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MEMORANDUM

TO: Fort Myers Beach Local Planning Agency and Town Council
FROM: Bill Spikowski
DATE: September 3, 2004
SUBJECT: COMPREHENSIVE PLAN AMENDMENT
Application 2004-1-TEXT: Annual updating of the five-year schedule of capital improvements (Table 11-7, page 11-22)

This amendment was initiated by the Town of Fort Myers Beach to comply with a state law that requires annual updating of the five-year schedule of capital improvements in the Comprehensive Plan.

RECOMMENDATION: Replace existing Table 11-7 of the Comprehensive Plan (page 11-22, as amended on 3-8-04 by Ordinance 03-13) with the proposed Table 11-7; copies of each are attached to this memorandum.

LPA ACTION REQUESTED ON 9-14-04: Recommend to the Town Council that this Comprehensive Plan amendment be approved.

TOWN COUNCIL ACTIONS REQUESTED ON 9-27-04:

- (1) Transmit the proposed Comprehensive Plan amendment to the Florida Department of Community Affairs (DCA) reflecting any changes made during the budget hearings.
- (2) Introduce the proposed ordinance that would amend the Comprehensive Plan; public hearings on the ordinance will be scheduled as soon as DCA reviews this amendment.

DISCUSSION: Table 11-7 of the Comprehensive Plan is the mandatory five-year schedule of capital improvements. It mirrors the content of the five-year schedule of capital improvements that is adopted each year as part of the town's budget.

The first year of this kind of schedule, shown in the first column of figures, always reflects the new budget year; the next four columns contain projections for the next four years. The schedule is amended each year to delete the first year, make whatever adjustments are needed for the next four years, and add a projection for a new fifth year.

It is a legal duty of the Local Planning Agency to review the proposed capital improvements program each year and determine whether it is consistent with other policies in the Comprehensive Plan, and also to hold public hearings and make recommendations on this and all other proposed amendments to the Comprehensive Plan [LDC 34-120(5), (9),(11)].

Florida law requires that this five-year schedule be formally amended into the Comprehensive Plan, even if it is already being adopted as part of the annual budget. In past years, the Comprehensive Plan amendment has taken place the following year along with other plan amendments. This year we are streamlining the process by conducting the initial Comprehensive Plan amendment hearings concurrently with the current budget hearings; thus no interim amendment to reflect the 03/04 through 07/08 schedule of improvements is being made.

The proposed changes to Table 11-7 that will become part of the Comprehensive Plan are the same changes being made as part of the current budget process. The capital improvements portion of budget document has simply been reformatted for this amendment to match the existing Table 11-7 of the Comprehensive Plan.

The state requirements for updating this schedule also require a review of the adopted capital improvements element. Because this element is still quite new, there have not been any significant changes that require any modifications to the element at this time (other than the updating of Table 11-7).

Revenue assumptions are similar to prior years. Annual revenues dedicated to transportation are assumed to average \$725,000 per year, up from the 03/04 assumption of \$650,000 (the town's current share of gasoline taxes and transportation impact fees). Initial transportation reserves are \$2,794,234, from these same sources plus the remainder of a federal congestion mitigation grant.

Revenues dedicated to non-transportation capital improvements include initial reserves of \$972,468. Non-recurring revenues for next fiscal year include a tourist tax grant to convert the Newton property into a public park and another grant to complete the harbor plan and anchorage in Matanzas Pass. Recurring revenues are anticipated at \$250,000 annually as in previous years.

The Downtown Redevelopment Authority began the year with reserves of \$506,382, largely the remainder of the favorable settlement obtained with Lee County over prior-year TIF funds. Additional annual revenues include \$92,300 from landowner assessments for the Old San Carlos project and a town contribution of \$82,647 generated by the tax increment fund. One major expense anticipated for the coming fiscal year is \$350,000 for the remaining balance due on the Old San Carlos Boulevard streetscape. The other major expense would be a new pedestrian refuge located in the median, plus a wider bayside sidewalk, both to be constructed on Estero Boulevard between Fifth and Crescent.

ATTACHMENTS:

- *Existing Table 11-7 (Page 11–22 of the Capital Improvements Element)*
- *Proposed Table 11-7 (Page 11–22 of the Capital Improvements Element)*
- *Proposed ordinance amending the Comprehensive Plan*

Table 11-7 — Revised Five-Year Schedule of Capital Improvements, FY 02/03 to 06/07

	FY 02/03 (Budgeted)	FY 03/04 (Projected)	FY 04/05 (Projected)	FY 05/06 (Projected)	FY 06/07 (Projected)
TRANSPORTATION CAPITAL IMPROVEMENTS:					
Transportation/drainage maintenance, etc. ¹	\$600,000	\$1,500,000	\$300,000	\$50,000	\$150,000
Transportation/canals	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Traffic calming (side streets)	\$0	\$0	\$50,000	\$0	\$0
Estero Boulevard streetscaping	\$0	\$300,000	\$1,250,000	\$0	\$0
Estero Boulevard safety project	\$0	\$0	\$0	\$0	\$0
North Estero Paving	\$100,000	\$0	\$0	\$0	\$100,000
Variable pricing congestion traffic project	\$660,000	\$0	\$0	\$0	\$0
“Hidden Pathways” (walking and biking system)	\$50,000	\$100,000	\$0	\$0	\$0
Total of proposed annual expenditures:	\$1,510,000	\$2,000,000	\$1,700,000	\$150,000	\$350,000
Anticipated annual transportation revenue:	\$1,271,923	\$600,000	\$600,000	\$600,000	\$600,000
Anticipated year-end transportation reserves: ²	\$2,657,431	\$1,257,431	\$157,431	\$607,431	\$857,431
NON-TRANSPORTATION CAPITAL IMPROVEMENTS:					
Office remodeling	\$35,000	\$5,000	\$5,000	\$5,000	\$5,000
Truck	\$16,000	\$0	\$0	\$0	\$0
Generator project	\$50,000	\$0	\$0	\$0	\$0
Land acquisition (Newton property)	\$2,700,000	\$0	\$0	\$0	\$0
Land acquisition (other)	\$250,000	\$200,000	\$200,000	\$200,000	\$200,000
Mound House (house)	\$50,000	\$0	\$0	\$0	\$0
Mound House (dock)	\$30,000	\$0	\$0	\$0	\$0
Matanzas Harbor plan	\$300,000	\$0	\$0	\$10,000	\$0
Beach restoration	\$910,000	\$10,000	\$10,000	\$10,000	\$10,000
Sheriff substation	\$0	\$0	\$0	\$0	\$0
Community pool improvements	\$20,000	\$10,000	\$0	\$10,000	\$0
Neighborhood landscaping (matching funds)	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Bay Oaks park improvements	\$0	\$0	\$10,000	\$0	\$10,000
Total of proposed annual expenditures:	\$4,371,000	\$235,000	\$235,000	\$245,000	\$235,000
Anticipated annual non-transportation revenue:	\$3,343,000	\$250,000	\$250,000	\$250,000	\$250,000
Anticipated year-end non-transportation reserves: ³	\$12,049	\$27,049	\$42,049	\$47,049	\$62,049
DOWNTOWN REDEVELOPMENT AGENCY (DRA):					
Phase II Times Square streetscape	\$25,000	\$0	\$0	\$0	\$0
Old San Carlos/Crescent streetscape	\$1,531,107	\$0	\$0	\$0	\$0
Transit improvements (tram service)	\$0	\$0	\$0	\$0	\$0
Activities (recommended by Alliance/Times Sq. Comm) .	\$45,000	\$0	\$0	\$0	\$0
Pedestrian refuge/sidewalk at Seafarer’s	\$275,000	\$0	\$0	\$0	\$0
Outside legal/planning services	\$5,000	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$1,881,107	\$0	\$0	\$0	\$0
Anticipated year-end DRA reserves: ⁴	\$136,321	\$0	\$0	\$0	\$0

¹ These items are routine recurring maintenance, including periodic road resurfacing (tentatively scheduled for FY 03/04).

² Initial transportation reserves were \$2,895,508.

³ Initial non-transportation reserves were \$1,040,049.

⁴ Initial DRA reserves were \$1,838,857, plus \$47,171 Town obligation 02/03, plus \$131,400 from property owner assessments

Table 11-7 — Revised Five-Year Schedule of Capital Improvements, FY 04/05 to 08/09

	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09
TRANSPORTATION CAPITAL IMPROVEMENTS:	<i>(Budgeted)</i>	<i>(Projected)</i>	<i>(Projected)</i>	<i>(Projected)</i>	<i>(Projected)</i>
Transportation/drainage maintenance, etc.	\$250,000	\$250,000	\$300,000	\$150,000	\$150,000
Transportation/canals	\$200,000	\$200,000	\$100,000	\$100,000	\$100,000
Traffic calming (side streets)	\$0	\$0	\$50,000	\$0	\$0
Estero Boulevard safety project	\$0	\$0	\$0	\$0	\$0
North Estero improvements	\$350,000	\$175,000	\$175,000	\$0	\$0
Congestion mitigation initiatives	\$746,000	\$375,000	\$375,000	\$375,000	\$0
Sidestreet resurfacing	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Trolley stop improvements	\$24,000	\$0	\$0	\$0	\$0
Alternating lights	\$140,000	\$0	\$0	\$0	\$0
Parking meter improvements	\$10,000	\$0	\$10,000	\$0	\$10,000
Estero streetscape	\$0	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$1,820,000	\$1,100,000	\$1,110,000	\$725,000	\$360,000
Anticipated annual transportation revenue:	\$852,000	\$725,000	\$725,000	\$725,000	\$300,000
Anticipated year-end transportation reserves: ¹	\$1,826,234	\$1,451,234	\$1,066,234	\$1,066,234	\$1,006,234
NON-TRANSPORTATION CAPITAL IMPROVEMENTS:					
Office remodeling	\$20,000	\$5,000	\$5,000	\$0	\$0
Truck and maintenance crew equipment	\$25,000	\$24,000	\$24,000	\$24,000	\$0
GIS project	\$20,000	\$0	\$0	\$0	\$0
Software	\$15,000	\$0	\$0	\$0	\$0
Office equipment	\$30,000	\$0	\$0	\$0	\$0
Public dock below Sky Bridge	\$66,000	\$0	\$0	\$0	\$0
Conversion of Newton property	\$500,000	\$0	\$0	\$0	\$0
Land acquisition (other)	\$250,000	\$200,000	\$200,000	\$200,000	\$200,000
Mound House	\$325,000	\$0	\$0	\$0	\$0
Beach restoration	\$910,000	\$10,000	\$10,000	\$10,000	\$10,000
Harbor plan and anchorage	\$302,500	\$0	\$0	\$10,000	\$0
Community pool improvements	\$20,000	\$0	\$10,000	\$0	\$0
Pink Shell cottages	\$30,000	\$0	\$0	\$0	\$0
Bay Oaks park improvements	\$0	\$10,000	\$0	\$0	\$10,000
Neighborhood landscaping (matching funds for street trees) ..	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Total of proposed annual expenditures:	\$2,523,500	\$259,000	\$259,000	\$254,000	\$230,000
Anticipated annual non-transportation revenue:	\$1,573,500	\$250,000	\$250,000	\$250,000	\$250,000
Anticipated year-end non-transportation reserves: ²	\$22,468	\$13,468	\$4,468	\$468	\$20,468
DOWNTOWN REDEVELOPMENT AGENCY (DRA):					
Phase II Times Square streetscape	\$0	\$0	\$0	\$0	\$0
Old San Carlos/Crescent streetscape (unpaid balance)	\$350,000	\$0	\$0	\$0	\$0
Transit improvements (tram service)	\$0	\$0	\$0	\$0	\$0
Activities (recommended by Alliance/Times Square Comm.) ..	\$20,000	\$0	\$0	\$0	\$0
Median pedestrian refuge & sidewalk near Seafarer's	\$200,000	\$0	\$0	\$0	\$0
Outside legal/planning services	\$30,000	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$600,000	\$0	\$0	\$0	\$0
Anticipated annual DRA revenue:	\$174,947	\$174,947	\$174,947	\$174,947	\$174,947
Anticipated year-end DRA reserves: ³	\$81,329	\$256,276	\$431,223	\$606,170	\$781,117

¹ Initial transportation reserves were \$2,794,234.

² Initial non-transportation reserves were \$972,468.

³ Initial DRA reserves were \$506,382.

TOWN OF FORT MYERS BEACH, FLORIDA

ORDINANCE NO. __-__

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH ENTITLED “SIXTH AMENDMENT TO THE FORT MYERS BEACH COMPREHENSIVE PLAN”; ESTABLISHING PURPOSE AND INTENT; AMENDING CHAPTER 11, CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 166, *Florida Statutes*, empowers the Town Council of the Town of Fort Myers Beach to prepare and enforce a comprehensive plan for the future development of the town; and

WHEREAS, in the exercise of this authority the Town Council had adopted an entirely new Fort Myers Beach Comprehensive Plan through Ordinance No. 98-14; and

WHEREAS, in the further exercise of this authority the Town Council has adopted a first set of amendments to the Fort Myers Beach Comprehensive Plan through Ordinance No. 00-15, a second set through Ordinance No. 01-07, a third set through Ordinance No. 02-07, a fourth set through Ordinance No. 03-13, and small-scale map amendments through Ordinance 04-10; and

WHEREAS, the Town Council has determined that an additional amendment to that plan is needed and has directed the necessary research and analysis in support thereof; and

WHEREAS, in consideration of this amendment, the Fort Myers Beach Local Planning Agency held a public hearing on September 14, 2004, and the Town Council held its transmittal public hearing on September 27, 2004, at which time it voted to transmit this sixth amendment for review by state, regional, and local agencies; and

WHEREAS, the Florida Department of Community Affairs, by letter dated _____, waived the formal review process due to the minor nature of this amendment; and

WHEREAS, pursuant to Section 163.3184, the Town Council held its first public hearing to consider this ordinance on _____, 200_ and its second and final public hearing on this ordinance on _____, 200_.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

SECTION ONE: PURPOSE AND INTENT

This ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3217 and Chapter 166, *Florida Statutes*, as amended.

SECTION TWO: AMENDMENT TO CHAPTER 11, CAPITAL IMPROVEMENTS ELEMENT

The Fort Myers Beach Comprehensive Plan is hereby amended by deleting the five-year schedule of capital improvements (Table 11-7, found on Page 11-22) and by replacing it with a new Table 11-7 as contained in Exhibit A. This amendment is in response to Application 2004-1-TEXT.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION FOUR: SEVERABILITY

It is the legislative intent that if any section, subsection, sentence, clause, map, goal, objective, or policy of this ordinance is held to be invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate provision, and the remaining provisions of this ordinance will not be affected. It is the legislative intent of the Town Council that this ordinance would have been adopted had such unconstitutional provision not be included therein.

SECTION FIVE: EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption. However, the comprehensive plan amendment contained herein shall not take effect until the date a final order is issued by the Florida Department of Community Affairs or the Administration Commission finding the amendments to be in compliance in accordance with Chapter 163.3184, *Florida Statutes*.

THE FOREGOING ORDINANCE was offered by Councilmember _____ who moved its adoption. The motion was seconded by Councilmember _____ and, being put to a vote, the vote was as follows:

Bill Thomas	_____
Garr Reynolds	_____
Howard Rynearson	_____
W. H. "Bill" Van Duzer	_____
Don Massucco	_____

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 200_.

ATTEST:

Town Council of Fort Myers Beach, Florida

By: _____
Town Clerk

By: _____
Mayor

APPROVED AS TO FORM BY:

By: _____
Town Attorney