



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

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Governor

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Secretary

May 31, 2005

Mr. William M. Spikowski, AICP
Spikowski Planning Associates
1617 Hendry Street, Suite 416
Fort Myers, Florida 33901-2947

Re: Evaluation and Appraisal of the Fort Myers Beach Comprehensive Plan

Dear Mr. Spikowski:

On May 4, 2005, the Department of Community Affairs received from you a letter outlining the Scope of Work for the preparation of the Evaluation and Appraisal Report (EAR) for the Town of Fort Myers Beach. The Department agrees with the list of issues set forth in the attached Scope of Work. This letter serves as confirmation of our understanding.

However, we are recommending that the Town add **"the evaluation of coastal high hazard area"** to the list of major issues. That is, the Town should conduct an assessment of the extent to which the town's comprehensive plan has been implemented to direct population concentration away from areas of known coastal hazards. This issue is particularly relevant to the Town of Fort Myers Beach considering the fact that the entire Town is located within coastal high hazard area and adequate measures should always be taken to reduce the exposure of life and property to hurricane hazards.

Furthermore, in reading the background and brief discussion of some of the major issues the nature of the problem and the manner in which the evaluation will take place in order to fully assess the problem are not always clear. This is because the issues are not couched in a manner that convey the fact that the Town will evaluate the extent to which comprehensive planning policies have been implemented to achieve or not achieve the stated objectives of the community expressed in the plan, based on the most recent and relevant data and analysis. For example, in the case of Estero Boulevard, the fundamental question to ask is "has the plan been successful in making Estero Boulevard the premier public place" that the Town's planners anticipated? To answer that question, all relevant objectives and policies in the plan, including Intergovernmental Coordination policies, whose implementation would have contributed to the achievement of this vision of the Town, should

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be evaluated. Similarly, on the issue of congestion along Estero Boulevard, Sky Bridge area, the focus should be on the effectiveness of the transportation measures currently in the plan in reducing congestion. That is, how effective have they been, based on the most current data and analysis, in reducing congestion in this area? If insufficient progress was made, the report should discuss why and assess how things could be done differently to better achieve the objectives.

Also, we would like the Town to note the provisions of section 163.3191(2), F.S., which lists the evaluation requirements from (a) to (n). Furthermore, the Town should also be aware of pending legislation, which once effective, will mandate two additional required evaluation topics, (o) and (p), as of July 1, 2005. Enclosed is a summary sheet listing all the statutory items to be included in the EAR. It would be beneficial to all of us if the table of content to the Report follows the same order as included in the enclosed summary list.

With respect to the update of the population projections, we recommend that it include the 5 and 10-year planning timeframes. These population projections should be used by the Town to forecast future land needs, as well as, community infrastructure needs for the 5 and 10-year planning timeframes.

We greatly appreciate the opportunity to review the scoping issues prior to the preparation of the EAR and look forward to working with you as the Town prepares the Report. If you have any questions on this matter, please call Bernard O. Piawah, Principal Planner, at (850) 922-1810.

Sincerely,



Mike McDaniel
Regional Planning Administrator

MM/bp

Enclosure

cc: Mr. David Burr, Executive Director, South Florida Regional Planning Council

EVALUATION AND APPRAISAL REPORTS
Summary of 163.3191(2), Florida Statutes

The EAR is a summary audit of the progress that has been made and the successes and failures that have been encountered in implementing the comprehensive plan. The report identifies changes needed in the plan to respond to the results of the audit, to changing trends and conditions that affect the community, and to changing state and regional growth management policies. The evaluation focuses on major community planning issues. The report addresses the following topics [see 163.3191(2)]:

Community-wide Assessment:

- 1) **Population growth** and changes in **land area** [163.3191(2)(a)]
- 2) The location of existing **development** in relation to the location of development as anticipated in the plan [163.3191(2)(d)]
- 3) The extent of **vacant and developable land** [163.3191(2)(b)]
- 4) The **financial feasibility** of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency through capital improvements, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities [163.3191(2)(c)]
- 5) A **brief** assessment of **successes and shortcomings** related to each element [163.3191(2)(h)]
- 6) Relevant **changes in growth management laws** (the state comprehensive plan, the appropriate strategic regional policy plan, Chapter 163, Part II, F.S., and Rule 9J-5, F.A.C.) [163.3191(2)(f)]
- 7) A **summary of public participation** activities in preparing the report [163.3191(2)(j)]

Evaluation of Major Issues:

- 8) The **identification of major issues** and, where pertinent, the potential social, economic, and environmental impacts of these issues [163.3191(2)(e)]
- 9) An assessment of whether plan **objectives** within each element, **as they relate to major issues**, have been achieved, and whether unforeseen and unanticipated changes in circumstances have resulted in problems and opportunities with respect to **major issues** in each element [163.3191(2)(g)]
- 10) Any actions or corrective measures, including whether **plan amendments** are anticipated to **address the major issues** identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning time-frames, a revised future conditions map or map series, an updated Capital Improvements Element, and any new and revised goals, objectives and policies for **major issues** identified within each element [163.3191(2)(i)]

Special Topics:

- 11) Assess the success or failure of coordinating future land uses and residential development with the capacity of existing and planned **schools**; establishing with the school board appropriate population projections; and coordinating the planning and siting of new schools; evaluate exempt status [163.3191(2)(k)]
- 12) Assess the extent to which the local government has identified water supply projects necessary to meet the needs identified in the water management district's regional **water supply** plan, and the degree to which the water supply facilities work plan has been implemented [163.3191(2)(l)]
- 13) Evaluate whether any past reduction in land use density within the **coastal high-hazard area** impairs the property rights of current residents when redevelopment occurs. The local government must identify strategies to address redevelopment and the rights of affected residents balanced against public safety considerations [163.3191(2)(m)]
- 14) Assess whether the criteria adopted pursuant to s.163.3177(6)(a) were successful in achieving compatibility with **military installations** [163.3191(2)(n)]
- 15) Assess whether **concurrency exception areas** have achieved the purpose for which they were created [163.3191(2)(o)]
- 16) Assess whether a common concurrency **methodology for measuring impacts on roadways** is needed [163.3191(2)(p)]

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May 2, 2005

Bernard O. Piawah, Planning Manager
Florida Department of Community Affairs
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RE: EVALUATION AND APPRAISAL OF THE FORT MYERS BEACH COMPREHENSIVE PLAN

Dear Mr. Piawah:

Thank you for attending the scoping meeting on March 31 for the Town of Fort Myers Beach evaluation and appraisal report.

We are requesting that your office formally acknowledge our proposed scope for this report. The first three items below are major issues that we have already begun discussing with the public during our March charrette and follow-up presentations and workshops. In addition to the substantive issues within each, the evaluation and appraisal report will identify the extent to which existing plan objectives and policies have been met thus far.

Following the discussion of the three major issues, this letter identifies four special topics that the town will also be addressing, in addition to the basic statutory requirements for evaluation and appraisal reports.

MAJOR ISSUES

- 1. FUTURE LAND USE:** After five years' experience, are the Comprehensive Plan's "buildback" provision working properly, or should they be modified or repealed? Should the plan allow conversions from over-density hotel/motels guest units into over-density residential units? If so, would this policy cause a fundamental change in the economy of Fort Myers Beach, displacing the tourist economy and its locally-owned motels, restaurants, and shops in favor of condominiums? Would such a change be good or bad for Fort Myers Beach?

- **Background:** The plan established a new concept for “pre-disaster” buildback of existing buildings that exceed the post-1984 density limits. Many questions have arisen from the town’s initial experience implementing this policy. For instance, should over-density buildings be allowed to expand further during the rebuilding process? What happens when motels are proposed for conversion into dwelling units – should the new dwelling units be required to meet current density limits (which have been in place since 1984) or should they be allowed to disregard those limits? Also, federal and state coastal regulations apparently require new beachfront buildings to be elevated so high that the ambience of the pedestrian environment will be degraded by the new buildings; creative ideas are needed for the town to ensure that new beachfront buildings can improve the look and feel of Estero Boulevard while still meeting coastal regulations.
2. **ESTERO BOULEVARD – entire length:** The Comprehensive Plan established the following vision for the future: “Estero Boulevard has become the premier public space on the island, with a strong sense of place . . . pedestrians now cross safely and many people use the expanded fleet of trolleys to move around the island.” There continues to be a strong consensus to make Estero Boulevard more friendly to pedestrians, bicyclists, and public transit and to make it more beautiful as well. Equally important would be burying utility lines to protect them from high winds and stopping the frequent “ponding” of rainfall that has nowhere to flow. However, there is still no consensus about how to pay for these improvements, or how they might be made in a logical sequence over ten or twenty years.
- **Background:** The 2000 Estero Boulevard Streetscape Master Plan projected a total cost of \$20–\$30 million to carry out all of its proposed improvements to Estero Boulevard (including placing power lines underground). This figure is well beyond the ability of the town to finance at current levels of taxation. One option had been to place tolls on the bridges and use a large portion of the toll revenues for pedestrian and transit improvements within the town, many of which are detailed in the streetscape plan. Unless the community’s resistance to tolling abates, another revenue source will have to be found or the streetscape improvements will have to be dramatically scaled back. One potential funding source is Lee County, which currently owns and maintains Estero Boulevard, but the county’s priorities may be different than those of local residents. Before Lee County hires engineers to design actual improvements, the town needs to decide on the basic form they will take so that the town’s livability and transportation goals will be carried out rather than being ignored.
3. **ESTERO BOULEVARD – Sky Bridge area:** The most congested segment of Estero Boulevard is near Times Square, and there is never a shortage of ideas on what to do about it. Many were described in the transportation element of the Comprehensive Plan, but this year there are two entirely new ideas. The town is studying reopening Center Street, which is now a public parking lot between Old San Carlos and Estero. The town is also analyzing the potential realignment of Estero from Crescent to the bridge through Seafarers and Helmerich Plaza. Would these alternatives noticeably reduce traffic congestion? How would they affect the surrounding area? Would they be more successful than ideas previously identified? What other alternatives might be possible to

reduce traffic congestion while making Fort Myers Beach a better place to live and visit?

- **Background:** The town's Traffic Mitigation Agency is investigating and experimenting with many promising transportation improvements. The TMA and its consulting engineers understand their mission is to find better ways to move traffic. In addition, the town needs to understand how potential transportation improvements would affect the beauty, convenience, and walkability of the town's major streets before it can be decided whether they would be good, bad, or neutral for Fort Myers Beach.
 - (1) **Center Street:** Consulting engineers for the town are working on plans to reopen Center Street to carry out a recommendation from the town's Transportation Mitigation Agency. The purpose is to allow a second route from the Sky Bridge for drivers who are traveling to the north end of the island or to Old San Carlos.
 - (2) **Realignment:** Due to common property ownership, the realignment of Estero Boulevard is a possibility for the first time. Rather than waiting to see if the landowners propose a realignment plan of their own, the town should take this opportunity to evaluate various alternatives, perhaps identifying one or more potential designs that respond to the varied public and private interests that would be affected.

SPECIAL TOPICS

4. **TRANSPORTATION:** Does the Transportation Element need to be amended or revised? Should some of the transportation alternatives that were analyzed in that element but not selected be reconsidered at this time? Should other alternatives be added?

- **Background:** Since the completion of the Transportation Element in late 1998, the town has moved forward on several transportation initiatives, including an intensive Congestion Mitigation Study that began in 2002. Although that study is not yet complete, it became controversial in part due to the serious consideration that was given to placing tolls on the bridges. Also, its advocacy of new traffic signals and other roadway improvements near Times Square differs in several respects from the principles set forth in several other studies: the Transportation Element itself, the Old San Carlos/Crescent Master Plan, and the Estero Boulevard Streetscape Master Plan.

5. **STORMWATER MANAGEMENT:** The Stormwater Management element called for the town to prepare a Stormwater Master Plan. Is this plan still a priority for the town?

- **Background:** Objective 9-F of this element called for a town-wide Stormwater Master Plan to be conducted by the year 2000. This plan would determine the nature of potential improvements to the existing stormwater drainage system, to improve drainage and also to reduce the level of contaminants running off into tidal waters. It would also evaluate permanent funding sources to carry out such improvements. Instead of conducting this plan, the town has begun to construct specific improvements to fix some of the worst drainage problems while experimenting with various methods of reducing contaminants. This alternate program has been successful and provides a reasonable alternative to the Stormwater Master Plan as originally proposed. However, without a Stormwater Master Plan, certain funding mechanisms would not be available, such as a stormwater utility.

Mr. Bernard Piawah

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- RELATED SUB-ISSUE: How could permeable paving be incorporated more fully into public and private improvements to reduce flooding and improve water quality?
6. **UTILITIES:** The water supply portion of the Utilities Element needs to be updated to reflect the town's purchase of its potable water system from Lee County and to incorporate the ten-year work plan for improvements to the potable water supply system.
 7. **HOUSING:** The original Housing Element for the Fort Myers Beach Comprehensive Plan was based on 1990 census data. Now that 2000 census data is available, Lee County is conducting a new affordable housing needs assessment for all municipalities and for the unincorporated county. Relevant findings from this assessment will be included in the evaluation and appraisal report.

Please contact me if you have any questions.

Very truly yours,

William M. Spikowski, AICP

cc: Marsha Segal-George, Town Manager
Jerry Murphy, Community Development Director
Anita Cereceda, Chair of Local Planning Agency