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# **SPIKOWSKI PLANNING ASSOCIATES**

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## **MEMORANDUM**

**TO:** Fort Myers Beach Town Council  
**FROM:** Bill Spikowski  
**DATE:** June 19, 2001  
**SUBJECT:** COMPREHENSIVE PLAN AMENDMENTS  
**Application 2001-3-TEXT & MAP (requested by Seafarer's 2000, Inc. & Seafarer's 1997, Inc.):** Consideration of amending Comprehensive Plan Policy 4-C-2, 4-C-5, 4-C-6, and/or the Future Land Use Map to increase the number of hotel rooms that can be built on the second and third stories of the properties near Times Square known as Seafarer's Village and Helmerich Plaza.

This amendment was initiated by the owners/lessees of the subject property to enable the redevelopment of both sites at a greater intensity than currently allowed. The Local Planning Agency, at its public hearing on April 17, voted to recommend the Town Council *not* adopt this amendment, with one member dissenting.

**RECOMMENDATION:** Deny the requested amendment. With the recent addition of the adjoining McDonalds parcel to Seafarer's Plaza, the applicant can now obtain all but one of his proposed hotel rooms without this plan amendment.

**DISCUSSION:** The applicant requests approval for increasing the number of hotel rooms that can be built over shopfronts as part of the combined redevelopment of Seafarer's Village and Helmerich Plaza. This request is related to the recent CPD application known as Seafarer's Plaza, which was first considered by the Town Council on May 14 and is now being redesigned by the applicant.

Unlike the town's application 2001-2-TEXT for Old San Carlos, this request is not needed to implement any part of the town's comprehensive plan or the Old San Carlos / Crescent Street Master Plan.

Planning for the redevelopment of Old San Carlos Boulevard began in the early 1990s when the Estero Island CRA examined various concepts for rejuvenating Times Square and the area around it. The 1995 overlay zoning master plan prepared the CRA's consultant proposed some affordable residential redevelopment along the east side of Crescent Street, but redevelopment of Seafarer's or Helmerich Plaza sites was not contemplated.

The CRA's affordable housing concept has been carried forward into the town's comprehensive plan. Also, the Community Design Element stated the following vision for Crescent Street, derived from the CRA's work:

*Crescent Street, now linked to Old San Carlos by the pedestrian plaza, provides in-town housing for persons who wish to live or work here. The redevelopment overlay zone has been successful in encouraging compact development on Crescent Street. A sidewalk has been added on the south side, with regularly spaced shade trees growing along the street.*

The subject property *was*, however, included in the Old San Carlos / Crescent Street Master Plan. At the design charrette for that plan, several concepts for redeveloping the subject properties were examined. As summarized on Page 3 of the master plan:

*The Helmerich Plaza site is underutilized and a blighting influence on Crescent. Three redevelopment concepts were offered [at the charrette], 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*

The consulting team preparing the Old San Carlos master plan later presented two redevelopment concepts to the town for the properties along Old San Carlos, Crescent, and First/Second/Third/Fifth Streets. One concept showed moderate infill development, at levels that could be supported with surface (ground-level) parking. The other showed more intense infill development, which would require at least one parking garage.

The "moderate infill" concept was described as potentially evolving into the "more

intense infill” pattern over time, with the more intense plan depicting what could happen if one or more of the large surface parking lots were redeveloped into parking garages and more new buildings were added to take advantage of the increased parking supply. The two plans were developed together so that this sequence could occur over time; the large surface parking lots were sized and situated so that parking garages could be built atop them in the future, if they are needed and financially feasible.

The consensus of the town at that time was to proceed with greatest attention to the moderate infill plan only, the plan with surface parking. That is the plan that is being implemented through your new land development code.

As to the future of Crescent Street, the OSC/Crescent report contained the following description:

*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 “moderate infill” concept for this site was illustrated with the sketch on the next page and described in the text as follows:

*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.*



The amount of development that would be allowed if this comprehensive plan amendment is approved would greatly exceed both the selected “moderate infill plan” and the more intense infill plan.

At this time, the town is not *obligated* to limit development on the subject property to two stories. It is within the town’s discretion to expand the redevelopment area, which is now centered along Old San Carlos Boulevard, to a larger area, now or in the future. However, there is a burden on the applicant to persuade the town that a previously un contemplated intensification of land uses is warranted at this site and at this time.

Two general justifications have been provided. One is described in detail in Exhibit IV-E to the application (included as an attachment to this memorandum), basically that the proposed change is needed for the applicant to comply with the town’s plan to encourage three-story buildings on this property. However, the assertion that any

plans of the town call for three stories on the subject property is simply incorrect.

Another justification has been presented as part of the pending CPD zoning case: the economic value of the development as proposed would allow the applicant to construct a parking garage that would have some extra capacity available to the public. However, as part of the rezoning request there had been no *commitment* to build the parking garage, merely a request to be *allowed* to build a parking garage. Also, there had been no correlation demonstrated between the amount of parking that would be available to the public and the amount of extra development rights that the town would essentially be trading for getting extra beach parking without having to spend public funds.

The Town Council agreed on May 14 that if it were to enter into such a trade, the trade would be memorialized in a formal development agreement that would spell out when the parking garage would be built, how the town can be assured that surplus parking will be available to the public, for how many years the developer is committed to provide this parking to the public, and what development rights are being granted in return. A development agreement with these concepts is now being drafted for consideration by the Town Council this fall.

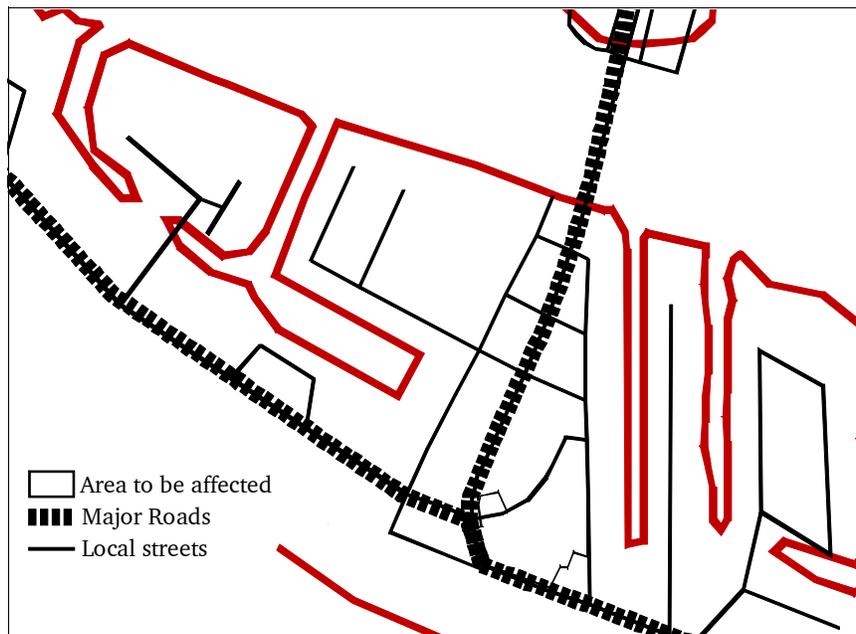
The latest site plan for Seafarer's Plaza reduces the height of the portion of the hotel building along Crescent Street to two stories, but still includes 66 hotel rooms. This is accomplished by adding the McDonalds parcel to the site plan and placing some of the hotel rooms in a second story over the restaurant.

The original site contained 3.26 acres; multiplied by 6 DU/acre and then applying the maximum equivalency factor of 3 hotel rooms for each DU, the most hotel rooms that could have been built was 58. However, by adding the 0.38-acre McDonalds site to Seafarer's Plaza, an additional 7 hotel rooms could be allowed, making the new cap 65 hotel rooms, only one short of the requested 66.

Building sizes on the subject property are currently limited by the space required for parking and by the current building height limit in the overlay district of 40 feet above flood elevation. In the new land development code, there will also be maximum floor-area-ratios for new buildings, and the current draft includes a more restrictive height limit that would allow (by right) only a second story above ground-level shops, with a maximum height of 30 feet above flood elevation.

If the town wishes to approve this plan amendment, it would need to decide which of the several methods of amending the plan the applicant has suggested would be the most suitable. The applicant has provided three different options, each of which is detailed in Exhibit A of the application, a copy of which is attached.

The 3.26-acre site for which this proposal was originally made lies in the “Pedestrian Commercial” land-use category in the triangle between Estero Boulevard, Crescent Street, and Fifth Street, as shown on the map below.



*Subject property*

**Attachments:** Application and Exhibits A and IV-E (8 pages)  
Minutes of April 17 LPA public hearing

# TOWN OF FORT MYERS BEACH

Town of Fort Myers Beach  
2523 Estero Boulevard  
P.O. Box 3077  
Fort Myers, FL 33932  
(941) 765-0202 - Telephone  
(941) 765-0909 - Facsimile

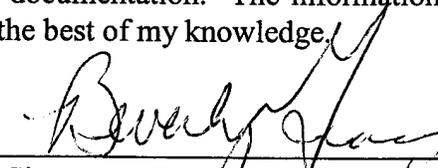
## APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

Strap No.	Zoning	Designation on FLUM
CPD Parcels		
24-46-23 W30006.0000	CPD	Pedestrian Commercial
24-46-23 W300206.0060	CPD	Pedestrian Commercial
C-1 Parcel		
24-46-23W300206.0010	C-1	Pedestrian Commercial
Plan Amendment Cycle	<u>Normal</u>	

I, the undersigned authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

12-28-00

Date



Signature of Authorized Representative

Beverly Grady on behalf of Roetzel & Andress, a Legal Professional Association for Seafarer's 2000, Inc. and Seafarer's 1997, Inc.

### I. APPLICANT/AGENT/OWNER INFORMATION

Beverly Grady, on behalf of Roetzel & Andress a Legal Professional Association for Seafarer's 2000, Inc., and Seafarer's 1997, Inc., a Florida corporation

2320 First Street  
Address  
Fort Myers FL 33901  
City State Zip  
(941) 337-3850 (941) 337-0970  
Telephone Number Fax Number  
Same As Above

Agent  
Address  
City State Zip  
Telephone Number Fax Number  
Huntingburg Partners, Ltd. (244623W30006.0000 and 244623W3000206.0060)  
Seafarer's 1997, Inc., (244623W3002060.0010)  
Owner of Record  
1113 Estero Boulevard  
Address  
Fort Myers Beach Florida 33931  
City State Zip  
(941) 691-8872  
Telephone Fax Number

II REQUESTED CHANGE - 3 alternatives

A. TYPE (Check appropriate type)

Text Amendment - Option 1  
 Text Amendment - Option 2  
 Text Amendment - Option 3      Future Land Use Amendment -  
Option 3

B. SUMMARY OF REQUEST (Brief explanation): Request increase in hotel/motel units for Seafarer's/Helmerick Plaza - in Pedestrian Commercial

(See Exhibit IV "A1")

III PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY

A. Property Location:

1. Site Address: 1113 Estero Boulevard, 1133-1155 Estero Boulevard/Fifth Street, 1150-80 Fifth Street, Fort Myers Beach,
  2. Strap Nos. 244623W30006.0000 and 244623W3000206.0060  
244623W3002060.0010
- B. Property Information:
- Total Acreage of Property 3.26 acres
- Total Acreage included in Request 3.26 acres
- Area in Land Use Category 3.26 acres Pedestrian Commercial
- Current Zoning: CPD and C-1
- Current and Future Land Use Designation: No Change (Pedestrian Commercial)
- Existing Land Use: Retail, restaurant, medical office, pharmacy office

#### IV AMENDMENT SUPPORT DOCUMENTATION

- A.
1. Proposed Text changes
  2. Copy of Future Land Use Map Showing Affected Property
  3. Current zoning map showing existing zoning and surrounding properties
  4. Legal Description for the property subject to the requested change
  5. Aerial map showing the subject property and surrounding property
- B. Public Facilities Impact
1. Traffic Circulation Analysis  
A TIS for proposed development is attached
  2. Statement of impact on existing or proposed support facilities.
- The amendment, if approved will have no impact on the provision of fire protection (no impact on response time), emergency medical services provision, law enforcement, solid waste, mass transit and schools.
- C. Impact on Environment  
The existing property is developed. The property is proposed for redevelopment and redevelopment will have no environmental impact. Redevelopment will provide construction in compliance with FEMA requirements.
- D. Impact on Historic Resources  
The existing site is completely developed. It contains no historical resources. The redevelopment will have no impact on historical resources.

E. Internal consistency with the Town Plan. See Exhibit IV E

I, Beverly Grady, on behalf of Roetzel & Andress, a Legal Professional Association, is the authorized representative of the property described herein and that the information to the questions in this application and any supporting documentation which are attached to and made a part of this application are honest and true to the best of my knowledge and belief.

Beverly Grady 12-28-00  
Signature of owner or owner-authorized agent Date

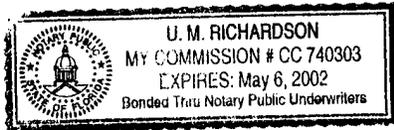
STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was certified and subscribed before me this 28<sup>th</sup> day of December, 2000, by Beverly Grady, on behalf of Roetzel & Andress, a Legal Professional Association, who is personally known to me or who has produced \_\_\_\_\_ as identification.

U. M. Richardson  
Signature of Notary Public

**UNA M. RICHARDSON**

Printed name of Notary Public



(SEAL)

**EXHIBIT "A"**  
**(IV "A-1")**  
**PROPOSED TEXT LANGUAGE**

Additional language is illustrated by underlining language to be eliminated is illustrated by strike through.

**OPTION 1**

**POLICY 4-C-5**

**DENSITY:** This plan establishes density levels as the maximum number of residential dwelling units allowed per acre of land (DU/acre). This acreage includes all residential land plus land within the development to be used for street and utility rights-of-way, recreation and open space, water management, and existing lakes that are entirely contained within the residential development. Commercial and other non-residential land shall not be included in this acreage; however, where mixed uses are permitted in a single building, residential densities will be computed without regard for commercial uses located on lower floors. When computing densities on existing subdivisions where lots are smaller than 15,000 square feet, one-half the width of adjoining streets and canals may be included in the acreage, and computed densities greater than 1.50 DU/acre may be rounded up to two dwelling units where multiple dwelling are permitted. When computing densities on commercially zoned property abutting Fifth Avenue, Estero Boulevard (between the bridge and Crescent Street) and Crescent Street (between Estero Boulevard and Fifth Avenue), one-half the width of the adjoining streets may be included in the acreage, to compute density.

**POLICY 4-C-6**

**MOTEL DENSITIES:** The Land Development Code shall specify equivalency factors between motel rooms and full dwelling units. These factors may vary based on size of motel room and on land-use categories on the Future Land Use Map. They may vary between a low of one motel room and a high of three motel rooms for each dwelling unit except as follows:

- i. Town's language for increased density on Old San Carlos will be inserted here: and
- ii. Five hotel rooms for each dwelling unit for the Helmerick Plaza/Seafarer's parcel abutting Estero Boulevard, Fifth Avenue and Crescent Street.

(These factors will apply only when motels are already permitted.)

**OPTION 2**

**POLICY 4-C-6**

**MOTEL DENSITIES:** The Land Development Code shall specify equivalency factors between motel rooms and full dwelling units. These factors may vary based on size of motel room and on land-use categories on the Future Land Use Map. They may vary between a low of one motel room and a high of three motel rooms for each dwelling unit except as follows:

- i. Town's language for increased density on Old San Carlos will be inserted here: and
- ii. A maximum of 42,131 square feet for hotel units where no unit is less than 600 square feet and no more than 66 hotel units total may be placed on the Helmerick Plaza/Seafarer's parcel bounded by Fifth Avenue, Estero Boulevard and Crescent Street.

(These factors will apply only where motels are already permitted.)

**OPTION 3**

**POLICY 4-C-2**

Helmerick Plaza/Seafarer's 3.26 acre parcel is designated as part of the platted overlay (defined in Policy 4-B-11)

**POLICY 4-C-6**

**MOTEL DENSITIES:** The Land Development Code shall specify equivalency factors between motel rooms and full dwelling units. These factors may vary based on size of motel room and on land-use categories on the Future Land Use Map. They may vary between a low of one motel room and a high of three motel rooms for each dwelling unit except as follows:

- i. Town's language for increased density on Old San Carlos will be inserted here: and
- ii. Those remaining lands in the Old San Carlos Boulevard/Crescent Street Master Plan but not abutting Old San Carlos may have a multiplier with a high of four motel rooms for each dwelling unit.

(These factors will apply only where motels are already permitted.)

**EXHIBIT IV -E**  
**JUSTIFICATION AND CONSISTENCY**  
**WITH TOWN'S COMPREHENSIVE PLAN**

The purpose of this request is to approve an increase in the number of hotel units for the parcel commonly known as Helmerick Plaza and Seafarer's which is a prerequisite to implementing the Town's vision as identified in the Town's Comprehensive Plan and Old San Carlos/Crescent Street Master Plan Study. Each of the options filed provide an alternative to achieve the same goal.

As background for this amendment to the Town's Comprehensive Plan, it is important to consider the planning efforts in this area of the Town. The Estero Island CRA was established in 1991 by Lee County. As a result of this planning effort, the CRA produced a "Core Area Master Plan" in 1995. The Town is well aware that portions of this master plan have been installed to include the conversion of Times Square in 1996-97 to a pedestrian mall, installation of paver sidewalks and trees from Times Square south to Lanai Kai. New development regulations for the core area were adopted in 1996 and amended in 1997. The Town adopted a Downtown Redevelopment Plan and established a Downtown Redevelopment Agency (DRA) in 1998 to help finance and carry out these improvements.

Then the Town developed the "Old San Carlos Boulevard/Crescent Street Master Plan" which focuses on the area subject to this comprehensive plan amendment. A "Designing Our Downtown" workshop was held on November 7, 1998. A substantial portion of the effort focused on the Crescent Street, Fifth Avenue, Estero Boulevard area. The study includes the Helmerick Plaza which was found by the study "to be underutilized and a blighting influence". It was recognized the existing Seafarer's building has been redeveloped but at a time when the County promoted meeting the base flood elevations and providing parking underneath at ground level. The Town's Comprehensive Plan became effective on January 1, 1999 and designated this area of the Old San Carlos Boulevard/Crescent Street Master Plan as Pedestrian Commercial which is defined as follows:

**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 Old San Carlos Boulevard/Crescent Street Master Plan dated February, 1999 reflects a more detailed vision the Town has created for this area. Attached to this justification is Figure 5 from the study showing existing conditions and Figure 7 reflecting a more intense infill plan with parking garages. Also enclosed is page 25 of the study reflecting Figure 13 where liner building is anticipated to surround the parking garage so that visually buildings are placed up to the sidewalk. Figures 14, 15, 16 and 17 reflects desired architectural design of two and three-story buildings with balconies and creative façades of a Caribbean, old Florida, New Orleans style.

The property which is subject to this comprehensive plan amendment is also the subject of a rezoning from C-1 and CPD to CPD to implement the Town's redevelopment plan.

The Comprehensive Plan and Old San Carlos Boulevard/Crescent Street Master Plan anticipates that the ground floor in this area will contain retail and restaurant to promote and encourage pedestrian activity. The study promotes the "park once concept" that once people leave the car, the car will remain in one location and the people will walk to the variety of opportunities offered by the Old San Carlos/Crescent Street, Times Square area.

To implement the goals of pedestrian uses, 2 and 3 story buildings, the Town must permit uses to fill the interior space of 2 and 3 story structures. The space provided by the second and third story requires that the Town recognize that it must enable the property owners to have viable uses for the second and third floor of these buildings. There is not sufficient demand for office that would enable property owners to construct two and three-story buildings. Also, this area is a lodging resort area with Lighthouse and Matanzas Inn already in existence.

This request will enable the provision of some permanent residential multi-family dwelling units and provision of hotel units in the second and third floor of the proposed buildings. These uses are at the heart of encouraging pedestrian commercial use. No residential units and no hotel units are proposed for the first floor which will contain retail and restaurant and potentially some office. In addition, this application contains a parking garage surrounded by three-story building(s) to provide a visual buffer on three sides of the parking garage. However, without approving an intensity of use that can be absorbed in the second and third floor, the buildings could not be constructed and the redevelopment could not be financially feasible and the study would simply be a dream. To fulfill the goals of the Master Plan requires the Town to grant pedestrian uses at an intensity which provides viable and reasonable use of the second and third floor.

Each option provide the mechanism for 14 multi-family dwelling units and 66 hotel units on the second and third floors on the subject property.

**Application 2001-3-TEXT & Map (requested by Seafarer's 2000, Inc. & Seafarer's 1997 Inc.)**

Bill Spikowski began speaking that this amendment could involve text and/or map amendment. It is very similar to the previous one, but it includes property owned by Seafarer's Village and Helmerich Plaza, not including the McDonald's. This is the only amendment that has been requested by the land owner. All the others have been requested by the Town. It is handled the same way with the same type of hearings. He suggests that this not be approved and would basically try to accomplish the same things that we have been discussing along Old San Carlos or some other increase in the number of hotel rooms lesser than Old San Carlos, but more than is allowed on the rest of the island. The memo dated discusses the history of Town's planning on this property. It is more complicated than the previous case. We have a zoning case going through the process at this point. Because the issues of the parking garage on this property have complicated it somewhat. The land owners need the increase in intensity to provide the garage and the garage will provide parking spaces to the general public with no cost to the Town. If the Town would like to obtain parking for the public at no public expenditure, and to avoid setting a precedence that you would regret later it needs to be considered separately. If you are granting certain intensity increases on that particular property in exchange for the parking garage it should be done in a clear agreement. It should specify what density increases are being granted, how many parking spaces will be provided, how many years will they be provided and when will they be provided. This is very different then just approving the zoning that will allow the parking garage. There is a provision in the State law and also in the Land Development Code called the Development agreement, which is actually a contract between the developer and the local government. It is tailor made for this kind of situation.

The applicant is represented by Beverly Grady and when she makes her presentation she will talk a little bit about some of the alternatives that she has proposed. Their position is that they would like more units than elsewhere on the island, not necessarily as many as Old San Carlos. The method to get from here to there is open. Because this is not implementing a plan that the Town has created through its planning process the burden is on the applicant to show that the increase is required. He does not feel that the burden has been met to justify the intensification that is proposed here.

Bill Van Duzer asked for clarification regarding the provision, which is in the State law. Bill Spikowski responded that it is in the State law, but it basically states that if you are going to do it you would implement it through your own development code. In the County code, which is your code, there is a specific section called the development agreement that tells how you do it, what kind of public hearing you need to have and what type of notice needs to be given to the public.

Bill Van Duzer asked if we would have to do something in our Comprehensive Land Use Plan in order to adopt this? Bill Spikowski responded "no".

Bill Van Duzer feels that this is the way it should be handled. If in fact the parking garage can be shown to be a plus factor for the Town and for the residents of the Town then the intensification and the density in that area would be justified. If it shows to be a benefit it should go that route rather than go as a change to the Comprehensive Land Use Plan.

Bill Spikowski felt that he did not make himself clear. The increase in the number of hotel rooms would require a Comprehensive Plan Amendment. If the justification for doing this is because you want the garage then you should also do a development agreement to make it clear that this was a trade off. The Comprehensive Plan Amendment would still be needed to allow the extra hotel rooms.

Town Manager Marsha Segal-George tried to explain to make it more clear. When the case was handled it was clear that it was almost impossible to deal with what was being requested and also to deal with this potential issue of the parking garage. The potential of a parking garage built by the private sector where government does not have to put taxpayer funds, and providing public parking has a positive effect for the Town. There were a lot of issues centered within the parking garage issue that seemed like it needed to be dealt with separately. The County has used development agreements with regards to certain projects. They are used to set out what side is giving and getting. The document will help to spell out what everyone is getting.

-10-

Bill Van Duzer commented that we are here today to decide if we will change it to what was originally proposed. He feels that this is putting the cart before the horse. They wanted an approval on

the proposal without having a Comprehensive Land Use change. He has heard through the grape vine that a change has been made and this should come back as a change to the Comprehensive Land Use Plan before we decide on the development, garage or anything else. If this is satisfactory then we vote. He feels that we are wasting our time to talk about it now.

Bill Spikowski commented that regarding the project there are some changes proposed. He suggested that they bring it back to the LPA and they want to go directly to the Council. They have the right to do so, but it may end up back to you after the Council hears.

Beverly Grady introduced herself as representing and requesting a recommendation of approval for Comprehensive Plan Amendment 2001-3. The request today is an amendment to the Comprehensive Plan and is coming before you today as step one. The amendment to the Comprehensive Plan is a long process. After your recommendation we do go to the Town Council. The most the Town Council can do is transmit the three amendments to the Department of Community Affairs and wait for their recommendation. Upon receiving that recommendation would come an adoption hearing, and this would be a number of months down the road. We had proposed in our application several different options. She feels that only one needs to be discussed and they would like to proceed with Option One.

The property without a Comprehensive Plan Amendment under your current regulations can receive a maximum of 58.6 hotel/motel units. An amended application has been submitted to the County, so the seven dwelling units have been eliminated from this. The parking garage has been lowered to the 40 feet and the third floor has been taken off of phase four, which is the building that is in the center of the property. By eliminating those seven dwelling units the request for the hotel/motel stay the same at 66. The difference between what can happen under the current regulations without being here today is 58.6 and the request has always been 66. This is a difference of 8 units. She is here to discuss Option One to be approved, so it would enable the property to receive an addition of 8 hotel/motel units. They submit that the request stands alone just based upon your Comprehensive Plan and the surrounding land uses regardless of the detailed approval of the parcel for the CPD.

What is Option One? Option One is a request. In doing your calculation for hotel/motel for this parcel, because it was specifically defined to this parcel as being surrounded by Fifth Ave., Crescent St. and Estero Blvd., and would benefit that area. The request of Option One would only apply to that. It does request that you are able, as you have in some other parcels, be able to count for right-of-way for calculating density. The parcel itself without the right-of-way is 3.26 acres and is stated in Bill's report and on the application. The parcel if you include ½ the right-of-way around the property is 4.63 acres. If that is calculated out it would provide for a total of 83 units. We have no problem with the amendment being limited to an additional 8 units, so it will be consistent with our zoning application for 66.

The Old San Carlos and Crescent street study was reviewed. Page 3 of the Master Plan finds and describes existing conditions of Helmerich Plaza and Seafarer's Village. It finds that Helmerich Plaza is under utilized. There is a discussion of the Plan on Crescent St. and it discusses Crescent St. forming a link between Bayfront Square, Estero. Blvd. and the sidewalk improvements that have made Crescent part of the popular walking path.

What was the plan looking for? Beverly Grady read quotes from the Memo provided by Bill Spikowski.

She went on to read Bill Spikowski's information on Page 4 regarding the amount development that would be allowed if this Comprehensive Plan Amendment is approved and would greatly exceed both the selected "moderate infill plan" and the more intense infill plan. They completely disagree with this. The Comprehensive Plan Amendment deals with one thing. It deals with how you calculate hotel density on the property. They disagree by increasing it to 8 units that this is a great exceeding. She also referred to the fact that the Town is not obligated to limit development on the subject property to two stories. They request that figure 13 of the study be reviewed.

We are here to discuss how you calculate hotel density. She feels that she needs to address the parking garage due to much of what has been discussed is regarding the parking garage. There was a statement made but no commitment to build the parking garage; merely a request. We find that discussion is not appropriate here, but she feels it needs to be addressed. Any approval, if granted, on

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this property for zoning will contain a list of conditions. One condition would be that the parking garage and the building would have to be constructed at the same time.

A discussion was held regarding the map on Page 6 of Bill Spikowski's report.

Beverly Grady referred to the architectural designs in the study and this is what is stated in our justification. When you are going to have second floors and some third floors what are the uses you contemplate having in them. She agreed with Bill's analysis, although she feels that it should be applied in a less intensive way to this parcel, as you look to Crescent St. and it clearly provides for second floors and some third floors. The uses that would make sense with your plan would be hotel rooms. She does not feel that there is significant office demand that you could get them filled. Retail and restaurants will create more of a parking demand than the hotel rooms. We believe that the upper floors should be founded to contain hotel/motel. The support of this amendment that would limit the increase to 8 units would support a tiered effect, but a substantial difference than you are considering on Old San Carlos.

If you are promoting this to be the downtown core, and this would be just outside of that we feel that it is reasonable to request and look at the property and recognize some benefit that would permit it to have some increase intensity upon just the standard regulation. It is consistent with what is in the neighborhood and is actually less than what has been approved in the Crescent corridor.

We would respectfully request that if you look at Option One, which requests for this parcel to compute density from the commercial zoned property with just the three you could include ½ the wide of the adjoining street to be included in that acreage computed, and to add but not to exceed an additional 8 units. This would be fine and consistent with what we are doing. We will respectfully submit the 66 hotel units on 3.26 acres as consistent with the goals that you have set forth in the study. We would request your recommendation of approval.

Bill Van Duzer asked Bill Spikowski to explain what was just stated from Beverly Grady. He feels that what he has heard is not what he felt they were being asked to do. Bill Spikowski replied by stating that Beverly Grady is willing to accept a much lesser increase than along Old San Carlos.

Bill Spikowski went on to comment that Option One, which has been suggested as the easiest, instead of changing the hotel multiplier we would just increase the area that you are computing the density on. He would like to see the change in the same policy that we are discussing for Old San Carlos. We would have one odd looking policy rather than spreading it out through the Plan.

Jennifer Kaestner asked Bill Spikowski by increasing the density this is basically offering incentive to a property owner to redevelop the property. Is this correct? Bill replied "yes".

If you are going to offer them incentives to redevelop it would seem to her we would want that to fit into the overall plan. The overall plan laid out some very specific things that dealt with the area and the curve. On Page 20 of the plan, the pedestrian crossing, it was listed as a phase one implementation of the whole master concept plan. Do you feel that the Town is moving to implement that part of it? Bill replied to the pedestrian refuge that is being referred to on Page 20 was folded into the Streetscape Plan. He has not worked on it since. The Streetscape Plan shows the concept, but did not discuss it.

In the Streetscape that now has funding, is this a part of the street that we are talking about doing? Bill replied that the Streetscape that now has funding is mainly the Old San Carlos. As far as the potential use of the 2 million dollars of County money this pedestrian refuge is just one of them. He is not sure that any advance work has been done up to this date.

Is it usual for the incentive to be given to the property owners to redevelop before the things that the Town needs to do first are in place? Bill replied that often it is. It is not typical that the Town do everything first.

All these improvement will add to the traffic. She realizes that you will not solve it, but she wants to make that addition and impact as less intrusive as we possibly can. Bill Spikowski replied that the Town is proceeding about as fast as anyone can.

Bill Van Duzer asked for clarification on the 66 units. How many square feet are we looking for the restaurants and shops? Bill Spikowski responded that the restaurants were around 13,000 square feet. The only change in intensity, since what you have seen last, is eliminating the 7 residential units which were going to go on the third floor of the central building.

He asked what happens to the parking garage? Bill replied that the new plan for the parking garage is to recess the ground level down about 4 or 5 feet. This will basically take the same building but lowers it partly into the ground so the skyline is lower. No reduction in parking spaces that he is

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aware of.

David Smith asked if what we were talking about on our agenda is changing the Comprehensive Plan or are we giving approval for a development order? Chairman Roxie Smith replied that she felt they

were addressing a Plan Amendment and not doing a development order.

**MOTION:** Made by David Smith and seconded by Betty Simpson to deny changing the Comprehensive Plan Application 2001-3. Motion carries with one nay vote from Harold Huber.

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**Discussion:** Dave Smith feels that many years have gone into developing the Comprehensive Plan. This has been the first to be initiated by a private interest. He feels that if we do this for this particular person we will have a whole line of people wanting to go halfway into the middle of the street or the access area to suit the needs. He feels that this will open it up to a situation where they got it why can't we. We developed the Comprehensive Plan for a purpose and if we vote a change on this one then where will we stop. Now is the time to stop and work out the San Carlos Plan and re-evaluate at that time.

Bill Van Duzer agrees with Dave Smith. We are not talking about much of a difference, but it would be nice to offer an incentive to build a parking garage that would be a benefit to the Town. If there is a benefit to the Town we should be able to consider it.

Chairman Roxie Smith asked if there was anyway to compromise without having to do a Comprehensive Plan Amendment? Bill Spikowski responded not on the hotel rooms. You need this Amendment. Everything else can be done through the zoning and development agreement.

Betty Simpson asked if in the original plan was there a number of parking spaces that were needed for the development and then the rest were for the public? How many spots will be for the public versus how many to be used for the development? Bill Spikowski responded that he had provided a count like this. The applicant disagrees with the relevance of those calculations.

Town Manager Marsha Segal-George commented that at this point everyone is tired and she would recommend moving the remainder of the agenda items to another meeting. Chairman Roxie Smith agrees.

**MOTION:** Made by Chairman Roxie Smith and seconded by Betty Simpson to move the Personal Watercraft and Parasailing Regulations to June 12, 2001. Passed Unanimously.

**VI. PUBLIC HEARING: CHAPTER 27 OF THE LDC PERSONAL WATERCRAFT AND PARASAILING REGULATIONS**

Agenda item moved to June 12, 2001 meeting.

**VII. DISCUSSION OF CHAPTER 34 OF THE NEW LDC**

Agenda item moved to May 1, 2001 meeting.