



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Special Exception (SEZ) & Variances (VAR) to establish a parking lot
Conventional Rezoning (REZ) to rezone a portion of the site from RM to Downtown

CASE NUMBER: SEZ2015-0004 & VAR2015-0005 & REZ2015-0002

STAFF REPORT DATE: November 11, 2015 (Re-issued)

LPA HEARING DATE: November 17, 2015

LPA HEARING TIME: 1:30 PM

STAFF RECOMMENDATION: APPROVE

I. APPLICATION SUMMARY

Applicant/Agent: John W. Richard/Greg Stuart

Request: Convert seasonal parking lot to a permanent parking lot (SEZ). Rezone Lot 7 from RM to Downtown and include this part of the property in the Special Exception request to be utilized as a part of the shared parking lot, permanent (REZ). The application includes 4 requested variances (VAR). The first is from LDC section 10-416(d)(2) which requires a Type "D" Buffer (15 foot width with 5 trees per 100 linear feet and a 3 foot high double staggered row hedge) to allow a 1 foot wide buffer with a 4 foot high white picket fence. The second is from LDC section 34-1744 which states that any fence or wall located in a side or rear yard shall not exceed six feet in height, to allow an 8-foot high solid wall within 1 foot of the northern property line. The third requested variance is from LDC section 10-416(c)(2) which requires internal landscaping to allow landscaping as shown on the plan. The fourth requested variance is from LDC section 10-416(d)(2) Tables 10-8 and 10-9, which requires a Type "C" Buffer (minimum 15 foot wide, 5

trees and 18 shrubs per 100 linear feet & a screening wall) to allow for no buffer along the site's west boundary.

Subject property: See attached Exhibit A

Physical Address: 140 & 150 Crescent Street

STRAP #: 19-46-24-W4-0150E.0060 & 19-46-24-W4-0150E.005B

FLU: Pedestrian Commercial

Zoning: RM (Residential Multifamily) & Downtown

Current use(s): Seasonal Parking Lot and vacant

Adjacent zoning and land uses (see Attachment E):

North: RM (Residential Multifamily)(Multifamily dwelling units then vacant) Pedestrian Commercial FLUM.

South: DOWNTOWN, Pedestrian Commercial FLUM (Multi use commercial and residential uses)(Ray's Pizza).

East: A canal then RC (Residential Conservation)(Single Family residences located along Primo Drive), Mixed Residential FLUM and DOWNTOWN, Pedestrian Commercial FLUM (Silver Sands Hotel).

West: CPD (Helmerich Plaza-Community Shopping Center), Pedestrian Commercial FLUM.

II. BACKGROUND AND ANALYSIS

Background:

John W. Richard has applied for a rezoning, a special exception, and 4 variances to achieve a permanent shared parking lot (See Attachment C). The subject site is approximately 0.40 acres of uplands with a width of 140 feet and 123 feet of depth. The site has approximately 140 feet of canal frontage. The approximate 60 foot wide canal separates the subject site from the residential neighborhood located along Primo Drive. The site is located in the Downtown and RM zoning districts in the Pedestrian Commercial future land use category approximately 200 feet north (east) of Estero Boulevard on Crescent Street, just after Ray's Pizza.

The applicant has submitted two legal descriptions for the requested actions. The first legal description (See Attachment A) describes the entire subject site that is included in the special exception and variances request. The second legal description (See Attachment B) describes the portion of the property that is subject to the conventional rezoning request.

The subject property received approval on March 5, 2015 to operate as a seasonal parking lot by permit number TMP15-0002. A 4 foot high vinyl fence was also approved on March 20, 2015. The fence and seasonal parking lot were installed and operating at the end of last season.

Previous Applications & ZVL's:

An application was submitted on August 19, 2005 that included parts of the property that were proposed to be rezoned to CPD (case #DCI2005-00084)(see Attachment F). The CPD proposed a mixed use commercial/residential project that included a 3-story building not to exceed 42 feet in height to include 2,000 square feet of retail on the 1st floor and 6 residential units on the 2nd and 3rd floors. This application was ultimately withdrawn on April 25th, 2006.

On September 8, 2008, the property owner submitted for a Zoning Verification Letter (ZVL2008-0003) asking for clarification as to the allowable density for the property. The ZVL letter was issued (see Attachment G) on September 17, 2008.

On August 23rd, 2006, the property owner submitted for a Zoning Verification Letter (ZVL2006-00247) providing a plot plan reflecting the relocation of existing structures on the site. The ZVL letter was issued (see Attachment H) on September 6, 2006. Subsequent to this ZVL, a commercial permit and development order were applied for to relocate and improve the existing 8 units on the subject site (DOS2007-00013 & COM2007-01440). These have now expired and been vacated.

Types of Parking Facilities

Parking is regulated by Division 26 of Chapter 34 of the Land Development Code (LDC). LDC Section 34-2011 sets out the types of parking facilities. This section delineates three types of facilities, single-purpose parking lots, shared parking lots, and on-street parking. The code specifies that single-purpose parking lots are designed to serve individual businesses, multiple-family buildings, mixed-use buildings, mixed-use buildings, and multiple-occupancy complexes. The subject parking lot does not qualify as a single-purpose parking lot. On-street parking, per the code, is provided by governmental entities, usually with parking meters. The subject parking lot does not qualify as on-street parking as it is an off street facility not provided by a governmental entity.

The code provides that shared parking lots are open to the public, generally for a fee, regardless of the destination of the person parking there. The code further provides that shared parking lots may be operated as a private business or by a government entity, and may include a surface parking lot and/or a parking garage. The subject parking lot is classified by the code as a shared parking lot and is operated as a private business with a surface parking lot. The subject parking lot has been operating as a seasonal shared parking lot. The operator charges a fee for persons to park within the parking lot.

The subject site will be wholly zoned "Downtown" if the companion conventional rezoning request is approved. Parking is classified by the code as a retail use. LDC Table 34-2 provides that Downtown zoning is "Open" for "Retail" use groups. LDC Table 34-1 provides

that permanent shared parking lots are permitted by special exception. The applicant has filed the correct application to convert the approved seasonal parking use into a permanent share parking lot.

Special Exception Use

The LDC Chapter 34 defines the term special exception use as follows:

Use, special exception means a use or certain specified departures from the regulations of this chapter that may not be appropriate generally or without restriction throughout a zoning district, but which, when controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity, and may be permitted, in accordance with all applicable regulations.

As noted above, the shared parking lot is allowed provided a special exception is approved. The special exception process provides the opportunity to condition the requested use if the conditions are reasonably related to the impacts of the use that is the subject of the request.

Analysis:

The applicant is requesting to rezone a relatively small portion of the site from the "RM" (Residential Multifamily) zoning district to the "Downtown" zoning district. For the rezoning, the applicant has provided the following narrative introduction:

Request for approval of a conventional rezoning for the northern thirty percent of the application's 150 Crescent Street Parcel, from RM to Downtown. The rezoning objective is to unify the zoning to Downtown for the applicant's properties in a manner that advances Fort Myers Beach Policy 3-D-4 and 3-D-5. The overall site is a ±0.4 acre parcel located at 140 and 150 Crescent Street. The subject property received approval on March 5, 2015 to operate as a seasonal parking lot by permit number TMP15-0002. A 4' high vinyl fence as(sic) also approved on March 20, 2015 by permit number FNC15-0015. The proposed parking lot will be the principle use of the property.

Concurrently with this request, the applicant is filing for a Special Exception in the Downtown zoning district to allow a parking lot shared, permanent. There is also a concurrent application for three (3) variances to accommodate development of the site.

Requested Variances:

The first requested variance is from Land Development Code section 10-416(d)(2) which requires a Type "D" Buffer (15 feet wide, 5 trees per 100 linear feet & hedge) to allow a 1 foot buffer with 4 foot high picket fence.

The second requested variance is from section 34-1744 which states that any fence or wall located in a side or rear yard shall not exceed six feet in height to allow an 8-foot high solid wall within 1 foot of the north property line.

The third requested variance is from section 10-416(c)(2) which requires internal landscaping to allow as shown on the proposed landscaping plan (See Attachment D)

The fourth requested variance is from section 10-416(d)(2) Tables 10-8 and 10-9, which requires a Type "C" Buffer (15 shrub and 5 trees per 100 LF & a screening wall) to allow for no buffer along the site's west boundary.

Project & Rezoning Comprehensive Plan Consistency:

The subject site is classified by the Town's comprehensive plan as "Pedestrian Commercial." The category descriptor policy is reproduced below:

Policy 4-B-6 "PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Non-residential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The year round parking lot will contribute to the pedestrian-oriented public realm by providing a place for island visitors to park and visit the beach or beach businesses. The lot will also support beach business by providing the opportunity for employee parking.

The parking lot is consistent with the intent of Goal 4 to keep Fort Myers Beach a healthy and vibrant "small town." The small size of the lot is consistent with Policy 4-A-1 direction to maintain "human scale." The proposed year round parking lot will contribute to the pedestrian-oriented public realm by providing a place for employees and island visitors to park and is thereby consistent with Policy 4-A-2. The seasonal parking lot has existed for a short period of time. The applicant lives adjacent to the site. The applicant has proposed a landscape plan (See Attachment D) to provide a vegetative buffer along the canal to help assure compatibility with the residential units located across the canal. The proposed use is not a use that is intruding into a residential neighborhood and is thereby consistent with Policy 4-A-3. If approved the subject property would in affect become the dividing line between the developed RM lot to the north as well as the vacant RM lots further north along Crescent Street. The requested variance to construct an 8 foot wall would buffer the existing and potential future residences from the parking lot. The parking lot is located to provide easy walking access to the beach and is thus consistent with Policy 4-A-4.

The parking lot is located in the Pedestrian Commercial future land use category. Policy 4-C-3 provides that new or expanded commercial uses are encouraged in this land use category. Policy 4-C-3 also provides that Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved. The subject site is located in an area with a mixture of uses from commercial uses such as Ray's Pizza and the community shopping center across Crescent Street to multifamily units that the applicant resides in. The subject site is separated from the Primo Drive residential neighborhood by a 60 foot wide canal. The applicant is also proposing a vegetative buffer that will contain a minimum of 18 native shrubs per 100 linear feet (See Attachment D). The proposed action would result in unifying the zoning on the subject property into one district, that being Downtown.

LDC Low Turnover Parking Lot

Staff notes that the use of the property is a recent approval for seasonal parking. The operator of the parking lot has been working with staff to increase the landscaping of the parking lot. The current parking lot is an unpaved gravel lot. The LDC defines the subject parking lot as a low turnover parking lot. The code definition of *Low turnover* is reproduced below:

Low turnover applies to parking where vehicles are parked for relatively long periods of time, such as employee parking during the day, uses such as beach parking or marina parking where customers typically leave their cars for periods of several hours or more, and overnight parking in residential developments.

Staff notes that the use qualifies as low turnover and these types of lots can be unpaved as specified in LDC Section 34-2017(b). The applicant has stated that the parking lot will be paved.

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 applicant provides the following discussion:

The subject property has split zoning and the application is simply to rezone the northern thirty percent of the application's 150 Crescent Street Parcel, from RM to Downtown. The rezoning objective is to unify the zoning to Downtown for the applicant's properties in a manner that advances Fort Myers Beach Policy 3-D-4 and 3-D-5.

- 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. Continued development and the lack of parking for downtown and the beach justify the need for the proposed parking lot. The applicant provides the following discussion:

The changed or changing condition that makes approval of the request appropriate is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. (Provide new on-street parking and sidewalk on the south side of Crescent Street; FMB Comprehensive Plan, Policy 3-D-3(vi). The subject property is the closest vacant parcel available to provide parking near Time Square...The site is approximately 200' from Estero Blvd.

The application has demonstrated the absence of vacant parcels in the downtown to accommodate additional surface parking. A seasonal parking use was established on the site in the spring of this year. All of this equates to changed or changing conditions which make approval of the request appropriate.

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. The proposed rezoning is consistent with the Pedestrian Commercial future land use designation and is consistent with the intent to accommodate pedestrian oriented development in the downtown area of the Town.

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.

Consistency with the Comprehensive Plan was discussed above as well as by the application narrative. The subject property is located within the Pedestrian Commercial Future Land Use Category. The request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The proposed development will support increased access to businesses in the downtown area as well as to the beach.

- 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 parking lot site plan (See Attachment E) accommodates 50 parking spaces.

The request is appropriate at this location due to the property's proximity to Downtown businesses and several beach accesses. The property is approximately 200 feet from Estero Boulevard.

- 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.*

The application provides:

The request is on a site that has no environmentally critical areas or natural resources to protect, conserve, or preserve. The site was previously developed with residential uses prior to 2008 and has remained cleared, disturbed land since demolition.

The proposed parking facility will have no negative effects on environmentally critical areas and natural resources. The property is currently vacant and has been previously disturbed. Public Works Environmental staff have reviewed the request and offered comments (See Attachment I). This memo confirms the existing site conditions and the presence of a few protected trees and the need to obtain a vegetation removal permit.

- 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. The applicant provides the following discussion concerning this consideration:

The applicant owns the two properties adjacent to the north. The applicant is proposing a concrete wall along this property line to provide compatibility of the proposed use and the existing multifamily uses on the property to the north. The request is compatible with the existing mixed-use buildings and Mixed Residential Future Land Use to the south adjoining and adjacent Pedestrian Commercial Future Land Uses to the north, east and west. The proposed use will increase exposure of the adjacent restaurant and retail uses and could provide a positive impact on these

businesses. A 5-foot landscape buffer is proposed to the east to buffer the single-family residents across the canal. This is provided even though buffers and open space are exempt in the Downtown district, pursuant to LDC Section 34-677(b). The right-of-way buffer along Crescent Street is requested to be waived to allow a 1' buffer with a white picket fence to maximize visibility of the parking lot.

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 applicant has proposed no limitation on the hours of operation. Limitations on the hours of operation are being included in the Special Exception approval as a condition. Staff is proposing a condition that limits hours of operation from 7 AM to 11 PM unless a special event permit is applied for and approved. The intent of the condition is to assure neighborhood compatibility as well as accommodating parking needs for events such as fireworks and New Year's Eve.

The proposed parking lot landscape plan includes a vegetative planting area along the canal to buffer the residences on the other side of the canal.

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.

- 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 applicant provides the following discussion:

The location of the request will not place an undue burden upon existing transportation or other services and facilities, but will have a positive impact on existing transportation system by providing parking spaces and reducing the number of trips searching for a parking space. The project will be served by streets with the capacity to carry traffic generated by the development.

Staff agrees that the proposed parking lot will not place an undue burden upon existing transportation or other services and facilities.

- m. For planned development rezonings...*

This section does not apply to the conventional rezoning request.

Rezoning 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:

The Land Development Code includes a list of items that the Town Council must consider, if applicable, when reviewing approval of a requested special exception. These "Considerations" are contained in LDC Section 34-88 and are reproduced and discussed below.

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

The subject site has been used as a seasonal parking lot for a short period of time. The applicant is desirous of using the parking lot year round. The site is in walking distance to Times Square as well as surrounding businesses and resorts. The Town recognizes the need for additional beach parking. This consideration was more fully discussed above.

- b. *The testimony of any applicant.*

The Council will be able to hear from the applicant at the public hearing.

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

The staff recommendation is contained in this staff report. The LPA recommendation will be obtained at the LPA public hearing.

- d. *The testimony of the public.*

The public will have the opportunity to testify at the LPA public hearing as well as at the Town Council public hearing.

- e. *Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.*

The request is consistent with the intent and goals, objectives, and policies of the Fort Myers Beach Comprehensive Plan as discussed in the application materials and this staff report.

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

The proposed parking lot, as conditioned, meets all performance and locational standards for a parking lot.

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

The subject is cleared, contains no environmentally critical areas or natural resources to protect, conserve, or preserve. The property has been used as a seasonal parking lot for a short period of time earlier this year.

- 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.*

The request and as conditioned by staff is compatible with existing and planned surrounding uses and will not cause damage, hazard, nuisance, or other detriment to persons or property. This consideration was more fully discussed above.

- 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 parking lot will be in compliance.

Findings and Conclusions for Variances:

Using the five decision making factors described in LDC Section 34-87(3), Staff recommends the following findings and conclusions:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;*

The applicant has provided the following discussion:

The exceptional or extraordinary conditions or circumstances that are inherent to the property in question is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. The subject property is the closest vacant parcel available to provide parking near Time Square. The site is approximately 200' from Estero Blvd. The subject request is to provide a parking lot which will be adequately shielded by the proposed white picket fence which provides separation and aesthetics, but does not hide the parking from view so that the parking will be fully utilized. The variance also helps to maximize the amount of parking provided on site to further assist with providing additional parking to decrease the documented deficit. If the applications Type D Land scape Buffer is denied, then, due to the geometric shape of the two combined parcels, nine parking spaces will be lost. Given the overwhelming and compelling public health, safety and welfare interest

in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance One, Two and Three present an exceptional condition that is inherent in the property (it's geometry and area). Variance One is the minimum standard necessary to advance public policy in reducing traffic hazards caused by driving behavior seeking beach parking.

The subject request is to provide a parking lot which will be adequately shielded to the adjacent multi-family building owned by the applicant to the north. The Downtown area is generally exempt from open space requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance. The variance also helps to maximize the amount of parking provided on site to further assist with providing additional parking to decrease the documented deficit.

The application also states that variance #2 is the minimum necessary to support the sited goals of the comprehensive plan.

Concerning variance #3 the application provides this discussion:

The Downtown area is generally exempt from open space requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance. The variance also helps to maximize the amount of parking provided on site to further assist with providing additional parking to decrease the documented deficit. As with Variances One and Two, given the overwhelming and compelling public health, safety and welfare interest in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance Three presents an exceptional circumstance and that the request is the minimum necessary to support FMB Comprehensive Plan Goals, Objectives and Policies.

Concerning variance #4 the application provides this discussion:

The subject request is to provide a small, 50 stall parking lot. Due to the very small 0.4-ac. +/- size of the parcel and the demonstrated need for downtown FMB parking, the success of the project essential mandates maximizing site plan efficiency. In order to do some it is practically impossible to have a west site buffer. If required to have a 15-ft. wide, or even narrower width, buffer, the parking lot would loose 9 parking spaces. A 41 stall parking lot is too small to be economic viable. Hence, without the variance much needed FMB parking will not go forward. Given the overwhelming and compelling public health, safety and welfare interest in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance Four presents an exceptional condition that is inherent in the property (it's geometry and small size). Variance Four is the minimum standard necessary to advance

public (sic) policy in reducing traffic hazards caused by driving behavior seeking beach parking

Staff generally concurs with the applicants reasoning. The site is a relatively small rectangular shaped property in the Times Square downtown area. The proposed site plan and landscape plan adequately buffer the proposed parking lot. The proposed lot accommodates 50 cars. Without the variances, the desired parking lot layout meeting LDC requirements, such as aisle widths, size of spaces and the entry way would not be possible.

- b. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.*

The applicant has provided a narrative that addresses this finding:

The conditions justifying the variance are the town's initiative in Comprehensive Plan Policy 3-D-5.ii which encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The regulatory relief is requested consistent with this Policy. These conditions are not the result of actions of the applicant taken after the adoption of the regulation in question.

Staff agrees that the circumstances of the lot geometrics and the requirements of the code and comprehensive plan are not the result of actions of the applicant after the adoption of the regulations.

- c. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The applicant has provided a narrative that addresses this finding:

The requested variance is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property. There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square. The site does not have the 14 additional feet that would be required to comply with the 15 foot buffer width.

The eight-foot wall within one-foot of the property line will provide adequate screening and protection to the adjacent multi-family residences. There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square. The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.

There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square.

The variances are the minimum variances needed that will relieve the application of an unreasonable burden caused by the application of the specific regulations. The applicant would lose a significant amount of parking (12 to 13 spaces) if the variances are not approved.

- d. *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The applicant has provided a narrative that addresses this finding:

The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. It is noted that Crescent Street as a whole does not feature significant street landscaping. Consequently, if the subject variance does not change the status quo, then logically there will be an absence of impacts to the surrounding Crescent Street neighborhood (see The Crescent Street Map). There is an existing bus stop in front of the subject property and the site is located on the existing Trolley route. The applicant owns the property to the north which has an existing concrete wall on the adjacent corner. The property adjacent to the south is only setback approximately 3.9 feet from the right-of-way and is less than a foot off of the subject site. Approval of the variance will not adversely affect these properties and will not otherwise be detrimental to the public welfare. A decorative white picket fence will be provided. The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.

The adjacent property to the north is owned by the applicant. Approval of the variance will not adversely affect these properties and will not otherwise be detrimental to the public welfare.

The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b). Hence, the variance is supported by policy. The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The applicant owns the property to the north which has an existing concrete wall on the adjacent corner. The west adjoining property is setback approximately 3.9 feet from the Crescent Street right-of-way and is less than a foot off of the subject site. The small parking lot is separated from the south adjacent Primo Drive residential neighborhood by a 60-ft. canal. Because of this, there will be no Variance Four related south oriented intrusion and nuisance impacts. Based on the character of the project, there are no height, bulk and mass issues to the west adjoining commercial restaurant and accessory residential rental unit. Parking lot orientation is to the north, further diminishing west site impacts. Projected traffic volumes along Crescent Street and to the parking lot are very

minimal. This fact reflects the site's size (0.40 acres) and corresponding low number of spaces (50). Hence the west site adjoining commercial and accessory residential rental unit uses are not expected to be impacted. This again reflects the small scale of the project, the "spread-out" use frequency patterns and overall Crescent Street commercial and residential activity patterns; i.e., from a regulatory and land use perspective, west Crescent Street is not considered a residential neighborhood.

Staff agrees that the proposed parking project, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- e. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The applicant has provided a narrative that addresses this finding:

The conditions and circumstances of the variance request sought are not general or recurrent in nature and do not make it more reasonable nor practical to amend the regulation in question.

Staff agrees that the conditions and circumstances of the variance request sought are not general or recurrent in nature and do not make it more reasonable nor practical to amend the regulation in question.

Crescent Street and Primo Drive Inter-face Discussion:

Staff is well aware of the context of the subject property. Lots along the eastside of Crescent Street have canal frontage that face residential uses on Primo Drive. Interested parties have cited the 1999 Old San Carlos Boulevard-Crescent Street Master Plan. Staff has attached a copy of the Master Plan report as Attachment J.

The four objectives of the Master Plan study can be found on Page 1 and include "Expand the Times Square pedestrian-friendly zone along Old San Carlos Boulevard from Times Square to Matanzas Pass, connecting the beach to the bay; Improve the existing parking situation; Consider the future of Crescent Street and First, Second, Third, Fourth, and Fifth Streets; Propose specific strategies that the town can use to implement its redevelopment plans." The report summarizes a public workshop that occurred on November 7, 1998, as well as presenting possible futures for specific areas in Downtown including Old San Carlos Boulevard, "Bayfront Square," and Crescent Street. The report includes specific recommendations relating to parking. Staff notes that the concept of shared parking lots, like the proposed one under discussion, was incorporated into the Town's Land Development Code.

The study acknowledges (page 18) that Crescent Street "will see its land uses evolve slowly over time, and a flexible approach should be adopted with regard to regulating the mixture of commercial and residential uses." The study also provides that "Crescent is a more laid-

back, eclectic street than Old San Carlos and should retain a more intact residential feel.” The study also acknowledges that nonresidential uses will expand into this area. The study also stressed that “care should be exercised to respect the residential neighbors on the opposite side of the canal by limiting nighttime noise, excessive lighting, or other disturbances.”

Staff notes that this planning study occurred approximately 16 years ago. Development has occurred on Old San Carlos Boulevard as well at “Bayfront Square.” The residential uses on the subject site were removed several years ago and the property has remained essentially vacant. Staff has proposed conditions to address the residential properties on Primo Drive; these include lighting and hours of operation conditions. Staff notes that the instant requests are not inconsistent with this planning study.

Modification to Condition #2:

Subsequent to the November 10th LPA meeting, the applicant and the staff have had discussions concerning the timing element contained in the condition. Staff had originally stated that the LDO must be applied for within 180 days of the approval of the special exception request. The applicant has stated that the actual purchase of the property will not occur in that time period and that 2 years would accommodate the applicant in finalizing the purchase of the property. Staff has no objection to modifying the condition to reflect this timing.

III. RECOMMENDATION

Staff recommends **APPROVAL** of the requested rezoning, special exception to establish a permanent parking lot and the associated variances subject to conditions, including the required findings and conclusions for granting a variance under LDC Section 34-87. Staff recommends that approval of the special exception be subject to the following conditions:

CONDITIONS OF APPROVAL:

- 1. Approval of this special exception does not exempt the subject property from any provisions of the LDC. The development of the parking lot must be generally consistent with the site and landscape plans (Attachments D & E).*
- 2. The property must apply for a limited development order (LDO) within 2 years of the approval of the special exception. The LDO must address a parking plan, stormwater retention/detention, access to the site, parking surface of the lot, buffering.*
- 3. Signage must be consistent with the requirements of Chapter 30 of the LDC.*
- 4. The operator of the parking lot will provide a minimum, of 2 trash receptacles. The operator will ensure that the receptacles are regularly emptied and hauled away by the franchised garbage hauler.*

5. *The operator of the parking lot must install a fence along Crescent Street right of way. The fence must be a minimum of 4 feet in height and be installed prior to the parking lot improvements being finalized.*
6. *The operator/owner of the parking lot will coordinate with Lee Tran to assure that there are no conflicts with their stop on Crescent Street in the vicinity of the project.*
7. *The parking lot hours of operation are limited to 7 AM to 11 PM unless a special event permit (limited to 6 a year) is applied for and approved to accommodate parking for events in the Times Square area such as Fourth of July fireworks or New Years Eve.*
8. *No lighting poles may be installed, only ground mounted lighting may be used on site. A lighting plan must be administratively approved prior to the installation of any site lighting.*

IV. CONCLUSION

Approval of the requested rezoning is consistent with the Comprehensive Plan. Approval of the requested variance will relieve the burden caused by application of LDC sections discussed above to the subject property. Approval of the request will allow a relatively small parking lot to be developed on the property. Staff recommends APPROVAL of the requested rezoning, special exception and variances as conditioned.

Exhibits:

- A - Whole Property Legal Description
- B - Rezoning Property Legal Description
- C - Application materials
- D - Landscape Plan
- E - Site Plan
- F - DCI2005-00084 Info
- G - ZVL2008-0003
- H - ZVL2006-00247
- I - Pubic Works Environmental memorandum
- J. – Old San Carlos Boulevard – Crescent Street Master Plan
Applicant Variance Request Narrative Addendum

SKETCH / DESCRIPTION OF:
**LOTS 6 AND 7 AND THE NORTHERLY 40'
 OF LOT 5, BLOCK "E"
 TOGETHER WITH PART OF A 20.00 FEET
 WIDE VACATED ROADWAY & A 12.67 FEET
 STRIP OF LAND BETWEEN ROADWAY &
 CANAL CRESCENT PARK ADDITION
 SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24
 EAST (PLAT BOOK 4, PAGE 46) LEE COUNTY,
 FLORIDA
 *NOT A BOUNDARY SURVEY***

DESCRIPTION TO ACCOMPANY SKETCH:

A PLOT OR PARCEL OF LAND BEING THE NORTHERLY 40.00 FEET OF LOT 5, LOT 6 & LOT 7, BLOCK 'E' CRESCENT PARK ADDITION, PLAT BOOK 4, PAGE 46, TOGETHER WITH A 20.00 FOOT WIDE STRIP OF VACATED ROADWAY AND THE 12.67 FOOT WIDE STRIP OF LAND THAT LAY BETWEEN THE 20.00 FOOT WIDE SAID VACATED ROADWAY AND THE WATERS OF A CANAL RIGHT OF WAY, LYING SITUATE IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL MORE PARTICULARLY DESCRIBED AND SHOWN HEREON AS FOLLOWS:

COMMENCING FROM THE NORTH EAST CORNER OF LOT 7, BLOCK 'E', CRESCENT PARK ADDITION AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR THE POINT OF BEGINNING. THENCE RUN N.89°14'50"E. TO THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 32.67 FEET; THENCE RUN S.01°56'14"E. ALONG SAID WATERS EDGE FACE TO A POINT OF TANGENCY FOR 89.63 FEET; THENCE FROM SAID POINT OF TANGENCY RUN S.01°21'12"W. ALONG THE SAID WATERS EDGE FACE FOR 50.42 FEET; THENCE RUN S.89°14'50"W FOR 124.07 FEET; THENCE RUN N00°04'00"E. FOR 140.01 FEET; THENCE RUN N89°14'50"E. ALONG THE NORTH LINE SAID LOT 7, BLOCK 'E' FOR 89.40 FEET TO THE POINT OF BEGINNING.

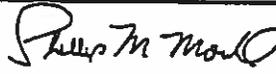
CONTAINING: 17,359.76 SQUARE FEET ±.

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF CRESCENT STREET, AS BEING "ASSUMED" AS N00°37'53"W.
2. FIELD NOTES IN CRESCENT PARK ADDITION.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SKETCH / DESCRIPTION WAS BASED ON FUND OWNER'S FORM, POLICY No. DPM-2883945, DATED 2/13/06 AND DPM-2717757, DATED 7/20/05.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS SKETCH / DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 30 SCALE DRAWING.

THIS SKETCH / DESCRIPTION IS CERTIFIED TO:
 JOHN RICHARD

SHEET 1 OF 2
 SEE SHEET 2 OF 2 FOR SKETCH

 NOVEMBER 3, 2015	
PHILLIP H. HOULD PROFESSIONAL SURVEYOR AND MAPPER 86515 - STATE OF FLORIDA	
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921	

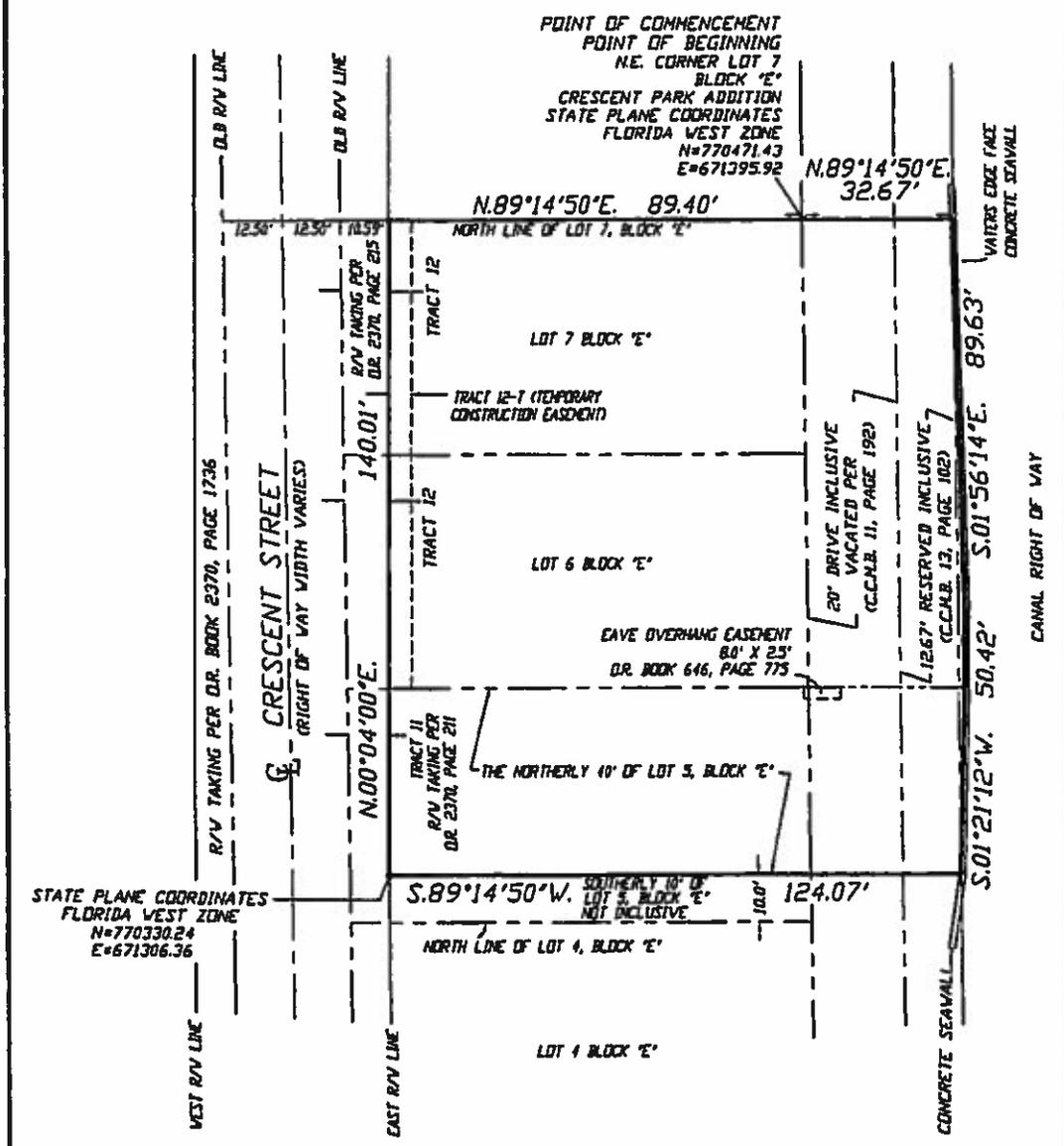
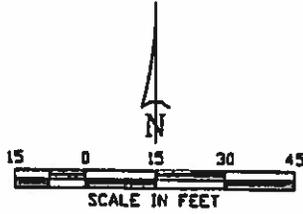
Attachment A

NOV 03 2015

RECEIVED BY

TOWN OF
 PORT RIVERS BEACH

SKETCH TO ACCOMPANY DESCRIPTION
 'THIS IS NOT A BOUNDARY SURVEY'



Attachment A

RECEIVED BY

NOV 03 2015
 TOWN OF
 FORT MYERS BEACH

DRAWN RLB	CHECK PHH	SCALE 1"=30'	PROJ. # CP-E6	HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE 8/20/15		FILE NO. 46-24-19	SHT. - 2 OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

**SKETCH / DESCRIPTION OF:
 LOT 7, BLOCK "E"
 TOGETHER WITH PART OF A 20.00 FEET
 WIDE VACATED ROADWAY & A 12.67 FEET
 STRIP OF LAND BETWEEN ROADWAY &
 CANAL CRESCENT PARK ADDITION**

SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST (PLAT BOOK 4,
 PAGE 46) LEE COUNTY, FLORIDA
 "NOT A BOUNDARY SURVEY"

DESCRIPTION TO ACCOMPANY SKETCH:

A PLOT OR PARCEL OF LAND BEING LOT 7, BLOCK "E" CRESCENT PARK ADDITION, PLAT BOOK 4, PAGE 46, TOGETHER WITH A 20.00 FOOT WIDE STRIP OF VACATED ROADWAY AND THE 12.67 FOOT WIDE STRIP OF LAND THAT LAY BETWEEN THE 20.00 FOOT WIDE SAID VACATED ROADWAY AND THE WATERS OF A CANAL RIGHT OF WAY, LYING SITUATE IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL MORE PARTICULARLY DESCRIBED AND SHOWN HEREON AS FOLLOWS:

COMMENCING FROM THE NORTH EAST CORNER OF LOT 7, BLOCK "E", CRESCENT PARK ADDITION AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR THE POINT OF BEGINNING, THENCE RUN N.89°14'50"E. TO THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 32.67 FEET; THENCE RUN S.01°56'14"E. ALONG SAID WATERS EDGE FACE FOR 50.14 FEET; THENCE RUN S.89°14'50"W FOR 123.82 FEET; THENCE RUN N.00°04'00"E. FOR 50.14 FEET; THENCE RUN N.89°14'50"E. ALONG THE NORTH LINE SAID LOT 7, BLOCK "E" FOR 89.40 FEET TO THE POINT OF BEGINNING.

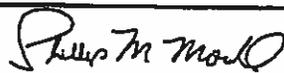
CONTAINING: 6,163.35 SQUARE FEET ±.

SKETCH / DESCRIPTION NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF CRESCENT STREET, AS BEING N.00°37'53"W.
2. FIELD NOTES IN CRESCENT PARK ADDITION.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SKETCH / DESCRIPTION WAS BASED ON FUND OWNER'S FORM, POLICY No. OPH-2883945, DATED 2/13/06 AND OPH-2717757, DATED 7/20/05.
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6. THIS SKETCH / DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
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8. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 30 SCALE DRAWING.

THIS SKETCH / DESCRIPTION IS CERTIFIED TO:
 JOHN RICHARD

SHEET 1 OF 2
 SEE SHEET 2 OF 2 FOR SKETCH


NOVEMBER 3, 2015
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER 16515 - STATE OF FLORIDA
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921

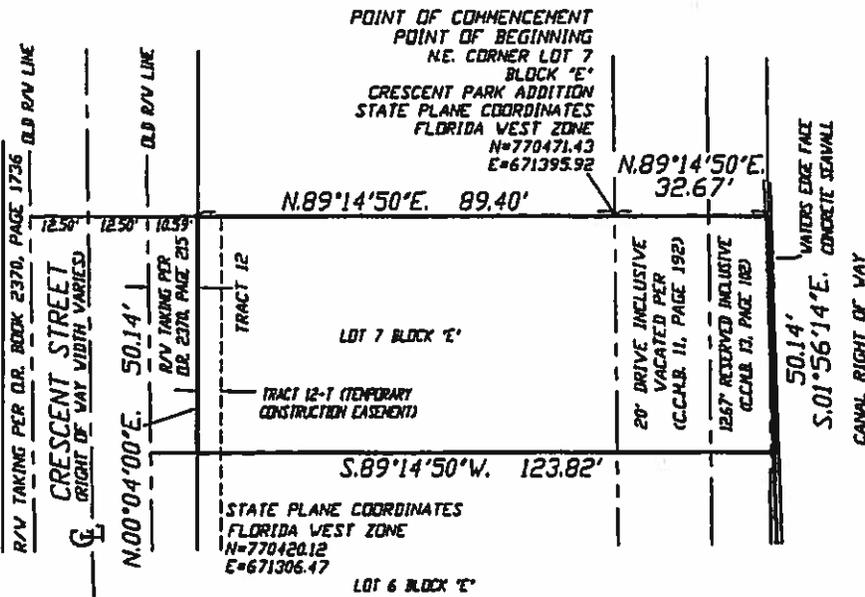
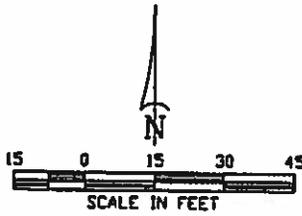
Attachment B

NOV 03 2015

RECEIVED BY

TOWN OF
 CAPE HAVEN BEACH

SKETCH TO ACCOMPANY DESCRIPTION
 'THIS IS NOT A BOUNDARY SURVEY'



Attachment B

RECEIVED BY
 NOV 03 2015
 HARRIS BEACH

DRAWN: RLB	CHECK: PMH	SCALE 1"=30'	PROJ. # CP-E6	HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE 8/20/15		FILE NO. 46-24-19	SHT.- 2 OF - 2	

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Attachment C

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: _____ **SEZ2015-0004** 10/1/15
VAR2015-0005
REZ2015-0002

Site Address: 140 & 150 Crescent Street

STRAP Number: 19-46-24-W4-0150E 005B & 19-46-24-W4-0150E.0060

Applicant: John W. Richard c/o Phone: _____

Contact Name: Greg Stuart Phone: (239) 677-6126

Email: greg@stuarturbandesign.com Fax: _____

Current Zoning District: RM (northern 1/3) & Downtown (Southern 2/3)

Future Land Use Map (FLUM) Category: Pedestrian Commercial

FLUM Density Range: 6 DU/AC Platted Overlay: YES NO
10 DU/AC if affordable units

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input checked="" type="checkbox"/> Special Exception SEZ 2015-0004 | PH-A |
| <input checked="" type="checkbox"/> Variance VAR 2015-0005 | PH-B |
| <input checked="" type="checkbox"/> Conventional Rezoning REZ 2015-0002 | PH-C |
| <input type="checkbox"/> Planned Development <input 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 type="checkbox"/> Other - cite LDC Section: _____ | attach on separate sheet |

PART I - General Information

A. **Applicant***: John W. Richard Phone: _____

**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: 237 Old San Carlos Blvd., Fort Myers Beach, FL 33931

Email: jwr237@gmail.com Fax: _____

Contact Name: John W. Richard Phone: _____

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 III 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 Agents

Name: Greg Stuart Phone: (239) 677-6126

Address: 7910 Summerlin Lakes Dr., Fort Myers, FL 33907

Email: greg@stuarturbandesign.com 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 10 - 416(d)(2) & (c)(2) & 34-1744
- Conventional Rezoning from RM to Downtown
- Planned Development
 - Rezoning from _____ to Commercial PD Residential PD
 - Amendment. List the project number: _____
 - 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: _____ Description: _____

- Code Section: _____ Description: _____

- Code Section: _____ Description: _____

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: 19-46-24-W4-0150E.005B & 19-46-24-W4-0150E.0060

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
<u>Alton Ford</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____
_____	_____

AF

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

AF

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.

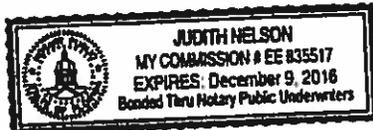
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Alton A. Ford
Signature

Alton A Ford, Director, AF Beach Properties, Inc.
Printed Name
& Director, Crescent Street Properties, Inc.

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Sept. 28, 2015 (date) by Alton A Ford (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



(SEAL)

Judith Nelson
Signature

Judith Nelson
Printed Name

PART V - Property Information

A. Legal Description:

STRAP: 19-46-24-W4-0150E.0060 & 19-46-24-W4-0150E.005B

Property Address: 140 & 150 Crescent Street

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: Crescent Park Add

Book: 4 Page: 46 Unit: _____ Block: E Lot(s): N. 40' Lot 5 & 32.67' adjacent & Lots 6 & 7 & 32.67' adjacent

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) +/- 140 feet

Depth (please provide an average width if irregular in shape) +/- 123 feet

Frontage on street: +/- 140 feet. Frontage on waterbody: +/- 140 feet

Total land area: +/-0.40 acres square feet

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

From Sky Bridge (San Carlos Blvd), follow left to Estero Blvd., turn left onto Crescent Street, site is on right

approximate 200' north of Estero Blvd., just after Ray's Pizza

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 checked="" 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 checked="" 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 type="checkbox"/> CPD (Commercial Planned Development) | |

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

I, John W. Richard 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.

John W. Richard
Signature of owner or authorized agent

9/28/15
Date

STATE OF FLORIDA)
COUNTY OF LEE]

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9/28/15 (date) by John W. Richard (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



Jennifer M. Sheppard
Signature
Jennifer M. Sheppard
Printed Name

LETTER OF AUTHORIZATION

The undersigned hereby acknowledges to be the owner or otherwise unified control of the real property described below and further authorizes John W. Richard to apply for any and all permits necessary for the development of a parking lot and appurtenant facilities on the below referenced parcels.

AF Beach Properties, Inc. & Crescent Street Properties, Inc.

By: Clifton A. Ford
Signature

Clifton A. Ford Director
Print Name and Title

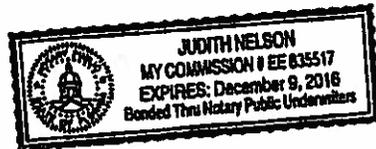
Property Description: 140 and 150 Crescent Street
STRAP No's: 19-46-24-W4-0150E.0060
19-46-24-W4-0150E.005B

ATTEST/NOTARY

Sworn and subscribed to me this 11th day of August, 2015.

Judith A. Nelson
Signature

Judith A. Nelson
Notary Public, State of Florida



My Commission Expires 12/9/16

Commission No. EE 835517

AK



STUART AND ASSOCIATES
Planning and Design Services

11860 Island Ave.
Maitocha, FL 33993

C 239 677 6126

Greg@StuartandAssociates.com

www.StuartandAssociates.com

List & Map of Property Owners Exhibits 4-1 & 4-2



1: STRAP: 19-46-24-W4-0150E.0060
 Site Address: 150 CRESCENT ST
 Owner: CRESCENT STREET PROPERTIES INC
 6330 BRIARCLIFF RD
 FORT MYERS, FL 33912

2: STRAP: 19-46-24-W4-0150E.005B
 Site Address: 140 CRESCENT ST
 Owner: AF BEACH PROPERTIES INC
 9017 LIGON CT
 FORT MYERS FL 33908



STUART AND ASSOCIATES
Planning and Design Services

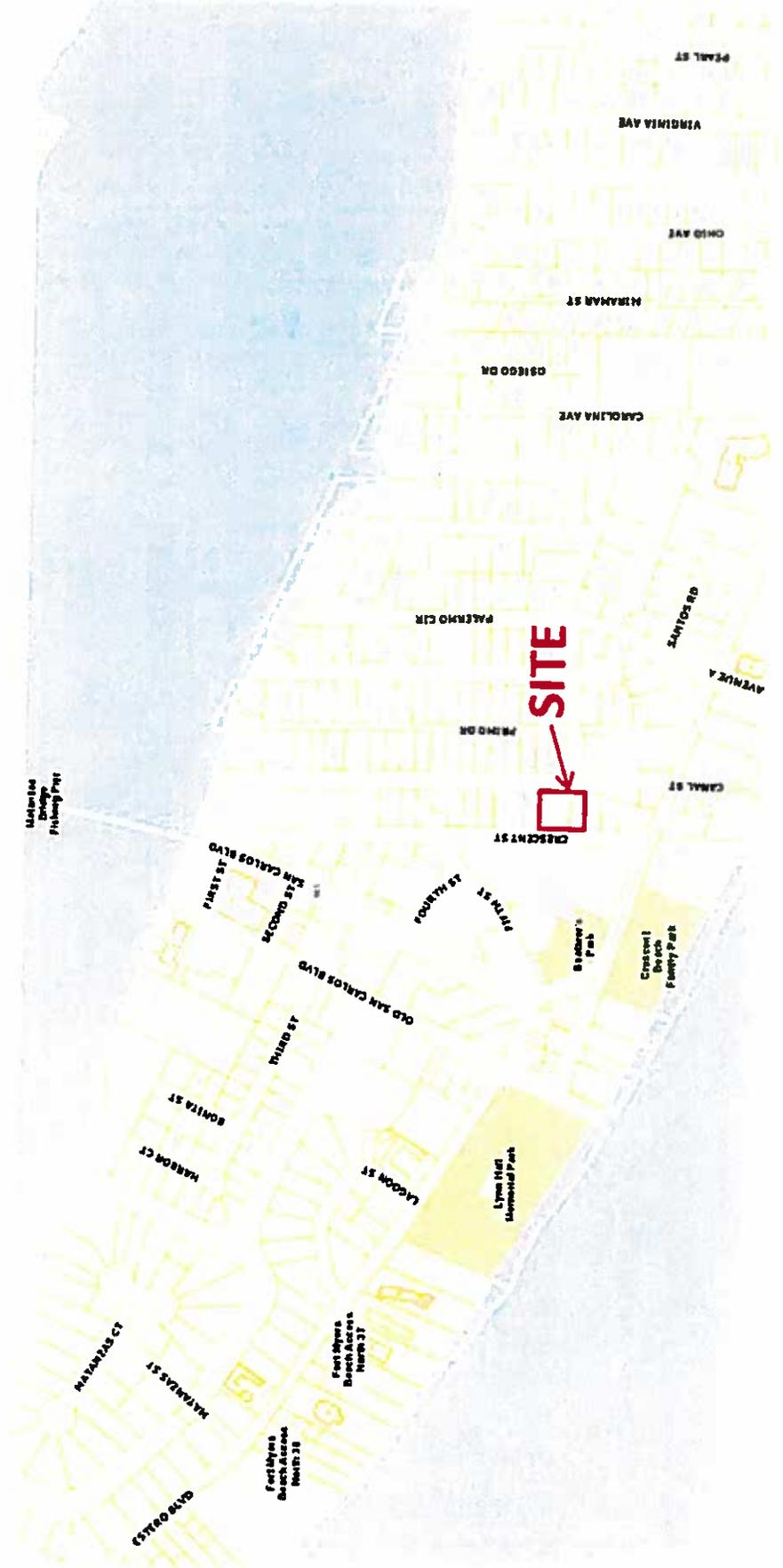
11860 Island Ave
Maitlocho, FL 33993

C 239 677-6126

Greg@stuartandassociates.com

www.stuartandassociates.com

Area Location Map Exhibit 5-3





Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: 9/23/2015 2:42:16 PM
Buffer Distance: 500 ft
Parcels Affected: 75
Subject Parcels: 19-46-24-W4-0150E.005B, 19-46-24-W4-0150E.0060

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00006.0000 1133 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	3
GRAND RESORT II FT MYERS BEACH 103 15TH AVE NW WILLMAR, MN 56201	24-46-23-W3-00009.0000 1160 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 OF SE 1/4 SEC 24 TWP 46 RGE 23 DESC IN OR 1305 PG 0806	4
GRAND RESORT V-FT MYERS BEACH 4805 TAMIAMI TRL N NAPLES, FL 34103	24-46-23-W3-00011.0000 1154 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG SW COR BLK E CRESCENT PARK ADD ON E LI SEC 24 S ALG E LI SEC 53.24 FT TO S	5
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00013.0000 1100 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE 1/4 SEC 24 TWP 46 R 23 S OF ESTERO BLVD AS DESC IN INST #'S 201000023675 + 201000023676	6
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0090 1041 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 9 LESS OR 3176 PG 330	7
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0100 1049 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 10-13 + 16-18	8
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.014A 1067 FOURTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB9/9 LT 14 LESS PAR 3.014B R/W (OR2297/0492)	9
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00203.0150 1060 THIRD ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 15 LES R/W OR2353/3036	10
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CTR BLK 5 PB 9 PG 9 LT 6 + 10 THRU 18 E 865R/W LESR/W OR2353/3036	11
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00205.0070 PARKING LOTS FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9	12
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	13
RICHARD JOHN W 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	14
GRAND RESORT FT MYERS BEACH LL 4805 TAMIAMI TRAIL N NAPLES, FL 34103	24-46-23-W3-00208.0060 1150-1180 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	15
VAN BURGESS ROBERT PO BOX 2717 FORT MYERS BEACH, FL 33932	19-46-24-W4-00600.Y000 125/127 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK Y PB 6 PG 70 ALL BLK Y EXC NLY 11 FT	16
7-ELEVEN INC TAX DEPT 10319 2711 N HASKELL AVE DALLAS, TX 75204	19-46-24-W4-0060B.0160 1301 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETAIN GARDENS BLK B PB 6 PG 70 LOTS 16 + 17	17

All data is current at time of printing and subject to change without notice.
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 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BENDER JEREMY J + SHELIA K 2671 LEBANON RD LEBANON, OH 45036	19-46-24-W4-0060G.0100 231 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOTS 10 + 11	18
BAKER GARY W 6052 LAKE GRASMERE WAY FORT MYERS, FL 33908	19-46-24-W4-0060G.0120 221 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 12	19
HANNUM LEWIS G JR + STEPHANIE 211 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0140 211 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 14	20
MURAC JULIA A 201 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0150 201 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOTS 15 + 16	21
DAY BILLY WAYNE 3708 SHANNON RUN TRL LOUISVILLE, KY 40299	19-46-24-W4-0060G.0170 155 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 17	22
LUMP THOMAS F + ANN C 145 PALERMO CIR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060G.0180 145 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.G PB 6 PG 70 LOT 18	23
S + K SLOMSKI LLC 24265 TURNBERRY CT NAPERVILLE, IL 60564	19-46-24-W4-0060G.0190 139 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 19 NLY 11 FT BLK Y	24
PETERSON NEIL WAYNE PO BOX 3124 ORLANDO, FL 32802	19-46-24-W4-0060H.0120 218 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 12	25
ANDERSON DEAN C + JACULINE A 904 7TH AVE NW JAMESTOWN, ND 58401	19-46-24-W4-0060H.0130 214 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 13	26
HALE ALOHA LLC GEMA G HERNANDEZ PO BOX 395 PANACEA, FL 32348	19-46-24-W4-0060H.0140 212 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 14	27
JACKSON SANDRA L + 22 LOCH ERNE RD MCDUGALL, ON P2A 2W7 CANADA	19-46-24-W4-0060H.0150 200 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 15	28
MORRIS CHARLES D 194 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0160 194 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 16	29
TEKULVE LAYNE JOSEPH 190 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0170 190 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 17	30
RILEY CHRISTOPHER M + SUSAN K 180 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0180 180 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 18	31
RILEY SUSAN K TR 180 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0190 170 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOTS 19	32
BAILEY JAMES P + LANA C 162 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0200 162 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LT 20	33
140 PRIMO LLC 5450 PARK RD # 3 FORT MYERS, FL 33908	19-46-24-W4-0060H.0230 140 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 23	34
GRIFFIN MICHAEL J + SANDRA 1201 S OCEAN DR APT 702N HOLLYWOOD, FL 33019	19-46-24-W4-0060H.0240 136 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 24	35
HIGHLEY JAY E + MARY B 124 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0250 124 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 25	36
MILLER JOHN T + MARTA R 122 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0060H.0260 122 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOT 26	37

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
KWSH RE LLC 2601 MULBERRY AVE MUSCATINE, IA 52761	19-46-24-W4-0060H.026A 120 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 PT LOTS 26 31 32	38
ALEXANDER JAMES M TR 18 RIVERVIEW RD MONMOUTH BEACH, NJ 07750	19-46-24-W4-0060H.0270 121 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK.H PB 6 PG 70 LOT 27	39
DOLID PETER M + JILL B 1429 JAMAICA DR SANIBEL, FL 33957	19-46-24-W4-0060H.0280 117 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOT 28 + PT LOTS 26 + 29	40
ESTERO BLVD 1263 ISABEL DR SANIBEL, FL 33957	19-46-24-W4-0060H.0300 1249 ESTERO BLVD FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 30 31+32 + PT LT 29 OR2414/2433	41
COLORADO EAST LLC GRETA CORAZZA 2023 BRECKENRIDGE DR MOUNT JULIET, TN 37122	19-46-24-W4-0070F.0010 1250 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK LTS 1 + 2 + ESTRY 2.5 FT LT 3 + CRESCENT BEACH LTS 1-5 BLK F LESS ESTRLY 45FT OF NRTHLY 2.7 LT 3	42
GANIM PROPERTIES LLC 4666 MAIN ST BRIDGEPORT, CT 06606	19-46-24-W4-0140A.0010 1240 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK PB 4 PG 39 BLK A LOTS 1 + 2 + 8 + 9	43
GRAND RESORT-FTMYERS BEACH LLC 4805 TAMIAMI TRAIL N NAPLES, FL 34103	19-46-24-W4-0140A.0030 1204/1206 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK A PB 4 PG 39 LOTS 3 THRU 7	44
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0010 1188/1190 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 1	45
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0020 1172/1174 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOTS 2 + 3 + 6	46
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0040 231 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 4	47
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0050 221 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PB 4 PG 39 LOT 5	48
GRAND RESORT FT MYERS BEACH 4805 TAMIAMI TRAIL NORTH NAPLES, FL 34103	19-46-24-W4-0140B.0070 211 CANAL ST FORT MYERS BEACH FL 33931	CRESCENT PARK BLK B PG 4 PG 39 LTS 7 THRU 9 + LAND DESC IN OR 1305 PG 0796	49
BISCHOFF JAMES A + JEAN B TR 21570 MADERA RD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0060 141 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 6 + VAC R/W + LAND ADJ CANAL	50
GREENE JEFFREY W + 6040 BAYVIEW RD SAINT LEONARD, MD 20685	19-46-24-W4-0150D.0070 143 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 7 + VAC R/W + LAND ADJ CANAL	51
PATTON THOMAS D + CHRISTINE M 153 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0080 153 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 8 + VAC R/W + LAND ADJ CANAL	52
WHIPPLE MARGARET ALTA 163 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0090 163 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 9 + VAC R/W + LAND ADJ CANAL	53
BRIODY HUGH T + SUSAN S 167 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0100 167 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 10 + VAC R/W + LAND ADJ CANAL	54
TOWNLEY ARTHUR JAMES III PO BOX 2452 FORT MYERS BEACH, FL 33932	19-46-24-W4-0150D.0110 171 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 11 + VAC R/W + LAND ADJ CANAL	55
TOWNLEY ARTHUR J III PO BOX 2452 FORT MYERS BEACH, FL 33932	19-46-24-W4-0150D.0120 191 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 12 + VAC R/W + LAND ADJ CANAL	56
WORKMAN JOSEPH M TR 194 COCONUT DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0130 201 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 13 + VAC R/W + LAND ADJ CANAL	57
SWENSEN RICHARD D + JEANETTE 207 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0140 207 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 14 + VAC R/W + LAND ADJ CANAL	58

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071 (GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS)

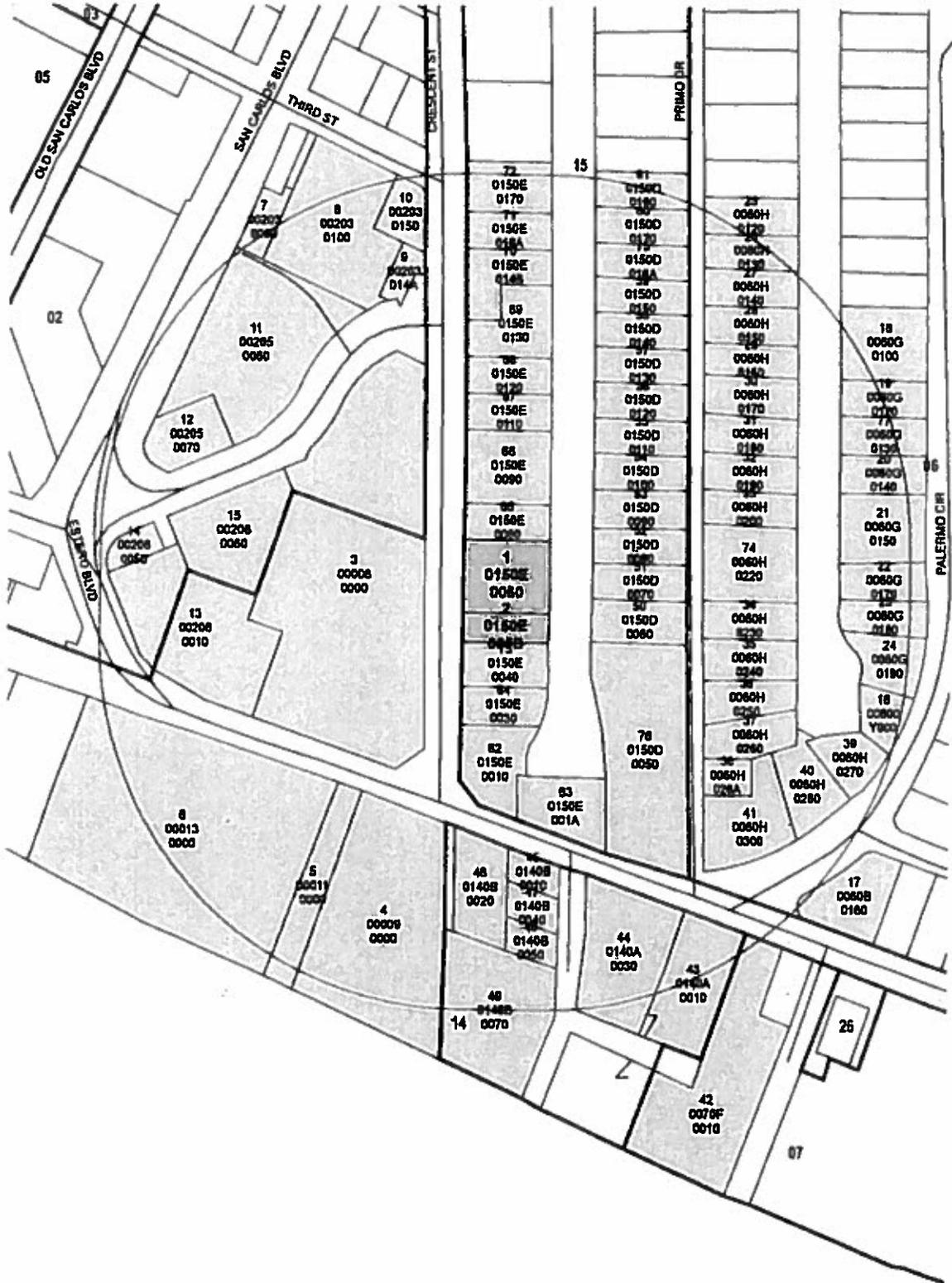
OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
REICH GREGORY G + SUSAN K 6615 YALE AV NEW GERMANY, MN 55367	19-46-24-W4-0150D.0150 215 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 15 + VAC R/W + LAND ADJ CANAL	59
GORE HENRY + 223 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0170 223 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 17 + VAC R/W + ADJ CANAL	60
STEPANEK DAVID LESLIE + 225 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0180 225 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 18 + VAC R/W + LAND ADJ CANAL	61
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0010 1161/1165 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 PT LTS 1 + 2 OR0545/43LES/RW 2353/3036	62
DEEP DISH DOUGH LLC 328 BUCKLIN ST LA SALLE, IL 61301	19-46-24-W4-0150E.001A 1167 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 BEG ON NLY SI CO RD 80 FT	63
BRIDGE GEORGE E + KIM ANN 15831 BRIARCLIFF LN FORT MYERS, FL 33912	19-46-24-W4-0150E.0030 108/116 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 3	64
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0080 170 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 8 + VAC R/W+ LAND ADJ LESR/WOR2353/3036	65
RICHARD JOHN W L/E 237 OLD SAN CARLOS BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0090 202 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOTS 9 10 + VAC + LAND ADJ LESR/W2353/3036	66
RUDISILL GLENN E + NANCY A 3290 E BERLIN RD YORK, PA 17408	19-46-24-W4-0150E.0110 250 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 11 + VAC R/W + LAND ADJ CANAL LESS R/W	67
RUDISILL GLENN E + NANCY A 3290 E BERLIN RD YORK, PA 17408	19-46-24-W4-0150E.0120 270 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4/46 LT 12 VAC R/W + LAND ADJ CANAL LESS R/W DESC IN OR 2319/4512	68
GRANT JOSEPH H + DORIS M 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0130 300 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT13+E40 FT LT 14+VAC LES R/W OR2366/2077	69
GRANT JOE H 320 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.014B 320 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 W 60 FT LT 14 + LT 15 + VAC R/W + ADJ LESS R/W DESC IN OR 2363/1290	70
LIGHTHOUSE ISLAND RESORT INC 1051 5TH ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.016A 332 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LOT16+VAC R/W+LAND ADJ CANAL	71
REICH EUGENE E + DORIS F TR 340 CRESCENT ST FORT MYERS BEACH, FL 33931	19-46-24-W4-0150E.0170 340 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PK ADD BLK E PB 4/46 LT 17 + S 20 FT OF LT 18 + VAC R/W LESS ROAD OR 2328/3484	72
INVESTMENTS OF FMB LLC 5710 DEWEY ST HOLLYWOOD, FL 33023	19-46-24-W4-0150E.0040 118/122 CRESCENT ST FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK E PB 4 PG 46 LT 4 + S10 FT LOT 5 LES R/W2353/3036	73
TOWNLEY MARK A PO BOX 2442 FORT MYERS BEACH, FL 33932	19-46-24-W4-0060H.0220 150 PRIMO DR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK H PB 6 PG 70 LOTS 21 + 22	74
GORE HENRY + 223 PRIMO DR FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.016A 221 PRIMO DR FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LT 16 + VAC R/W + ADJ CANAL	75
ESTERO SILVER SANDS LLC 1207 ESTERO BLVD FORT MYERS BEACH, FL 33931	19-46-24-W4-0150D.0050 1207 ESTERO BLVD FORT MYERS BEACH FL 33931	CRESCENT PARK ADD BLK D PB 4 PG 46 LOTS 1 THRU 5	76
FCG ASSOCIATES LLC 6045 COCOS DR FORT MYERS, FL 33908	19-46-24-W4-0060G.0130 215 PALERMO CIR FORT MYERS BEACH FL 33931	VENETIAN GARDENS BLK G PB 6 PG 70 LOT 13	77

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VARIANCE REPORT

9/23/2015

Subject Parcels: 2 Affected Parcels: 75 Buffer Distance: 500 ft



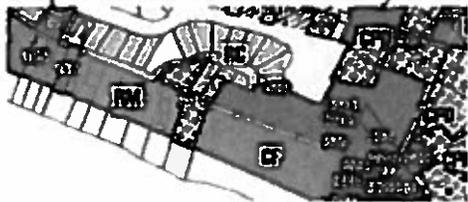
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240 180 120 60 0

240 Feet

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Town of Fort Myers Beach
Department of Community Development



SEZ2015-0004
Received 10/1/15

Zoning Division

Supplement PH-A

**Additional Required Information for a
Special Exception Application**

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: Crescent Street Parking Lot
Authorized Applicant: John W. Richard
LeePA STRAP Number(s): 19-46-24-W4-0150E.0060 & 19-46-24-W4-0150E.005B

Current Property Status:
Current Zoning: RM (northern 1/3) & Downtown (southern 2/3)
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 if affordable units

Requested Action:

<input type="checkbox"/> Use of premises in the EC (Environmentally Critical) zoning district for:
<input checked="" type="checkbox"/> Use of premises in the <u>Downtown</u> zoning district for:
Parking lot shared, permanent.

For Consumption of Alcoholic Beverages (COP) license approval:

- a. Notarized authorization from the Property Owner to apply for permit
- b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
- c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
- d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

- a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
- b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Authorized Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

"Request for..."

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because..."

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

“Granting the requested special exception could impact surrounding properties as follows...”

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Part 2 Submittal Requirements

Public Hearing Application Form. Applications for special exception consist of the Public Hearing form and the supplemental form PH-A. Both parts of the application form must be completed and submitted.

Site Plan. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.



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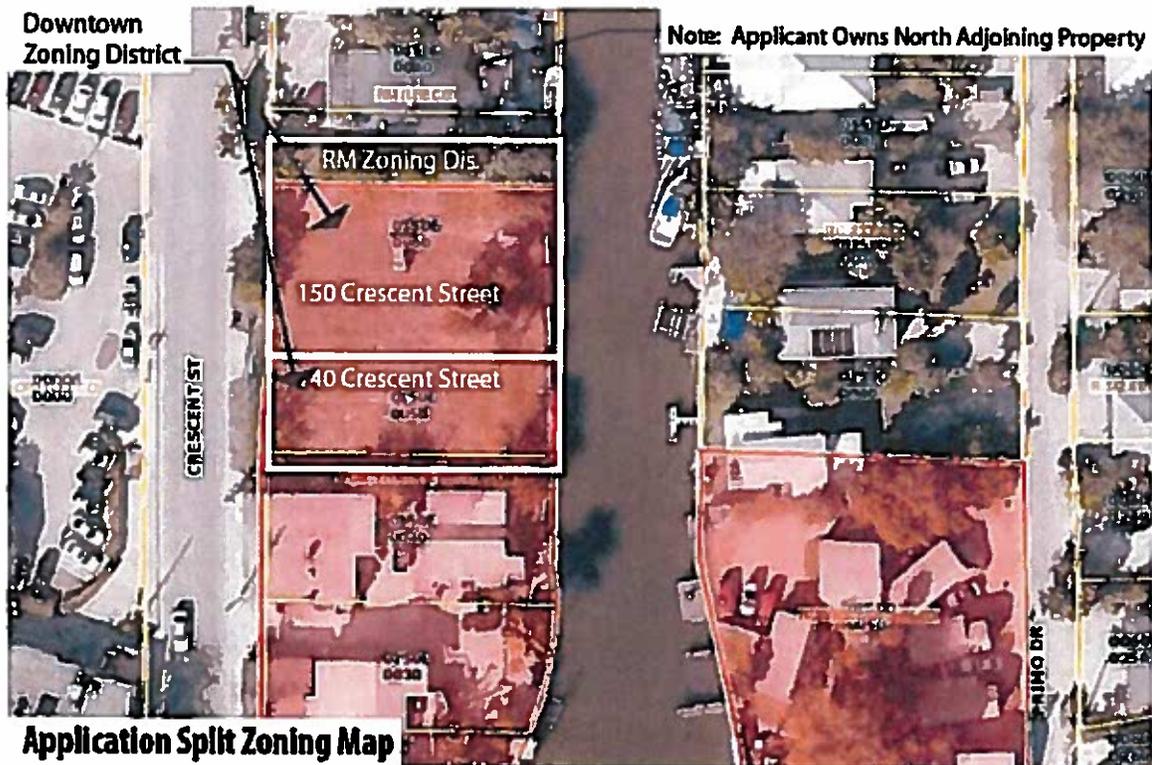
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Special Exception Request Narrative

Introduction

Request for approval of a Special Exception in the Downtown zoning district to allow a parking lot shared, permanent for a ± 0.4 acre parcel located at 140 and 150 Crescent Street. The subject property received approval on March 5, 2015 to operate as a seasonal parking lot by permit number TMP15-0002. A 4' high vinyl fence as also approved on March 20, 2015 by permit number FNC15-0015. The proposed parking lot will be the principle use of the property.

Concurrently with this request, the applicant is filing for a conventional rezoning for the northern thirty percent of the application's 150 Crescent Street Parcel, from RM to Downtown. The rezoning objective is to unify the zoning to Downtown for the applicant's properties in a manner that advances Fort Myers Beach Policy 3-D-4 and 3-D-5. Finally, there is also a concurrent application for three (3) variances to accommodate development of the site.



LDC Guidelines

The request and the subject property qualify for a special exception because the project complies with the considerations found in Land Development Code Section 34-88(2) as follows:

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

The changed or changing condition that makes approval of the request appropriate is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. (Provide new on-street parking and sidewalk on the south side of Crescent Street; FMB Comprehensive Plan, Policy 3-D-3(vi)). The subject property is the closest vacant parcel available to provide parking near Time Square. (refer to the 140 and 150 Crescent Street Times Square Parking Availability Map). The site is approximately 200' from Estero Blvd.



- (b) The testimony of any applicant.*
- (c) The recommendation of staff and of the local planning agency.*
- (d) The testimony of the public.*

Not applicable for narrative.



140 & 150 Crescent Street Time Square Parking Availability Map

- (e) Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.*

The request is consistent with the goals, objectives, policies and intent of the Comprehensive Plan, as demonstrated in the Comprehensive Plan Consistency Analysis beginning on page 5 of this narrative.

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

The request will meet or exceed all performance and locational standards set forth for the proposed use. The use will be constructed, maintained and operated so as to comply with all local, state, and federal air, noise, and water pollution standards, and will not adversely impact water quality, consistent with LDC Section 34-2031. The use will also be consistent with LDC Section 34-2032 and not create a nuisance. For example,

site lighting will consist of low, ground mounted lights, as contrasted with tall post lights. A landscape buffer will be installed along the canal boundary facing Primo Drive. The use will be constructed, maintained, and operated so as to not be injurious or offensive to the owners and occupants of adjacent premises, nearby residents, or to the community, by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious waste materials, odors, fire or explosive hazard, light pollution or glare. The use will not cause light from a point source of light to be directed, reflected, or refracted beyond the boundary of the parcel or lot, onto adjacent or nearby residentially zoned or used property or onto any public right-of-way. There are no specific locational standards for the proposed use.

(g) Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

The request is on a site that has no environmentally critical areas or natural resources to protect, conserve, or preserve. The site was previously developed with residential uses prior to 2008 and has remained cleared, disturbed land since demolition.

(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.

The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. The applicant owns the two properties adjacent to the north. The applicant is proposing a concrete wall along this property line to provide compatibility of the proposed use and the existing multi-family uses on the property to the north. The request is compatible with the existing mixed-use buildings and Mixed Residential Future Land Use to the south adjoining and adjacent Pedestrian Commercial Future Land Uses to the north, east and west. The proposed use will increase exposure of the adjacent restaurant and retail uses and could provide a positive impact on these businesses. A 5-foot landscape buffer is proposed to the east to buffer the single-family residents across the canal. This is provided even though buffers and open space are exempt in the Downtown district, pursuant to LDC Section 34-677(b). The right-of-way buffer along crescent street is requested to be waived to allow a 1' buffer with a white picket fence to maximize visibility of the parking lot.

(i) Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations.

The requested use will be in compliance with applicable general zoning provisions and supplemental regulations, with approval of the requested variances.

Comprehensive Plan Consistency Analysis

The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan. The proposed parking lot will help reduce the parking deficit and remove vehicles from Estero Blvd. and San Carlos Blvd. so that patrons can use the pedestrian system and contribute to the pedestrian-oriented public realm. There is an existing bus stop in front of the subject property and the site is located on the existing Trolley route.

The request is consistent with Policy 3-D-4.vi and viii, provided below:

Policy 3-D-4 Implement the pedestrian circulation plan:

vi. Provide new on-street parking and sidewalk on the south side of Crescent Street.

viii. Coordinate all proposed improvements with the pedestrian, parking, mass transit, and traffic circulation concepts in the Transportation Element of this plan.

POLICY 3-D-5 Improve the current parking situation near Times Square through the means outlined in the Transportation Element of this plan. Suggestions from the Core Area Master Plan include:

i. Implement parking management practices that create a positive experience for visitors and business operations.

ii. Encourage the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief.

iii. Expand the supply of shared on-street parking with 165 new parallel and angled spaces.

iv. If the new supply of parking will be inadequate and a parking garage must be built, appropriate locations would be to the rear of new storefronts facing Old San Carlos.

Policy 3-D-5.ii encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The request is consistent with Policy 3-D-5.

POLICY 3-D-7 Continue to implement the stormwater management plan (an exfiltration system that integrates the existing storm sewer pipe system and inlets with exfiltration trenches under Estero Boulevard). Similar systems can be installed for private development under parking lots or open space.

The proposed project incorporates below ground stormwater pre-treatment under the proposed parking lot, consistent with Policy 3-D-7.

POLICY 4-B-6 "PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The proposed commercial activities are consistent with Policy 4-B-6 as providing parking adds to the pedestrian-oriented public realm.

POLICY 4-C-3 COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:

ii. Where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process...

The project is consistent with Policy 4-C-3.ii, as new commercial uses are encouraged in the Pedestrian Commercial category where a streamlined approval process is provided.

Parking is the 2nd problem defined in the Transportation Element and, in part states, "The shortage of beach parking in the downtown area has achieved legendary status, even though existing parking lots are not used to capacity. When visitors cannot find a parking space, they tend to wander around in their cars, worsening congestion. The welcome rebirth of commercial activity near Times Square will increase the demand for parking..." The Transportation Element encourages shared parking lots and states that smaller parking lots would be more acceptable than a parking garage to many residents of Fort Myers Beach.

OBJECTIVE 7-F OPTIMIZE THE PARKING SUPPLY —

Off-island parking facilities served by convenient public transportation should be provided to meet peak-season demands. For year-around demand, the town shall provide additional on-island public parking spaces, based in part on a new peakseason occupancy survey of existing public parking spaces.

The project is consistent with Objective 7-F, as the request will provide additional on-island public parking spaces for year-round demand.

POLICY 7-F-1 ENCOURAGE SHARED PARKING LOTS: Parking lots serving a variety of land uses require much less space than separate on-site lots for each business. Shared lots waste less land and encourage walking because businesses aren't separated by large parking lots. The town shall encourage shared parking lots when businesses are relatively small, are clustered together, and have different busy periods.

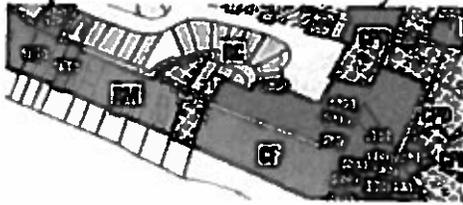
The request is consistent with Policy 7-F-1 as it provides a shared parking lot to serve a variety of land uses, which the town encourages in this Policy.

POLICY 7-F-2 SHARED PARKING NEAR TIMES SQUARE: The Estero Island CRA recommended a reservoir of shared parking behind businesses along Old San Carlos and adding 165 on-street parking spaces near Times Square (although some of these spaces would merely replace spaces lost to new recreational facilities at Lynn Hall Park). The town shall investigate the feasibility of this concept in 1998-1999 and proceed toward implementation, or create an alternate plan that may include a parking garages near Times Square.

The request is consistent with Policy 7-F-2 as it provides shared parking spaces within the vicinity of Time Square and Lynn Hall Park.

The Recreation Element states, in part, that *"The CRA's Core Area Master Plan envisions the addition of beach volleyball courts and performance pavilion, although parking is so scarce that neither project has been implemented to date. Both would expand the town's recreation and entertainment resources and better link Lynn Hall Park with the newly revitalized Times Square pedestrian plaza. The county has informally agreed that if replacement parking were to be made available in the immediate area, the Lynn Hall parking area could be removed to create these recreation areas as well as to provide the opportunity to re-establish the dune line and native plantings."* The subject request provides for parking in the vicinity of Lynn Hall Park and Times Square which furthers the objectives of this Element.

Town of Fort Myers Beach
 Department of Community Development



Zoning Division

VAR2015-0005
 Received 10/1/15

Supplement PH-B

**Additional Required Information for a
 Variance Application**

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Crescent Street Parking Lot
Authorized Applicant: John W. Richard
LeePA STRAP Number: 19-46-24-W4-0150E.0060 & 19-46-24-W4-0150E.005B

Current Property Status:
Current Zoning: RM (northern 1/3) & Downtown (southern 2/3)
Future Land Use Map (FLUM) Category: Pedestrian Commercial
Comp Plan Density: 6 DU/AC / 10 DU/AC affordable units Platted Overlay? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
Variance 1: 10-416(d)(2)	Buffer requirements (west property line)
Variance 2: 34-1744	Location & height of fences and walls
Variance 3: 10-416(c)(2)	Internal landscaping for parking & vehicle use areas

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:

Please refer to attached Variance Narrative Statement.

Reasons for request

Explain why the variance is needed:

Please refer to attached Variance Narrative Statement.

Explain the possible effect the variance, if granted, would have on surrounding properties:

Please see attached Variance Narrative Statement.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

Please see attached Variance Narrative Statement.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

Please see attached Variance Narrative Statement.

PART 2 Submittal Requirements

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

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

"Variance is requested from..." Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.



Variance Request Narrative

Introduction

Request for approval of three variance requests in the Downtown zoning district to accommodate development of a parking lot shared, permanent for a ±0.4 acre parcel located at 140 and 150 Crescent Street. The subject property received approval on March 5, 2015 to operate as a seasonal parking lot by permit number TMP15-0002. A 4' high vinyl fence as also approved on March 20, 2015 by permit number FNC15-0015. The proposed parking lot will be the principle use of the property.

Concurrently with this request, the applicant is filing for a conventional rezoning of the northern 1/3 of the subject property from RM to Downtown to match the existing Downtown zoning of the southern 2/3 of the subject site. There is also a concurrent application for a special exception for a parking lot shared, permanent in the Downtown zoning district.



The requested variances qualify for approval and comply with the findings found in Land Development Code Section 34-87(3) as follows:

LDC Guidelines - VARIANCE No. 1

A variance requested from Land Development Code Section 10-416(d)(2) which requires a Type "D" Buffer (15', 5 trees/100 LF & hedge) to allow a 1' buffer with 4' white picket fence.

(a) That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;

The exceptional or extraordinary conditions or circumstances that are inherent to the property in question is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. The subject property is the closest vacant parcel available to provide parking near Time Square. The site is approximately 200' from Estero Blvd. The subject request is to provide a parking lot which will be adequately shielded by the proposed white picket fence which provides separation and aesthetics, but does not hide the parking from view so that the parking will be fully utilized. The variance also helps to maximize the amount of parking provided on site to further assist with providing additional parking to decrease the documented deficit. If the applications Type D Landscape Buffer is denied, then, due to the geometric shape of the two combined parcels, nine parking spaces will be lost. Given the overwhelming and compelling public health, safety and welfare interest in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance One, Two and Three present an exceptional condition that is inherent in the property (it's geometry and area). Variance One is the minimum standard necessary to advance public policy in reducing traffic hazards caused by driving behavior seeking beach parking.

(b) That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;

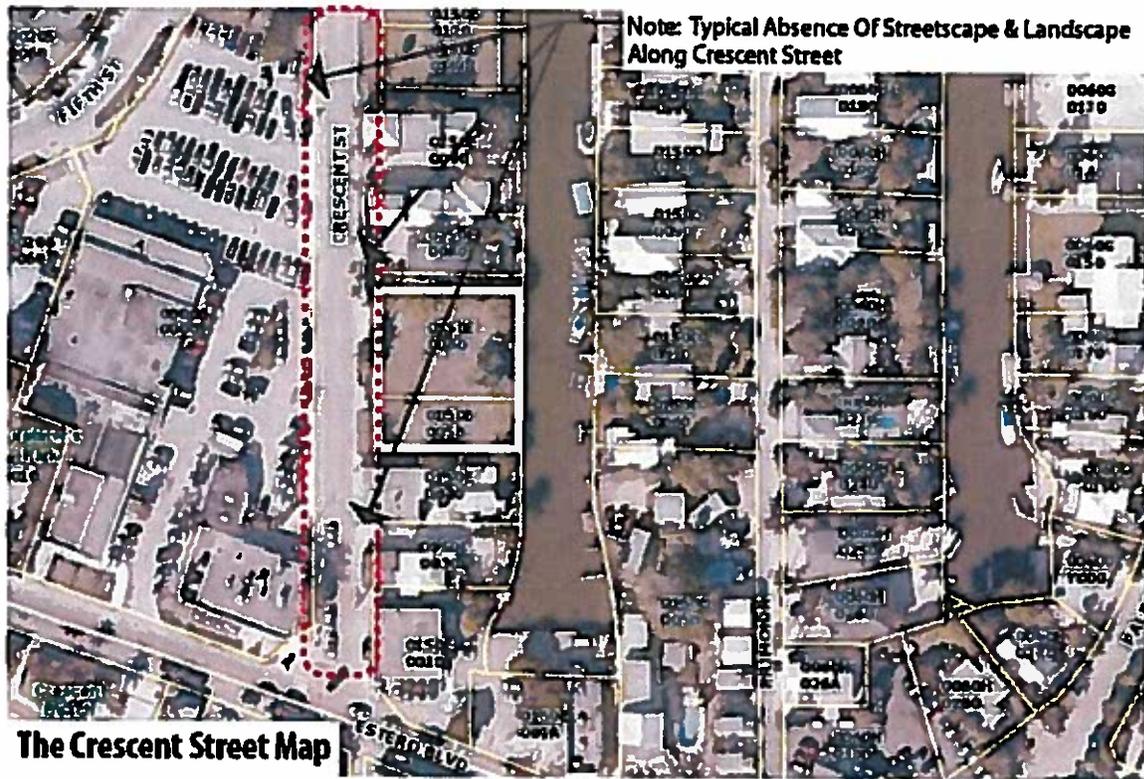
The conditions justifying the variance are the town's initiative in Comprehensive Plan Policy 3-D-5.ii which encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The regulatory relief is requested consistent with this Policy. These conditions are not the result of actions of the applicant taken after the adoption of the regulation in question.

(c) That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;

The requested variance is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property. There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square. The site does not have the 14 additional feet that would be required to comply with the 15 foot buffer width.

(d) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. It is noted that Crescent Street as a whole does not feature significant street landscaping. Consequently, if the subject variance does not change the status quo, then logically there will be an absence of impacts to the surrounding Crescent Street neighborhood (see The Crescent Street Map). There is an existing bus stop in front of the subject property and the site is located on the existing Trolley route. The applicant owns the property to the north which has an existing concrete wall on the adjacent corner. The property adjacent to the south is only setback approximately 3.9 feet from the right-of-way and is less than a foot off of the subject site. Approval of the variance will not adversely affect these properties and will not otherwise be detrimental to the public welfare. A decorative white picket fence will be provided. The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.



(e) That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The conditions and circumstances of the variance request sought are not general or recurrent in nature and do not make it more reasonable nor practical to amend the regulation in question.

LDC Guidelines - VARIANCE No. 2

A variance requested from Land Development Code Section 34-1744 which states that any fence or wall located in a side or rear yard shall not exceed six feet in height; to allow an 8-foot high solid wall within 1 foot of the north property line.

a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;

The exceptional or extraordinary conditions or circumstances that are inherent to the property in question is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. The subject property is the closest vacant parcel available to provide parking near Time Square. The site is approximately 200' from Estero Blvd. The subject request is to provide a parking lot which will be adequately shielded to the adjacent multi-family building owned by the applicant to the north. The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance. The variance also helps to maximize the amount of parking provided on site to further assist with providing additional parking to decrease the documented deficit. As with Variance One, given the overwhelming and compelling public health, safety and welfare interest in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance Two presents an exceptional circumstance and that the request is the minimum necessary to support FMB Comprehensive Plan Goals, Objectives and Policies.

(b) That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;

The conditions justifying the variance are the town's initiative in Comprehensive Plan Policy 3-D-5.ii which encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The regulatory relief is requested consistent with this Policy. These conditions are not the result of actions of the applicant taken after the adoption of the regulation in question.

(c) That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;

The requested variance is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property. The eight-foot wall within one-foot of the property line will provide adequate screening and protection to the adjacent multi-family residences. There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square. The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.

(d) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property to the north is owned by the applicant. Approval of the variance will not adversely affect these properties and will not otherwise be detrimental to the public welfare. The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.

(e) That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The conditions and circumstances of the variance request sought are not general or recurrent in nature and do not make it more reasonable nor practical to amend the regulation in question.

LDC Guidelines - VARIANCE No. 3

A variance requested from Land Development Code Section 10-416(c)(2) which requires internal landscaping to allow as shown on plan.

a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;

The exceptional or extraordinary conditions or circumstances that are inherent to the property in question is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. The subject property is the closest vacant parcel available to provide parking near Time Square. The site is approximately 200' from Estero Blvd. The Downtown area is generally exempt from open space requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance. The variance also helps to maximize the amount of parking provided on site to further assist with providing additional parking to decrease the documented deficit. As with Variances One and Two, given the overwhelming and compelling public health, safety and welfare interest in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance Three presents an exceptional circumstance and that the request is the minimum necessary to support FMB Comprehensive Plan Goals, Objectives and Policies.

(b) That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;

The conditions justifying the variance are the town's initiative in Comprehensive Plan Policy 3-D-5.ii which encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The regulatory relief is requested consistent with this Policy. These conditions are not the result of actions of the applicant taken after the adoption of the regulation in question.

(c) That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;

The requested variance is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property. There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square. The Downtown area is generally exempt from open space requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.

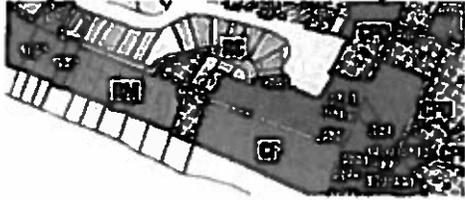
(d) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Approval of the variance will not adversely affect the neighborhood properties and will not otherwise be detrimental to the public welfare. Downtown area is generally exempt from open space requirements, pursuant to LDC Section 34-677 (b), furthering the appropriateness of the requested variance.

(e) That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The conditions and circumstances of the variance request sought are not general or recurrent in nature and do not make it more reasonable nor practical to amend the regulation in question.

Town of Fort Myers Beach
Department of Community Development



Zoning Division

REZ2015-0002

Received 10/1/15

Supplement PH-C

**Additional Required Information for a
Conventional Rezoning Application**

This is the second part of a two-part application. This part requests specific information for a conventional rezoning. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Crescent Street Parking Lot
Authorized Applicant: John W. Richard
LeePA STRAP Number: 19-46-24-W4-0150E.0060 & 19-46-24-W4-0150E.005B

Current Property Status:
Current Zoning: RM (northern 1/3) & Downtown (southern 2/3)
Future Land Use Map (FLUM) Category: Pedestrian Commercial
Comp Plan Density: ^{6 DU/AC/} 10 DU/AC affordable units Platted Overlay? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Conventional rezoning:

From <u>RM</u> _____ (current zoning)
to <u>Downtown</u> _____ (requested zoning)

Any additional simultaneous zoning actions can be requested using the same Application for Public Hearing form, but must include all parts of the required supplemental forms and documentation, and include the fees for each request.

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

LDC Section 34-85

The guidelines for decision-making regarding a request for rezoning are as follows:

1. Whether there exists an error or ambiguity that must be corrected;
2. Whether there exist changed or changing conditions that make approval of the request appropriate;
3. The impact of the proposed change on the intent of LDC Chapter 34;
4. Whether the request is consistent with the goals, objectives, policies, and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan;
5. Whether the request meets all performance and locational standards for the proposed use;
6. Whether urban services are, or will be, available and adequate to serve a proposed land use change;
7. Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources;
8. Whether the request will be compatible with existing or planned uses and will cause damage, hazard, nuisance, or other detriment to persons or property;
9. Whether the location of the request places an undue burden on existing transportation or other services and facilities, and will be served by streets with the capacity to carry traffic generated by the development.



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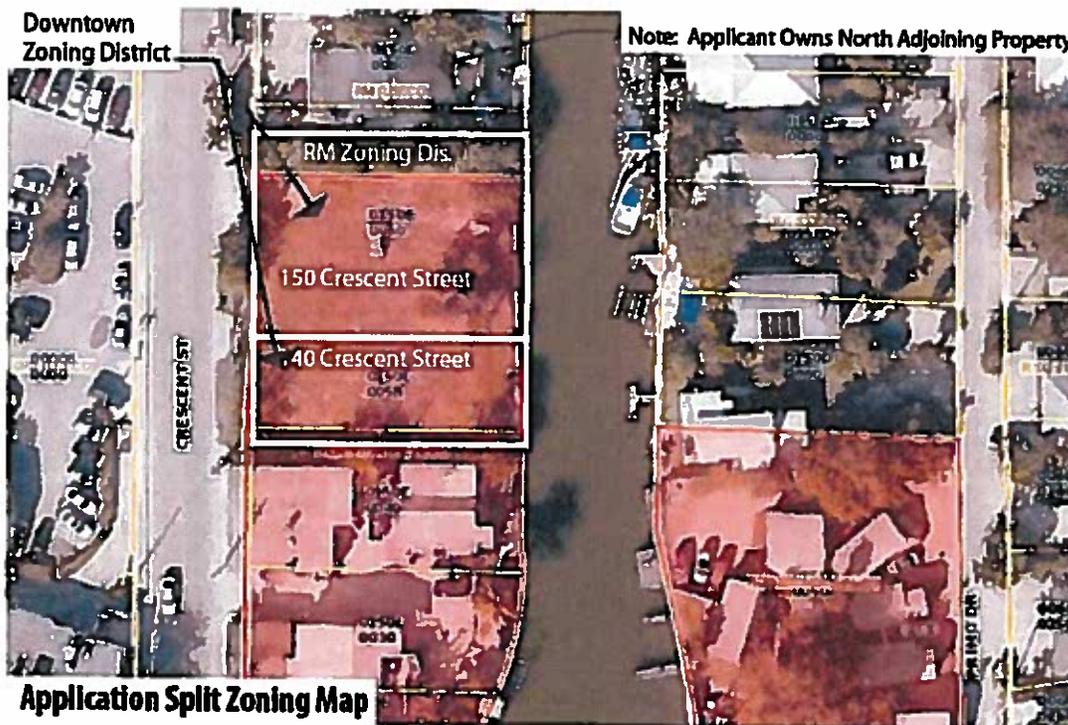
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Conventional Rezoning Request Narrative

Introduction

Request for approval of a conventional rezoning for the northern thirty percent of the application's 150 Crescent Street Parcel, from RM to Downtown. The rezoning objective is to unify the zoning to Downtown for the applicant's properties in a manner that advances Fort Myers Beach Policy 3-D-4 and 3-D-5. The overall site is a ± 0.4 acre parcel located at 140 and 150 Crescent Street. The subject property received approval on March 5, 2015 to operate as a seasonal parking lot by permit number TMP15-0002. A 4' high vinyl fence as also approved on March 20, 2015 by permit number FNC15-0015. The proposed parking lot will be the principle use of the property.

Concurrently with this request, the applicant is filing for a Special Exception in the Downtown zoning district to allow a parking lot shared, permanent. There is also a concurrent application for three (3) variances to accommodate development of the site.



LDC Guidelines

The request and the subject property qualify for a rezoning because the project complies with the considerations found in Land Development Code Section 34-85(2) as follows:

(a) Whether there exists an error or ambiguity which must be corrected.

There is no error or ambiguity which must be corrected. The subject property has split zoning and the application is simply to rezone the northern thirty percent of the application's 150 Crescent Street Parcel, from RM to Downtown. The rezoning objective is to unify the zoning to Downtown for the applicant's properties in a manner that advances Fort Myers Beach Policy 3-D-4 and 3-D-5.

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

The changed or changing condition that makes approval of the request appropriate is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. . (Provide new on-street parking and sidewalk on the south side of Crescent Street; FMB Comprehensive Plan, Policy 3-D-3(vi). The subject property is the closest vacant parcel available to provide parking near Time Square. (refer to the 140 and 150 Crescent Street Times Square Parking Availability Map). The site is approximately 200' from Estero Blvd.





140 & 150 Crescent Street Time Square Parking Availability Map

(c) The impact of a proposed change on the intent of this chapter.

There is no impact of the proposed change on the intent of this chapter. As previously stated, the subject property has split zoning and the application is simply to rezone the northern 1/3 of the property from RM to Downtown to match the zoning of the southern 2/3 of the subject property. The proposed rezoning to Downtown is consistent with the Pedestrian Commercial future land use designation.

(d) The testimony of any applicant.

(e) The recommendation of staff and of the local planning agency.

(f) The testimony of the public.

Not applicable for narrative.

(g) Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.

The request is consistent with the goals, objectives, policies and intent of the Comprehensive Plan, as demonstrated in the Comprehensive Plan Consistency Analysis beginning on page 5 of this narrative.

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

The request will meet or exceed all performance and locational standards set forth for the proposed use. The use will be constructed, maintained and operated so as to comply with all local, state, and federal air, noise, and water pollution standards, and will not adversely impact water quality, consistent with LDC Section 34-2031. The use will also be consistent with LDC Section 34-2032 and not create a nuisance. The use will be constructed, maintained, and operated so as to not be injurious or offensive to the owners and occupants of adjacent premises, nearby residents, or to the community, by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious waste materials, odors, fire or explosive hazard, light pollution or glare. The use will not cause light from a point source of light to be directed, reflected, or refracted beyond the boundary of the parcel or lot, onto adjacent or nearby residentially zoned or used property or onto any public right-of-way. There are no specific locational standards for the proposed use.

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

Urban services are available to serve a proposed land use change. The principal use of a parking lot shared, permanent will not require many of the urban services that are available.

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

The request is on a site that has no environmentally critical areas or natural resources to protect, conserve, or preserve. The site was previously developed with residential uses prior to 2008 and has remained cleared, disturbed land since demolition.

(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 request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property. The applicant owns the two properties adjacent to the north. The applicant is proposing a concrete wall along this property line to provide compatibility of the proposed use and the existing multi-family uses on the property to the north. The request is compatible with the existing mixed-use buildings and Mixed Residential Future Land Use to the south adjoining and adjacent Pedestrian Commercial Future Land Uses to the north, east and west. The proposed use will increase exposure of the adjacent restaurant and retail uses and could provide a positive impact on these businesses. A 5-foot landscape buffer is proposed to the east to buffer the single-family residents across the canal. This is provided even though buffers and open space are exempt in the Downtown district,

pursuant to LDC Section 34-677(b). The right-of-way buffer along Crescent Street is requested to be waived to allow a 1' buffer with a white picket fence to maximize visibility of the parking lot.

(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 location of the request will not place an undue burden upon existing transportation or other services and facilities, but will have a positive impact on existing transportation system by providing parking spaces and reducing the number of trips searching for a parking space. The project will be served by streets with the capacity to carry traffic generated by the development.

The request is also consistent with the findings found in Land Development Code Section 34-85(3) as follows:

Before granting any rezoning, the town council shall find that the requested zoning district complies with:

(a) The Fort Myers Beach Comprehensive Plan.

The request is consistent with the goals, objectives, policies and intent of the Comprehensive Plan, as demonstrated in the Comprehensive Plan Consistency Analysis beginning on page 4 of this narrative.

(b) This chapter.

The requested use will be in compliance with applicable general zoning provisions and supplemental regulations, with approval of the requested variances.

(c) Any other applicable town ordinances or codes.

The requested use will be in compliance with applicable general zoning provisions and supplemental regulations, with approval of the requested variances.

Comprehensive Plan Consistency Analysis

The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan. The proposed parking lot will help reduce the parking deficit and remove vehicles from Estero Blvd. and San Carlos Blvd. so that patrons can use the pedestrian system and contribute to the pedestrian-oriented public

realm. There is an existing bus stop in front of the subject property and the site is located on the existing Trolley route.

The request is consistent with Policy 3-D-4.vi and viii, provided below:

Policy 3-D-4 Implement the pedestrian circulation plan:

vi. Provide new on-street parking and sidewalk on the south side of Crescent Street.

viii. Coordinate all proposed improvements with the pedestrian, parking, mass transit, and traffic circulation concepts in the Transportation Element of this plan.

POLICY 3-D-5 Improve the current parking situation near Times Square through the means outlined in the Transportation Element of this plan. Suggestions from the Core Area Master Plan include:

i. Implement parking management practices that create a positive experience for visitors and business operations.

ii. Encourage the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief.

iii. Expand the supply of shared on-street parking with 165 new parallel and angled spaces.

iv. If the new supply of parking will be inadequate and a parking garage must be built, appropriate locations would be to the rear of new storefronts facing Old San Carlos.

Policy 3-D-5.ii encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The request is consistent with Policy 3-D-5.

POLICY 3-D-7 Continue to implement the stormwater management plan (an exfiltration system that integrates the existing storm sewer pipe system and inlets with exfiltration trenches under Estero Boulevard). Similar systems can be installed for private development under parking lots or open space.

The proposed project incorporates below ground stormwater pre-treatment under the proposed parking lot, consistent with Policy 3-D-7.

POLICY 4-B-6 "PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the

design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All "Marina" uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.

The proposed commercial activities are consistent with Policy 4-B-6 as providing parking adds to the pedestrian-oriented public realm.

POLICY 4-C-3 COMMERCIAL LOCATIONS: *When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:*

ii. Where new or expanded commercial uses are encouraged, as in the "Pedestrian Commercial" category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process...

The project is consistent with Policy 4-C-3.ii, as new commercial uses are encouraged in the Pedestrian Commercial category where a streamlined approval process is provided.

Parking is the 2nd problem defined in the Transportation Element and, in part states, *"The shortage of beach parking in the downtown area has achieved legendary status, even though existing parking lots are not used to capacity. When visitors cannot find a parking space, they tend to wander around in their cars, worsening congestion. The welcome rebirth of commercial activity near Times Square will increase the demand for parking..."* The Transportation Element encourages shared parking lots and states that smaller parking lots would be more acceptable than a parking garage to many residents of Fort Myers Beach.

OBJECTIVE 7-F OPTIMIZE THE PARKING SUPPLY —

Off-island parking facilities served by convenient public transportation should be provided to meet peak-season demands. For year-around demand, the town shall provide additional on-island public parking spaces, based in part on a new peakseason occupancy survey of existing public parking spaces.

The project is consistent with Objective 7-F, as the request will provide additional on-island public parking spaces for year-round demand.

POLICY 7-F-1 ENCOURAGE SHARED PARKING LOTS: *Parking lots serving a variety of land uses require much less space than separate on-site lots for each business. Shared lots waste less land and encourage walking because businesses aren't separated by large parking lots. The town shall encourage*

shared parking lots when businesses are relatively small, are clustered together, and have different busy periods.

The request is consistent with Policy 7-F-1 as it provides a shared parking lot to serve a variety of land uses, which the town encourages in this Policy.

POLICY 7-F-2 SHARED PARKING NEAR TIMES SQUARE: The Estero Island CRA recommended a reservoir of shared parking behind businesses along Old San Carlos and adding 165 on-street parking spaces near Times Square (although some of these spaces would merely replace spaces lost to new recreational facilities at Lynn Hall Park). The town shall investigate the feasibility of this concept in 1998-1999 and proceed toward implementation, or create an alternate plan that may include a parking garages near Times Square.

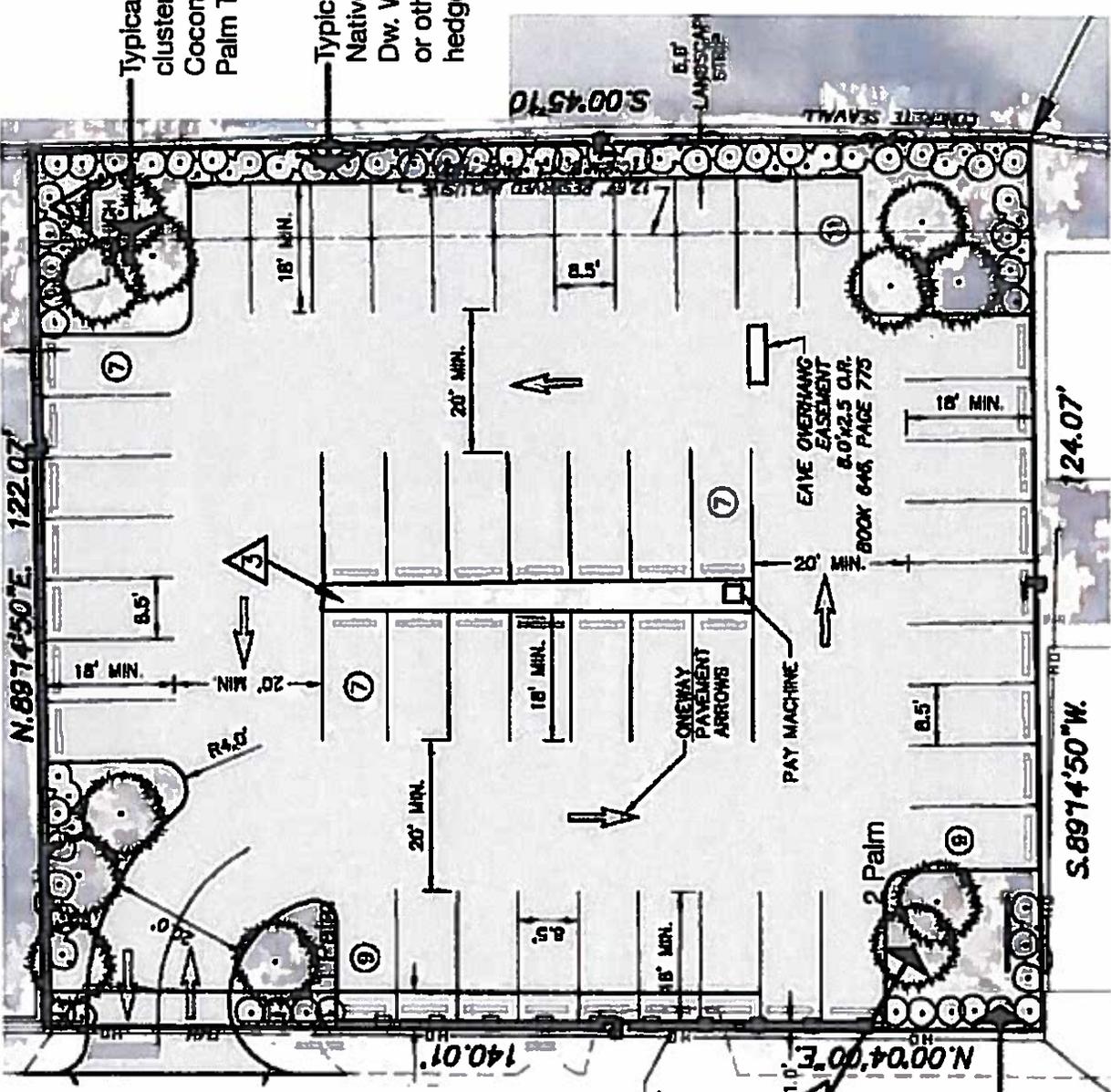
The request is consistent with Policy 7-F-2 as it provides shared parking spaces within the vicinity of Time Square and Lynn Hall Park.

The Recreation Element states, in part, that *"The CRA's Core Area Master Plan envisions the addition of beach volleyball courts and performance pavilion, although parking is so scarce that neither project has been implemented to date. Both would expand the town's recreation and entertainment resources and better link Lynn Hall Park with the newly revitalized Times Square pedestrian plaza. The county has informally agreed that if replacement parking were to be made available in the immediate area, the Lynn Hall parking area could be removed to create these recreation areas as well as to provide the opportunity to re-establish the dune line and native plantings."* The subject request provides for parking in the vicinity of Lynn Hall Park and Times Square which furthers the objectives of this Element.

Attachment D

Town of Fort Myers Beach
OCT 22 2015
 Received Community Devel

- Landscape Planting Notes:**
1. All palms must have a min. 10-ft. clear trunk at planting; all palms and trees must be min. 10-ft. height, 2 inches diameter at 1-ft. above grade, and 4-ft. spread.
 2. All shrubs planted a min. 24 inches in height and maintained at min. 36 inches after 12 months; min. 3 gal. container and spaced 18 to 36 inches OC.
 3. All plants and shrubs 100% native and meet FL Grade No. 1 (or better).



Typical Island 3
 cluster Sabel Palm,
 Coconut Palm or other
 Palm Tree landscaping

Typical 18 per 100 LF
 Native Sea Grape,
 Dw. Walters Viburnum
 or other native shrub
 hedge

Typical Island 2
 cluster Sabel Palm,
 Coconut Palm or other
 Palm Tree landscaping

Typical 18 per 100 LF
 Native Sea Grape,
 Dw. Walters Viburnum
 or other native shrub
 hedge

The Parking Lot Landscape Plan for the John Richard 140/150 Crescent Street Parking Lot Special Exception

Attachment F



RECEIVED

APR 25 2006

ewm

COMMUNITY DEVELOPMENT

APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING FORT MYERS BEACH

REQUEST FOR: (refer to back of sheet for special notes)

CONTINUANCE

REHEARING

DEFERRAL WITHDRAWAL

WITHDRAWAL OF ADMINISTRATIVE APPEAL

Date request was submitted April 25, 2006

FROM: Local Planning Agency Town Council

If a DEFERRAL OR CONTINUANCE, indicate length of time requested: N/A

If an APPEAL, enter the date decision was rendered: N/A

HEARING INFORMATION

A. Date of Scheduled hearing: April 10th continued to April 18th continued to May 1st

B. Hearing/application: 150 Crescent St. CPD

C. Tracking/Hearing Number: DCI 2005-00084

D. Type of Application:

Rezoning Variance Special Exc. Appeal of Adm. Action
 Rehearing Other: _____

REASON(S) FOR REQUEST

Applicant wishes to withdraw his application for Mixed Use Commercial/Residential CPD rather than be denied with prejudice. The withdrawal will allow the applicant to reapply in the near future with a plan that may be more acceptable to the adjacent residents and the Town Council.

JOB # 36862 JOB NAME 150 Crescent Street DATE 12-08-05

105 DELIVERY 111 PICKUP 119 RESEARCH REQUEST BY TNA

LEE COUNTY

 CHECK INCLUDED WITH DELIVERY

- DEVELOPMENT SERVICES
- ZONING
- D.O.T.
- HEARING OFFICER
- ENVIRONMENTAL SERVICES
- PROPERTY APPRAISER
- MAPPING DEPT. (AERIALS)
- TAX COLLECTOR
- LAND RECORDS
- PLATS
- MINUTES DEPARTMENT
- RECORDING

- CITY OF SANIBEL
- CITY OF FORT MYERS
- CITY OF CAPE CORAL
- TOWN OF FORT MYERS BEACH
- LEE COUNTY UTILITIES
- GULF UTILITIES
- F.C.W.C.
- BONITA SPRINGS UTILITIES
- BUILDING AND ZONING

- S.F.W.M.D.
- HEALTH DPEARTMENT
- FLA. D.O.T.
- FLA. D.E.P.
- CORPS OF ENGINEERS
- MOTO-PHOTO CLIENT
- ATTORNEY
- TRAVIS REPROGRAPHICS
- TRI-COUNTY BLUEPRINT

MISC. INST. Additional information requested by
Luis Machado- see attached e-mail
Minor CPD DCI 2005-00084
Ft Myers Beach 12 sets / FMB

RECEIVED
 DEC 08 2005
 COMMUNITY DEVELOPMENT

DCI 2005-00084

ZONING DIVISION
TOWN OF FORT MYERS BEACH
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Nettle M Richardson

DATE: 12/08/2005

Luis Machado, Zoning
Bill Sparks
Jerry Murphy

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: 150 CRESCENT STREET MINOR CPD

CASE #: DCI2005-00084

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 12/22/2005

Additional Comments: .

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Rebecca T Noble

Date: 12/09/2005

fzm05frvresub_fmb.rpt



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number _____

Bob Jones
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tommy Hall
District Four

John E. Athion
District Five

Donald D. Silwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

February 13, 2006

Ms. Tracy N. Bean, AICP
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Ft. Myers, FL 33919

Re: Agenda Schedule for Jay Ursoleo in ref. to 150 Cresent St.
Case No. DCI2005-00084

Dear Ms Bean, AICP:

Your zoning request has been scheduled before the Fort Myers Beach Local Planning Agency on March 14, 2006, at 12:00 noon. The hearing will be conducted in the Bank of America Building, 2523 Estero Boulevard, Fort Myers Beach, Florida.

Your zoning sign will be ready for pick-up anytime after February 20, 2006, at the drive-in window, 1500 Monroe Street, Fort Myers, Florida. This sign must be posted in accordance with Department procedures no later than March 3, 2006, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Rebecca J. Noble

Rebecca Noble
Administrative Assistant

cc: Jay Ursoleo
Lakeside Properties LLC, Owner
Fernando Fernandez, Architect
Nettie Richardson, Principal Planner
Zoning File

S:\CASES\beckydump\LPA app ltr.frm

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

ZONING DIVISION
TOWN OF FORT MYERS BEACH
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

FROM: Nettie M Richardson

DATE: 02/10/2006

TO: Distribution
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Bill Spikowski
Jerry Murphy

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: 150 CRESCENT STREET MINOR CPD

CASE #: DCI2005-00084

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 02/24/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of Insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Rebecca T Noble

Date: 02/15/2006

fmbtstsrresub_fmb.n



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

Ms. Nettie Richardson, Principal Planner
Division of Zoning
Lee County Department of Community Development
Post Office Box 398
Fort Myers, FL 33902-0398

RECEIVED
FEB 10 2006
Cwm 9:55am
COMMUNITY DEVELOPMENT

Reference: 150 Crescent Street CPD - DCI 2005-00084
BWLK Project No. 36862

Dear Nettie:

In response to your questions and the memos from Jerry Murphy regarding various aspects of our application referenced above, I have provided the following information:

Memos from Gerald Murphy - 1/20/06

- 1.a) I believe the "glitch" referred to is that we initially did not ask for deviations from the RM District requirements that would allow us to use the "Downtown District" standards for site development. This was addressed in our responses to the sufficiency comments dated November 15, 2005.
- 1.b) The height and its measurement is clearly stated on the right hand side of the Master Concept Plan.

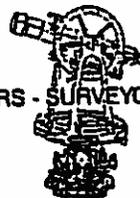
The height of the building from base flood elevation (+12.0) to roof peak will be no greater than 30'. The height from the mean sea level is 42'. Deviation #2 requests relief from the requirement that buildings fronting Crescent Street can be no more than two stories above base flood elevation. The standard is somewhat ambiguous as our building is three stories but includes a ground floor below base flood elevation. This is not clearly addressed in the LDC section on height. We had hoped this deviation would clarify the height request and the fact that we are complying with intent of the core area vision set forth for Crescent Street ... "at the ground level, Crescent Street could become the "affordable commerce" street for small scale, locally owned businesses and startup enterprises, as rising property values make rents more expensive along Estero Boulevard, Times Square and Old San Carlos Boulevard".

Continued...

DCI 2005-00084

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
TRACY N. BEAN, ACP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN M. SKORUPSKI, PSM
ELWOOD PINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE



- 2.a) I have spoken with Kim Trebatoski regarding visual screening by buffering the parking area from the residential properties cross the canal. By the time you get this, we will have seen her conditions for the landscaping. She suggested buttonwood or similar small native trees that can be utilized as a hedge. Our revised MCP now shows this. The renderings of the elevations and site plan being prepared for the LPA will also show this.
- 3.a) The reworded justifications to the deviations are attached as a separate sheet and also shown on the MCP. They now reflect compliance with the core area vision set forth in the community design element of the comp plan.

Responses to Comments from Meeting with Nettie - 2/1/06

1. The sides are the same. Elevations have been requested from the architect and are forthcoming. However, only one may be provided as they mirror each other.
2. *Is architecture blending with the area and does it meet the intent of the Core Area Vision set forth in the Community Design Element of the Comprehensive Plan?*

As this is one of the first new developments on Crescent Street the question of whether it "blends" with the surrounding neighborhood is somewhat moot as the surrounding neighborhood is in a state of change and there is no set design standard other than what is described in the Community Design element of the Comprehensive Plan or Section 34-994-34-998-Commercial Design Standards.

- The design promotes walkable streets and provides pedestrian comfort and accessibility.
- Promotes streets as the neighborhood realm by bringing the building closer to the street with private space at the rear; using elevation required by flood regulations (rather than a deep front yard) to create privacy for residential units. The design uses balconies as decks as elements that define space and provide natural surveillance of the street.
- Plans for pedestrian paths to allow mobility despite seasonal congestion on Estero Boulevard.
- Mixed use encourages private investment in the economic life, physical forms and natural amenities of the town. Promotes the direction of infill change toward a specific area (Crescent Street/Downtown Core) that is in transition and helps reinforce the quality of those existing and new redeveloped sites such as
- The Core Area Vision for Crescent Street includes mixed use development to replace those that are showing signs of deterioration. The vision also allows for the provision of in-town housing and encourages compact development with pedestrian access provided by sidewalks and shaded by trees or awnings.

The elevations provided show a building that incorporates the design elements listed in LDC Section 34-994-998.

- Concrete block with stucco.

Continued . . .

DCI 2005-00084

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FEB 10 2006

Bean, Whitaker, Lutz & Kareh, Inc.

Page 3

- Transparent windows that cover at least 30% of the wall below the expression lines.
 - Rectangular window openings are oriented vertically.
 - The principal façade has a prominent cornice and expression line; a working entrance and windows.
 - Vertical elements are provided to break up the façade.
 - The wall along Crescent Street is broken up by vertical elements, expression lines, cornices; windows, entrance doors and color banding.
 - Primary entrances both vehicular and pedestrian - face Crescent Street.
 - Windows contain visible sills and lintels.
 - Open balconies are provided to offer views from upper stories overlook the street below.
 - A hip roof with three elevation changes along the front is proposed. The roofing material will be barrel tile.
3. The sidewalk is the first in the area on the south side of Crescent Street. Provision of the sidewalk meets the intent of the pedestrian circulation element of the comp plan and sets a standard for subsequent development along Crescent Street.
4. An additional deviation for intersection separation along Crescent Street has been added. See separate sheet - Exhibit "A".
- 5.a) A Letter of No Objection" has been requested from Mr. John Richard, owner of the property to the north.
- Mr. Ursoleo has a contract to purchase the property to the south and plans to close in February. He will be the adjacent property owner to the south and has no objection to the reduction of buffer. However, I would like to point out again that there are no buffer requirements for the Downtown District west of Palmero Circle. Since we are asking for development standards of the Downtown District and we have also asked for deviations to provide a betterment plan with enhanced plantings, do we have to justify not providing a buffer that normally would not be required in the downtown district? I realize we still need a letter from John Richard.
6. Kim Trebatoski has provided written conditions regarding the parking buffer and landscaping. We have addressed them on the MCP and there will be more detail in a forthcoming landscape plan.

Should you have any questions, please do not hesitate to call me.

Sincerely,

Bean, Whitaker, Lutz & Kareh, Inc.

Tracy N. Bean

Tracy N. Bean, AICP
Zoning & Land Use Coordinator

DCI 2005-00084

TNB/AJ
Enclosures
36862_RICHARDSON4



Schedule of Deviations

- 1) A deviation from the Table 34-3 (FMBLDC) - Dimensional Regulations in Conventional Zoning Districts - that requires development in the RM (Residential Multifamily District) to provide the following structures setbacks:

- a) street - 25'
- b) side - waterfront lot 20'

to allow a street setback of 5' and a side waterfront lot setback of 5' in compliance with the standards of the Downtown District.

Justification - The parcel lies in two zoning districts. Lot 6 is in the Downtown District and Lot 7 is in the RM District. The intent of this commercial planned development is to comply with the requirements for the Downtown District due to its proximity to Estero Boulevard, Times Square and Old San Carlos Boulevard. Therefore it is necessary to request deviations for site design standards from the RM District requirements. The redevelopment of this project provides a level of design that meets the commercial design standards of the Downtown District and sets a higher standard for redevelopment of Crescent Street.

- 2) A deviation from Section 34-675(b)(2) (FMBLDC) - Building Height - that states properties that front ... Crescent Street shall be a maximum of 30' above base flood elevation and no taller than two stories to allow the proposed building to have two floors above base flood elevation and ground floor commercial area for a total of three stories.

Justification - The second part of Section 34-675(d)(2) states that elevated buildings without enclosed space on the first (ground) story may be three stories tall, limited to 30' above base flood elevation. The applicant is proposing ground floor commercial space that will be flood-proofed in accordance with the definition in Section 6-405 (FMBLDC) and the parcel in question is so small that in order for the applicant to utilize the property to the highest and best use, some value must be obtainable on the ground floor. Since the intent of the Downtown Zoning District is to allow ground floor commercial space with residential use above, we believe this request meets the intent of the vision for the Downtown District.

- 3) A deviation from Section 10-416(c)(2) (FMBLDC) - Buffer Requirements - that states proposed multi-family use adjacent to single-family use (south) must provide a Type "B" buffer and that commercial use adjacent to single or multi-family use (north and south) must provide a minimum Type "C" buffer with a wall; to allow a waiver of the wall requirement and reduction of the buffer area from 15' to 5'.

Justification - The proposed development is designed to meet the intent of the Downtown Zoning District including compliance with build-to lines of 5'-10' and side setbacks of 5'. In a meeting July 6th, Jerry Murphy indicated we could provide letters from the adjacent property owners in support of reducing the buffer requirement. The property is now screened on both the north and south property lines by 6' high wooden fences. The applicant proposes to plant hedges that could be maintained at a mature height of 60". This height will block the adjacent property from looking directly into the commercial area of the building. The existing fences will block activity from the parking

Continued . . .

DCI 2005-00084

lot. There are six existing rentals on the site and cars to support those residents that do nothing to advance the town vision for Crescent Street. Redevelopment of this site is outlined to promoting the Core Vision if the downtown area including Crescent Street is to function as planned.

In addition, a proposed solid wall will block the view of the pool and dumpster from the single-family residence to the south and across the canal. A buffer of buttonwood along the rear of the property between the dock and the dry detention area will buffer the parking from the residences across the canal (east).

- 4) A deviation from Section 10-283 (FMBLDC)-Connection Separation from 125' for existing connections to a local street (Crescent Street) to allow the following reduced connection separation:

95' and 60' to drives to the south
25'; 75' and 78' to drives to the north

Justification - "Where existing lots are being developed or redeveloped, the director shall determine whether new access points can be consolidated or eliminated, to achieve the minimum connection spacings..." Section 10-285(c)FMBLDC). The subject site has one existing access point that is very near the location of the proposed access point. Therefore, the proposed intersection separation is no less than what is existing. The 100 LF of frontage offers little opportunity to maximize separation from adjacent existing driveways to the north or south. Therefore, the deviation is justified to bring existing non-conformities into compliance with the LDC.

36862DEVIATIONS2

2-06-06

RECEIVED
FEB 10 2006

DCI 2005-00084

Town of Fort Myers Beach



Bill Thomas
Mayor

Gary Reynolds
Vice Mayor

Don Massucco
Seat 1

Howard Rynearson
Seat 3

Bill Van Duser
Seat 5

Writer's Direct Dial Number: (239) 479-8788

September 14, 2005

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
13041 MCGREGOR BLVD
FT. MYERS, FL 33919

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NOV 16 2005

Re: 150 CRESCENT STREET MINOR CPD
DCI2005-00084 - PDS Application (Minor CPD) COMMUNITY DEVELOPMENT

Dear MS. TRACY BEAN:

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be 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 Lee County reviewing agencies.

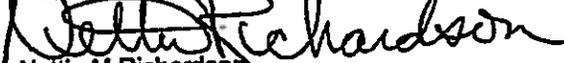
If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DCI 2005-00084

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

For the Town of Fort Myers Beach


Nettie M Richardson
Principal Planner

received
September 28 2005

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
RE: 150 CRESCENT STREET MINOR CPD
DCI2005-00084
September 14, 2005
Page 4

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COMMUNITY DEVELOPMENT

1) *Sufficiency Comments.*

1. The Master Concept Plan needs to show all driveways/streets within 125 feet of the project's entrance along Crescent Street, so that a deviation could be required, if necessary.

2) *The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.*

Lili Wu 479-8580 ext 5395

Fort Myers Beach Minor PD & Amendment Checklist

7a) *Evidence of Unified Control. The same documentation evidencing unified control as is required by ch. 10 for development orders. [34-212(3); 10-154(2)]*

Please provide evidence of unified control as required.

8a7) *Public transit. Access and facilities for public transit, where applicable. [34-212(4)h.]*

Provide information regarding public transit.

8a9) *Location of deviations. The specific location of any requested deviations, including sample detail drawings that illustrate the effect of the proposed deviation. [34-212(4)].*

In Supplement PH-D, Part 1 - Narrative Statements under letter F. - Schedule of deviations and a written justification, you write..see attached. However, I find no document that addresses any deviations nor are there any listed on the Master Concept Plan. Please indicate if any deviations are being requested and if so, provide written justification.

9) *Architectural Elevations. Architectural elevations or a three-dimensional renderings that show, at a minimum, all building facades adjoining public streets. [34-212(5); 34-202(b)(5)]*

Please provide architectural elevations that shown all side of the proposed building. Only the front elevation was submitted.

DCI 2005-00084

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
RE: 150 CRESCENT STREET MINOR CPD
DCI2005-00084
September 14, 2005
Page 5

11) Miscellaneous Items.

Jack Green, Community Development Planner with the Town of Fort Myers Beach reviewed the submittal information and provided the Town's comments attached to an email to Nettie Richardson. Please address his comments when resubmitting.

The buildings located on the property were built in the 1936 and 1925. Have you made any contact with the Town of Fort Myers Beach Historic Preservation about the possibility of designating these buildings as historic. Please advise.

12) Contact. The Zoning Planner may be contacted regarding any questions on this Minor Planned Development checklist.

Please contact Nettie Richardson at 479-8786 if you have any questions.

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NOV 16 2005

COMMUNITY DEVELOPMENT

DCI 2005-00084

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
RE: 150 CRESCENT STREET MINOR CPD
DCI2005-00084
September 14, 2005
Page 3

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NOV 16 2005

COMMUNITY DEVELOPMENT

Environmental Sciences Planned Development Sufficiency Checklist

5) *Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]*

Please explain why there is no open space requirement on this project as stated on the proposed MCP. ES staff could not find any zoning cases for this property that would release the applicant from open space. The FMB LDC requires, on page 20 of 63, 7(d) "All proposed open space and recreation areas and facilities should be shown and identified ..." Also, the FMB LDC outlines the requirements of open space in 10-415. Please explain.

9) *Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)g.]*

Please provide and show on the MCP the required buffers for adjoining properties as requested in both Lee County's LDC 10-416 and FMB LDC 10-416 or please explain why the buffers are not required. When a site is redesigned or redeveloped it must come into compliance with the applicable codes as much as possible.

10) *Dock & Shoreline Structures. Location and dimensions of proposed structure(s) must be shown on the Master Concept Plan. How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]*

Are docks or other shoreline structures proposed for this plan along the canal? If so, please show on the MCP what is being proposed and/or already exists.

12) *Miscellaneous Items.*

1. Please describe what protections are proposed for stormwater drainage from the parking area into the canal. The site should be designed to carry stormwater away from the canal for treatment before discharging it off site. <

2. Please note ES staffs' concern about the location of the dumpster as it has the potential to leak toxins into the canal and waterway. Please show how the site will be designed to carry stormwater away from the dumpster and canal for treatment before discharging it off site. <

13) *Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.*

Carie Call-Obenchain 479-8337 or ccallobenchain@lee.gov.com

DCI 2005-00084

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
RE: 150 CRESCENT STREET MINOR CPD
DCI2005-00084
September 14, 2005
Page 2

cc: Pamela Houck, Division Director
Jerry Murphy, Town of Fort Myers Beach
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Prindig, DCD Admin
Bill Spikowski
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

RECEIVED

NOV 16 2005

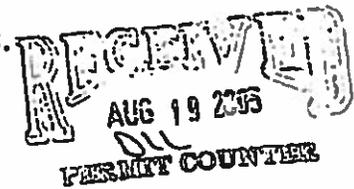
COMMUNITY DEVELOPMENT

DCI 2005-00084



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



HAND DELIVERED

August 19, 2005

Ms. Pamela Houck, Director, Division of Zoning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

DCI 2005-00084

Reference: Public Hearing Application for 150 Crescent Street CPD
Town of Fort Myers Beach 19-46-24
BWLK Project No. 36862

Dear Ms Houck:

Enclosed herewith is an Application for a Public Hearing for a Minor Commercial Planned Development of 0.29 acres, Lots 6-7, Block E, Crescent Park Subdivision. The parcel is located at 150 Crescent Street and is the site of the five existing residential units in four buildings.

The property owner proposes to construct a new mixed use building with 2,000 SF of ground floor commercial use and six transient residential units in four buildings.

The following items are included for your review:

- 1) A check in the amount of \$5,000.00 for the review fee for a Minor Commercial Planned Development of 0.29 acres and two (2) sets of mailing labels.
- 2) One (1) original application and twelve (12) copies of all required exhibits/attachments.
- 3) Thirteen (13) sets of the Master Concept Plan.
- 4) Thirteen (13) prints of the boundary survey, signed and sealed by a registered land surveyor.

A separate Schedule of Uses is included. No deviations are requested. The property is in the Downtown Platted Overlay of Fort Myers Beach Future Land Use Map and is currently zoned Downtown District.

If you should have any questions regarding the above, please do not hesitate to call me.

Sincerely,

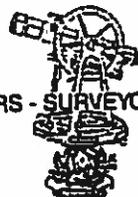
Bean, Whitaker, Lutz & Kareh, Inc.

Tracy N. Bean, AICP
Zoning & Land Use Coordinator

TNB/AJ
Enclosures
36862HOUCK1

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

BEAN, WHITAKER, LUTZ & KAREH, INC.

Civil Engineers – Surveyors and Mappers – Planners
 13041 McGregor Boulevard
 Fort Myers, FL 33919-5910

LETTER OF TRANSMITTAL

Phone 239-481-1331
 Facsimile 239-481-1073
 E-Mail: FMOFFICE@BWLK.NET

TO: Lee County Community Development Division of Development Services 1500 Monroe Street – 2nd Floor Ft. Myers, FL 33901	JOB NO 36862	DATE: 02-14-06
	ATTENTION: Ms. Nettie Richardson, Principal Planner	
	RE: Additional Information :DCI 2005-00084 150 Crescent Street	

WE ARE SENDING YOU THE FOLLOWING ITEMS.

COPY OF LETTER PRINTS SHOP DRAWINGS
 COPY OF APPLICATION PLANS CHANGE ORDER
 OTHER: see below _____ REPORTS

COPIES	DATE	NUMBER	DESCRIPTION
13	02-14-06	1 page	Letter of "no objection" to an alternate betterment plan for landscaping along the north property line.

RECEIVED
 FEB 15 2006
 PERMIT COUNTER

THESE ARE TRANSMITTED AS CHECKED BELOW:

FOR APPROVAL FOR YOUR USE
 FOR REVIEW AND COMMENT FOR YOUR RECORDS
 OTHER: _____ AS REQUESTED

REMARKS:

COPY TO: Jay Ursoleo, applicant

SIGNED: Tracy N. Bean
 Tracy N. Bean, AICP
 Zoning & Land Use Coordinator

DCI 2005-00084

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: March 3, 2006

TO: File - 150 Crescent St. **FROM:** Rebecca Noble
Administrative Assistant

RE: Notice of Public Hearing - March 14, 2006
Town of Fort Myers Beach Local Planning Agency

I, Rebecca Noble, certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

ZONING DIVISION
TOWN OF FORT MYERS BEACH
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Bill Splkowski
Jerry Murphy

FROM: Nettie M Richardson

DATE: 08/19/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: 150 CRESCENT STREET MINOR CPD

CASE #: DCI2005-00084

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 09/02/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Rebecca T Noble

Date: 08/29/2005



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cery
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stowell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

March 29, 2006

Ms. Tracy N. Bean, AICP
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Ft. Myers, FL 33919

Re: **Agenda Schedule for Jay Ursoleo in ref. to 150 Crescent St.
Case No. DCI2005-00084**

Dear Ms. Bean, AICP:

Your zoning request has been scheduled before the Fort Myers Beach Town Council to take final action after reviewing the Local Planning Agency recommendation.

DATE & TIME: April 10, 2006, Meeting commences at 9:30 a.m.

LOCATION: Fort Myers Beach Administrative Building
2523 Estero Boulevard
Ft. Myers Beach, Florida 33932

If you have questions call 765-0202 for additional information.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Rebecca J. Noble
Rebecca Noble
Administrative Assistant

cc: Jay Ursoleo
Fernando Fernandez
Nettie Richardson, Principal Planner
Zoning File

U:\200603\DCI20050.008\41TC APP LTR.WPD

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

ZONING DIVISION
TOWN OF FORT MYERS BEACH
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

FROM: Nettie M Richardson

DATE: 01/11/2006

TO: Distribution
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Gelch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Bill Spikowski
Jerry Murphy

PROJECT NAME: 150 CRESCENT STREET MINOR CPD
INFORMATION SUMMARY.

CASE #: DCI2005-00084

To update your file

Review and forward substantive comments ASAP.

RESPONSE REQUIRED BY: 01/20/2006

Additional Comments:

cc: DCI planner/working fileDCI Zone File

Distributed by: Jodi M Payne

Date: 01/11/2006

Town of Fort Myers Beach



Bill Thomas
Mayor

Gerr Reynolds
Vice Mayor

Don Mastucco
Seat 1

Howard Rynearson
Seat 4

Bill Van Duzer
Seat 5

January 11, 2006

Writer's Direct Dial Number: (239) 479-8786

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
13041 MCGREGOR BLVD
FT. MYERS, FL 33919

Re: 150 CRESCENT STREET MINOR CPD
DCI2005-00084 - PDS Application (Minor PD)

Dear MS. TRACY BEAN :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Rezone 0.28+/- acres from Residential Multifamily (RM) and Downtown to Minor Commercial Planned Development (CPD) to allow a 3-story building not to exceed 42 feet in height to include 2,000 square feet of retail on the 1st floor and 6 residential units on the 2nd and 3rd floors located at 150 Crescent Street.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by January 25, 2006 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Fort Myers Beach Local Planning Agency on March 14, 2006. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

ZONING DIVISION
TOWN OF FORT MYERS BEACH
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Bill Spikowski
Jerry Murphy

FROM: Nettie M Richardson

DATE: 11/16/2005

* REVIEWERS - remember permit plan checklists should now be used.

PROJECT NAME: 150 CRESCENT STREET MINOR CPD

CASE #: DCI2005-00084

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 12-02-05

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Rebecca T Noble

Date: 11/28/2005



Bean, Whitaker, Lutz & Karch, Inc.

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

RECEIVED

NOV 16 2005

mwkw
COMMUNITY DEVELOPMENT

November 15, 2005

Ms. Nettie M. Richardson, Principal Planner
Zoning Division
Lee County Department of Community Development
Post Office Box 398
Fort Myers, FL 33902-0398

Reference: 150 Crescent Street - Minor CPD - DCI 2005-00084
BWLK Project No. 36862

Dear Ms. Richardson:

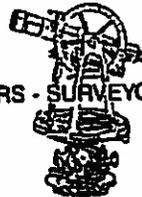
In response to your sufficiency comments dated September 14, 2005, we are providing the following information and plans:

Environmental Services Planned Development Checklist

- 5) **Open Space** - Fort Myers Beach LDC, Section 10-415, adopted April 18, 2005, does not require open space for multiple use projects (Table 10-7). In addition, this is a Commercial Planned Development with a residential component lying partially within the Downtown Zoning District. The downtown district (Section 34-677(b)) has no minimum open space requirement unless the site is east of Palmero Circle and north of Estero Boulevard. This site is not that far east. Crescent Street is immediately east of the sky bridge (San Carlos Boulevard) and west of Palermo Circle. Our plan clearly states that we are providing 17% or 2,157 SF of open space. We have shown the pool and deck area (recreational space). Provided open space is now shown as shaded area on the revised plan.
- 9) **Buffers** - In a meeting with Jerry Murphy on July 6, 2005, he indicated we could get a waiver from the buffer requirement on the north and south property lines if the adjacent property owners agreed in writing. We have provided Deviation No. 4 from the buffer requirements of Section 10-416(c)(2) and (3), if necessary. However, Section 34-677(b)(2) states that residential buffers are required between ... mixed use buildings and single family residential lots for properties north of Estero Boulevard and east of Palermo Circle. Since our property is west of Palermo Circle and we are requesting to be reviewed under the Downtown District regulations, Section 34-677(b) states that there are no buffer requirements in the Downtown District. Therefore a waiver or deviation from the requirement is not needed on the south property line. The signed letter of no objection from the property owner to the north is forthcoming.

Continued...

DCI 2005-00084



CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREM, PE, USCE, VICE PRESIDENT

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. TONIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINERFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
AUDOLF A. NORMAN, PE

RECEIVED

Bean, Whitaker, Lutz & Karch, Inc.

NOV. 16 2005

Page 2

COMMUNITY DEVELOPMENT

- 10) *Docks and Shoreline Structures* - A marginal dock 8' wide and 90' long is being requested. This dock is similar to the existing dock for the property to the north. There is an existing seawall in place.

12) *Miscellaneous Items*

- 1) A dry detention area is planned for the rear of the site. Storm water will collect and be held onsite in accordance with water quality requirements of Lee County and South Florida Water Management District. The runoff will be directed toward Crescent Street via a pipe conveyance along the south property line.
- 2) The dumpster pad is proposed to be constructed on a grade that is angled away from the canal. The refuse container is enclosed on three sides by a concrete block wall and water will drain into the parking lot and be directed toward Crescent Street, not toward the canal. Please see drainage routing on revised plan.

1) *Sufficiency Comments*

1. Exhibit 6-1 - The unified control form properly signed and notarized is provided.
- 8a7) Public transit location is shown on plan. Bus stop is just west of intersection of Crescent Street and Estero Boulevard.
- 8a9) Deviations from requirements of the RM District are now included with details and legend on the Master Concept Plan.
- 9) Architectural elevations for the sides of the building and the rear are attached.

11) *Miscellaneous Items* - Comments from Jack Green (DCD FMB):

- 1) The project is being developed under the zoning criteria of a Commercial Planned Development (with residential component) which allows the applicant to set his own site development standards. We used the Downtown District requirements as a base and incorporated the desires of the applicant. Site development data is now shown on the Master Concept Plan.

Deviations from certain requirements of the RM District are now provided. The Schedule of Deviations is now shown on the Master Concept Plan.

- 2) An impromptu meeting with Jack Green and Dave Sharples on September 1st clarified some of the confusion they apparently had with this application.

In the meeting on September 1st, the schedule of uses was discussed and the definition of "transient residential" was questioned. We are asking for six (6) multifamily residential units. The Schedule of Uses is now shown on the Master Concept Plan.

Continued...

DCI 2005-00084

- 3) The site does not meet the density requirements of the Fort Myers Beach Comprehensive Plan but there are six existing units currently used as rentals. To request the permitting of the six proposed units, the applicant has complied with the pre-disaster buildback requirement that will allow a maximum of 3,073 SF (existing residential square footage) of floor area, dedicated to the second and third floor dwelling units.

In addition we researched the Property Appraisers historic property cards. The years 1968-1971 were the oldest available. Copies are included that show four (4) separate buildings on the site.

The property appraisers data search also shows four (4) buildings of approximately the same dimensions as the property card. The two (2) larger buildings are recognized as "duplex" under improvement type. Although there are gaps of information we believe the Property Appraiser recognizes six (6) units in four (4) buildings on the site.

Twelve (12) sets of the revised application exhibits and Master Concept Plan and three reduced 11" x 17" copies are included with the responses. Please do not hesitate to call me if you have any questions.

Sincerely,

Bean, Whitaker, Lutz & Kareh, Inc.



Tracy N. Bean, AICP
Zoning & Land Use Coordinate

TNB/AJ

Enclosures

cc: Jay Ursoleo, Co-Owner/Applicant
Dr. Alton Ford, Co-Owner
35862RICHARDSON2

RECEIVED

NOV. 16 2005

COMMUNITY DEVELOPMENT

OCI 2005-00084

ZONING DIVISION
TOWN OF FORT MYERS BEACH
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

FROM: Nettie M Richardson

DATE: 01/11/2006

TO: Distribution

TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Bill Spikowski
Jerry Murphy

PROJECT NAME: 150 CRESCENT STREET MINOR CPD
INFORMATION SUMMARY:

CASE #: DCI2005-00084

To update your file

X Review and forward substantive comments ASAP.

RESPONSE REQUIRED BY: 01/20/2006

Additional Comments:

cc: DCI planner/working fileDCI Zone File

Distributed by: Jodi M Payne

Date: 01/11/2006

ES00631

DEK COUNTY, FLORIDA

DATE OF SALE: 12/14/70
 AMOUNT: 65000
 SEC. & P.C. NO.: DE 444710
 OWNER'S NAME: HUFFY & ALICE MARTHA
 ADDRESS: P.O. BOX 2603 - 32413
 DESCRIPTION: CRESCENT PARK ADD -
 BLK C - PR 4 PG 46
 LOTS 6 & 7 C. 32-67 FT. BEL.
 LOTS & CANAL -

12/14/70 65000 DE 444710
 ORIGINAL DEL. Co. Est. C. No. P.

YEAR	FACTOR	1977	1977	1978
1977	7800	7800	7800	12000
1978	13190	13190	13190	13810
TOTAL	18690	21370	21610	25810

Town of Fort Myers Beach



Dennis Boback
Mayor

Don Masuccio
Vice-Mayor

Don Masuccio
Vice-Mayor

Bill Shenka, Jr.
Seat 4

Charles Meador, Jr.
Seat 5

April 20, 2007

Writer's Direct Dial Number: (239) 478-8587

DEAN MARTIN, P.E.
TDM CONSULTING, INC.
8695 COLLEGE PARKWAY
SUITE 106
FORT MYERS, FL 33919

RE: URSOLEO - CRESENT STREET
DOS2007-00013 - DO Submittal Small
RO1 Application (Resubmittal)A

Dear DEAN MARTIN, P.E. :

Your plans for the above-referenced project have been reviewed and approved for Concurrence and a Development Order with stipulation(s). Concurrence and the Development Order are granted for the following:

Construction of a 5,849 sq. ft. building for 8 new rental apartments to replace 8 existing rental apartments, with parking, landscaping, water & sewer services, stormwater management facilities, a swimming pool, and related minor site improvements. [CNC2007-00023]

THIS CERTIFICATE OF CONCURRENCE SHALL BE VALID AND EFFECTIVE UNTIL 4/20/2010. DURING THE NEXT THREE (3) YEARS, the Development Services Division is authorized to issue building permits for the construction of the building(s) indicated above without further review of the Concurrence requirements by the Division. Upon expiration of the Concurrence Certificate, the project will be subject to the concurrence program in effect at the time of expiration. No vested right to a Concurrence Certificate will exist solely due to the existence of an otherwise effective Development Order.

THIS DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF THREE (3) YEARS AND IS SCHEDULED TO EXPIRE ON 4/20/2010.

Approval is subject to the following stipulation(s) and/or comment(s):

Fort Myers Beach Environmental Sciences Checklist (Ord. 04-01)

1) Sea Turtle Protection. Sea turtle protection must be provided pursuant to FMBLDC Sec. 14-71 et. seq. [14-71 thru 14-110]

Please note that the building lighting is not approved with this DO and will be reviewed by ES staff with the building permit submittal.

42) Contact. The reviewer may be contacted for additional information regarding this Environmental Sciences checklist.

Please contact Abby Walthier at (239) 479-8305.

Fort Myers Beach Transportation Checklist - General & Sidewalks (Ord. 04-01)

TDM CONSULTING, INC.

Page 2

URSOLED - CRESENT STREET
DOS2007-00013

April 20, 2007

17) Town Permit Required. A roadway construction permit issued by the Town is required for any construction in any Town maintained road right-of-way or easement. A drainage plan prepared by a registered professional engineer is required. [10-296(o)(2)]

STIPULATION:

Prior to any work within the Crescent Street right-of-way, a City Right-of-way permit will be required.

If you have any questions concerning this matter, please contact this office.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division
For the Town of Fort Myers Beach



Peter J. Eckenrode
Development Services Director

PJE / RLW

Attachments: plans

Town of Fort Myers Beach



Dennis Babcock
Mayor

Don Massucco
Vice-Mayor

Garr Reynolds
Seat 2

Bill Shenko, Jr.
Seat 4

Charles Meador, Jr.
Seat 5

Writer's Direct Dial Number: (239) 479-8587

February 19, 2007

DEAN MARTIN, P.E.
TDM CONSULTING, INC.
8695 COLLEGE PARKWAY
SUITE 106
FORT MYERS, FL 33919

RE: URSOLEO - CRESENT STREET
DOS2007-00013 - DO Submittal Small
DO2 Application (Small DO)

Dear DEAN MARTIN, P.E. :

The above-referenced project plans have been reviewed and cannot be approved at this time for the following reason(s):

See review comments attached.

In accordance with Section 10-110 of the Land Development Code, you may redraft and submit the required documents (showing the corrections for specified deficiencies) to the Director of the Development Services Division within 180 days of the date hereon or the application will be deemed withdrawn, and a new application along with appropriate fees will be required; or you have thirty (30) calendar days from the date hereon to file an appeal of this decision to the Town Council's office. Applications are available from the Development Services Division.

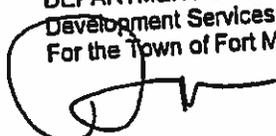
PLEASE INDICATE THE ABOVE DEVELOPMENT ORDER NUMBER ON ANY FUTURE CORRESPONDENCE.

IF THE PLAN SETS ARE RETURNED TO YOU, PLEASE RESUBMIT 6 COMPLETE SETS OF REVISED PLANS.

If you have any questions concerning this matter, please contact this office.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division
For the Town of Fort Myers Beach


Peter J. Eckenrode
Development Services Director

PJE / RLW

Attachments: plans

TDM CONSULTING, INC.
URSOLEO - CRESENT STREET
DOS2007-00013
February 19, 2007

Fort Myers Beach Environmental Sciences Checklist (Ord. 04-01)

1) *Sea Turtle Protection.* Sea turtle protection must be provided pursuant to FMBLDC Sec. 14-71 et. seq. [14-71 thru 14-110]

Please submit a site lighting plan.

35) *Exotic Vegetation Removal Plan.* Where applicable, an exotic vegetation removal plan must be submitted. [10-154(17)] (See Application Form PART VIII)

Please revise notes to include all invasive and prohibited exotics (scaevola and chinaberry).

42) *Contact.* The reviewer may be contacted for additional information regarding this Environmental Sciences checklist.

Please contact Abby Walthier at (239) 479-8305

Fort Myers Beach Transportation Checklist - General & Sidewalks (Ord. 04-01)

17) *Town Permit Required.* A roadway construction permit issued by the Town is required for any construction in any Town maintained road right-of-way or easement. A drainage plan prepared by a registered professional engineer is required. [10-296(o)(2)]

STIPULATION:

Prior to any work within the Crescent Street right-of-way, a City Right-of-way permit will be required.

Fort Myers Beach Fire Checklist (Ord. 04-01)

3) **FIRE FLOW TEST LOCATION.** The plans submitted must show the location of the hydrant that was flow tested. [10-384(c)]

4) **FIRE FLOW TEST.** A fire flow test report witnessed and signed by the Fire Department must be submitted. The fire flow test report must be shown on utilities plans. [10-384(c)]

5) **FIRE FLOW CALCULATIONS.** The plans must show required fire flow calculations based on the building size, type of construction, and use of the building. [10-385(b)]

7) **HYDRANTS AT BUILDINGS.** The plans submitted must show a fire hydrant located/installed so that the hydrant is no more than 400' from any portion of the ground floor of any building(s) except one- and two-family developments. These hydrants are in addition to any other hydrant spacing requirements. [10-385(d)(4)]

15) *Contact.* The reviewer may be contacted for additional information regarding this Fire Safety checklist.

Dan Notte 479 8393

Town of Fort Myers Beach



*Deanis Boback
Mayor*

*Larry Kiker
Vice-Mayor*

*Herb Achen
Seat 2*

*Bill Shenko, Jr.
Seat 4*

*Charles Meador, Jr.
Seat 5*

August 30, 2007

Writer's Direct Dial Number: 239-533-8585

DEAN MARTIN, P.E.
TDM CONSULTING, INC.
8895 COLLEGE PARKWAY
SUITE 106
FORT MYERS, FL 33919

RE: URSOLEO - CRESENT STREET
DOS2007-00013 - DO Submittal Small
AO1 Application (Amendment)A

Dear DEAN MARTIN, P.E. :

Your plans for the above-referenced project have been reviewed and approved for an Amended Development Order with stipulation(s) for the following:

The addition of a 609 square foot administrative office;
An elevator and staircase;
Fence, wall, and dock as shown on this parcel.
(CNC2007-00023)

Approval is subject to the following stipulation(s) and/or comment(s):

Fort Myers Beach Environmental Sciences Checklist (Ord. 04-01)

1) Sea Turtle Protection. Sea turtle protection must be provided pursuant to FMBLDC Sec. 14-71 et. seq. [14-71 thru 14-110]

Please note that the building lighting is not approved with this DO and will be reviewed by ES staff with the building permit submittal.

42) Contact. The reviewer may be contacted for additional information regarding this Environmental Sciences checklist.

Please contact Abby Walthier at (239) 479-8305.

Fort Myers Beach Transportation Checklist - General & Sidewalks (Ord. 04-01)

17) Town Permit Required. A roadway construction permit issued by the Town is required for any construction in any Town maintained road right-of-way or easement. A drainage plan prepared by a registered professional engineer is required. [10-296(o)(2)]

STIPULATION:

Prior to any work within the Crescent Street right-of-way, a City Right-of-way permit will be required.

Fort Myers Beach Zoning Short Checklist

TDM CONSULTING, INC.

Page 2

URSOLEO - CRESENT STREET

DOS2007-00013

August 30, 2007

1) Miscellaneous Items.

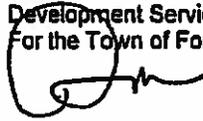
STIPULATIONS:

- 1.) A dock and shoreline permit must be issued prior to construction of the new dock.
- 2.) A fence permit and a building permit will be required for the wall/fence shown on this parcel.
- 3.) All improvements must be built on the property covered under this development order. Lee County cannot approve a permit for improvements shown on an adjacent property owners parcel. The proposed concrete wall will be constructed as the plan indicates "by others".

If you have any questions concerning this matter, please contact this office.

Sincerely,

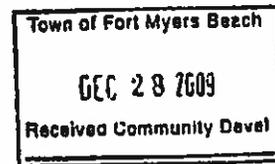
LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division
For the Town of Fort Myers Beach



Peter J. Eckenrode
Development Services Director

PJE / RLW

Attachments: plans



JAY F. URSOLEO CONSTRUCTION INC.
STATE CERTIFIED BUILDING CONTRACTOR
9017 LIGON CT. FT MYERS FL 33908
LIC# CBC031939

12/28/09

TOWN OF FORT MYERS BEACH
DEPT OF COMMUNITY DEVELOPMENT:
ATT: FRANK SHOCKEY, PH.D
COMMUNITY DEVELOPMENT DIRECTOR.
Re: Permit # COM 2007-01440 150 Crescent St. Ft Myers Beach Fl.
Dear Frank:

I am writing this letter in addition to my original letter dated 8/5/09, which I have attached. Based on my Conversations with you and Ken Miller, I agree that if my project was affected by the Moving of the coastal control line, I am willing at the time I start construction to revise my Plans to comply with any change created specifically by the moving of the coastal control line by F.E.M.A.

I am requesting this extension based on Senate Bill 360 for the two year period allowed by this Bill.

Sincerely:



JAY F. URSOLEO Owner/Contractor

JAY F. URSOLEO CONSTRUCTION INC.
STATE CERTIFIED BUILDING CONTRACTOR
9017 LIGON CT. FT MYERS FL 33908

8/5/09

LIC# CBC031939

TEL 239 482-3959
FAX 239 590-6727

LEE COUNTY COMMUNITY DEVELOPMENT
1500 MONROE ST. FT MYERS FL.

RE: EXTENSION OF PERMIT # COM 2007-01440.

TO WHOM IT MAY CONCERN:

I JAY URSOLEO AM REQUESTING THE EXTENSION OF THE ABOVE REFERENCED PERMIT, UNDER THE SENATE BILL 360 FOR THE TWO YEAR PERIOD ALLOWED BY THIS BILL. ALONG WITH THIS WRITTEN REQUEST I AM ALSO REMITTING THE \$100.00 FEE FOR THIS EXTENSION. THANK YOU FOR ATTENTION TO THIS MATTER.

SINCERELY:



JAY F. URSOLEO

EXTENSION PERMIT REQUEST
OWNER/BUILDER

DATE:

TO: LEE COUNTY BUILDING OFFICIAL

FROM:

Jay T. Siskel

I AM REQUESTING AN EXTENSION ON THE FOLLOWING PERMITS:

Permit # COM 2007-01440

I WILL BE UNABLE TO COMPLETE MY PROJECT PRIOR TO THE EXPIRATION DATE.

SINCERELY,

Jay T. Siskel

OWNER

PHONE NUMBER

239-980-5779



Memorandum

To: Mayor, Vice Mayor, Town Council, Town Attorney

CC: Gary Parker, Jerry Murphy, Jack Green

From: Brad Case, Planning Technician

Date: July 6, 2007

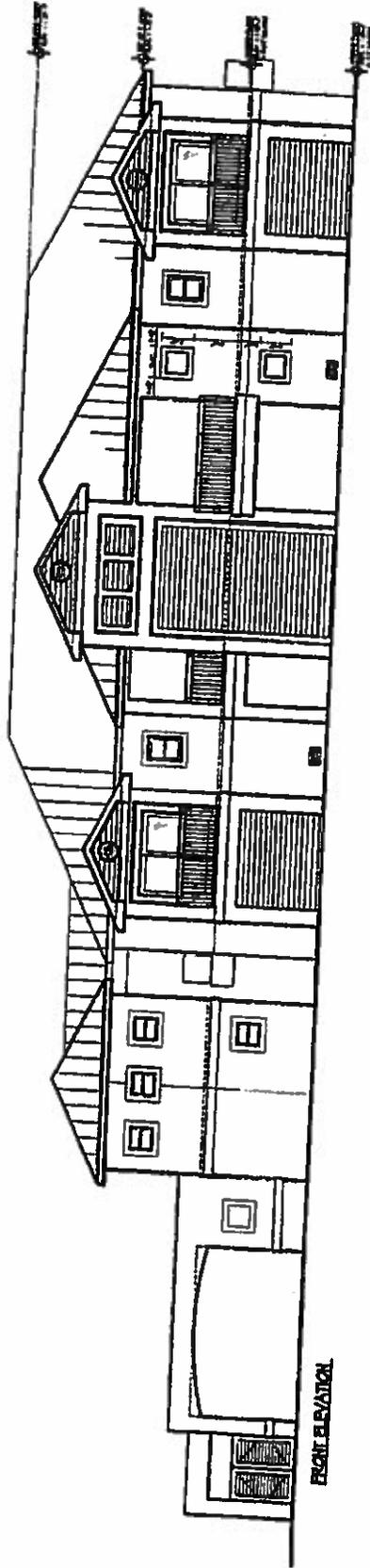
Re: 150 Crescent St. – CDS Compliance Notification (DOS2007-00013)

The Commercial Design Standards (CDS) provisions contained in Chapter 34, Division 7 of the Land Development Code (LDC) require the Town Council to be notified of a project's CDS compliance determination when that development project has been administered outside of the planned development rezoning process.

This development, located at 150 Crescent St., has applied for a Development Order (DOS2007-00013) to demolish the existing buildings and build a new building on the site. The proposed building will be a 1-story elevated building containing a total of 3,763 square feet of living space and 800 square feet for the property's office. The proposed building contains the same number of residential units as currently exist and will comply with the Town's floodplain regulations. Town staff has determined that this proposed project is in substantial compliance with the CDS requirements.

Attached for your review is the proposed site plan of the property (Attachment 1), the proposed elevation as seen from Estero Blvd (Attachment 2), the left elevation (Attachment 3), the right elevation (Attachment 4), and the rear elevation (Attachment 5). This determination of compliance does not relieve the applicant of any responsibility to obtain any other necessary permits and/or approvals. If any of you feel that staff's determination is inappropriate, the Town Council has 30 calendar days to appeal the administrative action by majority vote at a public meeting. Otherwise, this compliance determination becomes effective 30 calendar days after this notification. If appealed, the Council must schedule a hearing in accordance with LDC section 34-86 which governs procedures for appeals from administrative action.

If any of you have any questions, staff will be happy to go over the project and the CDS provisions with each of you at your convenience before the end of this 30-day appeal period. Thank you all very much for your attention to this matter.

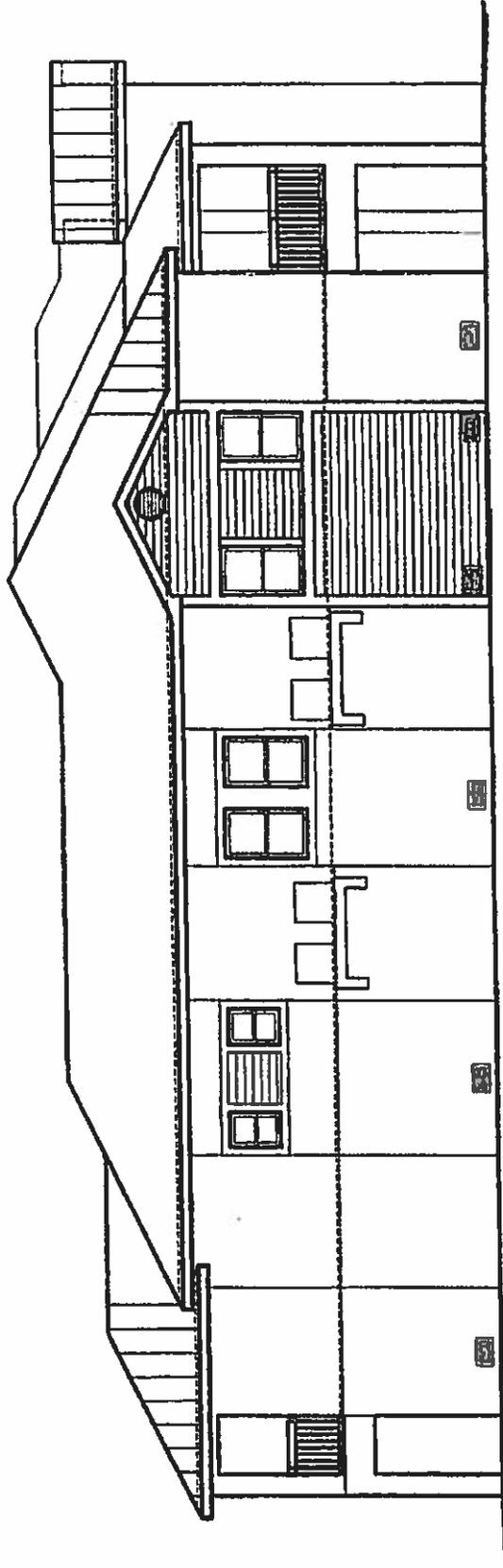


RECEIVED
JUN 27 2007
PRINTED

BY:..... JUN 27 2007

L.F. FERNANDEZ, ARCHITECT

PRELIMINARY



LEFT SIDE ELEVATION HIS

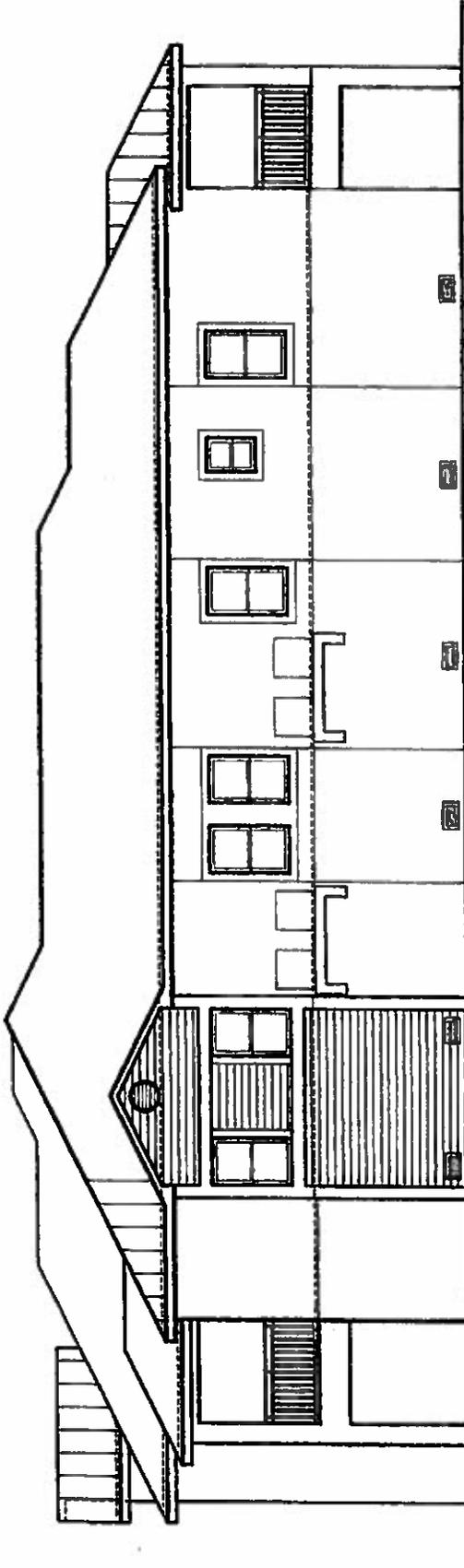
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R.J. PEREZ-ARCHITECT



RIGHT SIDE ELEVATION NPS

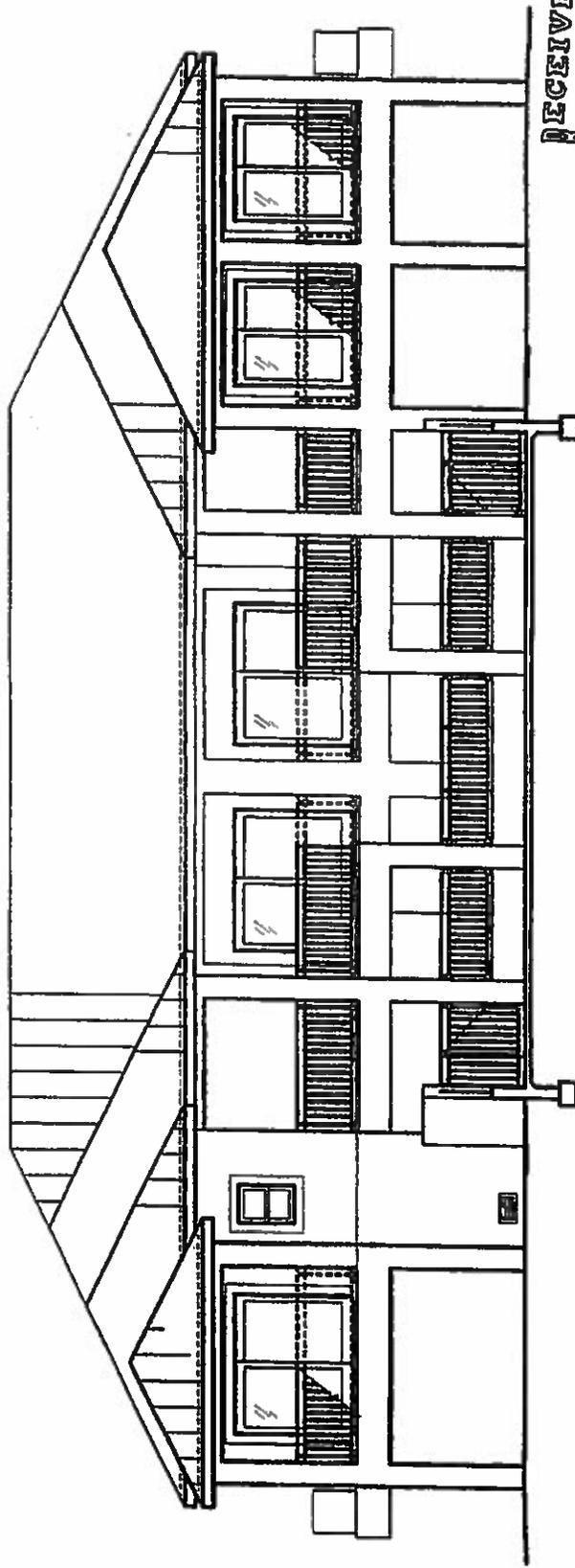
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C.F. FERNANDEZ ARCHITECTS



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JUL 06 2017

J.F. FERNANDEZ, ARCHITECT

REAR ELEVATION NTS

GREEN = added
Red = to be removed.

January 30, 2007

Jay Ursoleo
[REDACTED]

Dear Mr. Ursoleo,

As a result of the most recent building inspection [REDACTED] the Town has determined your buildings at 150 Crescent St. incurred damages from Hurricanes Charley and Wilma that exceed 50 percent of the market value of the structures. [REDACTED]

[REDACTED] As indicated below, the Town requires that these buildings be brought into compliance with the current floodplain regulations. This includes elevating the building's design flood elevation (DFE) to or above the base flood elevation (BFE) as part of repairs/reconstruction.

Objective 4-D of the Town of Fort Myers Beach Comprehensive Plan governs post-disaster redevelopment. Policy 4-D-1 establishes the post-disaster buildback policy, which provides that buildings damaged more than 50 percent of their replacement cost (measured at the time of damage) can be rebuilt to their original condition, provided the new construction complies with:

- a. federal requirements for elevation above the 100-year flood level;
- b. any building code requirements for floodproofing;
- c. current building and life safety codes;
- d. Coastal Construction Control Line requirements; and
- e. Any required zoning or other development regulations (other than density or intensity), except where compliance with such regulation would preclude reconstruction otherwise intended by this policy.

The Lee County Property Appraiser's online parcel inquiry report indicates that the buildings at 150 Crescent St. were valued at \$7,060 prior to any damage sustained during and/or by Hurricane Charley in August, 2004.

[REDACTED]
Chapter 6 of the LDC defines "Substantial Improvement" to include "substantial damage." "Substantial damage" is defined as damage sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of the market value of the structure as identified before the damages occurred.

The Town's specific floodplain standards are codified in LDC Section 6-472. Subsection (1) of this section requires "new construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above the base flood elevation." This elevation is 12 feet or more above mean sea level (NGVD 1929) at 150 Crescent St.

currently

Because your losses resulting from Hurricanes Charley and Wilma in addition to any other storm events on Fort Myers Beach exceed 50 percent of the value of your structure, the Town must require any repairs/reconstruction to elevate the lowest floor 12 feet or more above mean sea level. These regulations would thus prohibit the repair of your existing buildings without making them comply with the current development regulations.

Under the National Flood Insurance Program, the Increased Cost of Compliance ("ICC") program may provide additional financial assistance to either elevate or remove flood-damaged structures from the floodplain. ICC applies to flooded structures that are substantially damaged.

Be advised that all repairs, reconstruction, and new construction are subject to the provisions of the Town of Fort Myers Beach Land Development Code and will require one or more permit. Construction activities that occur without proper permits are considered to be non-compliant and may result in daily fines and/or the removal of the non-compliant construction.

Please let me know if I may be of further assistance.

Sincerely,

Gerald Murphy, AICP
Community Development Director

FT. MYERS BEACH, FLORIDA
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCICASE NUMBER: DCI2005-00084

FORT MYERS BEACH LPA DATE: March 14, 2006

TIME: 12:00 Noon

I. APPLICATION SUMMARY:

A. Applicant: Jay Ursoleo in ref. to 150 Crescent Street

B. Request: Rezone 0.28+/- acres from Residential Multifamily (RM) and Downtown to Commercial Planned Development (CPD) to allow a 3-story building not to exceed 42 feet in height to include 2,000± square feet of retail on the 1st floor and 6 residential units on the 2nd and 3rd floors located at 150 Crescent Street.

C. Location: The subject property is located at 150 Crescent Street (turn left on Estero Blvd., go approx. 0.10 miles, then turn left onto Crescent St.). Site is fifth house on right, in S19-T46S-R24E, in Fort Myers Beach, Lee County, FL.

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Land Use Designation: Pedestrian Commercial/Platted Overlay

Current Zoning: Residential Multifamily (RM) and Downtown

Current Use: Seven (7) residential rental units

E. Surrounding Land Use:

Existing Zoning & Land Use

Future Land Use Map

North: RM developed with residential multi-family units

Pedestrian Commercial/Platted Overlay

East: Canal, then RC developed with single-family residences

Mixed Residential

South: Downtown developed with commercial and a single-family residential unit

Pedestrian Commercial/Platted Overlay

West: Crescent Street then parking lot zoned CPD

Pedestrian Commercial/Platted Overlay

F. Size of Property: 0.28+/- acres or 12,415± sq. ft.

II. RECOMMENDATION:

Staff recommends APPROVAL of the Applicant's request to rezone to Commercial Planned Development (CPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "150 Crescent Street CPD," stamped received February 10, 2006, last revised February 9, 2006, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Town of JMO

The approved development is for a 3,073 square foot building that is 3-story not to exceed 42 feet above base flood elevation that will include 6 residential units, each 512 square feet and 2,000± square feet of commercial on the ground floor.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

Residential - Multifamily -maximum 6 units, each 512 square feet -
(under pre-disaster buildback)

Lodging - Rental of any permitted dwelling unit for periods of one day or longer

Office - Administrative Office accessory to residential rental use or small retail store general office

Retail - limited to 2,000± square feet
ATM - walk up
Retail Store - small
~~Retail Store - large~~

Marine - Dock - 8 feet by 90 feet (for sole use by occupants of principal use)

b. **Downtown District Site Development Regulations**

Lot area (minimum) - 12,415 square feet
Lot width (minimum) - 100 feet
Lot depth (minimum) - 125 feet

Minimum Setbacks
Street - Crescent Street - 5 feet
Side waterfront lot - 5 feet
Waterbody - 65 feet (to the balcony)

Maximum building height - 42 feet above flood elevation

Floor Area Ratio - 0.45 (5,680 square feet + 12,415 square feet = 0.45)

3. Prior to local development order approval, the development order plans must include a continuous native hedge (minimum 3-gallon container size, 24-inch height at planting; maintained at a minimum 6-foot height) and 12 sabal palms along both the north and south property lines. The sabal palms must be placed in clusters of 3-5 palms with staggered heights (10-20 foot clear trunk).

4. Prior to local development order approval, the development order plans must include a continuous hedge of buttonwood (minimum 48-inch height at planting; allowed to grow to their natural height) along the eastern property line; a continuous hedge of cocoplum or equivalent native shrub (minimum 3-gallon container, 24-inch height at planting; maintained at a minimum 4-foot height) along the eastern edge of the parking lot; and leatherfern or cordgrass (minimum 1-gallon container size; planted to provide 50% coverage at time of planting) within the dry retention area. A walkway to the proposed dock may be constructed over the dry retention area at a maximum 5-foot width.
5. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Fort Myers Beach Land Development Code ("LDC") may be required to obtain a local development order.
6. Approval of this zoning request does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Fort Myers Beach Comprehensive Plan.
7. Development of this property must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

B. Deviations

Deviation # 1 seeks relief from Land Development Code, Table 34-3 from the required street setback of 25 feet and the side setback for a waterfront lot 20 feet to allow 5 foot setback. Staff recommends APPROVAL of this deviation. RM

Deviation #2 seeks relief from Land Development Code, Section 34-675(b)(2) which requires properties that front Crescent Street shall be a maximum of 30 feet above flood elevation, and no taller than two stories to allow the proposed building to have two floors above base flood elevation and ground floor commercial area for a total of three stories. Staff recommends APPROVAL of this deviation.

Deviation #3 seeks relief from Land Development Code, Section 10-416(c)(2) and (3) which requires a multi-family use adjacent to single-family use (south) must provide a Type "B" buffer and that commercial use adjacent to single or multi-family use (north and south) must provide a Type "C" buffer with a wall to allow no wall reduction of the buffer width from 15 feet to 5 feet. Staff recommends APPROVAL of this deviation as recommended in Conditions in #3 and #4.

Deviation #4 seeks relief from Land Development Code, Section 10-283 - Connection Separation from 125 feet for existing connections to a local street (Crescent Street) to allow a reduced connection separation to 95 feet and 60 feet to drives to the south and 25 feet, 75 feet and 78 feet to drives to the north. Staff recommends APPROVAL of this deviation.

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development zoning approval, staff make the following findings and conclusions:

1. The requested rezoning, as conditioned complies with:
 - a. The Plan;
 - b. LDC Chapter 34;
 - c. all other applicable Town ordinances and codes, and
 - d. the following additional requirements for planned development zoning requests:
2. The proposed use or mix of uses is appropriate at the subject location.
3. Sufficient safeguards to the public interest are provided by the recommended conditions to the concept plan or by other applicable regulations.
4. All recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
5. As to the requested deviations:
 - a. Each item enhances the achievement of the objectives of the planned development; and
 - b. The general intent of LDC Chapter 34 to protect the public health, safety, and welfare will be preserved and promoted; and
 - c. Each deviation operates to the benefit, or at least not to the detriment, of the public interest; and
 - d. Each deviation is consistent with the Fort Myers Beach Comprehensive Plan.

iii. **BACKGROUND INFORMATION AND ANALYSIS**

Introduction/Synopsis

The subject property is located on the east side of Crescent Street in the Pedestrian Commercial land use category. The property is 12,415± square feet and is developed with 4 buildings that contain 7 residential units. The current buildings on the property has a total square footage of 3,015±. The applicant is requesting to rezone under the pre-disaster buildback provision of the Comprehensive Plan and the Land Development Code. The applicant has requested to rezone Lots 6 and 7 from Downtown and RM to Commercial Planned Development (CPD) so that a 5,680 square foot building can be constructed.

The application request is two fold. The 1st part of the request is to allow the redevelopment of 6 residential units under the pre-disaster buildback provision and the 2nd part is to add 2,000 square feet of commercial use on the property.

Master Concept Plan

The Master Concept Plan (MCP) is a one-page plan dated stamped received November 16, 2005 by Community Development. The plan was prepare by Bean, Whitaker, Lutz and Kareh, Inc. and is labeled as "150 Crescent Street CPD" and is attached as "C". The MCP reflects a mixed use, 3 story building that will contain 2,000± square feet of commercial use on the 1st floor and a total of 6 residential units, each 512 square feet in size on the 2nd and 3rd floors. Access to the property is by a driveway that goes under the roof of the 2nd floor and leads to the parking area located by the canal. A swimming pool and deck area will be located behind the building near the south property line. An 8 foot x 90 foot boat dock will be

located in the existing canal. In order to redevelop the site in this manner 4 deviations from the Land Development Code have been requested.

Comprehensive Plan Considerations

The subject property is located in the Pedestrian Commercial land use category according to the Future Land Use Map. Policy 4-B-6 states this district is a primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development the maximum density is 6 dwelling units per acre (except where the Future land Use Map's "platted overlay" indicated a maximum of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm and must meet the design concepts of the plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors.

The subject property is located in the "platted overlay" that allows a maximum residential density of 10 units per acre but only for affordable units. The 6 residential units will not be affordable units therefore the subject property is limited to a maximum of 6 dwelling units per acre which is 1 or 2 units unless pre-disaster buildback is used.

The property is also located in District 3 of the Downtown Core Area which has a vision of providing in-town housing for persons who live and work on Fort Myers Beach. This Core area encourages compact development along Crescent Street.

Pre-disaster Buildback

The 1st part of the request is to replace the 7 residential units with 6 residential units under the pre-disaster buildback policy. Policy 4-E-1 on Pre-disaster states:

Policy 4-E-1 Pre-disaster Buildback Policy: Owners of existing developments that exceed the current density or height limits may be permitted to replace it at up to the existing lawful density and intensity prior to a natural disaster. Landowners may request this option through the planned development rezoning process.

In addition, Section 34-3237 from the Land Development Code (LDC) echoes Policy 4-E-1 of the Plan in that it allows the property owner to voluntarily replace buildings that exceed density, intensity, or height limits for new buildings provided new buildings meet the floodplain regulations; coastal construction requirements; current building, life safety and accessibility codes and the replacement buildings cannot exceed the lawful density and intensity of the existing building. To achieve the redevelopment, the property owner must present the proposal to town council through a planned development. However, any pre-disaster buildback request for additional height must comply with Policy 4-C-4 of the Comprehensive Plan in the same manner as that policy would apply to a new building on vacant land (height is discussed further in the report).

The existing units on the property vary in size ranging from 330 square feet up to 621 square feet for a total of 3,015± square feet. The one-story buildings were built in 1925, 1936, 1951 and 1952. To confirm the existence of the 7 units on site, the applicant provided a copy of the Property Appraiser field card that shows the buildings, attached as "B".

The reduction of 7 residential units to 6 units decreases the density by 1 unit. The replacement building cannot exceed the lawful density of the existing building as measured by Section 34-3238(2)d. of the LDC. This allows units that legally existed to be rebuilt, provided the total interior square footage of the rebuilt units do not exceed the interior square

footage of the previous units. The interior square footage excludes hallways, stair towers, elevators, open balconies, underbuilding parking, and similar common or non-air-conditioned space.

Staff finds the applicant demonstrated the existence of the 7 residential units on the property by providing the Property Appraiser field card. This shows the buildings with a total square footage of 3,015±. Using the interior measurement described above, the applicant can replace the building with 6 units with each unit size up to 502 square feet.

The proposed 6 residential units, each will contain 512 square feet for a total of 3,073 square feet. This is an increase of 58 square feet or 9.6 square feet per unit. Staff finds the proposed unit size is an insignificant increase that will not create an adverse impact to the surrounding neighborhood. — *we allow certain increases*

Intensity

Intensity means a measurement of the degree of customarily nonresidential uses based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios (FAR). The 2nd part of the request is to add 2,000 square feet of commercial use to the property.

Policy 4-C-2 states the LDC encourages more intense commercial uses in the Pedestrian Commercial category. The LDC allows a FAR of 1.0 on the subject property however, it may allow it as high as 2.5 in the Pedestrian Commercial category. Based on the formula for FAR the proposed development will be lower than the allowed 1.0 or 2.5 as shown:

$$5,680 \text{ sq. ft. (total sq. ft. of building)} \div 12,415 \text{ sq. ft. (area of site)} = 0.45 \text{ FAR}$$

Staff finds the proposed commercial use is consistent with Policy 4-C-2 and meets the intent of the Pedestrian Commercial category by providing a mixed use development to this area of Fort Myers Beach.

Height

The applicant has requested Deviation #2 to allow the proposed building to have two residential floors above base flood elevation and ground floor commercial area for a total of three stories. The proposed building will be at 42 feet above flood elevation with an enclosed commercial space on the 1st (ground) floor that will be dry-flood proof in accordance with Section 6-405 of the LDC.

Policy 4-C-4 requires the LDC to limit the height of most new buildings to two stories above flood elevation. Exception to this height limitation may be allowed in buildback situations and for certain redevelopment areas such as Times Square. The applicant is requesting a 3 story building as part of the pre-disaster buildback and is located near Times Square area.

Policy 4-C-4 also provides:

In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across a street) that the two-story height limit would be unreasonable, land owners may seek relief through the planned development process.

Section 34-675(b)(2) of the LDC states properties fronting on Crescent Street are allowed a maximum of 30 feet above base flood elevation and no taller than 2 stories except that an

elevated building without enclosed space on the 1st story may be 3 stories tall (but limited to 30 feet above base flood elevation).

The height of the new building will not be compatible with the surrounding development in the immediate area. However, there are some buildings in the Downtown district that are similar to the requested height of the new building. These developments have been approved with the following heights:

- Seafarer's - 40 feet above flood base elevation
- Lighthouse - 37 feet above flood base elevation
- Dockside - 35 feet above flood base elevation
- Bigelow CPD - 35 feet above flood base elevation
- Matanzas - 40 feet above flood base elevation

The intent of the Downtown zoning district and the Pedestrian Commercial land use category both encourage mixed use development with commercial space on the ground floor and residential use above.

Design

transient guest

The proposed architectural design of the building, shown on the elevations attached as "D", does not appear to blend in with the surrounding development in the area. However, this is one of the 1st redevelopments on Crescent Street. The redevelopment is subject to the Commercial Design Standards in the LDC, Section 34-991 and the Community Design Element of the Comprehensive Plan which encourages walkable streets and pedestrian comfort and accessibility, promotes streets as the neighborhood realm by bringing the building closer to the street with private space at the rear, promotes the direction of infill change toward a specific area that is in transition and helps reinforce the quality of those existing and new redeveloped sites, and the Core Area Vision for Crescent Street includes mixed use development to replace those that are showing signs of deterioration.

The elevations attached as "D" will provide the following designs:

- Concrete block with stucco
- Transparent windows that cover at least 30% of the wall below the expression lines
- The principal facade has a prominent cornice and expression line; a working entrance and windows
- Vertical elements are provided to break up the facade
- The wall along Crescent Street is broken up by vertical elements, expression lines, cornices; windows, entrance doors and color banding
- Primary entrances both vehicular and pedestrian will face Crescent Street
- Windows contain visible sills and lintels
- Open balconies are provided to offer views from upper stories overlooking the street below
- A hip roof with 3 elevations changes along the front is proposed. The roofing material will be barrel tile.

The design of the building meets the standards outlined in the Community Design Element of the LDC and in the Commercial Design Standards of the LDC by providing a sidewalk in front of the proposed building which will encourage some pedestrian traffic, by placing the building closer to the street, and will replace the existing buildings that are showing signs of deterioration.

Deviations

In order to achieve the redevelopment of the project, the applicant has requested the following 4 deviations.

Deviation #1 seeks relief from Land Development Code, Table 34-3 - Dimensional Regulations in Conventional Zoning Districts that requires development in the RM (Residential Multifamily District) to provide the following structures setbacks:

- a) street setback of 25 feet to allow 5 feet
- b) side - waterfront lot setback of 20 feet to allow 5 feet

The applicant's justification is the parcel lies in 2 zoning districts. Lot 6 is in the Downtown district and Lot 7 is in the RM district. The intent of this commercial planned development is to comply with the requirements for the Downtown district due to its proximity to Estero Boulevard, Times Square and Old San Carlos Boulevard. Therefore it is necessary to request deviations for site design standards from the RM district requirements. The redevelopment of this project provides a level of design that meets the commercial design standards of the Downtown district and sets a higher standard for redevelopment on Crescent Street. Staff finds that both the Comprehensive Plan and the LDC encourages mixed use in this area with commercial on the ground floor and residential on top. The size of the property limits development on the property. Allowing the building closer to the street and side property line will enhance the development and not be a detriment to the area, therefore Staff recommends **APPROVAL**.

Deviation #2 seeks relief from Land Development Code, Section 34-675(b)(2) - Building Height that states properties that front Crescent Street shall be a maximum of 30 feet above flood elevation, and no taller than two stories to allow the proposed building to have two floors above base flood elevation and ground floor commercial area for a total of three stories.

The applicant's justification is the 2nd part of Section 34-675(d)(2) states that elevated buildings without enclosed space on the 1st (ground) story may be 3 stories tall, limited to 30 feet above flood elevation. The applicant is proposing ground floor commercial space that will be flood-proofed in accordance with the definition in Section 8-405 of the LDC and the parcel in question is so small that in order for the applicant to utilize the property to the highest and best use, some value must be obtainable on the ground floor. Since the intent of the Downtown zoning district is to allow ground floor commercial space with residential use above, the applicant believes the request meets the intent of the vision for the Downtown district. Staff finds that the height of the proposed building will be taller than the surrounding development, however, the Comprehensive Plan and the LDC encourages mixed use in this area. There are other buildings in close proximity to the subject property that are 3 stories. The commercial space on the 1st floor will provide a service to the residents and tourists visiting the beach. Therefore, staff recommends **APPROVAL** of this deviation.

Deviation #3 seeks relief from Land Development Code, Section 10-416(c)(2) and (3) - Buffer Requirements that states proposed multi-family use adjacent to single-family use (south) must provide a Type "B" buffer and that commercial use adjacent to single or multi-family use (north and south) must provide a Type "C" buffer with a wall to allow no wall and reduction of the buffer width from 15 feet to 5 feet.

The applicant's justification is the proposed development is designed to meet the intent of the Downtown zoning district including compliance with build-to lines of 5 feet-10 feet and side setbacks of 5 feet. An existing 6 foot high wooden fence is located on both

the north and south property lines that provides a screen to the subject property. The applicant proposes to plant hedges that could be maintained at a mature height of 60 inches. This height will block the adjacent property from looking directly into the commercial area of the building. The existing fences will block activity from the parking lot. In addition, a proposed solid wall will block the view of the pool and dumpster from the residences across the canal and to the south. A buffer of buttonwood along the rear of the property between the dock and the dry detention area will buffer the parking from the residences across the canal. The applicant has obtained a letter of no objection from the abutting property owner to the north regarding the buffer reduction which is attached as Attachment "E".

elevation? □

Staff was concerned with the buffer along the canal. The layout of the development shows the parking lot being located to the rear of the property facing the canal with the residences across the canal. Without adequate buffering, car headlights will shine across the canal into the residences.

Environmental Sciences staff reviewed the request and recommend Condition #3 and #4, which will ensure protection from the proposed development for the abutting residences to the south and the residences across the canal. Staff recommends APPROVAL of this deviation as conditioned.

Deviation #4 seeks relief from Land Development Code, Section 10-283 - Connection Separation from 125 feet for existing connections to a local street (Crescent Street) to allow the following reduced connection separation:

- 95 feet and 60 feet to drives to the south
- 25 feet, 75 feet and 78 feet to drives to the north

The applicant's justification is the subject site has one existing access point that is very near the location of the proposed access point. There the proposed intersection separation is no less than what is existing. The 100 linear feet of frontage offers little opportunity to maximize separation from adjacent existing driveways to the north or south. Therefore, the deviation is justified to bring existing non-conformities with the LDC. Therefore, staff recommends APPROVAL of this deviation.

Neighborhood Compatibility

This area of Fort Myers Beach is developed with mix uses. The abutting property to the north is zoned RM and is developed with elevated one and two story residential tri-plex and single-family units. The abutting property to the south is zoned Downtown and developed with a one story single family residence which is now owned by the applicant. Crescent Street is west then the Bigelow Shopping Center developed with a McDonalds fast-food restaurant and retail commercial uses. A 60 foot wide canal then Crescent Park Addition, a residential subdivision zoned RC developed with one and two story residential single family homes.

this is not a sentence

Environmental Issues

The Division of Environmental Sciences (ES) staff reviewed the request to rezone to CPD and offer recommendations outlined in Attachment "F".

The proposed project abuts a canal to the east, multifamily residential/retail to the north, single family use to the south, and a public right-of-way to the west.

The proposed buildings are placed close to Crescent Street which is consistent with the Town's comprehensive plan. This design provides for a pedestrian friendly commercial use.

The buildings are placed only 5.25 feet from the north and south property lines. This leaves a narrow area for plantings to "break-up" the massing of the building and buffer the adjacent residential uses. Additionally, the eastern half of the proposed project places parking area, a pool, and a dumpster within close proximity to the adjacent properties. ES staff recommends condition #3 to provide appropriate landscaping between the proposed use and adjacent uses to the north and south:

Prior to local development order approval, the development order plans must include a continuous native hedge (minimum 3-gallon container size, 24-inch height at planting; maintained at a minimum 6-foot height) and 12 sabal palms along both the north and south property lines. The sabal palms must be placed in clusters of 3-5 palms with staggered heights (10-20 foot clear trunk).

The proposed Master Concept Plan (MCP) delineates a water management area along the east portion of the property. This water management area will be a dry retention storm water treatment area. There are residential uses across the canal from the proposed project, therefore, zoning staff requests that appropriate plantings be recommended for this water management area that will buffer the existing residential uses from the proposed commercial development. ES staff recommends condition #4 as follows:

Prior to local development order approval, the development order plans must include a continuous hedge of buttonwood (minimum 48-inch height at planting; allowed to grow to their natural height) along the eastern property line; a continuous hedge of cocoplum or equivalent native shrub (minimum 3-gallon container, 24-inch height at planting; maintained at a minimum 4-foot height) along the eastern edge of the parking lot; and leatherfern or cordgrass (minimum 1-gallon container size; planted to provide 50% coverage at time of planting) within the dry retention area. A walkway to the proposed dock may be constructed over the dry retention area at a maximum 5-foot width.

Traffic

The proposed project has been reviewed by Lee County Development Services that offer the following comments outline in Attachment "G" as follows: Based on the ITE Trip Generation Report 7th Edition the project will generate 32 new trips in the peak hour. The anticipated build out year is 2006.

Based on the estimated 2005 peak hour peak direction volume of 770 from the 2004/2005-2005/2006 Concurrency Management Report, and the Lee County D.O.T. link-specific service volumes, in year 2007 Estero Blvd. in the vicinity of Crescent St. will operate at level of service "F", with or without the project.

However, Estero Blvd. is identified in the Lee Plan as a constrained road. Lee Plan Policy 37.2 permits a maximum volume-to-capacity (v/c) ratio of 1.85 on constrained roads. The peak hour, peak direction project traffic volume will be approximately 8 vehicles per hour. The road capacity (level of service "E" volume) is 671 vehicles per hour. Therefore, the year 2007 volume-to-capacity ratio with project traffic will be 778 over 671, or 1.16.

After further review it was determined that the proposed project is in compliance with the Transportation Element of the Town of Ft. Myers Beach Comprehensive Plan.

Conclusion

The applicant is proposing to redevelop the site under the pre-disaster buildback policy of the Comprehensive Plan. The applicant has demonstrated the existing residential units are lawfully existing on the property therefore are permitted to be replaced. The commercial use will provide a service to the residents and visitors to the area and is below the permitted FAR. The applicant is voluntarily redeveloping the site under a Planned Development using the Downtown zoning district requirements. The proposed redevelopment of the property with a mixed use development that is encouraged by both the Comprehensive Plan and the LDC. The proposed redevelopment will improve the area of Crescent Street that is showing signs of deterioration. Based on the findings and conclusions outlined in Section II.C of the staff report, Staff recommends APPROVAL of the request with conditions.

just the commercial use or all?

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Property Appraiser Field Card
- C. Master Concept Plan (MCP) dated stamped received November 16, 2005 by Community Development and prepared by Bean, Whitaker, Lutz and Kareh, Inc. and labeled as "150 Crescent Street CPD"
- D. Elevations
- E. Letter of No Objection
- F. Environmental Sciences memo
- G. Development Services memo

V. EXHIBITS:

- A. Legal Description
- cc. Applicant
Town of Fort Myers Beach LPA
Zoning/DCI File

Attachment G



Town of Fort Myers Beach

Larry Kiker
Mayor

Herb Acken
Vice Mayor

Tam Babcock
Councilmember

Jo List
Councilmember

Bob Raymond
Councilmember

Jay Ursoleo
9017 Ligon Court
Fort Myers, FL 33908

September 17, 2008

Re: STRAP #19-46-24-W4-0150E.0060

Case: FMBZVL2008-0003

Dear Mr. Ursoleo:

In response to your letter submitted September 8, 2008, be advised that the property located at street address 150 Crescent Street, and legally described in the attached Exhibit "A" is zoned DOWNTOWN and RM (Residential Multi-family) according to the Official Zoning Map of the Town of Fort Myers Beach. The property is located in the Pedestrian Commercial category on the Future Land Use Map (FLUM) in the Fort Myers Beach Comprehensive Plan.

The Fort Myers Beach Land Development Code (LDC) is available online in PDF format at <http://www.spikowski.com/beach/htm> for your reference. Ordinance 07-04, which amended relevant sections of the LDC but has not yet been codified, is also available at that same website.

As the prior ZVL2006-00247 noted, slightly less than two-thirds of the subject property is located within the DOWNTOWN zoning district, and slightly more than one-third of the subject property is located within the RM zoning district. LDC Section 34-617 addresses the interpretation of zoning district boundaries, and provides for property development regulations and use regulations where a single parcel is split by multiple zoning districts.

LDC Tables 34-1 and 34-2 provide the use regulations for both the RM and the DOWNTOWN zoning districts. LDC Sections 34-621 and 34-622 provide for allowable uses of land in general and for the grouping of uses in LDC Tables 34-1 and 34-2. According to these provisions, "hotel/motel" as defined in LDC Section 34-2, is a use permitted by right in the DOWNTOWN zoning district when in compliance with all applicable regulations.

DOS2007-00013 was approved on April 20, 2007 for construction of a 5,849 square-foot building on the subject property containing 8 apartments, with parking, landscaping, water and sewer services, stormwater management facilities, a swimming pool, and related minor site improvements. LDC Sections 10-115 and 10-116 provide for the duration and effect of

development order approval. An amendment to add a 600 square-foot office was approved August 30, 2007.

LDC Chapter 34, Article IV, Division 19, as amended by Ordinance 07-04, contains specific regulations for hotels and motels. Hotels and motels must be constructed and used in accordance with these regulations. Specifically, LDC Section 34-1803 states that "when a hotel/motel is permitted on a property, guest units can be substituted for dwelling units that would be allowed on that property". LDC Section 34-1803 contains a table that provides equivalency factors upon which basis such guest units can replace the allowable dwelling units. The equivalency factors vary according to the size of the proposed guest units and the property's Comprehensive Plan Future Land Use category. In the Pedestrian Commercial category, up to 3.0 guest units between 180 square feet and 449 square feet can be allowed in place of each allowable dwelling unit. Other lower factors are provided in LDC Section 34-1803 for larger guest units.

LDC Section 34-1804 provides parking requirements for guest units in hotels and motels. Guest units less than 450 square feet in area require 1.2 parking spaces each; larger guest units require 1.5 parking spaces each. LDC Section 34-676 allows the required parking to be reduced to 67% of the otherwise-required parking for all sites located on Crescent Street.

The eight (8) apartments approved in DOS2007-00013 were justified by the lawful existence of eight (8) dwelling units on the subject property on January 1, 1999. The buildings containing these dwelling units were found in late 2006 to have been substantially damaged by a disaster. Under LDC Section 34-3238, up to the same number of dwelling units, within up to the same interior square footage of building area, can be rebuilt. Eight (8) dwelling units are allowable on the subject property, but the interior square footage as defined in LDC Section 34-3238 is also limited accordingly.

Based on this information and the information you supplied, up to 24 guest units could be allowed on the subject property if in compliance with all regulations, including the limitation on interior square footage. DOS2007-00013 proposes a parking area with 11 parking spaces and one bicycle rack for a total of 12 parking spaces. This number of parking spaces will satisfy the parking requirements for up to 15 guest units if every guest unit is smaller than 450 square feet.

LDC Chapter 10 provides for amendments and minor changes to approved development orders. Contact Lee County Department of Community Development, Division of Development Services to apply for any necessary changes to DOS2007-00013.

The subject property is located in Flood Zone AE (base flood elevation 13 feet above mean sea level NAVD88). LDC Chapter 6, Article IV, entitled "Flood Hazard Reduction," contains regulations that may affect development or redevelopment of the subject property. For more information about flood regulations, contact Town Community Development staff at 239-765-0202.

The statements contained herein are provided for your convenience and only verify information that could be discovered by an average citizen consulting publicly available documents and/or documents you provided. This zoning verification letter is not an interpretation of the Fort

Myers Beach Land Development Code or the Fort Myers Beach Comprehensive Plan, and is not a development order, development permit, or action by the Town of Fort Myers Beach. If you require action by the Town of Fort Myers Beach, apply for a development permit, administrative action, or public hearing as provided in the Fort Myers Beach Land Development Code.

Please be aware that the information provided herein is based on current regulations and can be subject to change with enactment or amendment of ordinances. If you have any further questions, feel free to contact our office.

Sincerely,

Department of Community Development
Town of Fort Myers Beach

A handwritten signature in black ink, appearing to read "Frank Shockey", written over the typed name.

Frank Shockey, Ph.D.
Interim Community Development Director

PREPARED BY AND RETURN TO:
THOMAS G. ECKERTY, ESQUIRE
12734 Kenwood Lane, Suite 89
Fort Myers, FL 33907-5838

EXHIBIT (A 1/2)

Strap No.: 19-46-24-W4-0150E.0050

Recording: \$ 18.50
Documentary Stamps: \$

THIS WARRANTY DEED made this 12th day of June, 2006, by

JAY URSOLEO,

whose post office address is 9017 Ligon Court, Fort Myers, Florida 33908, hereinafter called the Grantor, to

JAY F. URSOLEO and KARIN M. URSOLEO, husband and wife, as tenants by the entirety, as to an undivided one-half (1/2) interest, and ALTON A. FORD, and DEBORAH S. FORD, as Trustees of the ALTON A. FORD, DVM, PA DEFINED BENEFIT PENSION TRUST DATED MAY 11, 1981, as amended and restated May 1, 1994, as to an undivided one-half (1/2) interest

whose post office address is 9017 Ligon Court, Fort Myers, Florida 33908, hereinafter called the Grantee;

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Lee County, State of Florida, viz:

The Northerly 40 feet of Lot 5, Block E, of that certain subdivision known as CRESCENT PARK ADDITION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 4, Page 46, together with that certain strip of land extending East from the North 40 feet of Lot 5, Block E, of said CRESCENT PARK ADDITION, to the canal, said strip of land lying between the North and South lines extended of said 40 foot lot; together with riparian rights upon and to the waters of said canal

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

THIS PROPERTY IS NOT NOW NOR HAS IT EVER BEEN THE HOMESTEAD OF GRANTOR.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

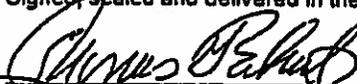
TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing for the current year.

EXHIBIT (A 2/6)

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


 Printed name: Thomas Patrick

 Printed name: DEBORAH K. LEWIS


 Jay Ursileo

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12th day of June 2006, by Jay Ursileo, who is personally known to me, and who did/did not take an oath

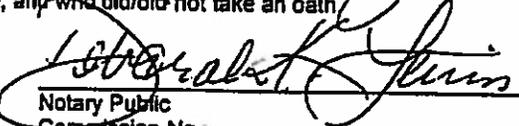

 Notary Public
 Commission No. _____
 My Commission Expires _____



EXHIBIT (A 4/6)

Reserved For Recorder

Beginning at the Northeast corner of said Lot 7; thence run East 32.67 feet, more or less, along the North line of Lot 7 extended to the canal; thence run Southerly along the waters of the canal to a point where the South line of said Lot 6 extended strikes the waters of the canal; thence run West to the Southeast corner of said Lot 6; thence run North along the East end of Lots 6 and 7 to the Point of Beginning.

LESS AND EXCEPT, the following described parcels which were the subject of that certain Order of Taking in the matter of Lee County, Florida, vs. Robert D. Swavely, et al., Case No 93-203 CA, Circuit Court, Lee County, Florida, recorded in O.R. Book 2370, Page 215, Public Records of Lee County, Florida, to wit:

Description: Tract 12

Part of Lots 6 & 7, Block E, CRESCENT PARK ADDITION, in Section 19, Township 46 South, Range 24 East, as shown on the plat recorded in Plat Book 4, on Page 46 of the public records of Lee County, Florida, more particularly described as follows:

Beginning at the Southwest corner of said Lot 6; thence run N. 0 degrees 37' 53" W. along the West line of Lots 6 & 7 for 100 feet to the Northwest corner of Lot 7; thence run N. 89 degrees 22' 07" E. for 10.59 feet; thence run S. 0 degrees 11' 13" W. for 100.01 feet to the South line of Lot 6; thence run S. 89 degrees 22' 07" W. for 9.16 feet to the point of beginning.

Description: Tract 12-T (Temporary Construction Easement)

Part of Lots 6 & 7, Block E, CRESCENT PARK ADDITION, in Section 19, Township 46 South, Range 24 East, as shown on the plat recorded in Plat Book 4, on Page 46 of the public records of Lee County, Florida, more particularly described as follows:

Commencing at the Southwest corner of said Lot 6; thence run N. 89 degrees 22' 07" E. along the South line of Lot 6 for 9.16 feet to the point of beginning; thence run N. 0 degrees 11' 13" E. for 100.01 feet to the North line of Lot 7; thence run N. 89 degrees 22' 07" E. along said North line for 5.00 feet; thence run S. 0 degrees 11' 13" W. for 100.01 feet to the South line of Lot 6; thence run S. 89 degrees 22' 07" W. for 5.00 feet to the point of beginning.

TOGETHER WITH, all right, title and interest under that certain Easement Agreement recorded December 15, 1970, in Official Records Book 646, Page 775, Public Records of Lee County, Florida.

EXHIBIT (A 5/6)

Reserved For Recorder

SUBJECT TO easements, restrictions and reservations of record and taxes for the current and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

*"Grantor" and "Grantee" are used for singular and plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed in the presence of:

LAKESIDE PROPERTIES, LLC, a Florida limited liability company

By: CHEMONG ENTERPRISES, LLC, a Nevis limited liability company, as Manager

X [Signature]
NANCY MIKARIC
Witness Name - print or type

By: X [Signature]
Alida Carslake, as Manager

X [Signature]
JOSEPH JOSEPH CROOK
Witness Name - print or type

9/8/08

TOWN OF FORT MYERS BEACH

ATT: JERRY MURPHY, AICP
COMMUNITY DEVELOPMENT DIRECTOR.
RE: 150 Crescent St. Ft Myers Beach, Fl
DEAR Mr. Murphy

I am writing this letter requesting a Zoning verification letter as a result of our meeting on Friday, September 5, 2008 at Town Hall along with Frank.

Specifically I would like verification that under Sec.34-1803 allowable density I can without increasing the size of the building permitted under Permit # COM2007-01440, I could have 24 total units if I could meet the parking requirements as laid out in the above referenced Sec. 34-1803.

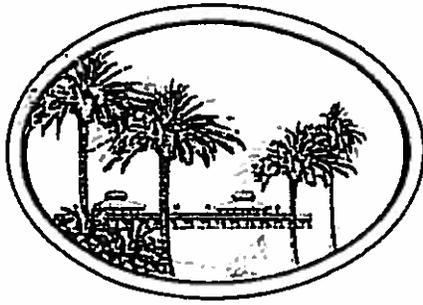
Also it is my understanding that with the approved development order D.O.S 2007-00013 the site has 11 parking spaces plus a bicycle rack, I could amend the present D.O to allow 15 motel-hotel units and revise the approved construction plans to reflect the 15 units and the new mechanical drawings needed for the changes, all of the above being allowed under the disaster build back density rules.

It is also my understanding the fee for the D.O amendment is \$750.00

THANK YOU IN ADVANCE
FOR CONSIDERATION TO THIS
MATTER.
SINCERELY:



JAY F. URSOLEO



RECEIPT

Town of Fort Myers Beach

2523 Estero Blvd
Fort Myers Beach, FL 33931
Phone: (239) 765-0202

150 CRESCENT ST
FORT MYERS BEACH, FL 33931
ZONING VERIFICATION

Project No: ZVL2008-0004

Receipt No: P444

Fee Description

Fee Amount

ADMINISTRATIVE ACTIONS

Zoning Verification Letter

01.000.329.3203

\$ 250.00

Total Fees Paid:

\$ 250.00

Date Paid: 09/08/2008

Paid By: Jay Ursoleo

Pay Method: Check 3967

Received By: FRANK SHOCKEY

CUSTOMER



LEE COUNTY
SOUTHWEST FLORIDA

Attachment H

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8790

Bob Janes
District One

September 6, 2006

Douglas R. St. Cerny
District Two

Mr. Jay Ursoleo
9017 Ligon Court
Fort Myers, FL 33908

Ray Judah
District Three

Tammy Hall
District Four

RE: 150 Crescent Street
STRAP # 19-46-24-W4-0150E.0060
Case No. ZVL2006-00247

John E. Albion
District Five

Dear Mr. Ursoleo:

Donald D. Sillwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

In response to your letter dated August 23, 2006, please be advised that the above-referenced property has two designated zoning districts. The portion of the property described as lot 7, Block E of Crescent Park Addition, together with all lands lying east thereof between lot 7 and the canal, is zoned Residential Multifamily (RM). The remainder of the property, described as lot 6 and the northerly 40 feet of lot 5, Block E of Crescent Park Addition, together with all lands lying east thereof between lot 6 and the canal and between the north and south lines of the 40-foot lot and the canal, is zoned Downtown. The whole of the property is located in the Pedestrian Commercial category according to the Future Land Use Map, and the property is located in the Platted Overlay, as designated by the Comprehensive Plan for the Town of Fort Myers Beach.

Please refer to the attached Land Development Code Sec. 34-1951 which governs the moving of existing buildings, and LDC Sec. 34-3235 which requires the moving of non-conforming buildings be done in a way to reduce the non-conformity.

Property development regulations for the Downtown district apply to the entire parcel, while permitted uses on the property must comply with each individual zoning district as described above. A build-to line of 5 to 10 feet from the front property line applies, as well as 5 feet on each side property line, and 25 feet from the canal. The drawing that you submitted would not comply with the build-to regulations. According to the attached LDC Sec. 34-674 and Sec. 34-675(a)(2), at least 35% of the lot frontage must have a building between 5 and 10 feet from the road right-of-way.

Please refer to the attached Table 34-1 and 34-2 for the permitted uses on each portion of the property. In the Downtown district, it is a permitted use by right to rent any permitted dwelling unit to any guest for a period of one day or longer. The RM district is more strict, requiring tenants to rent for a week or longer.

The subject property is located in the Coastal High Hazard Zone in Flood Zone A12-EL12. Chapter 6, Article IV entitled "Flood Hazard Reduction," of the Land Development Code, contains provisions which regulate elevations of structures. Due to the location of this property, the regulations may affect how you develop the property. Required building elevations are currently being reviewed as new FEMA National Flood Insurance Program Flood Insurance Rate Maps are being considered. For additional information concerning the provisions of this portion of the LDC, please call 479-8585 and ask for a Residential Plans Reviewer.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

U:\200608\ZVL20060.024\7\ZONING VERIFICATION LETTER.WPD

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Should you have further questions, please do not hesitate to contact our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Josh Overmyer
Planner

JRO/dxc



PROPERTY DATA FOR PARCEL 19-46-24-W4-0150E.0060
TAX YEAR 2006 PRELIMINARY

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Preliminary)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
| [Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | [NEW! Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

URSOLEO JAY F
+ KARIN M 1/2 +
FORD ALTON A
TR +

FORD DEBORAH
S TR
FOR ALTON A
FORD DVM
TRUST 1/2 INT
9017 LIGON CT
FORT MYERS FL
33908

SITE ADDRESS

150 CRESCENT
ST
FORT MYERS
BEACH FL 33931

LEGAL DESCRIPTION

CRESCENT
PARK ADD BLK E
PB 4 PG 46 LTS 6
+ 7 + 32.67 FT
ADJ
+ N 40 FT OF
LOT 5 + VAC +
ADJ CANAL

[[VIEWER](#)] TAX MAP [[PRINT](#)]

IMAGE OF STRUC



Photo Date: January
PHOTO DATED AFTER 200



LESS R/W
OR2353/3036

[PICTOMETRY]

TAXING DISTRICT	DOR CODE
277 - TOWN OF FM BCH/FM BCH DOWNTOWN REDEV	08 - MULTI-FAMILY LESS THAN 10

PROPERTY VALUES (TAX ROLL 2006) [New! HISTORY CHART]		EXEMPTIONS	ATTRIBUTES	
JUST	1,154,880	HOMESTEAD	0 UNITS OF MEASURE	SF
ASSESSED	1,154,880	AGRICULTURAL	0 NUMBER OF UNITS	18,252.00
ASSESSED SOH	1,154,880	WIDOW	0 FRONTAGE	140
TAXABLE	1,154,880	WIDOWER	0 DEPTH	133
BUILDING	355,780	DISABILITY	0 BEDROOMS	13
LAND	799,100	WHOLLY	0 BATHROOMS	8
BUILDING FEATURES	1,930	SOH DIFFERENCE	0 TOTAL BUILDING SQFT	4,644
LAND FEATURES	1,100		YEAR IMPROVED	1936
			HISTORIC DISTRICT	No

SALES/TRANSACTIONS						
SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED	
121,000	6/12/2006	<u>2006000236207</u>	08	Disqualified (Doc Stamps Greater than .70/SP Gr. than \$100)		
525,000	2/10/2006	<u>2006000067014</u>	08	Disqualified (Doc Stamps Greater than .70/SP Gr. than \$100)		
1,375,000	6/20/2005	<u>4804/4006</u>	08	Disqualified (Doc Stamps Greater than .70/SP Gr. than \$100)		
100	6/20/2005	<u>4804/4003</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)		
1,300,000	3/24/2005	<u>4643/2144</u>	08	Disqualified (Doc Stamps Greater than .70/SP Gr. than \$100)		
100	4/22/2004	<u>4308/663</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)		
129,800	12/1/1988	<u>2045/976</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other Disq)		
129,700	12/1/1988	<u>2045/974</u>	01	Disqualified (Doc Stamp .70 / SP		

less th \$100 / Other Disq)

PARCEL NUMBERING HISTORY

PRIOR STRAP	CREATION DATE - UNAVAILABLE RENUMBER REASON	RENUMBER DATE
19-46-24-W4-0150E.0050	Combined (With another parcel-Delete Occurs)	Friday, August 18, 2006
19-46-24-15-0000E.0060	Reserved for Renumber ONLY	Thursday, January 12, 1995

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
001 - Service Area 1	M - Multi-Family Category		8	120.80
COLLECTION DAYS				
GARBAGE Tuesday	RECYCLING Tuesday	HORTICULTURE Wednesday		

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
Tropical Storm	A12:EL12	125124	0429	D	092096

[[Show](#)]

APPRAISAL DETAILS

TRIM (proposed tax) Notices are available for the following tax years:
 [[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).
 Page was last modified on Monday, July 10, 2006 2:22:01 PM.

- (d) All mobile homes shall have removable skirting around the entire perimeter.
- (1) Skirting shall be of a durable material such as decorative block, concrete block, fiberglass, aluminum or vegetation. Junk doors or other scrap material is prohibited.
- (2) Skirting shall be maintained at all times by the resident.

Secs. 34-1924--34-1950. Reserved.

DIVISION 24. MOVING OF BUILDINGS

Sec. 34-1951. Building relocation permit.

(a) *Compliance with applicable regulations.* When a building is moved to any location within the town, the building or part thereof shall be made to conform to applicable provisions of the Florida Building Code and to all the provisions of this chapter within 90 days of the date of issuance of the moving permit.

(b) *Contents of application.* Any person desiring to relocate or move a building must first file with the director a written application on an official form. The application must include the following information furnished by the applicant and must be accompanied by the required application fee:

- (1) The present use of the building.
- (2) The proposed use of the building.
- (3) The building's present location and proposed new location by STRAP number, as well as by street numbers.
- (4) Certified survey of the proposed site with ground elevations, flood zone, and required elevation.
- (5) Plot plan showing lot dimensions, setbacks, location of existing structures, and location of building drawn to scale no more than 1/2-inch equals one inch and no less than one inch equals 50 feet. The plot plan should depict the roof overhang as well as the foundation.
- (6) Construction details, drawn to a scale of no larger than one-half inch equals one foot and no smaller than one-eighth inch equals one foot, including the following:
 - a. Foundation layout with connection details.
 - b. Floor plan, existing and proposed.

- c. Mechanical plans, including air conditioning, electric system, and plumbing plans.
- d. Elevations, front, side, and rear.
- e. Flood elevations for the proposed new location shall be shown on the foundation layout and elevations.

- (7) Current termite inspection by licensed pest controller.
- (8) Photographs showing all sides of the building and the site where the building is proposed to be located.
- (9) Proof of notice to all owners of property abutting or across the street from the site where the building is proposed to be located.
- (10) A detailed written statement describing all proposed exterior alterations to the building after it is relocated. At a minimum, these details shall include methods and materials, and construction details as appropriate, regarding:
 - a. The height and method of elevating the building above grade;
 - b. Any proposed enclosure of space below the lowest habitable floor;
 - c. Any changes to exterior doors, windows, siding, awnings, and shutters;
 - d. Any porches or decks to be built, modified, or eliminated; and
 - e. Any changes to the roof other than routine maintenance or replacement with similar materials.

(c) *Criteria for suitability of building to proposed site.* The town manager shall determine whether the building to be relocated is suitable for its proposed site under one of the following categories:

- (1) *Historic buildings.* For buildings that, after relocation, would be eligible for historic designation pursuant to § 22-204(a)-(d):
 - a. Is the proposed use of the building permitted by the zoning district?
 - b. Has the property owner consented to historic designation of the site after the building is relocated?
 - c. Has the property owner proposed improvements that restore the building while retaining its essential historic characteristics, consistent with the criteria in § 22-101-103?

- (2) *Other buildings.* For all other buildings:
- a. Is the proposed use of the building permitted by the zoning district and similar to existing uses in the neighborhood?
 - b. Is the building reasonably compatible with the neighborhood when considering factors such as its size, age, and condition? If not, has the property owner proposed sufficient renovations or improvements to the building to achieve compatibility?

The town manager may place reasonable conditions on suitability decisions to bring applications up to these criteria or to ensure the performance of proposed improvements or renovations. Suitability decisions pursuant to this subsection are administrative decisions which may be appealed in accordance with § 34-86.

(d) *Inspection of building.* The director will have the building inspected to determine:

- (1) If the building can be brought into compliance in all respects with this chapter and other town regulations pertaining to the area to which the building is to be moved.
- (2) If the building is structurally sound and either complies with applicable portions of the Florida Building Code and other codes adopted by the town or can be brought into compliance with such codes.

(e) *Rejection of application.* The director must reject any application if:

- (1) The building fails to meet the suitability criteria in subsection (c), as determined by the town manager, or the inspection criteria in subsection (d) of this section;
- (2) In the opinion of the director, the moving of any building will cause serious injury to persons or property;
- (3) The building to be moved has deteriorated due to fire or other element to more than 50 percent of its market value, as that term is defined in § 6-405; or
- (4) The moving of the building will violate any of the requirements of the Florida Building Code, this code or other applicable town regulations.

Except for decisions as to the Florida Building Code, such decisions are administrative decisions which may be appealed in accordance with § 34-86.

(f) *Approval of building relocation permit.*

- (1) Upon approval of the application for building relocation, a licensed building relocation contractor representing the applicant must:
 - a. Apply for and receive all required permits from the departments of transportation of the county or state, if county or state roads will be used during the relocation;
 - b. Pay the required fees and obtain the building relocation permit and appropriate sub-permits.
- (2) Any building being moved for which a permit was granted may not remain in or on the streets for more than 24 hours unless an extension of an additional 24 hours is approved by the town manager.

Secs. 34-1952--34-1980. Reserved.

**DIVISION 25.
OFF-STREET LOADING AREAS**

Sec. 34-1981. Applicability of division.

(a) The off-street loading requirements of this division shall apply to commercial, and other nonresidential uses.

(b) Establishments are encouraged to schedule deliveries before or after their normal business hours. Deliveries that are made during normal hours may not obstruct parking aisles or parking entrances.

Sec. 34-1982. Access.

(a) Street access to off-street loading areas shall observe the same provisions as set forth for parking lots in § 34-2013.

(b) Except as provided in § 34-1987, off-street loading areas shall be spatially or physically separated from parking areas and pedestrian walkways.

Sec. 34-1983. Lighting, maintenance, and drainage.

Site lighting, maintenance, and drainage required for off-street loading areas shall comply with the provision of §§ 34-2015 and 34-2017.

- a. If the enlargement or replacement complies entirely with this code and the comprehensive plan as they apply to new buildings on vacant land, including the current density limits on dwelling units and guest units, current height limits, and current caps on floor-area-ratio; or
 - b. If the replacement has been approved by the town council in accordance with the pre-disaster buildback regulations, as described in § 34-3237; or
 - c. If the building is damaged or destroyed by a natural disaster and its replacement meets all requirements of the post-disaster buildback regulations, as described in § 34-3238.
- (4) *If nonconforming due to floodplain regulations.* A nonconforming building whose lowest floor does not meet the base flood elevation requirements for new buildings can only be expanded in accordance with the standards in § 6-472.
- (5) *If nonconforming due to building type.* Certain buildings are nonconforming due to fundamental design and construction differences between them and new buildings that are permitted in the same zoning district.
- a. *Building type described.* Examples include recreational vehicles or mobile homes in zoning districts that do not permit them; automobile service stations or drive-through facilities in pedestrian-oriented commercial districts, and storefront buildings in residential districts. However, buildings that might be considered nonconforming solely due to technical changes in the building codes (which are described in article II of ch. 6) are not classified as nonconforming buildings for the purposes of this article and may be expanded if they are otherwise in conformance with all requirements for their location.
 - b. *Mobile homes outside mobile home parks.* See § 34-1921.
 - c. *Mobile homes in mobile home parks.* See §§ 34-694 and 34-1922.
 - d. *Other nonconforming building types.* Other buildings that are nonconforming due to building type cannot be "substantially improved" as described in § 6-405 unless they are altered to eliminate this type of nonconformity.

Sec. 34-3235. Moving a nonconforming building.

(a) Should a nonconforming building be moved on-site for any reason, for any distance whatever, it shall not be moved unless the relocation decreases the nonconformity.

(b) A nonconforming building that is being moved off-site shall only be placed on its new site in full conformance with this code.

(c) See §§ 34-1951 and 34-3103 regarding permits for moving buildings.

Sec. 34-3236. Replacing a nonconforming building.

Nonconforming buildings can be replaced in one of the following manners:

- (1) In full conformance with all current provisions of this code as they apply to new buildings on vacant land; or
- (2) In the same manner as provided for enlargements to the various types of nonconforming buildings as provided in § 34-3234; or
- (3) As provided by the buildback regulations found in §§ 34-3237 and 34-3238.

Mapping of Zoning Districts

Sec. 34-615. Current zoning map.

(a) *Description.* The current zoning map of the town consists of computer-generated maps depicting the same information on the official zoning map as it has been subsequently modified by rezonings, zoning amendments, special exceptions, variances, administrative decisions, mapping corrections, etc. that have been entered into the computer data base since the most recent adoption of the official zoning maps. For purposes of this section, the term "mapping corrections" means corrections applied to the current zoning map to provide an accurate reflection of the legal description affected by a duly adopted zoning resolution.

(b) *Printed copies.* Printed copies of the current zoning map should contain the following statement: "This current zoning map represents the official zoning map plus all rezonings, special exceptions, variances, and administrative amendments approved as of (date)."

(c) *Public availability.* The current zoning map shall be part of the public records of the town and may be inspected at town hall or purchased from the Lee County Property Appraiser in downtown Fort Myers.

(d) *Changes.*

(1) No changes or amendments to the official or current zoning maps shall be made except in compliance and conformity with all the procedures of this chapter, including the correction of errors resulting from clerical or drafting mistakes. Changes in district boundaries or other subject matter portrayed on the official zoning map shall be made promptly on copies of the current zoning map after official adoption of the amendment. All amendments and changes approved by the town council or other authorized bodies shall become effective at the end of the appeal period specified in article II of this chapter. The filing of an appeal stays the effectiveness of the change. If no appeal is filed the director shall forthwith authorize the approved changes to be made on copies of the current zoning map.

(2) Changes to the current zoning map authorized by the town will be entered into the computer data base and then reflected on the current zoning map in the following manner:

- a. The property affected by a zoning district change, special exception, variance, or other approval shall be noted with a symbol or key number referencing additional zoning information.
- b. The additional zoning information may include the resolution number, any change of zoning district, the nature of any other action, the hearing date, and any special conditions that were imposed.

Sec. 34-616. Historic zoning map.

A historic zoning map was approved by the town council through Resolution 04-17 on May 17, 2004. This historic zoning map reflects the zoning districts that applied to all properties immediately prior to the adoption of Ordinance 03-03 and all variances, special exceptions, special permits, and similar approvals that had been approved by Lee County or the Town of Fort Myers Beach prior to the adoption of Ordinance 03-03. This map provides a historic record of past zoning actions and prior zoning status that may affect the nonconforming status of certain properties within the town. This map also includes key numbers that are explained by detailed notes that provide a history of prior rezonings, variances, special exceptions, special permits, and similar approvals that had been approved before Ordinance 03-03 was adopted on March 3, 2003.

Sec. 34-617. Rules for interpretation of district boundaries.

(a) When uncertainty exists as to the boundaries of districts of the official or current zoning map, the following rules shall apply:

- (1) *Boundaries following centerlines.* Boundaries indicated as approximately following the centerlines of streets or bodies of water shall be construed to follow such centerlines.
- (2) *Boundaries following lot or tract lines.* Boundaries indicated as approximately following lot lines or tract lines shall be construed as following such lines.

Mapping of Zoning Districts

- (3) *Boundaries following shorelines.* Boundaries indicated as approximately following the centerlines of water bodies shall be construed to follow such centerlines. In the event of change in the shoreline due to natural causes, land created through accretion shall automatically be classified as EC until and unless a zoning district change is applied for and approved in accordance with procedures set forth in this chapter.
- (4) *Vacated lands.* here a public road, street, alley, or other form of right-of-way is officially vacated, the regulations applicable to the property to which the vacated lands attach shall also apply to such vacated lands.
- (5) *Accreted lands.* Where land accretes through natural or artificial processes, except for incidental fill behind a seawall authorized by ch. 26 of this code, the accreted land shall be classified as EC unless reclassified by public hearing in accordance with this chapter.
- (6) *Uncertainties.* Where physical or cultural features existing on the ground are at variance with those shown on the official or current zoning map, or in case any other uncertainty exists as to the proper location of district boundaries, the director shall interpret the intent of the official or current zoning map as to the proper location of the district boundaries.

(b) When a parcel is split by two or more zoning districts, the property development regulations for the largest proportional district prevail. However, each portion of the parcel is limited to only the permitted uses allowed on that portion, plus their allowable accessory uses. Accessory uses including parking lots may not be placed on portions of parcels that do not contain the principal use to which they are incidental and subordinate. Docks, however, are governed by the regulations for the upland property to which they are attached. See also § 34-1174.

Sec. 34-618. Reserved.

DIVISION 2. ALLOWABLE LAND USES IN EACH ZONING DISTRICT

Sec. 34-619. The Fort Myers Beach Comprehensive Plan.

(a) The Fort Myers Beach Comprehensive Plan is the document adopted by the town council in accordance with F.S. ch. 163 to guide and regulate all land development activities within the town (see § 1-11). All development orders (including rezonings), as defined in F.S. § 163.3164(7) shall be consistent with the goals, objectives, policies, and standards in this plan. Where there are apparent conflicts between this plan and any regulations in this code, this plan will prevail.

(b) The Fort Myers Beach Comprehensive Plan contains a future land use map which divides the town into eight distinct categories:

- (1) Low Density
- (2) Mixed Residential
- (3) Boulevard
- (4) Pedestrian Commercial
- (5) Marina
- (6) Recreation
- (7) Wetlands
- (8) Tidal Water

The future land use map also contains a Platted Overlay which is applied in certain locations in addition to one of these eight categories. All development must be consistent with the future land use map, the definitions of the land use categories in the text of the plan, and the remainder of the text of the Fort Myers Beach Comprehensive Plan.

(c) Some of the zoning districts in this article may describe uses, densities, or intensities that are not permitted in particular future land use map categories. Property may not be rezoned to a district that is inconsistent with the applicable future land use map category or with the remainder of the text of the Fort Myers Beach Comprehensive Plan.

DOWNTOWN

Sec. 34-673. Allowable uses.

In the DOWNTOWN district, allowable uses are defined in Table 34-2, § 34-676(f), and § 34-678.

Sec. 34-674. Building placement.

(a) *Build-to lines established.* Build-to lines (see § 34-662) vary according to the streets and street types designated on Figure 34-6.

- (1) Build-to lines for all streets are 5 feet to 10 feet from front property lines, except:
 - a. Build-to lines are 0 feet for Old San Carlos Boulevard, all properties facing the Times Square and Bayfront pedestrian plazas, and Estero Boulevard west of the Sky Bridge.
 - b. Built-to lines are 0 to 5 feet for all of First, Second, Third, and Fifth, and the south side of Estero Boulevard from the Sky Bridge to Miramar Street.
- (2) The adjustments to build-to lines to maintain visibility that are required by § 34-662(b)(4) do not apply:
 - a. to building fronts facing the Times Square or Bayfront pedestrian plazas, or
 - b. to building fronts along Old San Carlos Boulevard, where wide sidewalks and on-street parking lanes will allow the necessary visibility.
- (3) Awnings, canopies, and marquees over sidewalks and pedestrian walkways are encouraged by the commercial design standards (§§ 34-991–1010) and are required along Old San Carlos Boulevard.
- (4) Enclosed habitable space may also be allowed over a public right-of-way if located over an arcade or colonnade that shades a public sidewalk (see § 34-995(e)(6)), provided that specific permission is granted by the Town of Fort Myers Beach.

(b) *Setback lines established.* Setback lines (see § 34-662) are established as follows:

- (1) For principal buildings:
 - a. Minimum rear setbacks are 25 feet from rear property lines, except as follows:
 1. In Times Square, as defined on Figure 34-6, the minimum rear setback is 10 feet.

2. In areas where parking garages could be built, as defined on Figure 34-7, buildings shall be placed so as not to preclude future parking garages from being built on the interiors of these blocks. Along Old San Carlos Boulevard blocks with potential parking garages, this requirement means that principal buildings shall not extend further to the rear of lots than 50 feet back from the right-of-way for Old San Carlos Boulevard.

- b. Minimum side setbacks are 5 feet from side property lines, except they may be 0 feet for properties fronting on Old San Carlos, Estero Boulevard, and in Times Square.
 - c. Minimum setbacks from water bodies are set forth in § 34-638(d)(3).
 - d. Minimum setbacks along those portions of properties abutting the town-owned parking lot between Old Carlos Boulevard and the Sky Bridge that had been platted as "Center Street" in Plat Book 9, Page 9 shall be the same as if those properties abutted any other private property.
- (2) For accessory structures, minimum setbacks are set forth in § 34-1171–1176.

Sec. 34-675. Building size.

(a) *Building frontage.* Building frontage limits (see § 34-663) vary according to the street types designated on Figure 34-6:

- (1) For pedestrian plazas and primary streets except for Crescent Street and for Fifth Avenue east of the Sky Bridge, building frontages shall be at least 70% of the lot frontage.
- (2) For all other streets, building frontages shall be at least 35% of the lot frontage.
- (3) For multiple adjoining lots under single control, or for a single lot with multiple buildings, the percentages above apply to the combination of lot(s) and building(s).
- (4) *Exception for properties between Estero Boulevard and the Gulf:* The required building frontage percentage may be reduced to 35% for properties between Estero Boulevard and the Gulf of Mexico provided

Table 34-2 — Use Sub-Groups Permitted in Each Zoning District ⁷

	Residential	Lodging	Office	Retail	Marine	Civic
	Use Groups and Sub-Groups (Restricted, Limited, Open)					
RS Residential Single-family	(R)	(R)	(R)	—	(R)	(R)
RC Residential Conservation	(L)	(L)	(R)	—	(R)	(R)
RM Residential Multifamily	(O)	(L)	(L)	(R)	(R)	(L)
CR Commercial Resort	(O)	(O)	(O)	(L)	(L)	(L)
CM Commercial Marina	—	—	(L)	(L)	(O)	(L)
CO Commercial Office	(O)	(L)	(O)	(L)	(L)	(O)
SANTOS	(L)	(L)	(O)	(L)	(L)	(L)
IN Institutional	(L)	(L)	(L)	(R)	(L)	(O)
CF Community Facilities	(R)	(R)	(L)	(R)	(L)	(O)
BB Bay Beach	— see § 34-651(b) —					
EC Environmentally Critical	— see § 34-652(d) & (e) —					
DOWNTOWN	(O)	(O)	(O)	(O)	(L)	(O)
SANTINI	(O)	(O)	(O)	(O)	(O)	(O)
VILLAGE	(L) ²	(L) ²	(L) ²	(L) ²	—	(L)
CB Commercial Boulevard	(O)	(L)	(L) ²	(L) ²	(L)	(O)
RPD Residential Planned Dev. ⁴	(R)(L)(O)	(R)(L)	(R)(L)	(R)(L)	(R)(L)	(R)(L)
CPD Commercial Planned Dev. ⁴	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)

Note 1: See Table 34-1 for a specific list of Use Groups (Residential, Lodging, Office, Retail, Marine, and Civic) and Sub-Groups of each (Restricted, Limited, and Open).

Note 2: See § 34-692(3) which provides a pre-approved redevelopment option for the VILLAGE district that can also permit residential, lodging, office, and retail uses in the Open Sub-Group under specified conditions.

Note 3: See § 34-702-703 for exceptions and limitations on new and expanded commercial uses.

Note 4: See § 34-933. The resolution approving a planned development zoning district (RPD or CPD) will specify which of the use groups or sub-groups enumerated in Table 34-1 will be permitted on that parcel. Note that some potential use sub-groups are not listed above for the RPD zoning district because they may not be approved in any RPD zoning resolution.

Table 34-1, Land Uses Assigned to Use Groups and Sub-Groups (p.1 of 2)

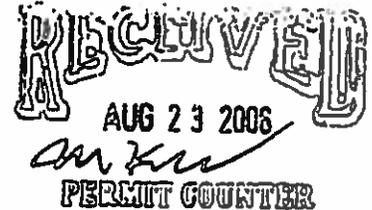
	<i>Residential</i>	<i>Lodging</i>	<i>Office</i>		
Restricted (R)	Community residential home	P	Rental of any permitted dwelling unit to a single family during any one-month period, with a minimum stay of one week (see §§ 34-2391-2410 for rules and exceptions)	P	Restricted (R)
	Dwelling unit, single-family	P			
	Home care facility	P			
	AS ACCESSORY USES:		AS ACCESSORY USES:		
	Accessory apartment (1) (see § 34-1177)	SE		Home occupation (no outside help) P	
	Accessory apartment (see § 34-1178)	EO		Home occupation (with outside help) A	
	Residential accessory uses	P			
	Temporary mobile home (§ 34-3046)	TP			
Limited (plus R uses) (L)	Dwelling unit: two-family (1) live/work (see § 34-1773)	P SE	Rental of any permitted dwelling unit to a single family for periods of one week or longer (see §§ 34-2391-2410 for rules)	P	Limited (plus R uses) (L)
	Mobile home or RV park (VILLAGE district only, as restricted in § 34-694)	EO	Bed-and-breakfast inn (see § 34-1801)	SE	
	AS ACCESSORY USES:		AS ACCESSORY USES:		
	Accessory apartment (1) (see § 34-1177)	P	On-premises consumption of alcoholic beverages (see division 5 of article IV)	AA/ SE	
Open (plus R & L uses) (O)	Assisted living facility (see § 34-1411)	P	Bed-and-breakfast inn (see § 34-1801)	P	Automobile rental SE
	Dwelling unit: multiple-family live/work (see § 34-1773)	P	Hotel/motel (see § 34-1801)	P	Health care facility P
	Rooming house	P	Rental of any permitted dwelling unit or guest unit for periods of one day or longer	P	Offices, general or medical P
	Timeshare units	P	Resorts	P	Personal services P
	AS ACCESSORY USES:		AS ACCESSORY USES:		Wholesale establishment SE
	Golf course	EO	Resort accessory uses	P	AS ACCESSORY USES:
	Recreation facility: private on-site private off-site	P SE	Personal services	P	Commercial accessory uses P
	Subordinate commercial uses (see § 34-3021)	P	Subordinate commercial uses (see § 34-3021)	P	Drive-through, Type 1 (2) P
					Subordinate commercial uses (see § 34-3021) P

(1) Provided density complies with the Fort Myers Beach Comprehensive Plan (see § 34-632).
 (2) Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in § 34-676(f), whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone. See also § 34-620(g)(1) regarding the prohibition on restaurant drive-throughs.

Table 34-1, Land Uses Assigned to Use Groups and Sub-Groups (p. 2 of 2)

	<i>Retail</i>	<i>Marine</i>	<i>Civic</i>	
Restricted (R)	AS ACCESSORY USES: ATM	P	AS ACCESSORY USES: Dock (for sole use by occupants of principal use)	P
				Beach or bay access P Essential services (see § 34-1612(a)) P Hidden path P Park, neighborhood P AS ACCESSORY USES: Family day care home P
Limited (plus R uses) (L)	Dwelling unit: work/live (see § 34-1774)	SE	Dock (for use by water taxi or water shuttle)	P
	Membership organization	SE	Marina	EO/SE
	Recreation facilities, commercial	SE	Parasailing operations office	SE
	Parking lot, seasonal (see § 34-2022)	TP	Personal watercraft operations office	SE
	Temporary uses (see §§ 34-3041-3050)	SE	Rental of beach furniture	P
	AS ACCESSORY USES: On-premises consumption of alcoholic beverages (see §§ 34-1261-1290)	AA/SE	AS ACCESSORY USES: Dwelling unit, caretaker Dock (may be leased to non-occupants of principal use)	P P
			Communication tower (see § 34-1441-1550) SE Day care center, adult or child SE Essential service building (see § 34-1612(b)) SE Essential service equipment P Recreation facility: private off-site public SE Transit terminal SE AS ACCESSORY USES: Dwelling unit, caretaker P Restaurant, accessory to private rec. facilities only SE	
Open (plus R & L uses) (O)	Automobile repair	SE	Boat dealer	P
	Bar or cocktail lounge	AA/SE/SE	Marina	P
	Car wash	SE		
	Dwelling unit: work/live (see § 34-1774)	P		
	Laundromat	P		
	Mini-warehouse	SE		
	Parking lot, shared permanent (34-2015(2)b.)	SE		
	Personal services	P		
	Restaurant (2)	P		
	Retail store, small	P		
	Retail store, large	SE		
	AS ACCESSORY USES: Commercial accessory uses	P	AS ACCESSORY USES: Marina accessory uses	P
	Drive-through: (2) Type 1 Type 2	P SE		
Automobile fuel pumps (2)	SE			
			Cultural facility SE Day care center, adult or child P Park, community or regional P Parking lot, shared permanent SE Place of worship P Religious facility SE School (see § 34-2381-2383) P Theater SE AS ACCESSORY USES: Helistop SE Restaurant, accessory only to public recreation facilities P Subordinate commercial uses (see § 34-3021) P	
(2) Automobile fuel pumps and all drive-throughs (whether Type 1 or Type 2) cannot be constructed within the outer perimeter of the DOWNTOWN zoning district except as provided in § 34-676(f), whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone. See also § 34-620(g)(1) regarding the prohibition on restaurant drive-throughs.				

Jay Ursoleo
9017 Ligon Court
Ft. Myers, Florida 33908



August 23, 2006

ZVL 2006-00247

Lee County Community Development
Building and Zoning Department

RE: Zoning Verification Letter
For Lots 5,6 & 7
Bike Crescent Park Addition
Ft. Myers Beach, Florida 33931

combined STRAP# 19-46-24-W4 0150E, 0060

To Whom It May Concern:

I Jay Ursoleo am requesting a Zoning Verification Letter on the above-described lots located on Crescent Street, Ft. Myers Beach, Florida, after meeting with the zoning staff of the Town of Ft. Myers Beach.

I explained the plans I have for this property which is to raise the existing 5 structures to meet the required flood elevation, do any necessary demolition and bring all the units up to existing codes, new electric, new plumbing. Bring the structures into compliance with proper tie downs, impact glass window & doors, new 12" x 12" concrete block piers, and footings.

Enclosed please find the scaled plot plan reflecting the existing structures moved to the new placement on the property complying with the required set backs, as well as a survey by Bean, Whitaker, Lutz & Karah, showing the square footages and the existing placement of the structures.

Staff also advised me that in order to do this I would have to combine parcels #5,6 & 7 through the property appraiser's office. I have done this, so enclosed please find a approved copy for combining of the above lots. It is my understanding once I receive my Zoning Verification Letter, I can submit the required structural drawings for the plan review and once approved and permits are issued I can begin construction. There are eight (8) existing units, once construction's complete, I will have eight (8) units and will operate them as overnight and transient rentals.

If you have any questions, please contact me anytime. I can be reached at (239) 980-5779 also my fax number is (239) 590-6727.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read "Jay Ursoleo".

Jay Ursoleo

10228382



STATE OF FLORIDA
LEE COUNTY PROPERTY APPRAISER
KENNETH M. WILKINSON, C.F.A.

Mailing Address: P.O. Box 1546
Fort Myers, Florida 33902-1546
Telephone: (239) 533-6100 Extension 88 -- Facsimile: (239) 523-6107
www.leepa.org

Physical Address: 2480 Thompson Street
Fort Myers, Florida 33901-3074



Application for Combination of Existing Parcels

Instructions: Please read the requirements, complete the form, sign, date and return to our office. If you need assistance or have questions, please call (239) 533-6100 press 88.

General Requirements: This form is a request to combine parcels per the owner's request. Our office will only combine parcels that meet the following:

- Title to and ownership of the parcels is identical.
- The parcels are contiguous. Lots of a plat separated by a public easement or thoroughfare are not considered contiguous.
- Proof that all taxes on the parcels have been paid.
- **ALL REQUESTS MUST HAVE OWNER'S SIGNATURE. PHOTO ID REQUIRED.**

We reserve the right to request additional information as necessary to complete the request. Additional information may include items such as a copy of a survey or a letter from the governing jurisdiction regarding the request etc.

Additional Notes and Information: For a condominium request, the owner must obtain a letter from the condominium association acknowledging the request and the property's physical status as one living unit. Please be advised that this request does not imply suitability or authorize development of the parcel. Please contact the appropriate land development or planning and zoning department for your jurisdiction for questions concerning development of the parcel. No rights are being granted by this action that are reserved to any regulatory agency. This action does not nullify or alleviate any existing liens or encumbrances on the property. You agree by submitting this application that the Lee County Property Appraiser is neither responsible nor liable for any problems or complications resulting from this request.

***SPECIAL NOTE FOR IMPROVED PARCELS:** In the event we receive a request to split this property at a later date, a survey will be required designating the location of all improvements.

Print or type parcel (STRAP) numbers into the boxes below to be combined into one new parcel:

19-46-24-W4-0150E.0050	
19-46-24-W4-0150E.0060	

Owner Name: URSOLEG JAY + KAREN Date: 8/16/06

Owner Signature: *Jay Harold* Telephone Number: 980-5779

Facsimile Number: 590-6707

Email: _____

For Office Use Only:
New Parcel Number: 19-46-24-W4-0150E.0060 Folio ID: 10228382

Paid Tax Bill: Yes No City/County Approval: Yes No ID Verified 8/17

Abstractor: Beverly Lutz Date: 8/18/06

FAX WHEN COMPLETED

1999 Belton Award - 1998 Republican Party of Florida "Local Government Statesman of the Year" Award
1997 IAAD Most Distinguished Assessment Jurisdiction Award - 1991 National Association of Counties Achievement Award
1989 IAAC Public Information Award

ZVL 2006-00247

RECEIVED
AUG 23 2006

PERMIT COUNTER

Spatial District Query Report

STRAP Number: 19-46-24-W4-0150E.0060

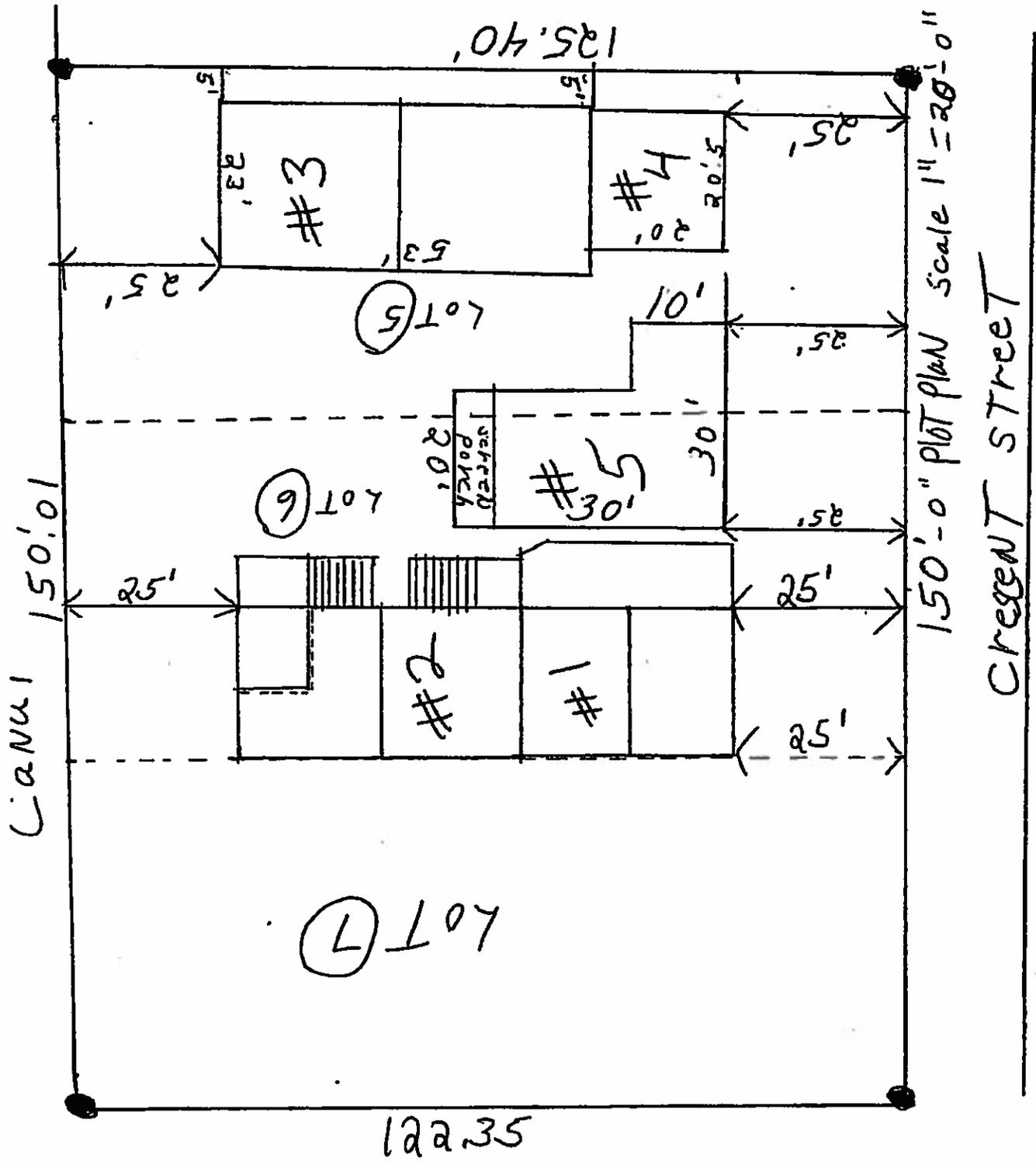
District Name	District Value	Pct of Parcel In District (If fractional)	Notes
Airport Noise Zone		NOT FOUND	
Airspace Notification		NOT FOUND	
Census Tract	Tract ID	601.02	100.03%
Coastal Building Zone	Coastal Bldg Zone	Coastal Building Zone (ORD 94-22)	
Coastal High Hazard Area	Coastal High Hazard Zone	High hazard	
Fire District	Fire District Taxing Authority	Fort Myers Beach 032	
Flood Insurance Zone	Flood Zone	A12-EL12	
FIRM Floodway			NOT FOUND
Flood Insurance Panel	Community Panel Version Date	120673 FMB	
	Community Panel Version Date	125124 0429 D 092096	
DNR Flood Zones			NOT FOUND
Flood Insurance Coastal Barrier			NOT FOUND
Lighting District			NOT FOUND
Planning Community	ID Plan Community	9 Fort Myers Beach	
Planning Land Use 2010	Landuse	Pedestrian Commercial	86.27%
Sanibel/County Agreement			NOT FOUND
School Board District	District School Board Member	3 Jane E. Kucel, Ph.D.	
School Choice Zone	Choice Zones	South Zone	
	Choice Zones	South Zone 4	
Solid Waste District	District Area	Area 1	
Storm Surge	Category	T S	
Subdivisions	Subdivision No. Subdivision Name Book Page 1 Book Page 2 Book Page 3	19462415W4 CRESCENT PARK ADD PB 4 PG 46	
Traffic Analysis Zone			
Archaeological Sensitivity			NOT FOUND
Sea Turtle Lighting Zone	Lighting Zone	Estero Island	0.34%
Watersheds	Shed ID	North Fort Myers Beach	12
FLUCCS1995	Code Landuse	121 Fixed single family	85.78%

		units		
	Code	816	14.22%	
	Landuse	Canals and locks		
Vegetation Permit Required	Vegetation Permit	Estero Island		3
Soil	Map Symbol	59	92.67%	
	Soil Name	URBAN LAND		
	Map Symbol	99	7.33%	
	Soil Name	WATER		
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District	3		
	Commissioner	Ray Judah		
Unincorporated Lee County Zoning	Zoning Designation	C-1	75.83%	Zoning Notes
	Zoning Designation	RM-2	24.17%	
Development Orders			NOT FOUND	
Road Impact Fee Districts	District	60		
	Tidemark ID	60		
	Name	FortMyersBeach54		
Water Franchise	Franchise Name	Town of Fort Myers Beach		
Wastewater Franchise	Franchise Name	Lee County Utilities		
Res. Garbage Collection Day	Hauling Day	Tuesday		
Res. Recycling Collection Day	Hauling Day	Tuesday		
Res. Horticulture Collection Day	Hauling Day	Wednesday		

[Modify Report Settings]

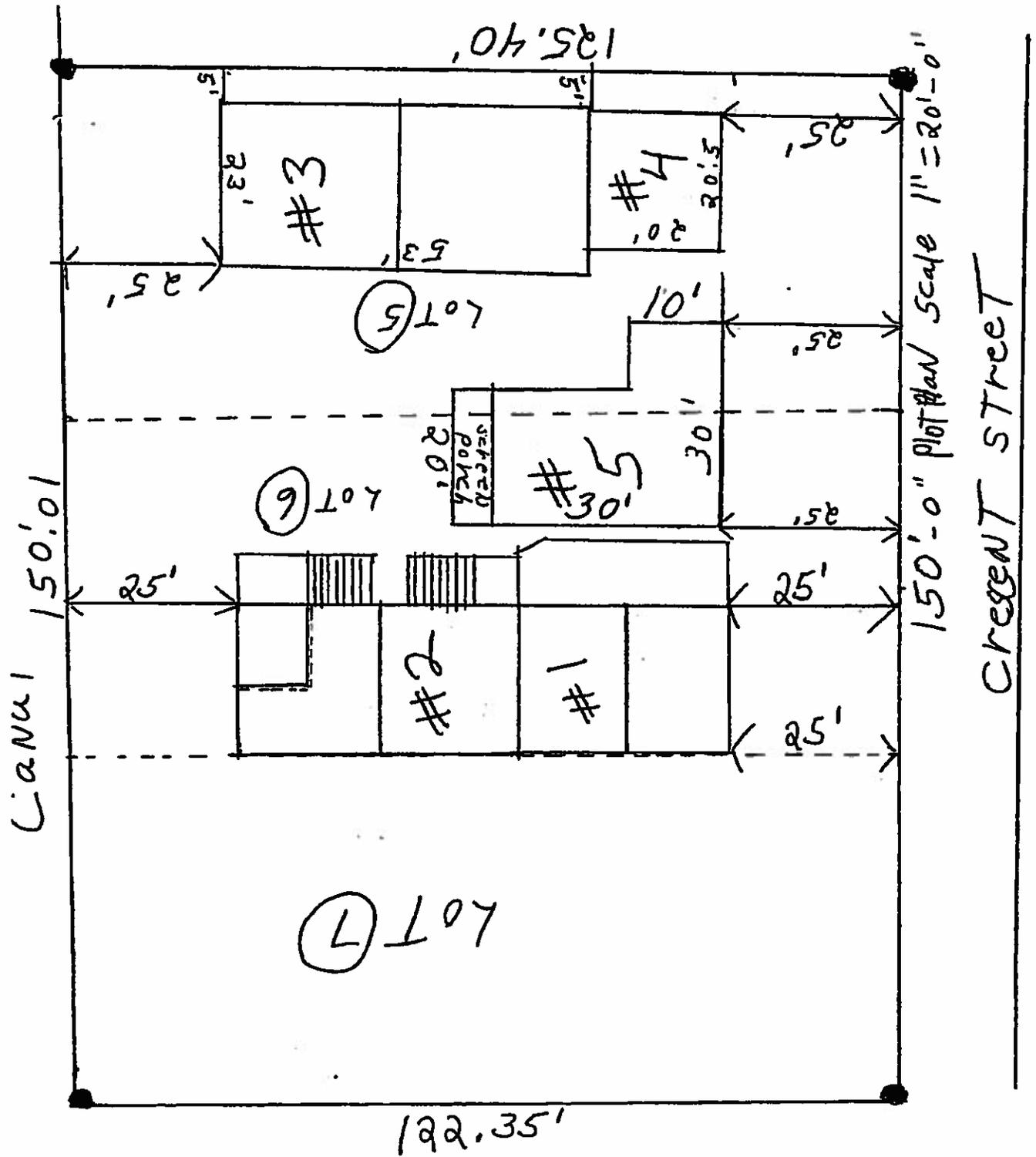
Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Sea Turtle Lighting review REQUIRED, Contact Environmental Sciences (239) 479-8585.
3	Vegetation Removal Permit REQUIRED, Contact Environmental Sciences (239) 479-8585.

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation. All information subject to change without notice.



00217

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AUG 23 2006



20247

RECEIVED
 AUG 23 2008

Attachment I



Fort Myers Beach Community Development
2523 Estero Blvd. Fort Myers Beach, FL 33931

Memorandum

To: Matt Noble

From: Rae Blake- Environmental/Storm water Technician

Date: November 6, 2015

RE: SEZ2015-0004, VAR2015-0005, REZ2015-0002

I have received the request, reviewed the documents for the above listed applications, and visited the site in question, 150 and 140 Crescent Street, on November 4, 2015. The site is a disturbed land area with recently laid gravel throughout the plot. The ground falls off in North East corner; this being the case this section of land was not leveled. Also, there is one red mangrove tree in this area. The majority of the vegetation found onsite is Brazilian Pepper and Poinciana trees. In the north east corner there are two sea grape trees. In the south east corner there are two Cabbage Palms, one Areca Palm, and a clump of railroad vine. There are five Cabbage Palms located in the east section of the plot, and two Cabbage palms located in the west section, adjacent to the road. There were no protected wildlife species found in this area. Removal of the Cabbage Palms will require a vegetation permit. Also, in the landscaping planning notes, shown on attachment D, in each island designated for landscaping should include at least one Cabbage Palm. The parking lot will have to obtain a development order and all these field observations will be reconfirmed through that process prior to development order approval.



STUART AND ASSOCIATES
Planning and Design Services

7910 Summerlin Lakes Drive
Fort Myers, FL 33907

C 239-677-6126
Greg@StuartandAssociates.com

www.StuartandAssociates.com

TOWN OF
FORT MYERS BEACH

NOV 06 2015

November 6, 2015

To: Matt Noble

RECEIVED BY

From: Greg Stuart

RE: The Crescent Street Zoning, Special Exception and Variance Project

CC: John Richard

Dear Matt,

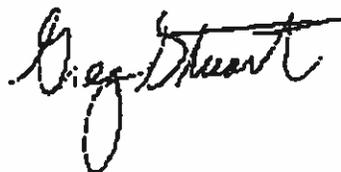
As a follow up to our discussion, enclosed you will find twelve copies of an addendum to VAR 20015-0005, the Variance Request Report. I have included a new variance request (# 4) to address LDC 10-416(d)(2) Tables 10-8 and 10-9 Buffer Requirements. Also, as per your request I am submitting an addition five sets of applications pertaining to SEZ2015-0004, VAR2015-0005 and REZ2015-0002.

As this correspondence is a part of the formal project record, I am taking the opportunity to expand on the submitted Town of Fort Myers Beach Comprehensive Land Use Plan Consistency Analysis. Specifically the project is consistent with Policy 4.C.3(vi) Commercial Location Neighborhood Context. When evaluating the requested permanent commercial parking lot to potential activity, scale and orientation neighborhood intrusion and impacts, my findings are as follows.

The request to transition the current temporary commercial parking lot use (TMP15-0002; 03/04/15) to a 36 stall permanent commercial parking lot use by right will not create traffic impacts to the south adjacent Primo Drive neighborhood for a number of reasons. The small parking lot is separated from Primo Drive residences by a 60-ft. canal. The intrusion and nuisance protection provided by this spatial separation is augmented by the project's 18 shrub per 100 LF and cluster palm south site, canal buffer. Once mature, this buffer should effectively eliminate any potential random head light glare. Based on the character of the project, there are no height, bulk and mass issues. Parking lot orientation is to the north, further diminishing south neighborhood im-

pacts. Projected traffic volumes along Crescent Street and to the parking lot are very minimal. This fact reflects the site's size (0.40 acres) and corresponding low number of spaces (36). The west and east site's adjoining commercial and accessory residential rental unit uses are not expected to be impacted. This again reflects the small scale of the project, the "spread-out" use frequency patterns and overall Crescent Street commercial and residential activity patterns; i.e., from a regulatory and land use perspective, west Crescent Street is not considered a residential neighborhood. Consequently and from the afore referenced analysis, there is no commercial to residential intrusion that can rise to level of actual impacts and nuisances and that the project is consistent with Policy 4.C.3(vi).

Sincerely yours,

A handwritten signature in black ink that reads "Greg Stuart". The signature is written in a cursive style with a large, looped initial "G".

Greg Stuart

GS:15.013/doc/6nav15stuart_crescentstcoverletter_var&policy.pgs



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Fort Myers, FL 33907

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Variance Request Narrative Addendum

VARIANCE No. 4

A variance requested from Land Development Code Section 10-416(d)(2) Tables 10-8 and 10-9, which requires a Type "C" Buffer (15 shrubs and 5 trees per 100 LF & a screening wall) to allow for no buffer along the site's west boundary. Justification is as follow.

a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy;

The exceptional or extraordinary conditions or circumstances that are inherent to the property in question is the documented deficit of available parking for the beach and the need for new smaller parking lots off of the main roads, San Carlos Blvd. and Estero Blvd. The subject property is the closest vacant parcel available to provide parking near Time Square. The site is approximately 200' from Estero Blvd. The subject request is to provide a small, 50 stall parking lot. Due to the very small 0.4-ac. +/- size of the parcel and the demonstrated need for downtown FMB parking, the success of the project essential mandates maximizing site plan efficiency. In order to do some it is practically impossible to have a west site buffer. If required to have a 15-ft. wide, or even narrower width, buffer, the parking lot would loose 9 parking spaces. A 41 stall parking lot is too small to be economic viable. Hence, without the variance much needed FMB parking will not go forward. Given the overwhelming and compelling public health, safety and welfare interest in providing adequate parking for revitalizing the Times Square area (FMB Objective 3-D, Policy 3-D-4(vi) and 3-D-5), the granting of Variance Four presents an exceptional condition that is inherent in the property (it's geometry and small size). Variance Four is the minimum standard necessary to advance public policy in reducing traffic hazards caused by driving behavior seeking beach parking.

(b) That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question;

The conditions justifying the variance are the town's initiative in Comprehensive Plan Policy 3-D-5.ii which encourages the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. The regulatory relief is requested consistent with this Policy. These conditions are not the result of actions of the applicant taken after the adoption of the regulation in question.

(c) That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property;

The requested variance is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property. There are limited design opportunities on the site to maximize the amount of parking provided, given the site being the closest vacant parcel available to provide parking near Time Square. The site does not have the 15 additional feet that would be required to comply with the Type C buffer width.

(d) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

The Downtown area is generally exempt from buffering requirements, pursuant to LDC Section 34-677 (b). Hence, the variance is supported by policy. The requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The applicant owns the property to the north which has an existing concrete wall on the adjacent corner. The west adjoining property is setback approximately 3.9 feet from the Crescent Street right-of-way and is less than a foot off of the subject site. The small parking lot is separated from the south adjacent Primo Drive residential neighborhood by a 60-ft. canal. Because of this, there will be no Variance Four related south oriented intrusion and nuisance impacts. Based on the character of the project, there are no height, bulk and mass issues to the west adjoining commercial restaurant and accessory residential rental unit. Parking lot orientation is to the north, further diminishing west site impacts. Projected traffic volumes along Crescent Street and to the parking lot are very minimal. This fact reflects the site's size (0.40 acres) and corresponding low number of spaces (50). Hence the west site adjoining commercial and accessory residential rental unit uses are not expected to be impacted. This again reflects the small scale of the project, the "spread-out" use frequency patterns and overall Crescent Street commercial and residential activity patterns; i.e., from a regulatory and land use perspective, west Crescent Street is not considered a residential neighborhood.

(e) That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The conditions and circumstances of the variance request sought are not general or recurrent in nature and do not make it more reasonable nor practical to amend the regulation in question.

OLD SAN CARLOS BOULEVARD – CRESCENT STREET MASTER PLAN

Town of Fort Myers Beach, Florida

February, 1999

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Prepared by:

Dover, Kohl & Partners
5879 Sunset Drive, Suite 1
South Miami, Florida 33143

Spikowski Planning Associates
1617 Hendry Street, Suite 416
Fort Myers, Florida 33901

Chael, Cooper & Associates, P.A.
5879 Sunset Drive, Suite 1
South Miami, Florida 33143

Objectives of this Study

This design study was commissioned by the Town of Fort Myers Beach to begin implementing its new comprehensive plan in the downtown area near Times Square. The new comprehensive plan is organized around a “community design” theme that calls for specific physical improvements to the town, including buildings, streets, and other public places. Together, these pieces can create a coherent whole that reinforces the small-town character of Fort Myers Beach while continuing its comfortable coexistence with tourism.

The new comprehensive plan promotes the revitalization of the downtown core area, centered around Old San Carlos Boulevard and Crescent Street, as the nucleus of commercial and tourist activities. The plan calls for the concepts formulated by the Estero Island Community Redevelopment Agency (CRA) to be refined and extended, including:

- 1. Expand the Times Square pedestrian-friendly zone along Old San Carlos Boulevard from Times Square to Matanzas Pass, connecting the beach to the bay.**
 - ▶ Promote infill commercial activity to improve economic opportunities and create a sense of place without further interfering with traffic flow on busy Estero Boulevard.
 - ▶ Improve the street’s appearance by providing comfortable sidewalks, burying utility lines, and adding landscaping.
 - ▶ Improve public access to the bay at the north end of Old San Carlos Boulevard.

- 2. Improve the existing parking situation.**
 - ▶ Provide additional parking to offset current shortages and to meet the needs of redevelopment.
 - ▶ Suggest management strategies to make the best use of the parking supply, consistent with other community goals.
 - ▶ Propose a long-term parking strategy, including appropriate design parameters for any future parking garages.

- 3. Consider the future of Crescent Street and First, Second, Third, Fourth, and Fifth Streets.**

- 4. Propose specific strategies that the town can use to implement its redevelopment plans.**

Previous Planning Efforts in This Area

Extensive planning for the downtown core area around Times Square began in the late 1980s. As a result, Lee County undertook a multi-million dollar improvement to the area’s local streets around 1992, paving and widening streets, improving the drainage system, and adding some sidewalks.

The Estero Island CRA was established in 1991. In addition to its planning for other parts of the island, the CRA produced a “Core Area Master Plan” in 1995. Parts of this master plan have already been implemented: Times Square was converted to a pedestrian mall in 1996-97; wide

decorative sidewalks and street trees were extended from Times Square to the Lani Kai at the same time; and new development regulations for the core area were adopted in 1996.

Shortly after incorporation on December 31, 1995, the town began work on its island-wide comprehensive plan. The completed plan, which became effective on January 1, 1999, sets forth policies for the town to follow in its official actions and for the private sector to follow when redeveloping land. The comprehensive plan contains specific guidance for the downtown area in the following policies:

- Basic downtown redevelopment concept: *Policies 2-B-1, 2-B-2, 3-D-2, 3-D-4, 3-D-6, 3-D-9, 7-E-3*
- Burying overhead utility lines: *Policy 1-B-5*
- Landscaping along streets: *Policies 1-B-2, 1-B-3*
- Sidewalks: *Policies 3-D-3, 7-E-4(ii)*
- Plaza on Matanzas Pass: *Policy 3-D-4(v)*
- Parking improvements: *Policies 3-D-5, 7-A-2, 7-F-1, 7-F-2, 7-F-3, 7-F-4*
- Pedestrian crossings on Estero Boulevard: *Policies 1-A-1, 4-A-4, 7-B-3, 7-E-4(iii)*

The town also adopted a Downtown Redevelopment Plan and established a Downtown Redevelopment Agency (DRA) in 1998 to help finance and carry out these improvements.

Planning Process for this Study

This study began with a well-attended “Designing Our Downtown” workshop on November 7, 1998. This session was advertised in the local newspapers, and flyers were mailed to all area businesses and property owners and distributed throughout Fort Myers Beach. Participants are listed in Appendix B.

Victor Dover of Dover, Kohl & Partners opened the workshop with a slide presentation entitled “Creating Memorable Places.” Those attending were then divided into four working groups. Each group was provided with a large map of the entire downtown core area showing buildings, property lines, and streets. The groups worked together for 2½ hours, discussing and sketching ideas on how to improve the downtown area.

After lunch, a spokesperson from each group presented the major ideas their group had generated. The following list includes the major ideas from all of the groups; the first seven items reconfirmed previous planning ideas, and the last three were received after the workshop:

1. Storefronts on Old San Carlos should be closely spaced and dry-floodproofed at ground level, with wide sidewalks, street trees, and on-street parking
2. Parking behind buildings (at-grade if possible); private parking garage if needed
3. Public plaza along Matanzas Pass; incorporate water taxi landing
4. Parking garage could be built near gambling boats or at foot of bridge
5. Reduction (not necessarily elimination) of parking in Lynn Hall Park, addition of sand volleyball and/or an amphitheater.
6. Bike paths on Crescent from Estero to the bay and back along Old San Carlos
7. Place all utilities underground
8. Second and Third Streets — retain current one-way configuration, but add angle parking on one side?

9. Parking needed for the gambling boats could be accommodated in surface lots at the marina or, if included in a three- to four-story parking garage (between Third Street and Snug Harbor); it would allow a more natural development of park along Matanzas Pass
10. The Helmerich Plaza site is underutilized and a blighting influence on Crescent. Three redevelopment concepts were offered, each with two-story buildings fronting directly on sidewalks:
 - a. Add an L-shaped mixed-use, urban building at Estero and Crescent, including the area over the existing drive-through lane
 - b. Move all buildings to the perimeter of the block and add large awnings to protect pedestrians
 - c. Convert the area north of the east-west driveway to a public use, with commercial uses to the south reconfigured to face the exterior sidewalks
 - d. An interior parking lot or garage with landscaped courtyard
11. Several additional ideas for a public plaza at the Matanzas Pass end of Old San Carlos:
 - a. Reclaim the existing public right-of-way of Old San Carlos down to the water by relocating Snug Harbor parking and creating a pier similar to Mallory Pier in Key West
 - b. Acquire the privately owned land between Old San Carlos and the Sky Bridge, remove the freezers and sheds, move existing parking to nearby shared lots or garage, replace dumpsters with trash compactor at off-site location to serve entire core area, add amphitheater, farmers market, water taxi, and mini-rail transit landing stations
12. Add traffic-calming devices such as raised crosswalks, street trees, and narrower drive lanes on Old San Carlos and Crescent
13. Crescent Street ideas:
 - a. Add 12-foot sidewalk on east side
 - b. Preserve historic houses
 - c. Maintain canal frontage as strictly residential, but – in future – allow small retail uses on ground floor facing sidewalk and residential on the top floors
14. Old San Carlos Boulevard ideas:
 - a. All buildings built to the sidewalk, two- and three-story buildings required to build street space, all buildings should have pedestrian cover (arcades, colonnades, or awnings)
 - b. On-street parking and shared parking on rear of lots or garages
 - c. Street trees, lights, benches and 12-foot sidewalks on both sides of street
 - d. Raised crosswalks to define pedestrian area and slow traffic
 - e. Central location for a compactor with enclosure to reduce odors
 - f. Place street trees in bump-outs between each two parallel parking spaces
15. Trolley or tram to use clean fuel (propane or electric); its path would be from Matanzas Pass under the Sky Bridge to Bowditch Point to Santini Plaza and back to Matanzas Pass with stops on demand, with no charge for service
16. Hang tags for visitors' cars that would allow parking anywhere
17. Palm trees as street trees on both Old San Carlos and Crescent Street
18. Free bikes for the use of everyone
19. Some minimal area should be left open for storm surge on Old San Carlos
20. There should be an entrance feature at the bottom of the Sky Bridge
21. Recycling containers would help keep the area clean and provide revenue

22. Town should buy building at base of bridge and replace with plaza/fountain
23. Create a museum/visitor center
24. Develop a generalized request for proposals for a “downtown” parking garage; this would allow developers to propose different sites for a garage
25. Create a parking authority to provide consistency and uniformity in parking
26. Create a design review committee for architectural plans

After the public workshop, the consulting team performed technical analyses on many of the alternatives that had been discussed. Examples of later analyses include:

- ▶ Diagonal vs. parallel parking: For on-street parking, spaces entered diagonally are more efficient and easier to enter than parallel-parking spaces. However, a wider right-of-way is needed. Both alternatives were considered for Old San Carlos Boulevard, where the right-of-way is now 63 to 66 feet wide. The diagonal alternative would allow 24 additional spaces, but would require acquisition of additional right-of-way. The difficulty and expense of land acquisition was not deemed to be warranted given the other opportunities for increasing the parking supply.
- ▶ Pedestrian crossing on Estero Boulevard: The Town of Fort Myers Beach is considering a pedestrian overpass at Times Square to reduce the travel delay now caused by the button-actuated traffic signal. Other alternatives to serve this purpose were analyzed (see discussion further below).
- ▶ Alternative locations for parking garages: The advisability of a parking garage near Times Square has long been discussed. Various feasible locations for a parking garage were identified and analyzed, especially: the minimum land size needed, the travel patterns that would result, and the aesthetic impacts of a parking garage. Three feasible locations have been identified and are presented in this report.
- ▶ Parking garages vs. on-street parking: Parking garages are expensive and cannot be built incrementally, yet parking demand increases incrementally during the redevelopment process. An ideal parking strategy may eventually include a parking garage but would be achievable in small steps, either by government or private sector activity. This general concept has been carried out in the recommendations that follow.

Preliminary ideas were presented by the consulting team to a joint meeting of the Town Council and the Local Planning Agency (LPA) on January 7, 1999. Early drafts of two site plans were presented. One showed moderate infill development, at levels that can be supported with surface parking. The other showed more intense infill development, which would require one or more multi-level parking garages. Two perspective sketches were displayed, one showing a street-level view of Old San Carlos Boulevard and the other with a view of First Street and Old San Carlos from the top of the Sky Bridge.

The presentation to the joint meeting showed the “moderate infill” concept possibly evolving into the “more intense infill” pattern over time. The more intense plan depicts what happens when one or more of the large surface parking lots are redeveloped into parking garages and more new buildings are built to take advantage of the increased parking supply.

The initial concept for Estero Boulevard near Times Square was also presented, showing the medians widened, lengthened, and landscaped. These medians would then serve as pedestrian

refuges, allowing pedestrians to cross Estero Boulevard in two stages, rather than waiting for traffic to clear both directions or stopping traffic in both directions by using the traffic signal. Under this plan, no pedestrian overpass would be needed, and the existing traffic signal would remain only as a flashing caution light.

Town Council and LPA members asked questions and made comments on the ideas presented. At the conclusion of this session, public comments were also received. The consensus was to proceed with greatest attention to the moderate infill plan (with surface parking only). The consulting team then went forward with refinements to the plans and with preparation of this report, which contain the final recommendations, plan drawings, and completed perspective sketches. These ideas were presented to another joint meeting of the Town Council and LPA on February 25, 1999.

A View into Downtown's Future

From the earliest days, historic San Carlos Boulevard was one of the island's primary public spaces. The palm-lined Main Street created one's first and last visual impressions of Fort Myers Beach as visitors and residents arrived and departed via the old swing bridge.



Figure 1, "Avenue of Palms" [photo courtesy of Estero Island Historic Society]

During the next generation, Old San Carlos Boulevard and Crescent Street should be encouraged to mature, to once again play a part in setting the character and positive image of the town core. The neighborhood framed by these streets should be organized and redeveloped around a series of *high-quality public spaces*, including the street spaces themselves, to create an environment which promotes walking and neighborliness. The most important design idea in this plan is to focus on the *public realm between buildings*. The streets must evolve to be more than mere roads, but to be multi-purpose, people-oriented, inviting places.

Correcting the physical form of this public realm is key to motivating private investors to reinvest wisely in the properties in this important area. Changes will occur gradually over time, and if directed by good business sense, planning, and design, will transform the area into a vibrant, distinct part of the town. *Imagine Old San Carlos and Crescent a generation from now:*

The Future of Old San Carlos Boulevard

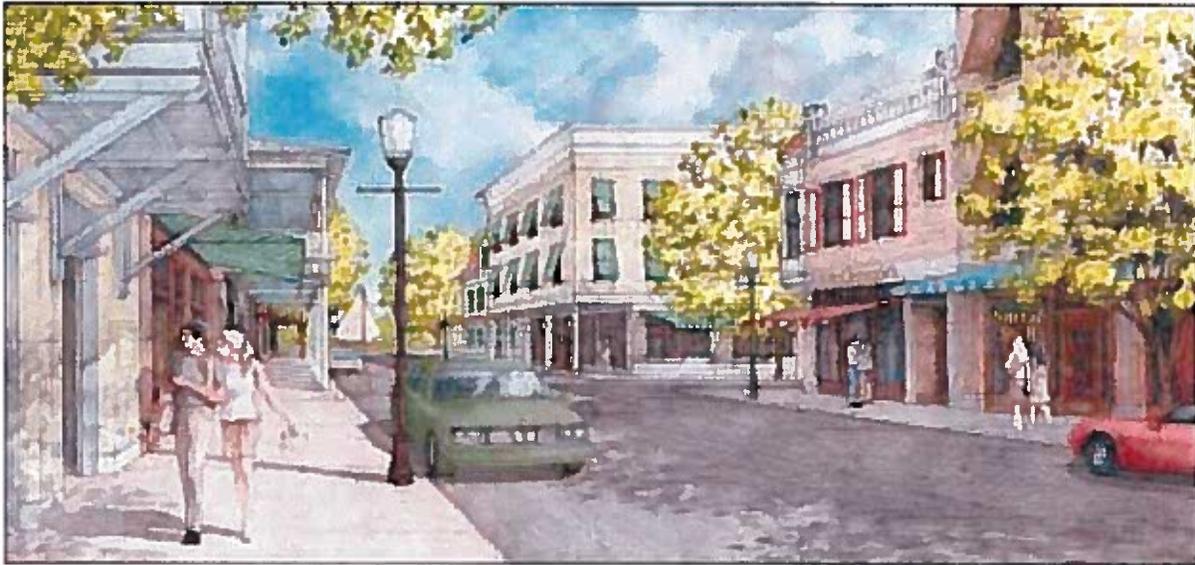
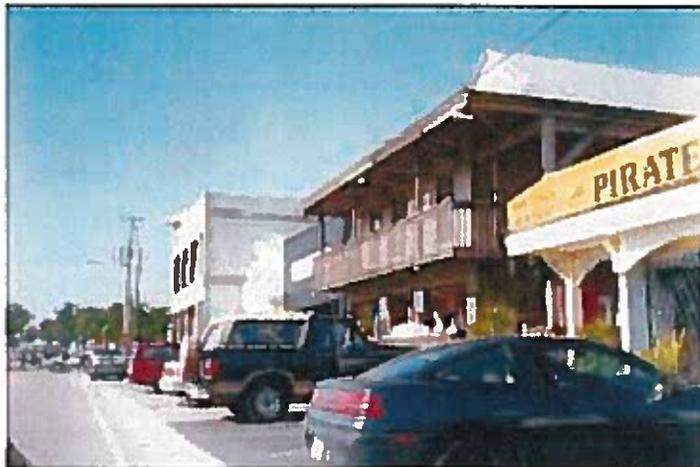


Figure 2

The street makes a strong spatial connection between the Bay and the Gulf. Private reinvestment has led to the infill of new buildings, with their eclectic storefronts positioned along the wide, shaded sidewalks. Apartments, hotel rooms, and even some offices occupy the upper floors above the shops and restaurants. On-street parking, curbs, and travel lanes are coordinated in a scene that provides for but is not overshadowed by the automobile. The intersecting streets allow easy turns to parking behind the buildings. Courtyards and pedestrian passages lead to special discoveries within the block, including a water taxi stop on the Third Street canal. With a character all its own, Old San Carlos has become the quieter, more intimate alternative to busy Estero Boulevard.



New “Bayfront Square”

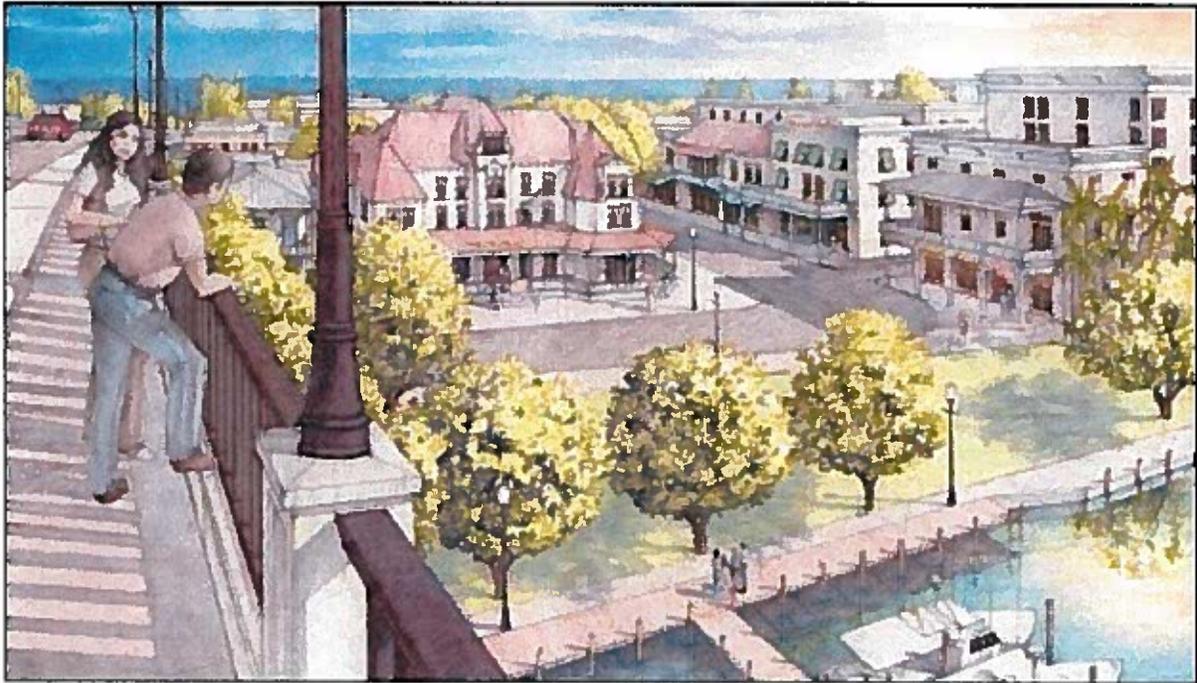
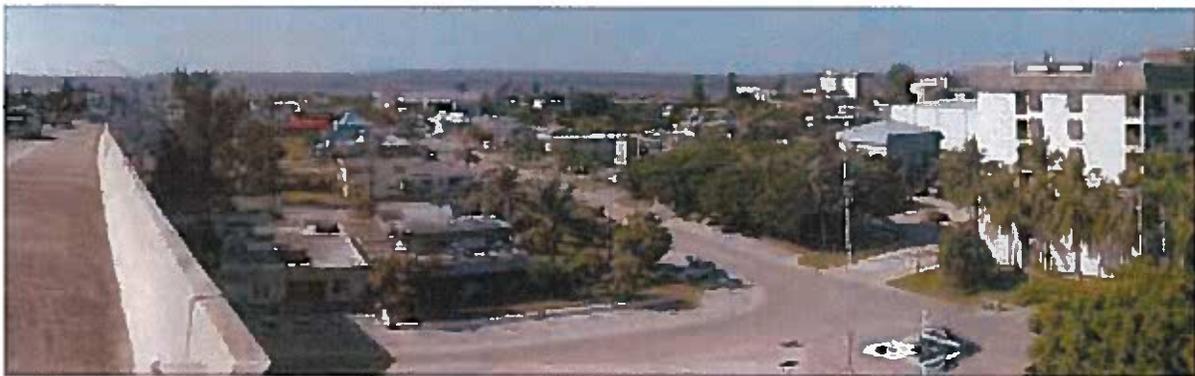


Figure 3

Where Old San Carlos Boulevard reaches Matanzas Bay on the north end, it leads to a new public park fashioned from the former parking lots and lost space. This is the town’s front door to the Bay, and is used for everything from public gatherings and festivals to casual lunch with friends. New and renovated buildings frame the square. While the park itself is a simple, modest green space and plaza, the scene is completed by the overlooking balconies, porches, and arcades. Outdoor dining is encouraged in this area. The working waterfront is celebrated and showcased here; the boats and fishing are part of the romance of Fort Myers Beach. The new hotel and the square are the first things one notices when arriving via the updated Sky Bridge. Bayfront Square has become a destination that gives pedestrians a new reason to walk down Old San Carlos Boulevard from the beach to the bay.



The Future of Crescent Street



Figure 4

Crescent Street now forms a second link between Bayfront Square and bustling Estero Boulevard. Sidewalk improvements have made Crescent part of a popular walking path around and under the bridge. While not as prominent as Times Square or Old San Carlos, Crescent has settled into a very natural mix of uses, combining modest commercial enterprises, lodging, and in-town residences. Several vacant or underutilized lots have been developed or redeveloped. Notably, the former Helmerich Plaza strip shopping center has been reconfigured as a street-oriented, charming part of the town core. The redevelopment features a mid-block parking lot with a “liner” of normal mixed-use buildings around it, providing windows, doors, and balconies overlooking the street. The parking lot is large enough to be converted to a parking garage that would be screened from view on all sides by the “liner buildings.” An intimate park has been created midway on Crescent Street, furnishing a unique neighborhood identity.

The Composite Plan

Figure 5 identifies the existing conditions in the Old San Carlos / Crescent area in January 1999.

Figure 6 shows the recommended composite plan for the same area, with moderate infill development served entirely by surface parking lots.

Figure 7 shows a more intense infill plan, which would require one or more parking garages at the locations shown.

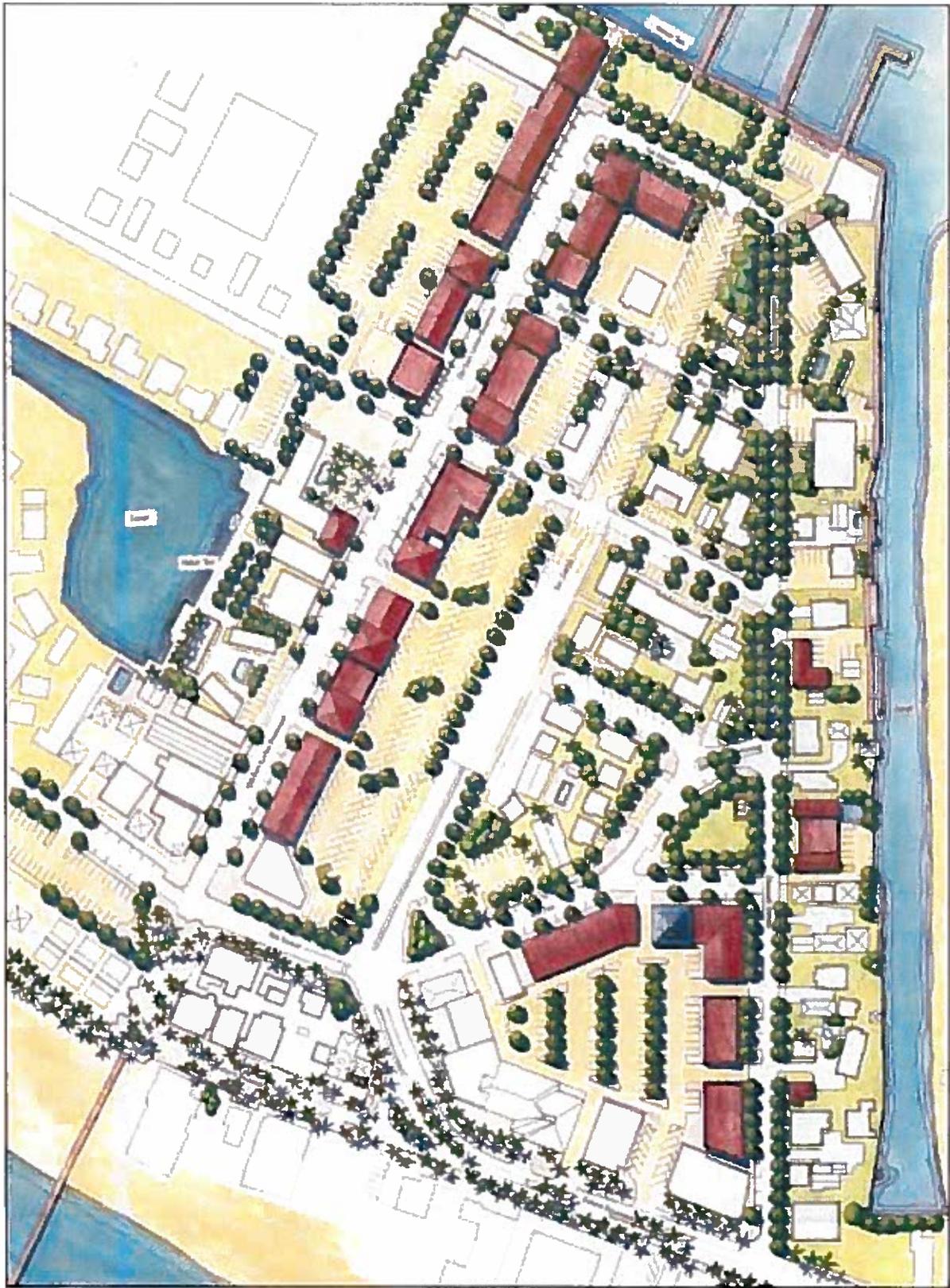


Figure 6, showing moderate infill plan with surface parking

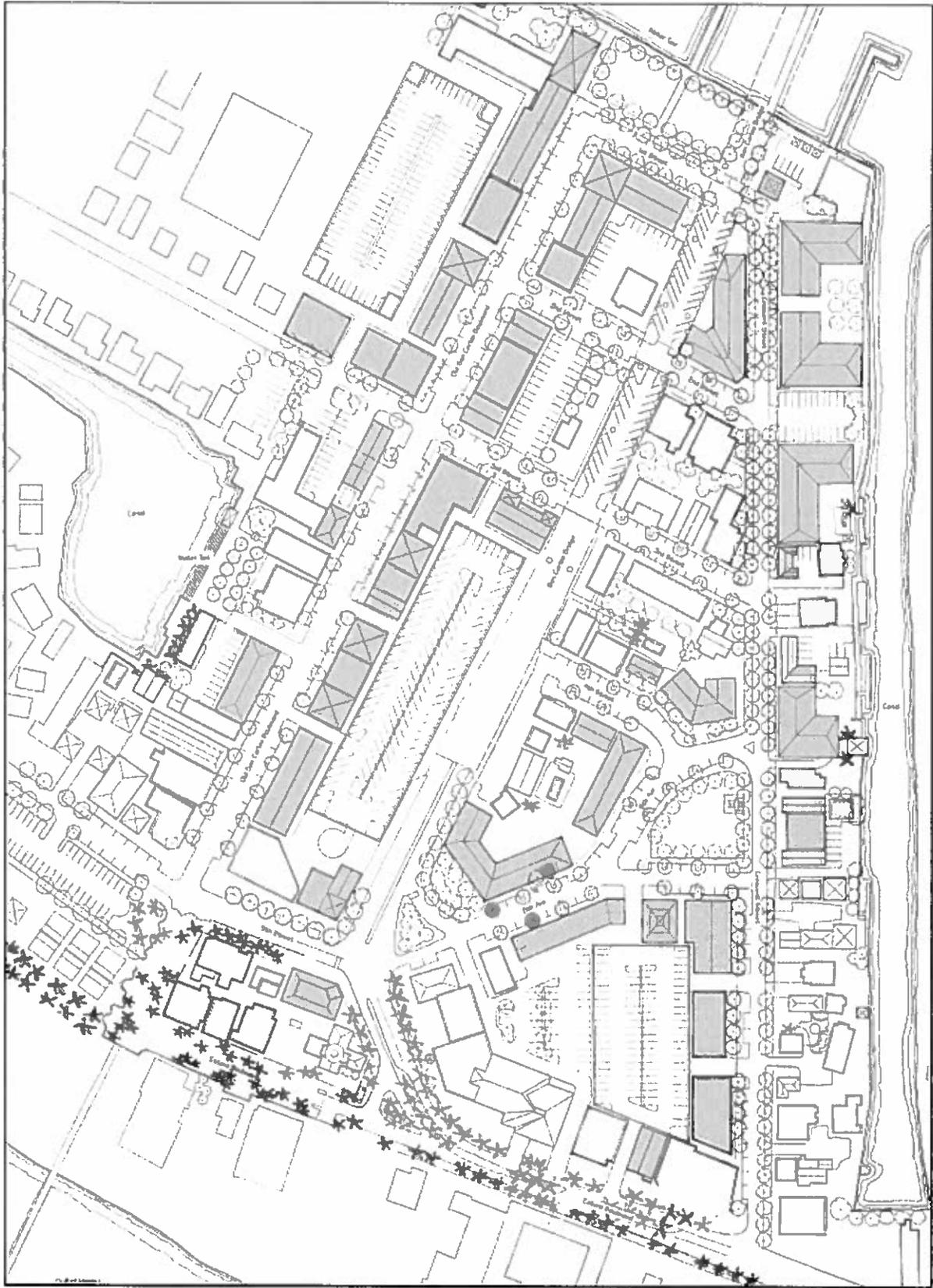


Figure 7, showing more intense infill plan with parking garage(s)

Specific Recommendations

Parking

At present, the downtown area has all the basics of a great pedestrian place: it is compact, attractive, economically vibrant, and has places worth walking to — all this, plus a great beach. Not surprisingly, its current popularity often surpasses its perceived ability to handle visitors. Local residents and tourists staying in island motels or condominiums often walk or bicycle around the island, but other Lee County residents and visitors staying off the island usually come in cars, clogging some key roads every winter.

There are several distinguishing characteristics of the downtown area that may help with the parking problem. The city blocks are small, with many streets having ample rights-of-way (other than Crescent Street, all are at least 50 feet wide). A great deal of public land is being used for private parking lots. Land parcels are small but expensive, making it difficult to provide on-site parking at all, let alone at the rate required for conventional development regulations.

A rudimentary public transit system is in place. A better transit system would make visitors more comfortable with parking their cars once without sacrificing mobility around the town.

Extremely valuable land is already being devoted to parking. For example, most of Lynn Hall Park adjoining the pier and Times Square, and potentially valuable land on Old San Carlos Boulevard and Matanzas Pass, are used as parking lots. Despite these parking lots and other public parking spaces underneath the Sky Bridge, parking conflicts are often felt. Many people park illegally in business lots which are designed for customers only; frequent towing is the unpleasant result. Pedestrians often have to walk through a maze of parked cars to get to the beach or while window-shopping; the west side of Old San Carlos is a prime example. Parking spaces that appear to be on public land are often marked as tow-away zones by individual merchants. Knowledgeable local residents may ignore these signs, but visitors continue to drive around, looking for a space where their cars won't be towed away.

Most visitors expect to pay for parking when visiting popular beaches, and are especially willing to do so when parking lots are safe and convenient. The Town of Fort Myers Beach does not need to purchase expensive land to provide parking; it already owns considerable rights-of-way. On-street parking is well-dispersed to serve beach visitors and local businesses, and it can be designed so that parked cars provide a barrier between moving traffic and sidewalks, making the walk from a parked car to the beach all the more pleasant.

Private landowners can also redevelop prime land with valuable storefronts up to the sidewalks and then provide additional parking in the less-valuable rear of their lots. If these rear lots are interconnected, much less land is wasted on parking aisles, and the total number of spaces is lowered since visitors need not move their car to each of their destinations. This redevelopment approach maximizes the value of private property while adding parking spaces, thus helping solve parking problems that harm Fort Myers Beach's reputation among visitors and which block healthy redevelopment efforts.

The recommended parking strategy for Fort Myers Beach, from the visitors' point-of-view, can best be described as "Park-Once." Those who must drive to Fort Myers Beach should park in a safe central location and enjoy their visit on foot or use the trolleys. This "Park-Once" pattern

can be seen in mature towns and in healthy historic communities all around the globe, especially in favorite vacations spots.

It is impractical, and undesirable, for the downtown area to meet 1960s-style “park-at-each-destination” expectations. If each destination is required to provide enough parking spaces for its maximum number of customers, the resulting parking lots would be so large that walking between destinations would be unpleasant, if not impossible. Fort Myers Beach needs a stronger *sense of place* to continue thriving, and this cannot be achieved with an urban pattern that has a few buildings set far apart in giant parking lots. Despite modern codes and a national obsession with automobiles, vacationers continue flock to places that can be enjoyed without driving from place to place.

To achieve the “Park-Once” strategy, parking providers and users must think in terms of “shared parking” rather than exclusive-use parking. These shared parking lots must be conveniently located, easily identifiable, safe, and connected to popular destinations in such a way that the walk is part of the attraction, not a hurdle to be overcome.

This last point means that the streets must be improved in order to make attractive the parking spaces that are farther from one’s destination. Today, some of the outlying spaces are underutilized except on the busiest days. Improvements that promote walking include wider, shaded sidewalks and interesting storefronts along the way. Efficient parking, redevelopment, and public street improvements go hand in hand. The street improvements are needed to unlock the potential of the entire surface parking supply.

Shared parking is completely compatible with efforts to improve the pedestrian environment. It also reduces unneeded traffic congestion and keeps landowners from wasting too much land on parking lots. However, it makes little sense to provide parking for more cars than the road network can handle; the extra spaces would remain unused, while motorists who previously avoided driving to Fort Myers Beach now add to the lines of cars that form during peak periods.

Shared parking is a concept that can take many different physical forms:

- ▶ On-street parking, usually metered, located on public land;
- ▶ Businesses offering parking spaces to the public for a fee (but not restricted to customers of a particular business); these spaces can be in surface lots or in a parking garage;
- ▶ Parking lots operated jointly by merchants for their customers (and perhaps to others for a fee);
- ▶ Public or privately owned parking lots on the mainland, connected by convenient transit, offered at fees below the cost of a parking space; and
- ▶ Various hybrids of the above, such as parking spaces partly on public and partly on private land, with the resulting parking spaces apportioned fairly (this approach may be suitable for Fourth Avenue between Crescent Street and the Sky Bridge).

The Town of Fort Myers Beach should endorse the use of shared parking as its primary parking strategy throughout the downtown area. Like all other parking lots, there are costs to develop shared parking lots, but the land-use impacts will be very positive and substantial revenue can be generated. The town’s new Land Development Code should be closely tied to this effort, providing incentives and regulations that will ensure a coordinated effort. In a few cases,

businesses have privatized public land for their own parking, but the town's efforts in expanding the total parking supply will offset the loss of private use of these spaces.

The recommended parking strategy has four major points:

1. On-street parallel parking spaces should be constructed by the Town of Fort Myers Beach as shown on Figure 6. This would create 226 on-street parking spaces (74 spaces on Old San Carlos alone). However, some existing "privatized" spaces — those that are on public land but which have been marked by private landowners for private use — would be lost at the time of constructing the parallel parking and widened sidewalks. In some cases it may be advantageous to continue use of some parking spaces that are on a combination of public and private land; for instance, along Fourth Street, about ten extra parking spaces could be provided if an agreement can be reached with the adjoining landowner; the agreement would specify how many of the spaces can be reserved for purely private purposes.
2. Large shared parking lots on private property should be created behind buildings at two locations on Old San Carlos; and a similar lot could be created by the reconfiguration of Helmerich Plaza. These parking lots are also shown on Figure 6. A total of 373 parking spaces are shown. Ideally these lots will be created and operated by the private sector through joint efforts of the property owners. However, the town has an important role through its new Land Development Code. The code should require, at the time a landowner chooses to develop or redevelop, that new buildings be placed to the sidewalk and parking spaces moved to the rear. Access to these parking areas can also be controlled through the new code, with flexibility provided for interim solutions. In rare cases, the Downtown Redevelopment Agency may need to use its eminent domain powers. The town should assist visitors in quickly finding parking lots through clear signage along public streets. As new parking spaces are introduced into the downtown area, parts of Lynn Hall park can be returned to true park uses, rather than remaining a parking lot.
3. Parking garages are not essential to serve the moderate infill plan, but a privately financed parking garage could be built at one of the three feasible locations if properly designed. Any parking garage must be placed on the interior of a block, or be built with a "liner building" that faces all streets and visible public spaces. A liner building can provide highly visible retail, office, or live/work spaces in as little as 25 to 30 feet of space between the sidewalk and a parking garage. Garage heights must be limited so that garages do not replace the Gulf as the first impression of those crossing the bridge. Access must be designed so that left turns in or out of the parking garage cannot cross Estero Boulevard. The details of these restrictions can be formulated while the town is reviewing a zoning request for a serious parking garage proposal, but the basic configuration is illustrated on Figure 7 for all three sites.
4. The town should develop a parking management strategy to operate its own parking spaces and those of cooperating private businesses. Parking rates can be varied by hours of the day, or by the season, for various public purposes (as discussed in Appendix A to the new Comprehensive Plan's transportation element). On-street spaces in front of businesses should be reserved for shorter-term parking so that these important spaces are not monopolized by all-

day visitors to the beach. As demand warrants, an electric tram can circulate throughout the area (and down to Bowditch Point and perhaps to the Main Street parking lot on San Carlos Island). Several new technologies for parking management are now available so that parkers need not have correct change or know exactly how long they will stay. Parking revenue can be used for many tourist-related purposes, but maximum revenue should not be the primary goal of the town's parking management strategy.

Old San Carlos Boulevard

This important street appears to have been long “orphaned” since the new bridge routed traffic away, and its future remains in the balance.

On one hand, Old San Carlos is poised for a renaissance. Some property owners have already undertaken modest upgrades and are interested in doing more. There is a sense that the vitality of Times Square could extend into this area. The newly incorporated town government is focused on the details of renewal throughout the core area. The street also has a unique beach-to-bay vista which gives it character, and opportunities for high visibility.

On the other hand, a commitment must be demonstrated to its improvement soon, or this street will further deteriorate. The altered lot layout and other impacts of the bridge have made redevelopment more difficult. Over the years, the fabric of buildings has unraveled, piece by piece, replaced by parking lots and lost space. The street's worn, ill-defined appearance gives all the wrong signals to visitors and would-be investors, and it pulls down the character of the town. Last, the uncertainty revolving around parking strategy further complicates the situation.

But this street *can* be dramatically transformed into a focus of pride for the community, a symbol of progress achieved under today's new local leadership.

Old San Carlos Boulevard should be improved, physically and spatially, as an urgent priority of the Town.

This improvement should include — *as soon as possible* — a reconditioning of the streetscape itself, including wider sidewalks, formalized on-street parking, and design for traffic calming. This improvement must also include the development of a pattern of mixed-use, multi-story buildings positioned along the sidewalks, to frame the space of the street; this is critical to give Old San Carlos life as an integral part of the town core.

These improvements will result in:

- ▶ an enhanced tax base;
- ▶ a more complete menu of shops, restaurants, places of business and other amenities for residents and visitors alike; and
- ▶ a more complete “park-once” environment, encouraging visitors and local residents to walk rather than drive.

The redevelopment of Old San Carlos should leave its basic alignment intact. In particular, the view corridor between Lynn Hall Park and Matanzas Pass should remain open; part of the power of this street's existing form is in its spatial connection from beach to Bay. Therefore the street should be visually framed but not “terminated” at either end.

The Town and CRA should promote the infill of new buildings and improvements to existing buildings, leveraging private investments with incentives and infrastructure projects.

Crescent Street

Vacant lots on Crescent should be targeted for infill with human-scaled, durable buildings. This street will see its land uses evolve slowly over time, and a flexible approach should be adopted with regard to regulating the mixture of commercial and residential uses. At the ground level, Crescent could become the “affordable commerce” street for small-scale, locally owned businesses and startup enterprises, as rising property values make rents more expensive on prominent frontages along Estero Boulevard, Times Square, and (soon) Old San Carlos.

While reconditioning here is somewhat less urgent than improvements on Estero and Old San Carlos Boulevards, Crescent should eventually be physically upgraded to better connect the sidewalks, improve the appearance, and expand the tree canopy.

For motorists Crescent will have an important role as a circulation route, particularly if a parking garage is ever built in the Helmerich Plaza area. Visitors looking for parking would be routed to the right at the foot of the bridge, along Old San Carlos, and along Crescent to the garage. This arrangement would minimize traffic conflicts on Estero Boulevard and at the same time “activate” Old San Carlos. Nevertheless a liberal dose of traffic calming is appropriate here so that these visitors will make their way slowly and safely, on the neighborhood’s terms.

For pedestrians and cyclists, Crescent should become part of an even more natural route around the core area, from beach to Bay and back again. With narrow lanes and other traffic calming features in place, however, note that separate bike lanes would be unnecessary and inadvisable.

Crescent is a more laid-back, eclectic street than Old San Carlos and should retain a more intact residential feel. The mixed uses and predominance of housing and lodging should be maintained even as nonresidential uses expand into this area. Canal-side property owners should be required to orient buildings and the uses within them to the primary public space of the street, but some may choose to focus *also* on the canal side with outdoor dining or patio spaces. In that event, care should be exercised to respect the residential neighbors on the opposite side of the canal by limiting nighttime noise, excessive lighting, or other disturbances.

Intersecting Streets

The interconnectivity of the street network is especially important for distributing traffic and promoting walking. Vacating or abandoning rights-of-way should be avoided. As visitors arrive and turn right at the foot of the bridge, then circulate in search of parking, it is important that they remain able to make turns into parking behind the buildings. While the design of these intersecting streets is important, they are less critical than the high-priority streets such as Old San Carlos. Therefore improvements to First, Second, and Third Streets and to Fifth Avenue should primarily focus on maximizing the connections for pedestrians and optimizing the parking supply.

Helmerich Plaza / Seafarer's Village

The Helmerich Plaza was developed under the auto-oriented, strip shopping center paradigm that was dominant at the time it was conceived, and as a result it is spatially disconnected from its surroundings. Today, the image of this bland center appears out of sync and out of scale with its vibrant context. Not surprisingly, the center shows signs that it is underperforming business-wise, including vacancies and rapid tenant turnover — despite the fact that a few hundred feet away, merchants and restaurateurs are thriving. (Note that the bustling Times Square scene is said to be notoriously deficient in parking, while this parking-oriented strip center, with large lots right in front of the buildings, appears less successful. Perhaps this gives credence to the notion that towns can better withstand a shortage of parking than they can a shortchanged sense of place.) The strip center as it stands today has such a weighty visual impact that it likely has had a chilling effect on the redevelopment prospects of properties all around it.

This area presents a significant opportunity for redevelopment that improves the neighborhood in several ways:

First, the visual blight can be replaced with a positive, engaging, skyline — an extension of the town's eclectic architecture.

Second, a pedestrian-hostile scene can be replaced with one that welcomes walking.

Third, an underperforming real estate asset and part of the tax base can be boosted to its real potential, improving prospects for other surrounding properties as well.

Last, its redevelopment can lead to new efficiency in a managed parking supply, which could help the perceived parking shortage in the area, provided the parking created here is shared under some form of cost-sharing and income-sharing arrangement with neighbors and/or the town.

The key here is to adapt this important commercial property to the present and future realities of the core area: a pedestrian-oriented, street-oriented “park-once” district which places priority on the sense of place.

This means, among other things, that when the property is redeveloped, buildings should be aligned along the block edge, facing outward, and that parking (whether at-grade or in a garage) should be located in the center of the block.

Redevelopment should be coordinated with the Seafarer's Village mall to insure safe and direct pedestrian connections and efficient use of the land. The relationship of Seafarer's Village to Estero Boulevard can be strengthened via street improvements and traffic adjustments at and around the Times Square intersection (see discussion below).

Seafarer's Village was elevated above the sidewalk level prior to the introduction of modern dry-floodproofing methods in Fort Myers Beach. Now that dry-floodproofing has been demonstrated to work, future commercial buildings should be expected to employ it rather than elevated catwalks in order to establish proper relationships of storefronts to the pedestrian public spaces.

Estero Boulevard Pedestrian Crossing

Estero Boulevard makes a sharp turn at Times Square, connecting the Sky Bridge (maintained by the state) with the continuous portion of Estero Boulevard (maintained by Lee County). This spot has one of the highest concentrations of pedestrian crossings in Lee County. A traffic signal was reinstalled for pedestrian usage after the Times Square improvements were completed in 1997. This signal is operated by a push-button on both ends of a crosswalk that runs between Seafarer's Village and the West Coast Surf Shop.

Traffic signals are designed to interfere with traffic flow to serve a specific purpose (usually cross-traffic, but pedestrians in this case). Actual experience with this traffic signal shows that many pedestrians push the button and then cross this narrow section of Estero Boulevard as soon as they see a break in the slow-moving traffic. The traffic signal then changes to red, often long after the pedestrians have gone.

To reduce the traffic signal's constant disruptions to traffic flow, the Town Council has been considering a pedestrian overpass at this location. However, since most people are going to be even more reluctant to climb stairs or wait for an elevator than they are to wait for a traffic signal, a pedestrian overpass would reduce pedestrian crossings substantially only if some type of intimidating barriers are built alongside or in the median of Estero Boulevard. But such barriers run directly against the principle of keeping people out of their cars by enhancing the pedestrian experience, and against the principle of keeping Estero Boulevard as a spine through the island rather than a figurative or literal barrier. Also, physical barriers may present extreme safety hazards if they trap pedestrians in the travel lanes, or if pedestrians try to climb them.

The recommended plan presented here would convert the existing traffic signal from its green–yellow–red cycle to a flashing caution light. A sheriff's deputy who is well-trained in traffic control would be stationed at this location during the entire peak season and during special events to keep traffic flowing smoothly and to break the flow occasionally for groups of pedestrians. The deputy could be stationed upon a pedestal for greater visibility. Wider sidewalks would be constructed on the Seafarer's/Helmerich side of Estero Boulevard. The existing 4-foot-wide traffic separator near the crosswalk would be widened, lengthened, and landscaped to create true pedestrian refuge islands, where pedestrians could safely wait until they see a break in traffic from the opposite direction. See the new configuration in Figure 8.



The extra space required by these refuge islands would come from slightly narrower traffic lanes plus the extra space gained by moving the existing sidewalk from its current location at the edge of the travel lanes to the actual edge of the right-of-way (which is closer to Seafarer's Village and Helmerich Plaza than the current sidewalk). Sidewalks that are even wider, or wider refuge islands, could be built if the owners of Seafarer's Village and Helmerich Plaza would grant sidewalk easements along the edge of their properties.

Further enhancements to this concept would include a different surface in the travel lanes that would provide an audible and tactile signal to drivers. This different surface could be provided by asphalt paver blocks; by conventional asphalt with a textured surface of coarse exposed aggregate; or with an imprinted surface. Another approach would be to raise the travel lanes several inches alongside the refuge islands. Any of these approaches would provide additional signals to drivers that they are passing through a pedestrian zone.

The net result of these improvements would be to create a more comfortable pedestrian environment at this key location, while avoiding the unnecessary interruptions to traffic that are now being caused by the traffic signal.

Bayfront Square

At the Matanzas Pass end of Old San Carlos Boulevard, existing public land should be combined with property obtained from private landowners to create the Bayfront Square (see foreground of Figure 3 and Figure 6). This represents an ambitious undertaking, but the payoff to both public and private interests would be substantial over a long period of time. Public access to the waterfront, and special public spaces which capture the "postcard" character over time are in short supply and will forever grow in importance. The Bayfront Square will be a unique public place; the noisy Times Square scene and the county park are inappropriate for certain kinds of gatherings that will be natural here. The private property which must be acquired to create Bayfront Square will only become more expensive over time, so this effort should begin as soon as practical.

Once the park is created, the resulting reshaped private properties will boast a unique address in the region. Bayfront real estate values (a product of waterfront views and the romance of the spot) will shift inland and increase, as long as open views across the Square to Matanzas Pass are maintained. New buildings, such as an urban inn, should be designed to front the Square in a traditional building type, with windows and balconies facing the waterfront.

The Bayfront Square would be located between the Matanzas Inn and Snug Harbor restaurants. This land is now used as a private parking lot, even though much of it is publicly owned. When the old swing bridge was replaced by the Sky Bridge in 1978, the original alignment of San Carlos Boulevard became Old San Carlos. The short stretch of Old San Carlos from First Street to Matanzas Pass was no longer used for traffic, and, over time, has become the entrance to the Snug Harbor restaurant parking lot. The core of that parking lot is private land, a 13,720-square-foot parcel between First Street and Matanzas Pass. Public portions include:

- ▶ a 9,865-square-foot parcel under the Sky Bridge;
- ▶ a 6,400-square-foot parcel from the original right-of-way of Old San Carlos Boulevard (which is 63 feet wide at this point); and
- ▶ a 890-square-foot parcel in the First Street right-of-way (north of the travel lanes).

The Sky Bridge right-of-way is about 81 feet wide at this point; it extends about 18 feet on each side of the bridge structure high overhead. The right-of-way was originally acquired by the Florida DOT, which has leased this land to Lee County since 1988. Lee County has turned over the parking lots and meters under the bridge to the Town of Fort Myers Beach. Lee County

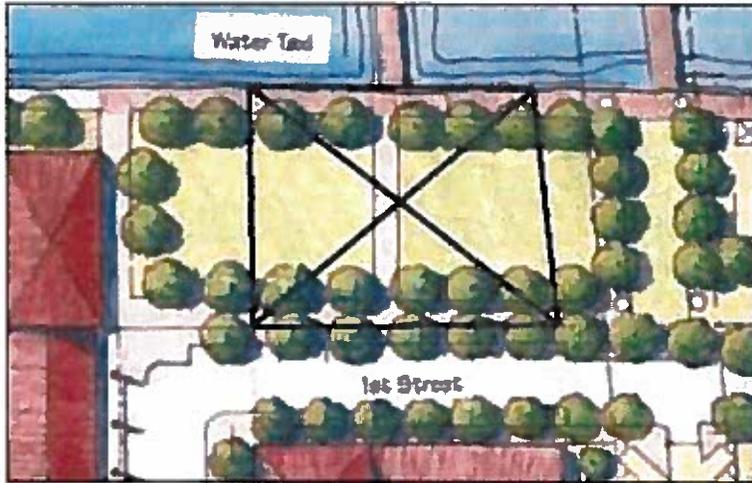


Figure 9, Bayfront Square (existing private land is highlighted)

obtained the original lease at no cost for parking spaces, bus pickup/drop-off areas, and “related transportation facility uses.” The lease requires approval from Florida DOT for additional uses (it also needs to be renewed and changed to reflect the Town of Fort Myers Beach as lessee).

Including the Florida DOT land under the bridge, 55% of the Bayfront Square is already in public ownership. The remaining 45% would have to be acquired (the private parcel is highlighted in Figure 9). The

town will be creating considerable additional parking in the immediate area that will be available to customers of Snug Harbor, making public acquisition more feasible once the new parking is in place. The cost of acquisition and the owners’ willingness to sell have not been determined. Given the nature of the proposed public use of this plaza, grants for tourism-related activities may be available for its acquisition and development.

The Designed Relationship of Buildings, Streets, and Pedestrians

As redevelopment occurs, new buildings and additions to existing buildings should be positioned and architecturally equipped to frame the streets they face and form agreeable public spaces. Likewise, the rights-of-way themselves should have certain elements with proper dimensions. This designed *ensemble of public and private components* is key to establishing streets that are comfortable for pedestrians and economically vital. The following basic urban design conventions characterize virtually every memorable town, and are of paramount importance in a town which hopes to reinforce its resort economy in the new millennium:

Build-to Line:

The best streets take on a defined spatial form, sometimes compared to a public “room”; the buildings form the walls, the street the floor. When the proportion of building height to street width is sufficient to create a sensation of spatial enclosure, a stronger sense of place will result. When the proportion of building height to street width is too low, the environment is ill-defined; this creates an uncomfortable, “lost space” response. This basic idea has been understood since the founding of the earliest villages, and is part of our human way of seeing.

Fronts & Backs:

Similarly, the way the architecture forms the joint between the *private realm* inside the building and the *public realm* shaped by the building is critical to success. Almost every building has a front and a back — a public side and a private side. Great streets have street-oriented architec-

ture, in which the front of the building addresses the street with doors, windows, storefronts, balconies and so forth facing the sidewalk. These features give the building a human presence on the street and generate a feeling that the pedestrian is both welcome and likely to be observed. In one stroke, this approach creates an interesting scene and a safer one. High blank walls, on the other hand, can badly damage the pedestrian environment. (This is particularly important to keep in mind as one implements dry floodproofing.)

Encroaching Elements:

On traditional main streets, certain building elements reach out to embrace part of the public space, providing shade and protection from sudden storms, and reducing glare on storefronts. These include awnings, marquees, colonnades, arcades, and cantilevered balconies, among other devices. These practical elements also create a fine-tuned, middle realm that feels both private and public, and they give a human touch to the geometry of commercial buildings — the same way front porches do for houses. The arcades and colonnades can be permitted to have enclosed space above the sidewalk, which can generate extra income and helps further frame the street.

Sidewalks:

Sidewalks should be generous in these core area locations. Sidewalk widths of 12 to 15 feet should be considered minimal. Like the proportions of street widths to building heights, these dimensions stem from the physiology of the human body; studies show that pedestrians prefer places where the sidewalks are wide enough to allow two couples to pass. A width of 14 feet or more is sufficient to allow limited outdoor dining, which is very effective at creating the animated street presence that people enjoy.

Trees:

Street trees help establish the defined sense of space when buildings are not there, provide shade and visual relief, and help clean the air. Street trees in this context should be of similar species, should be aligned, and should have fairly consistent spacing. Note however that the full-blown use of street trees is not critical in the main street setting of Old San Carlos, where architectural elements should do much of the same job, and where the trees may interfere with clear views to signage and merchandise.

Parking:

On-street parking will be as important to creating pedestrian comfort, controlling speeders, and promoting redevelopment as it is to providing needed parking spaces! The on-street parking provides a buffer between the person walking and the moving cars in the travel lanes, and this effectively removes the fear that a motorist will lose control and hit the pedestrian. It also makes the motorist more alert, for a “traffic calming” effect.

Travel Lanes:

As part of the overall traffic calming approach, the travel lanes should be “right-sized,” at about ten feet per lane. This width is proven safe but is narrow enough to promote alertness and discourage speeding. Wider travel lanes invite higher speeds and promote carelessness. Old San Carlos Boulevard, Crescent Street, and the intersecting streets are *not* highways. They should be designed for slow-moving traffic.

Illustrations of Design Concepts:

The following sketches illustrate some of the principal design concepts discussed above. Figures 10 and 11 show cross-sections of Old San Carlos Boulevard for portions with rights-of-way at 63 feet and 66 feet respectively.

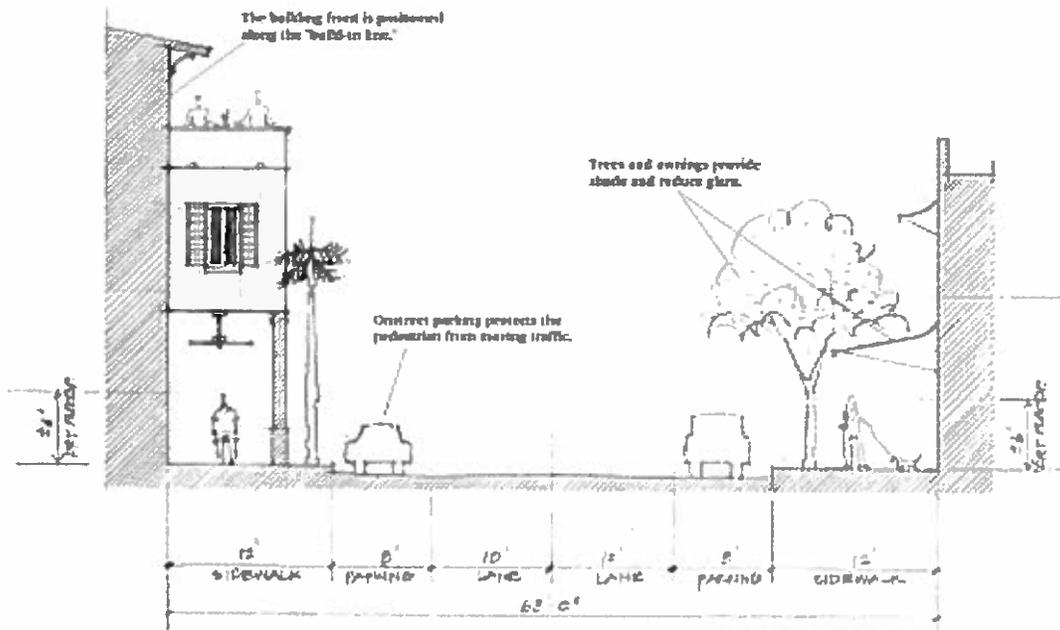


Figure 10, 63' right-of-way

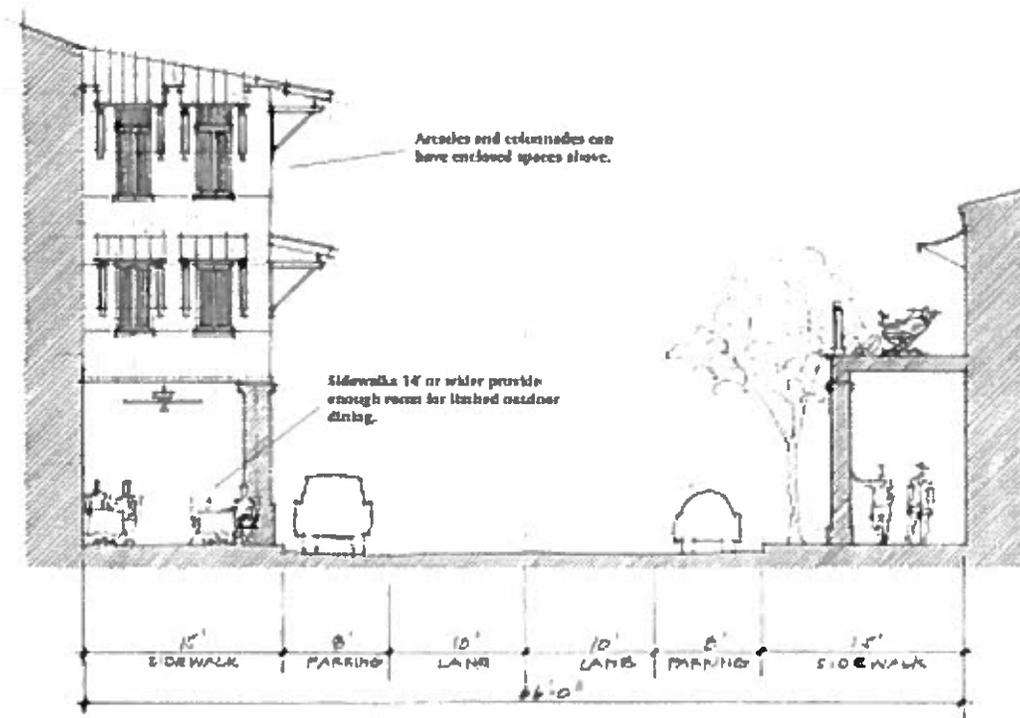


Figure 11, 66' right-of-way

Figure 12 shows a cross-section of Crescent Street with a right-of-way width of 42 feet. Figure 13 illustrates the “liner building” concept for separating parking garages from pedestrian-oriented streets. Figures 14 through 17 suggest the variety of building types that are compatible with these urban design principles.

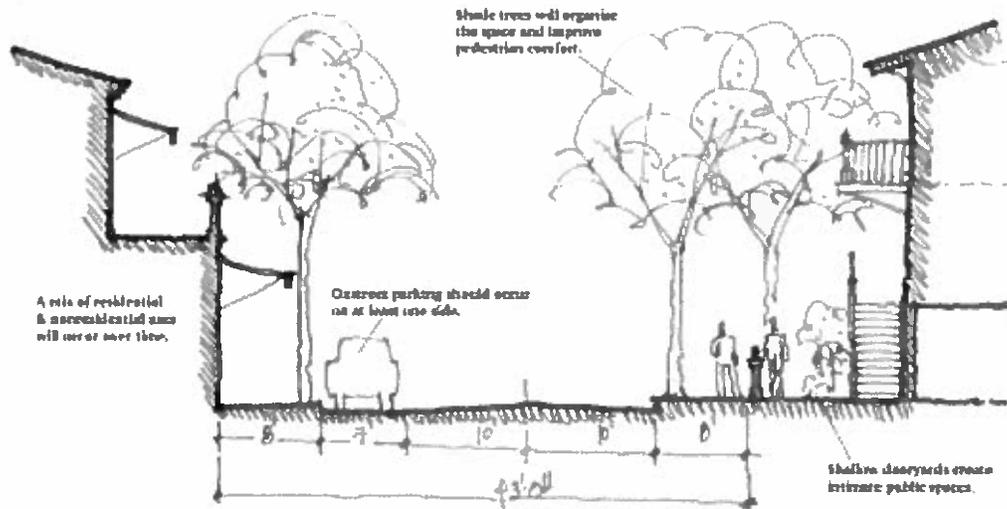


Figure 12, 43' right-of-way

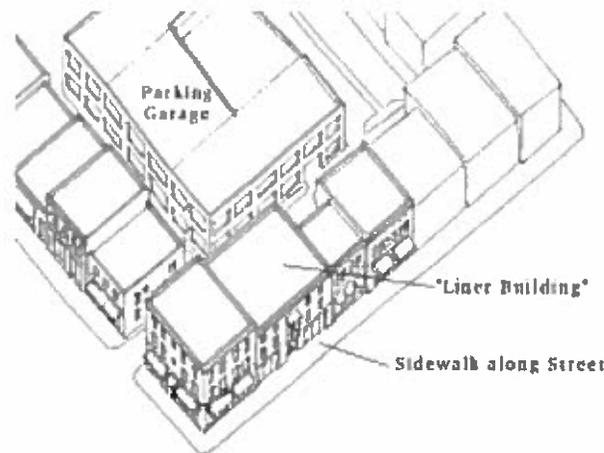


Figure 13, liner buildings surrounding parking garage

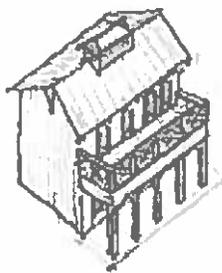


Figure 14



Figure 15

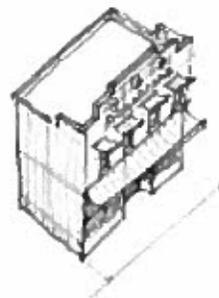


Figure 16

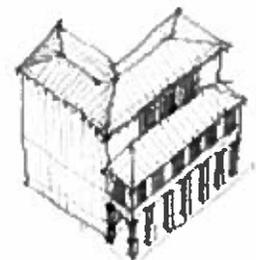


Figure 17

Strategies for Implementation

Phasing of Improvements

Construction in the public right-of-way always causes temporary disruption to the daily activities of the people who live and work in the area. The same will be true for the residents, merchants, and visitors in this section of Fort Myers Beach. The challenge is to reduce the impact as much as possible by selecting the proper sequencing of the various phases. This will allow areas to be improved, such as substitute off-street parking prior to the demolition of the existing head-in parking that now blocks the wider sidewalks shown in the plan. All construction work should be performed during the off-season to minimize the impacts on everyone. Six phases are proposed:

Phase I – Estero Boulevard from Crescent to Fifth Street

Design and construct changes to the median on Estero Boulevard from Crescent to Fifth Street to convert it to pedestrian refuges. The new textured crosswalk will signal motorists to use extra caution in this area. Sidewalks on the Bay side of Estero Boulevard will be widened and completed according to the original plan. Design work on this phase could begin as soon as state and county official concur with the concept, and construction could begin either just before or just after the next tourist season.

Phase II – Shared Parking Lots

The town should provide regulatory incentives through the new Land Development Code for property owners to construct the shared parking shown on Figure 6. These lots should be improved prior to the construction of the streetscape on Old San Carlos Boulevard.

Phase III – Old San Carlos Boulevard

Once some of the new shared parking is in place, the streetscape for Old San Carlos can be designed and constructed. The improvements include new twelve-foot wide patterned and textured concrete sidewalks on both sides of the street. Shade trees will protect the pedestrian along the walk. The street section will contain parallel parking on each side of the street and two drive aisles. New street lighting and street furniture will provide amenities to the shoppers. An engineering firm will have to be retained to prepare complete construction documents and guide the town through bidding and construction management. Engineering should begin as soon as the town identifies suitable funding for construction.

Phase IV – Right-of-Way Acquisition

The town will need to acquire additional right-of-way for Crescent Street between Fourth Street and Estero Boulevard and acquire the private portion of the proposed Bayfront Square. Without these acquisitions, neither project can proceed. After land is acquired, the improvements can be designed and constructed, including the trolley stop and water taxi landing.

Phase V – Crescent Street and connecting streets

After the shared parking and major commercial street are completed, the design and construction of the streetscapes for Crescent, First, Second, and Third Streets and Fifth Avenue should be carried out. The design of this area is similar to the Old San Carlos Street except that smaller rights-of-way and lower pedestrian usage dictated a less ambitious layout.

Phase VI – Lynn Hall Park

Design and construction of Lynn Hall Park will include conversion of a portion of the existing parking lot into beach volleyball courts or other active organized activities. The sidewalks and coconut palm landscaping of Estero Boulevard should continue along the length of the park, along with improved pedestrian connections between the park and Times Square.

Potential Funding Sources

This report identifies seven sources of funding that may be applicable to Fort Myers Beach for this project:

Special Taxing District

A special taxing district for the Old San Carlos / Crescent Street Area could provide a revenue source both for the funding of bond sales and long-term maintenance. The basis of the tax could be related to the building frontage on Old San Carlos or to the lot area of each property. In this way, the property owners who will benefit most from these improvements can pay an appropriate share of its cost.

Downtown Redevelopment Authority

Residual funds from the Estero Island Community Redevelopment Agency (CRA) could be an important source of funding, since this project is a direct extension of the CRA's planning efforts during the early 1990s. The town's new Downtown Redevelopment Agency (DRA) could use tax increment financing (TIF) as a pledge to repay bond debt if bonds are sold to advance construction. Or the town could loan funds to the DRA to be repaid from future TIF revenues.

Gas Taxes and Impact fees

The town collects road impact fees and receives a share of gasoline taxes that can be used only on the transportation system. The town could earmark some of those funds for this project.

Governmental Grants

Governmental grants from county, state, or federal levels could provide supplemental funds for certain components of the project. The Florida Communities Trust provides money for cities and counties to implement their Comprehensive Plans; a grant from this source was obtained by the town to purchase the Mound House on Connecticut Street. Other financial support could be available from the local and state sources that promote tourism; the town has already been successful in obtaining one such grant for improvements near Times Square.

Parking Revenues

Parking revenue or taxes on parking could also provide part of the revenue stream to reimburse construction loans. On-street parking spaces are proposed for 226 cars; parking meters on those spaces will generate revenue. If the town were to purchase land and develop one or more shared parking lots, additional revenue could be generated. The moderate infill plan proposes a total of 373 off-street shared parking spaces. If meters were installed in all of these parking stalls and each meter generated \$1,000 per year, then \$599,000 could be used to reimburse construction loans. However, all improvement costs would then be borne by the town.

Contributions

Another source of revenue could be contributions from individuals, organizations, corporations, and foundations. Several cities have used this approach to funding special attractions. New Orleans funded their new aquarium in part from contributions. Bricks that form the entry courtyard might have the name of a donor on them. Other cities give acknowledgments to contributors of benches or trees. This approach will never completely cover the construction cost but it can help, while donors gain a sense of involvement in the street improvements and take pride in showing friends and visitors their brick or area of contribution.

Tolls

A future source of revenue could be bridge tolls if the town were to take over maintenance of San Carlos Boulevard. This would be a long-term project with important fiscal impacts on the town.

Estimated Cost for Old San Carlos Improvements

To establish the construction estimate for Old San Carlos Boulevard, information from several different sources was collected:

- ▶ Experience from recent streetscape projects in South Florida
- ▶ Industry standards
- ▶ Preliminary cost estimate of the project site

Recent South Florida Streetscapes

During the past two years, several projects have been estimated, bid and/or constructed that give an indicator for estimating the costs of the construction work on Old San Carlos Boulevard. The following table compares the per-linear-foot construction costs of several recent South Florida projects.

<u>LOCATION</u>	<u>YEAR BUILT</u>	<u>COST PER LINEAL FOOT</u>	<u>REMARKS</u>
South Miami, FL 500 linear feet \$1,000,000	1998	\$2,000	Includes A & E fees; contractor's general conditions; premium time, 12-foot-wide concrete sidewalks; parallel parking and 3 lanes of asphalt street paving; underground utilities; irrigation; street; trees, furniture, lights and drainage.
Winter Park, FL 625 linear feet \$1,434,300	1998	\$2,295	Includes A & E fees; contractor's general conditions; premium time, 12-foot-wide brick sidewalks; parallel parking and three lanes of brick streets; underground utilities; irrigation; street; trees, lights, furniture and drainage.
Fort Myers Beach, FL Est. Times Square to Lani Kai 1,000 linear feet \$847,681 (south side of Estero Blvd. only)	1997	\$847, or \$1,694 for both sides of Estero Blvd.	Does not include A & E fees, street furniture, irrigation, signs or ½ of the general conditions. Does include 10-foot-wide concrete sidewalks with fancy pavers, decorative light poles, landscaping (coconut palms)

Industry guidelines

In 1998, firms that specialize in urban streetscapes suggested using an average estimate of \$4 million per mile or \$757 per linear foot. All per-linear-foot costs assume building both sides of the street including the sidewalks. The high end of the cost range would be about \$6 million per mile or \$1,136 per linear foot. These figures do not include architectural/engineering fees. It is always difficult to estimate construction costs, especially without complete contract documents for material and labor take-off. Also, there are many site-specific factors that influence this cost. Such factors include:

- ▶ Building locations
- ▶ Utility locations
- ▶ Drainage improvements
- ▶ Soil conditions
- ▶ Topography
- ▶ Degree of accommodations with existing building access and traffic
- ▶ Availability of materials
- ▶ Quality of materials
- ▶ Construction environment at time of bidding

Preliminary cost estimate

To aid in developing a financing plan for the constructing the Old San Carlos Boulevard streetscape, a preliminary cost estimate was developed. Both the quantities and the assumed cost can be questioned and modified, and the spreadsheet modified accordingly, as information becomes more defined.

The considerations and assumptions for this estimate are:

- ▶ The length of Old San Carlos Boulevard is 1,270 linear feet.
- ▶ This street section contains two drive lanes and two parallel parking lanes.
- ▶ Sidewalks are twelve feet wide of color impregnated concrete with patterned banding and textured surfaces.
- ▶ Streetlights and furniture will be high quality and salt resistant.
- ▶ Street surface will be partial new base and complete asphalt topping with striping.
- ▶ Trees will be large native shade trees in planting wells with tree grates.
- ▶ Undergrounding of cable television and telephone utilities will be one-quarter of the electrical quote because of shared trenching and reduction in complexity and size of the materials.
- ▶ No sanitary sewer work will be required.

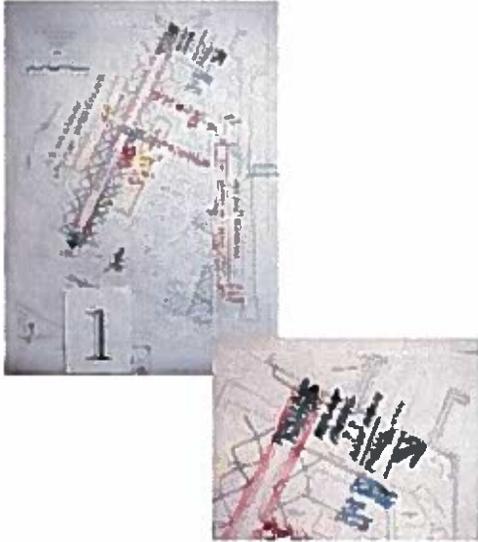
Using these conditions and assumptions the estimate for the streetscape for Old San Carlos Boulevard will be approximately \$1,483,000, or \$1,168 per linear foot of construction. The breakdown of this estimate into its components is found in Appendix C.

Conclusion

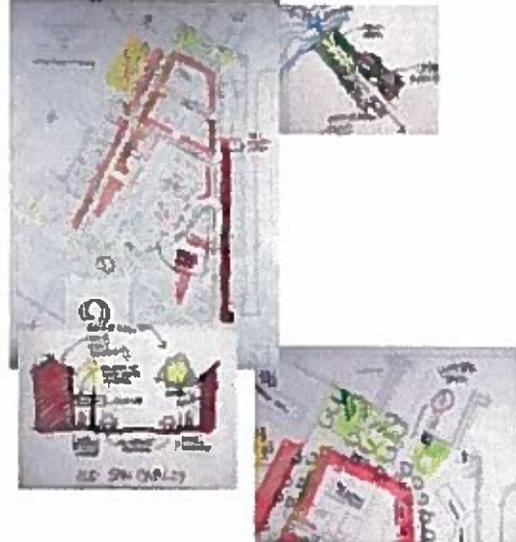
The preliminary cost estimate for the Old San Carlos Boulevard streetscape improvements is \$1,483,000. This figure could increase if major drainage improvements are required or could change due to other unknown factors. Most of these factors will become apparent during the engineering design phase of this project; construction costs should be re-estimated at that stage.

Appendix A — Workshop Drawings

Group 1



Group 2



Group 3



Group 4



This is a compilation of images from the November 16, 1998, workshop

Appendix B — Participants in 11/7/98 Workshop

Linda Beasley
Johanna Campbell
Anita Cereceda
George Crawford
Michel Dailey
Julie Dattwyler
Betty Davis Simpson
Skip Franklin
Bob Gaydos
Lena Heyman

Ron Himmelmann
Dan Hughes
Keenan Johnson
Gretchen Johnson
Don Luppino
John Mulholland
Ray Murphy
Dave Parilla
Don Powell
Garr Reynolds

John Richard
Mike Roeder
Millee Roleb
Mohsen Salehi
Axel Schulz
Marsha Segal-George
Roxie Smith
Doug Speirn-Smith
Sandi Suter
Bill Whittaker

Appendix C — Breakdown of Preliminary Cost Estimate

STREETS & SIDEWALKS					
Item	Item Description	Quantity	Unit	Unit Cost	Item Cost
Mobilization & Traffic Control					
1	General conditions	1	LS	\$228,000	\$228,000
2	Traffic control - Vehicular	1	LS	\$20,000	\$20,000
3	Traffic control - Pedestrian	1	LS	\$15,000	\$15,000
4	A & E Fees	1	LS	\$73,300	\$73,300
Demo. & Construction of Roadway					
1	Remove curbing	3000	LF	\$7.00	\$21,000
2	Remove asphalt & base for c & g	1130	SY	\$10.00	\$11,300
3	Curb and gutter	3000	LF	\$12.00	\$36,000
4	Asphalt street & base	5640	SY	\$20.00	\$112,800
5	Concrete crosswalks (12)	240	SY	\$35.00	\$8,400
Demo. & Construction of Sidewalk					
1	Remove curb cuts, sidewalk, etc.	1400	SY	\$9.00	\$12,600
2	4" concrete sidewalk textured	3400	SY	\$35.00	\$119,000
3	6" concrete driveway	220	SY	\$27.00	\$5,940
Subtotal					\$663,340
UTILITIES					
Storm Sewer					
1	Storm inlet (estimate)	10	EA	\$3,500	\$35,000
2	Pipe (estimate)	800	LF	\$40	\$32,000
Electrical Distribution					
1	FP & L quote on undergrounding	1	LS	\$373,900	\$373,900
2	Cable conversion	1	LS	\$75,000	\$75,000
3	Telephone conversion	1	LS	\$75,000	\$75,000
4	Streetlight foundation	46	EA	\$350	\$16,100
5	Standard light pole/fixture	37	EA	\$900	\$33,300
6	4 globe light pole/fixture	9	EA	\$3,200	\$28,800
7	Junction box conduit system	1	LS	\$25,000	\$25,000
Subtotal					\$694,100
FURNISHINGS & LANDSCAPING					
Signage & striping					
					\$0
1	Remove exist /install new signs	1	LS	\$4,000	\$4,000
2	Furnish & install pole signs	12	EA	\$900	\$10,800
3	Striping	1	LS	5,000	\$5,000
Furnishings					
1	Benches	7	EA	\$1,000	\$7,000
2	Trash receptacles	16	EA	\$900	\$14,400
3	Bike racks	6	EA	\$600	\$3,600
4	Tree Grates	39	EA	\$900	\$35,100
5	Kiosks	3	EA	\$2,400	\$7,200
Landscaping					
1	Large shade trees - 200 gal.	39	EA	\$1,000	\$39,000
Subtotal					\$126,100
TOTAL					\$1,483,540

Appendix D — Parking Computations

Parking count data

One objective of this study is to develop a downtown parking policy based on local conditions. Most individuals at the workshop stated that the shortage of parking was a problem. An early technical task was to gather accurate information on existing conditions.

Two types of information are required to understand whether the parking for this area is adequate. The first is the actual number of parking spaces, and the second is the size of the buildings and their uses. Buildings used for entertainment have a larger parking demand than those used for retail. Retail buildings have a more intensive parking requirement than residential.

Existing parking counts and building sizes were taken from 1996 aerial photographs. Although some changes have occurred since 1996, these tabulations give an accurate appraisal of parking in the downtown area.

Three charts have been developed with data on:

- ▶ Existing conditions (as illustrated in Figure 5)
- ▶ Moderate infill scenario with surface parking (as illustrated in Figure 6)
- ▶ More intense infill scenario with parking garages (as illustrated in Figure 7)

Each chart corresponds to one of the figures which show street configuration, building locations, off-street and on-street parking, and parking garages. The complete charts are available on request to Spikowski Planning Associates. The conclusions of these charts and the assumptions on which they are based are described below.

Existing conditions

Existing levels of development would require parking spaces for 1,605 cars under the most lenient published standard, the Urban Land Institute's 1983 publication, *Shared Parking*. Parking is presently provided for 769 cars. This means the existing parking supply for this area is only 48% of the theoretical requirement. There are however certain characteristics of Fort Myers Beach that alter the need for parking, including:

- ▶ "Park-once" area. People park once and visit the beach, eat in a restaurant, and purchase a gift before getting back into their car.
- ▶ Many people visiting these same stores, restaurants, and beaches have parked their car at their motel or cottage and walked. They do not need a separate parking space ready for them at each destination.
- ▶ Because of the difficulty in moving about Fort Myers Beach in a car, many people car-pool instead of driving separately.
- ▶ The mild weather makes walking pleasant during the peak tourist season.

It would not be proper to conclude that the parking ratio should remain at 48%; the current parking situation is clearly inadequate. It would be equally improper to conclude that 100% of the published standard is needed, as this would require the elimination of at least one-half of the existing shops, restaurants, motels, cottages, and houses from the area. The proper percentage for the parking ratio is perhaps 55% to 60% of the published standard.

Moderate infill with surface parking

This plan shows the development of the shared parking concept and new on-street parking as a result of the streetscape projects (see Figure 6). On-site parking is provided for 832 cars; on-street parking is provided for 347 cars. The parking ratio at this level of development is 57%. Building areas have increased by 236,996 square feet, or about double the present building area. This development can occur if all of the proposed parking improvements are constructed.

More intense infill with parking garage(s)

This final plan shows a 154,556-square-foot increase in building size over the moderate plan, with an 81% parking ratio achieved if all three parking garages were constructed. If a lower parking ratio is desired or less building construction is anticipated, smaller or fewer parking garages could be provided. Effects of this more intense buildout plan on the road network have not been analyzed.