



# *Town of Fort Myers Beach*

## COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

**TYPE OF CASE:** Rezoning to Commercial Planned Development (CPD) with deviations.

**CASE NUMBER:** DCI17-0001

**STAFF REPORT DATE:** February 1, 2018

**LPA HEARING DATE:** February 13, 2018

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

### **I. APPLICATION SUMMARY**

Applicant: TPI-FMB II, LLC; Tina Ekblad (authorized applicant)

Request: Rezone 7± acres from Downtown and Environmentally Critical to Commercial Planned Development (CPD) and deviations to allow a 290-unit hotel with aquatic venue, restaurants, ancillary retail, and accessory resort uses.

Subject property: 1160 Estero Boulevard in Fort Myers Beach, along with various other addresses. From the base of the San Carlos Blvd bridge, including property along Fifth Avenue, Crescent Street, Estero Boulevard, Canal Street, and Avenue A.

FLU: Pedestrian Commercial

Existing Zoning: Commercial Planned Development, Downtown, Environmentally Critical

Proposed Zoning: Commercial Planned Development

Current use(s): Office, hotel, restaurants, residential/rental, retail

Proposed use(s): Hotel, restaurants, bar, retail, aquatic venue

Adjacent zoning and land uses:

North:	Commercial Planned Development (Lighthouse Island Resort, Inc.) (Fifth Street); Hotel Resort
South:	Environmentally Critical (EC), Beach/Gulf
East:	Downtown, Residential Multifamily (Crescent Street); multifamily dwellings, retail/commercial
West:	Downtown, Times Square (Estero Boulevard); restaurants and retail

**II. BACKGROUND AND ANALYSIS**

Background:

As Town staff, our role is to review an application and provide commentary on consistency with the development requirements of the adopted Land Development Code, and other Town Ordinances as may be applicable. Additionally, we are obligated to identify long-range impacts on density, intensity, traffic, and future maintenance or costs to the public as a result of any project. In light of the fact that the Town hired Bill Spikowski to analyze the project, we are focused on these areas:

- Parking Requirements, functionality, and operational impact on the community
- Proposed Pedestrian Bridge crossing Fifth Street
- Height
- Canal Street Vacate Request
- Traffic Impact Statement
- Limitations on Future Additional Intensity/Use of Property
- Other Items

Parking:

*Calculations*

LDC Section 34-2020 specifies the required parking spaces for new developments by use. The TPI application provides an analysis of the proposed parking to accommodate the requested level of development (Sheet X-501-PARK). Their analysis states that the project requires 362 spaces (after Downtown zoning discount).

The following calculations are per the LDC based on the proposed uses:

Retail 2,301 square feet (Chamber Building) – The applicant designated this space as ancillary retail, however, LDC Sec 34-2020 (d)(2)(i)(2) Retail stores, stand alone, requires 3 spaces per 1,000 total square feet of floor area. According to the application, the building is 2,301 square feet, which requires **6.9 parking spaces** for this use.

Tiki Bar – The applicant does not include the Tiki Bar in parking calculations. The area is identified as 7,205 square feet (Sheet X-506-COP.1) of total floor area. Based on Sec 34-2020 (d)(2)(a) Bars and cocktail lounges require 15 spaces per 1,000 total square feet of floor area. This bar area requires the addition of **108.75 parking spaces**.

Beachside Bar – The applicant includes the Beachside Restaurant, but no indication of bar area size was included for either the ground floor or second floor restaurant area. Assuming the bar area to be 1,000 square feet, then based on Sec 34-2020 (d)(2)(h)(2) Bars and cocktail lounges within a restaurant require an additional 5 spaces per 1,000 square feet of floor area of the bar area. The bar area for the restaurant is assumed to require approximately 5 **parking spaces**.

Aquatic Venue – The applicant has provided a methodology and parking calculation for this venue that is not recognized by the Town LDC. The applicant contends that an Aquatic Venue is not listed in the LDC, but per LDC Sec 34-2020 (d)(5) Uses not specifically listed requires that any development must provide the same number of off-street spaces as for the most similar use. Staff determined that the public assembly use of Sec 34-2020 (d)(3)(f) is appropriate and finds this use offers a proper balance between parking requirements and useable square footage.

Based on this analysis, the aquatic venue as a public assembly space is required to provide one space per four seats, plus one per employee. The applicant has indicated the venue has a capacity of 950 people (Sheet X-501-PARK) and is required to provide **237.5 parking spaces, plus employee parking**, or 4 people per vehicle.

**Parking Calculations**

Town Calculations*	TPI Calculations*	TPI calc w/discount*
847.75	540.23	361.95

\*Excludes employee parking

The LPA have the authority to make recommendations based on any of these scenarios.

**In conclusion, staff review has identified several uses that are under reported or not included at all.**

*Parking Operations*

The applicant has proposed parking to be handled as valet. This proposed operation method has the potential to create backups onto Town public streets, dependent on staffing levels and peak periods of arrival/departure from the hotel and other uses.

The applicant has not proffered a back stop to address this concern if the valet operation cannot meet demand.

The parking lot under the hotel structure is proposed to be a combination of vertical and horizontally stacked stalls. The vertical stalls will stack cars behind each other while the

horizontal stacking will have a mechanical system to stack cars over each other. The following items can be considered, among others:

- Time limits (years) to verify if proposed system works and does not disrupt public right-of-way, or the Town may enforce a requirement for additional parking spaces and alternative operations; or, provide additional offsite parking and allow for project to be released from additional parking if unused within an established time frame;
- Require some on-site non-valet spaces;
- Require additional spaces off-site designated for the resort;
- Fines for failure to keep a significant portion (i.e. 95%) of the mechanical system in operation at all times

The applicant has not proffered a back stop to address the concern if the operation of equipment and proposed parking plan cannot meet demand.

#### Fifth Street Pedestrian Bridge

The applicant has requested a pedestrian bridge over public right-of-way to support their project. They have not identified any public benefit for this bridge. Also requiring that the proposed pedestrian bridge over Fifth Street (Town public right-of-way) needs to be designed in a manner that ensures safety for users and right-of-way users below. This includes enclosing the space to avoid any debris, objects, or other items from falling onto the right-of-way below. The design of this pedestrian bridge shall, at a minimum, be equal to or better than the proposed pedestrian bridge over Estero Boulevard.

In order to ensure long-term safety, maintenance, and structural replacement as needed can occur regardless of the success of the proposed project, a requirement that an annual 1/30<sup>th</sup> cost replacement payment or similar financial insurance that automatically renews in perpetuity.

The applicant has not proffered any compensation or public benefit to use the Town's air rights for the pedestrian bridge.

#### Canal Street Right-of-Way Vacate:

Canal Street is a town owned right-of-way that the applicant has requested to be partially vacated as part of their proposal to relocate the Canal Street beach access to the East as part of a proposed town owned public parking lot. Vacating Canal Street will allow the property owner to consolidate their properties along the south side of Estero to develop the Aquatic Venue.

Vacating the northern portion of Canal Street, approximately 207' in length and nearly 40' in width, will leave the remainder of Canal Street as isolated platted right-of-way. In addition, a portion of the right-of-way runs east-west and potentially serves as an access point to 1240 and 1250 Estero Blvd and 200 Canal Street.

The proposed public parking lot needs to be rectangular and no less than 70' in width to create new right-of-way to serve both as parking facilities and as a roadway reconnecting the eastern portion of the left behind Canal Street.

Height

The applicant has proposed a deviation to height across the entire property to allow approximately 40' above the Freeboard height of the Base Flood Elevation (BFE) depicted on the Town's Flood Insurance Rate Maps (FIRM). While the subject property is designated with three different flood zones (VE 14, AE 13, AE 12), it is assumed based on the provided drawings that the applicant is measuring from the VE 14 flood zone and elevation. They also have depicted three stories above parking, for a total of four floors. The height depicted in the CPD and MCP exhibits indicate approximately 53' to the base of the roof structure and approximately another 12' of roof structure elevation (Example see Sheet X-A201). Based on the scaled drawings provided by the applicant, the total is approximately 65'.

The adjacent Lighthouse Resort North of the subject site is two stories above parking, or three stories; and pursuant to the CPD for the Lighthouse Resort, is limited to 37' above the BFE. While height above BFE are similar, the total height of the proposed TPI hotel is substantially different than the Lighthouse's total height of approximately 46' (including architectural and roof features).

<b>Comparison Project</b>	<b>Approximate Total Height</b>
Proposed TPI-FMB II	65 Feet
Lighthouse Resort	46 Feet

For comparison, structures behind the proposed project on Crescent Street are limited to 30' in height. Much of this height difference could be mitigated by a different roof design.

Traffic Impact Statement

Tetra Tech, as a consultant to the Town, has reviewed the original and amended Traffic Impact Statement provided by the applicant and provided technical comments. The potential traffic impacts are unquantified. The applicant has not proffered any mitigation for traffic impacts.

Limitation on Additional Future Intensity/Use Restrictions of Property

The property shall be encumbered by restrictions on future use regardless of ownership and in perpetuity. These restrictions will ensure that portions of the project cannot be sold, divested, or altered to create additional entitlements. All approvals are site and location specific.

Other Items:

Nothing other than zoning is under consideration. Therefore, exhibits and/or information not specifically related to zoning considerations are not a part of consideration or approvals. For example:

- Sign Plan (Sheet X-505-SIGN) (Not LDC compliant)
- Color schemes, murals, architectural design and appearance (Not typically included)
- Beach Vender and equipment location (Sheet X-508-VT-BV) (Not LDC compliant)
- Additional uses or standards other than those specifically listed as part of the request (CPD zoning is specific to request – no other zoning district uses, benefits, or development standards will apply)

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