan date stamped received on July 31, 2015.*
- 2. The Maximum number of parking spaces is limited to 27 spaces.*
- 3. The parking lot will not be lighted.*
- 4. The parking lot hours of operation is limited to 7 AM to 9 PM.*
- 5. An Alternative Landscape Betterment Plan must be submitted and approved as part of the Development Order.*

### **IV. CONCLUSION**

Approval of the requested rezoning and special exception will provide needed parking for the Mound House museum. The parking lot will be buffered from the adjacent residential

uses with a buffer that will exceed code required plantings. The parking lot will have limited hours of operation that coincide with those of the Mound House. The parking lot will utilize alternative unpaved surfaces consistent with the LDC. The parking lot will not be lighted. Staff recommends **APPROVAL** of the requested rezoning and special exception as conditioned.

Exhibits:

- A - Legal Description
- B - Site location
- C - Resolution #05-13
- D - Application materials
- E - FCT Grant Award Agreement
- F - Approved Mound House Management Plan
- G - Parking lot Master Concept Plan