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MEMORANDUM

TO: Fort Myers Beach Town Council
FROM: Bill Spikowski
DATE: September 14, 2001
SUBJECT: ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT
2001-2-TEXT: HOTEL ROOMS ALONG OLD SAN CARLOS

The first public hearing was held on September 10 about this proposed amendment to the town's comprehensive plan. The final hearing is scheduled for September 24.

During the council discussion on September 10, the idea arose of putting a four-story height limit for buildings along Old San Carlos that use the alternate method for determining the allowable number of hotel rooms. The new land development code would still cap building heights there at three stories, but adding this language to the comprehensive plan would place an absolute limit of four stories that could not be breached by variances, deviations, or future code changes. To accomplish this, the following double-underlined phrase would be added to 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. (These factors would apply only where motels are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).

Attached is a revised ordinance that includes this additional phrase. This draft also adds the proper date into the sixth whereas clause and corrects a typographical error in the title of Section Two.

At the September 10 public hearing there was also considerable discussion over whether allowing hotel rooms to replace other second and third story uses on Old San Carlos would be an increase in intensity. The following chart presents a comparison of the impacts of the five potential uses for the upper stories on Old San Carlos Boulevard (this summary is based on average conditions and is not specific to Fort Myers Beach or to pedestrian-oriented environments).

	PARKING	TRAFFIC	WATER & SEWER
LARGEST IMPACT	Restaurant	Restaurant	Restaurant
<i>(per square foot of building space)</i>	Retail	Retail	HOTEL
	Office, medical	Office, medical	Office, medical
	HOTEL	HOTEL	Office, business
SMALLEST IMPACT	Office, business	Office, business	Retail

In summary, hotels generate more traffic and parking demand than business offices, but less than the other three uses. Hotels use more water and sewer service than the others uses except for restaurants.

Attachment: Revised ordinance adopting both comprehensive plan amendments

cc: Town Manager
 Town Attorney

TOWN OF FORT MYERS BEACH, FLORIDA

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH ENTITLED "SECOND AMENDMENT TO THE FORT MYERS BEACH COMPREHENSIVE PLAN"; ESTABLISHING PURPOSE AND INTENT; AMENDING CHAPTER 4, FUTURE LAND USE ELEMENT; 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; and

WHEREAS, the Town Council has determined that certain additional amendments to that plan may be needed and has directed the necessary research and analysis in support thereof; and

WHEREAS, in consideration of these amendments, the Fort Myers Beach Local Planning Agency held public hearings on April 17 and May 8, 2001, and the Town Council held its transmittal public hearing on June 25, 2001, at which time it voted to transmit two of the three proposed amendments for review by state, regional, and local agencies; and

WHEREAS, the Florida Department of Community Affairs, by letter dated August 16, 2001, waived the formal review process due to the minor nature of these two amendments; and

WHEREAS, pursuant to Section 163.3184, the Town Council scheduled its first public hearing to consider this ordinance on September 10, 2001 and its second and final public hearing on this ordinance and these amendments on September 24, 2001.

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 4, FUTURE LAND USE ELEMENT

The Fort Myers Beach Comprehensive Plan, as adopted through Ordinance 98-14 and previously amended through Ordinance 00-15, is hereby amended further by modifying Policy 4-C-6 as follows, with new language underlined. This amendment is in response to Application 2001-2-TEXT.

AMENDED 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. (These factors would apply only where motels are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation

and location only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).

SECTION THREE: AMENDMENT TO CHAPTER 11, CAPITAL IMPROVEMENTS ELEMENT

The Fort Myers Beach Comprehensive Plan, as adopted through Ordinance 98-14 and previously amended through Ordinance 00-15, is hereby amended further 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 of this ordinance. This amendment is in response to Application 2001-1-TEXT.

SECTION FOUR: 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 FIVE: 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 SIX: EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption. However, the comprehensive plan amendments 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:

Howard Rynearson _____
Daniel Hughes _____
Terry Cain _____
Garr Reynolds _____
Ray Murphy _____

DULY PASSED AND ADOPTED THIS 24th DAY OF SEPTEMBER, 2001

ATTEST:

Town Council of Fort Myers Beach, Florida

By: _____
Town Clerk

By: _____
Mayor

APPROVED AS TO FORM BY:

Town Attorney

EXHIBIT A

Table 11-7 — Revised Five-Year Schedule of Capital Improvements, FY 00/01 to 04/05¹

	FY 00/01 (Budgeted)	FY 01/02 (Projected)	FY 02/03 (Projected)	FY 03/04 (Projected)	FY 04/05 (Projected)
TRANSPORTATION CAPITAL IMPROVEMENTS:					
Transportation/drainage maintenance, etc. ²	\$300,000	\$100,000	\$50,000	\$1,250,000	\$100,000
Traffic calming (Connecticut Street)	\$0	\$0	\$0	\$0	\$100,000
Estero Boulevard streetscaping	\$400,000	\$400,000	\$0	\$250,000	\$250,000
“Hidden Paths” walking and biking system	\$0	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$700,000	\$500,000	\$50,000	\$1,500,000	\$450,000
Anticipated annual transportation revenue:	\$722,100	\$600,000	\$600,000	\$600,000	\$600,000
Anticipated year-end transportation reserves: ³	\$2,506,707	\$2,606,707	\$3,156,707	\$2,256,707	\$2,406,707
NON-TRANSPORTATION CAPITAL IMPROVEMENTS:					
Office equipment	\$20,000	\$0	\$0	\$0	\$0
Mound House capital improvements	\$100,000	\$100,000	\$0	\$0	\$0
Times Square improvements ⁴	\$25,000	\$0	\$0	\$0	\$0
Public docks	\$30,000	\$30,000	\$0	\$0	\$0
Matanzas Harbor plan	\$30,000	\$0	\$0	\$0	\$0
Beach renourishment	\$550,000	\$500,000	\$100,000	\$100,000	\$100,000
Land acquisition, Gulf Park	\$0	\$0	\$0	\$0	\$0
Community swimming pool improvements	\$30,000	\$0	\$50,000	\$0	\$0
Neighborhood landscaping, matching funds	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Bay Oaks	\$100,000	\$0	\$0	\$0	\$0
Total of proposed annual expenditures:	\$895,000	\$640,000	\$160,000	\$110,000	\$110,000
Anticipated annual non-transportation revenue:	\$678,000	\$640,000	\$160,000	\$110,000	\$110,000
Anticipated year-end non-transportation reserves: ⁵	\$23,348	\$23,348	\$23,348	\$23,348	\$23,348
DOWNTOWN REDEVELOPMENT AGENCY (DRA) BUDGET:					
Phase II Times Square streetscaping	\$95,000	unknown	unknown	unknown	unknown
Old San Carlos/Crescent improvements	\$70,000	unknown	unknown	unknown	unknown
Transit improvements (tram service)	\$0	unknown	unknown	unknown	unknown
Outside legal/planning services	\$25,000	unknown	unknown	unknown	unknown
Total of proposed annual expenditures:	\$190,000	unknown	unknown	unknown	unknown

¹ This schedule is a summary from the adopted budget for Fiscal Year 2000/2001; further details on revenues and expenditures are available in that document.
² These items are routine recurring maintenance, including periodic road resurfacing (tentatively scheduled for FY 03/04).
³ Initial transportation reserves were \$2,484,607.
⁴ This item is funded with the remainder of a \$200,000 state tourism grant.
⁵ Initial non-transportation reserves were \$240,348.