

Evaluation / Appraisal Report on the Fort Myers Beach Comprehensive Plan

DRAFT

**As Forwarded to the Town Council
by the Local Planning Agency
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as required by Section 163.3191, *Florida Statutes*

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EVALUATION AND APPRAISAL REPORT

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SECTION 1. INTRODUCTION

A. Purpose of Evaluation and Appraisal

The state of Florida's growth management system requires the periodic reevaluation of all comprehensive plans that have been adopted by cities and counties. The periodic reevaluation is known as the Evaluation/Appraisal (E/A) process. This process begins with the preparation of an E/A report (often known as an EAR) by each local government. *"The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make."*¹

State statutes assign responsibility for preparing this report to the Local Planning Agency.² [§ 34-120(10)] Final adoption of this report is the responsibility of the Town Council. The Florida Department of Community Affairs will make a final determination whether the report provides the information required by state law.

Local governments are generally required to evaluate their plans every seven years. State officials have put Fort Myers Beach on the Lee County cycle so that evaluations for all cities in Lee County are being completed at the same time.

The E/A process has two major components:

- Preparation of a formal E/A report that evaluates the existing plan and identifies what needs to be changed.
- Subsequent amendments to the comprehensive plan using the normal plan amendment process. These amendments will be processed during the year after completion of the E/A report.

B. Brief History of this Comprehensive Plan

In 1995 the residents of Estero Island launched their own municipal government by voting to form the Town of Fort Myers Beach. A flurry of activity began immediately, involving residents, property owners and business people in the enterprise of crafting a small but highly focused town government.

While struggling with normal day-to-day activities, a 2½-year effort was begun to bring into focus new long-range goals for the town. That effort created the Fort Myers Beach Comprehensive Plan. To move toward those long-range goals, the plan established formal policies for the town government and laid the foundation for a new land development code to guide further development and redevelopment. The new plan took effect at the beginning of 1999, replacing Lee County's Comprehensive Plan which had remained in effect until the new plan was adopted. That year the plan won the "Outstanding Report Award" from the Florida Planning and Zoning Association.

The Fort Myers Beach Comprehensive Plan is published in a single volume. The plan begins with "Envisioning Tomorrow's Fort Myers Beach," an optimistic look at the type of community that the

¹ F.S. 163.3191(1)(c)

² F.S. 163.3191(4)

town hopes will evolve. The next twelve chapters contain the twelve main “elements” of the plan, organized by subject area. The Community Design Element was placed first because its concepts inspired many other parts of the plan. The entire volume can be purchased at Town Hall and all chapters can be downloaded at no cost from the town’s web site at <http://www.fmbeach.org/>.

Each element of the plan contains a narrative description of current conditions and possible courses of action for the town, followed by formal goals, objectives, and policies adopted by the town as its legally binding comprehensive plan. The “adopted” portion of the plan also includes a Future Land Use Map, a Future Transportation Map, a five-year schedule of capital improvements, and all of chapters 1, 2, and 15.³

C. Organization of this Report

The state establishes certain minimum requirements for E/A reports and also allows local governments to use this process where unanticipated events have made the comprehensive plan’s treatment of certain issues obsolete. This report contains both mandatory and optional components, organized as follows.

i. Major Planning Issues – Sections 2 – 5

Local governments are encouraged to use the E/A process to address whatever issues are of great importance to that community. *“The report should be based on the local government’s analysis of major issues to further the community’s goals consistent with statewide minimum standards.”* [F.S. 163.3191(c)]

Sections 2 through 5 address four major issues selected by the town or by DCA. Each is addressed in this fashion:

1. Explain the nature of the major issue.
2. Identify how the plan currently addresses each issue. This is done by reprinting, in italics, the exact wording from the adopted portions of the comprehensive plan.
3. Identify actions already undertaken to address each issue and achieve the plan’s objectives; then determine the success or failure of those actions in achieving the objectives.
4. Provide additional analysis regarding the major issue.
5. Suggest revised planning strategies or specific plan revisions to better address each issue.

ii. Other Planning Issues – Sections 6 – 7

In addition to the four major issues, the town has identified two other subjects where the plan may have become out-of-date or may not have addressed important issues. These issues, stormwater management and potable water, are addressed in Sections 6 and 7 of this report.

³ Since 1999 there have been five annual cycles of plan amendments. Two separate amendments were adopted during each of the first three cycles (2000, 2001, and 2002); one amendment was adopted in the 2003 cycle; and two small-scale map amendments were adopted in 2004. All other amendment requests were withdrawn or denied. A summary of all proposed and approved amendments is contained on the title page of the plan.

iii. Statutory Requirements – Section 8

In addition to addressing the town's own issues, there are certain specific subjects that must be addressed in this report. For instance, the content of the current plan must be compared with the latest state requirements to ensure that the plan remains legally up to date. Some of the new requirements are being met jointly with Lee County while others are specific to Fort Myers Beach. These new requirements are identified and discussed in Section 8.

iv. Achievements and Challenges – Section 9

Each element of the plan is briefly examined in this section to identify major achievements to date and remaining challenges.

v. Community Assessment – Section 10

Section 10 fulfills one other statutory requirement for this report which is to provide a brief community assessment, including the following subjects:

- Population growth and changes in land area.
- The extent of vacant and developable land.
- The location of existing development in relation to the location of development as anticipated in the original plan.
- The financial feasibility of implementing the comprehensive plan.
- Relevant changes to the state requirements since the plan was adopted.
- A summary of public participation in the planning process.

vi. Recommendations – Section 11

The final section of this report summarizes all recommendations made throughout this report.

SECTION 2. COASTAL HAZARDS

ISSUE STATEMENT: The town has been requested by the Florida Department of Community Affairs (DCA) to assess the extent to which its comprehensive plan has been implemented to direct population concentration away from areas of known coastal hazards. DCA has made similar requests of other communities which, like Fort Myers Beach, are located within coastal high hazard areas, in order to ensure that adequate measures are being taken to reduce the exposure of life and property to hurricane hazards.

The entire town is located within what the state considers the “coastal high hazard area.”⁴ Six different policies in the comprehensive plan address the state’s coastal high hazard area; each is reprinted below, followed by an evaluation of the success or failure of that policy.

A. Evaluation of Existing Policies

POLICY 4-B-1 OVERBUILDING: *Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match road capacity and the physical environment. Since such planning came too late, the town must deal with today’s congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights.*

EVALUATION OF POLICY 4-B-1: Future development on vacant land was summarized in Table 4-6 of the comprehensive plan using data through July 1, 1996. Several of those developments were completed before the plan took effect at the beginning of 1999, and several others have had final plans approved or have now been physically completed. These include Edison Beach House, Diamondhead Beach Resort, Pink Shell Beach Resort and Spa, GullWing Beach Resort, and the remaining condos at Bay Beach, Sea Grape Bay, and Estero Bayside. These developments have densities that exceed what is allowable under the new comprehensive plan but had been approved under earlier regulations. There are still a small number of vacant properties at Fort Myers Beach, some with development orders for new development, but none with high-density vested rights like the projects listed above.

POLICY 4-B-2 MAP ADOPTION: *The Town of Fort Myers Beach hereby adopts a Future Land Use Map (Figure 16) to govern further subdivision and development within its municipal boundary. This map advances the principles of this comprehensive plan by assigning one of eight categories to all land and water, based on its location, condition, and existing uses.*

EVALUATION OF POLICY 4-B-2: The new Future Land Use Map completely replaced the old map that had been inherited from Lee County upon incorporation. Two categories on the new map were explicitly designed to reduce densities (see discussion immediately below). The new map then served as the legal and policy basis for an entirely new zoning map that was adopted in early 2003.

⁴ This designation differs dramatically with the “coastal high hazard area” as defined by the federal government, which applies only the area along the Gulf beaches where severe wave action will occur during hurricanes; that area is also called the “Velocity Zone” or V-zone on the floodplain maps prepared by FEMA. For further discussion, see the narrative section of the Future Land Use Element.

POLICY 4-B-3 “LOW DENSITY”: *designed for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, and commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit’s occupant that do not attract customers or generate additional traffic).*

EVALUATION OF POLICY 4-B-3: This new category reduced densities from 6 to 4 dwelling units per acre on about 26% of the land at Fort Myers Beach. A new zoning district, RS, was created and applied in 2003 to all land in this category. None of this land has been recategorized out of the “Low Density” category or out of the RS zoning district since those assignments were made.

POLICY 4-B-8 “RECREATION”: *applied to public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control line. Additional accretions of beach, whether by natural causes or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line). The maximum density of residential development here is 1 dwelling unit per 20 acres, with all dwelling units to be constructed outside this category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.*

EVALUATION OF POLICY 4-B-8: This new category has a density cap at 1 dwelling unit per 20 acres. This category included about 19% of the land at Fort Myers Beach. The beachfront seaward of the 1978 coastal construction control line had allowed 6 dwelling units per acre before being recategorized as “Recreation.” (Other parts of this category had few or no development rights, such as the golf course at Bay Beach and the county-owned Matanzas Pass Preserve.) A new zoning district, EC, was created and applied in 2003 to all beachfront land in this category. None of this land has been recategorized out of the “Recreation” category or out of the EC zoning district since those assignments were made.

POLICY 4-C-10 MAP AMENDMENTS: *The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.*

EVALUATION OF POLICY 4-C-10: Since the new Future Land Use Map took effect in 1999, there have been five formal requests for map amendments. The only requests that have been approved were two small-scale amendments that in 2004 reclassified the Mound House and Newton Beach Park to the “Recreation” category. The town has purchased both properties for public use.

POLICY 4-E-2 COASTAL SETBACKS: *To protect against future storm damage and to maintain healthy beaches, the Town of Fort Myers Beach wishes to see all buildings relocated landward of the 1978 Coastal Construction Control Line. This line has been used on the Future Land Use Map to delineate the edge of land-use categories allowing urban development. Some existing buildings lie partially seaward of this line; when these buildings are reconstructed (either before or after a natural disaster), they shall be rebuilt landward of this line. Exceptions to this rule may be permitted by the town only where it can be scientifically demonstrated that the 1978 line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. (Exceptions must also comply with all state laws and regulations regarding coastal construction.)*

EVALUATION OF POLICY 4-E-2: This policy has been implemented in the new land development code through sections 34-3237(1) and 34-3238(2). No exceptions have been allowed. As a result of this policy, several large buildings will shortly be reconstructed landward of the 1978 coastal construction control line, for instance the Captiva building at the Pink Shell and the Howard Johnson and Ramada Inns near Times Square.

POLICY 5-A-5 *Due to the physical constraints of its coastal location, the Town of Fort Myers Beach commits to a future policy of no increase in the net development capacity (island-wide) that would be allowed by the Fort Myers Beach comprehensive plan.*

EVALUATION OF POLICY 5-A-5: This policy has been faithfully maintained since adoption of the new comprehensive plan.

B. Additional Analysis

Many of the policies listed above were “self-implementing” – in other words, they had immediate legal effect by virtue of their adoption into the comprehensive plan.

Policies in the comprehensive plan are also implemented through many other actions by the town. For instance, these policies became the basis for entirely new land development code for the town which was adopted in several stages between the years 2000 and 2003. The final step of the code process was the adoption of a new zoning map for all land in the town; the map is completely consistent with these policies.

These policies are also implemented when the town makes decisions on various land-use matters. For instance, when landowners request their land to be rezoned, or request that their land be redesignated on the town’s Future Land Use Map, the town must evaluate relevant portions of the entire comprehensive plan and the land development code. The code must remain consistent with the comprehensive plan, and no rezonings may be granted or building permits issued unless they comply with the comprehensive plan and the remainder of the code.

The Fort Myers Beach Comprehensive Plan itself reduced allowable density levels and thus directed population away from coastal high hazard areas. No changes have been made to the plan that altered that policy direction. No other actions taken by the town have contradicted that direction and no changes to the comprehensive plan are needed to continue in the same direction.

SECTION 3. BUILDBACK AND CONVERSIONS

ISSUE STATEMENT: 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.

A. Evaluation of Existing Policies

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).*

EVALUATION OF POLICY 4-C-6: Overly high hotel/motel densities were identified in the comprehensive plan as one of the five most critical land-use issues facing the new town. Hotel and motel guests aren't a particular problem with the town's coastal high hazard location because guests quickly evacuate or cancel their trips when storms are approaching. However, oversized hotels are aggravating factors with regards to traffic congestion, especially when they are located beyond walking distance from the town's main tourist attractions and services. Oversized hotels are also out-of-scale with other buildings in the town.

The first three sentences of Policy 4-C-6 were implemented through the following chart that was put into § 34-1803 of the town's new land development code:

<i>Comprehensive Plan land-use category:</i>	<i>Equivalency factors for guest units of various sizes (in square feet):</i>		
	<i>< 450</i>	<i>450 to 750</i>	<i>750 to 1,000</i>
<i>Mixed Residential</i>	2.0	1.5	1.0
<i>Boulevard</i>	2.5	2.0	1.5
<i>Pedestrian Comm.</i>	3.0	2.5	2.0
<i>(all others)</i>	0.0	0.0	0.0

Thus far the only difficulty that this chart has caused is attempts to use it “in reverse” to justify replacing hotels or motels that exceed the town’s density limits with condominiums that would also exceed these limits. That subject is addressed on page 17.

The remainder of Policy 4-C-6 was added to the plan in 2001. A new downtown redevelopment plan called for two- and three-story mixed-use buildings along Old San Carlos Boulevard. Because of the strict density rules at Fort Myers Beach, there were few economically feasible uses for these second and third stories other than office space. This policy was amended to allow upstairs hotel rooms as additional uses. Although no hotel rooms have yet been built, three small inns have been approved along Old San Carlos and are expected to be built over the next several years.

OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — *Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster buildback policy.*

EVALUATION OF OBJECTIVE 4-D: This objective calls for three separate activities:

- “...showcasing successful local examples of floodproofing”: The town has amended its floodplain regulations to establish dry-floodproofing as the preferred alternative for commercial space in pedestrian areas. The new Snug Harbor and Waffle House restaurants have demonstrated the financial and technical feasibility of this approach to preventing future flood damage to buildings while maintaining the pedestrian orientation of the businesses within.
- “...requiring redevelopment activities to meet stricter standards for flood- and wind-resistance”: The town has eliminated many loopholes from prior enforcement of floodplain regulations under which redevelopment sometimes took place without adequate flood protection of the resulting building. Since 2002 the town has had no control over wind-resistance of new construction; there is now a statewide building code that, by law, supersedes local regulations on most technical aspects of building construction. In fact, local governments are now forbidden from requiring greater wind-resistance than the statewide code. However, the 2004 hurricane season provided ample evidence of the improved wind resistance that the statewide code now provides for new construction.
- “...improving the current post-disaster buildback policy”: See discussion under Policy 4-D-1.

POLICY 4-D-1 POST-DISASTER BUILDBACK POLICY: *Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "buildback policy" begun by Lee County in 1989. This policy applies only where development is damaged by fire, hurricane or other natural disaster, and allows the following options:*

- i. Buildings/development damaged less than 50% of their replacement cost (measured at the time of damage) can be rebuilt to their original condition, subject only to current building and life safety codes; however, this threshold is reduced to 20% for buildings previously damaged by flooding of \$1,000 or more under the National Flood Insurance Program.*
- ii. Buildings/development damaged more than 50% of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, size, and style 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 regulations would preclude reconstruction otherwise intended by this policy.*
- iii. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the town's land development regulations.*

To further implement this policy, the town may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction. The Land Development Code may also establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.

EVALUATION OF POLICY 4-D-1: In 1984 Lee County's comprehensive plan lowered density levels in all coastal areas to 6 dwelling units per acre. This cap was well below the typical built densities at Fort Myers Beach, which averaged about 17 dwelling units per acre density for multifamily buildings and about 38 rooms per acre for motels. Lee County decided in 1989 that this policy should be softened for existing buildings which exceeded 6 units per acre and which were later destroyed in a natural disaster; the county adopted a new "buildback" policy that allowed such buildings to rebuilt to their original density and size after a disaster. Policy 4-D-1 in the Fort Myers Beach Comprehensive Plan maintained Lee County's approach, naming it the "post-disaster buildback policy" (to differentiate it from a new "pre-disaster buildback policy," as discussed under Policy 4-E-1).

These new policies anticipated the concerns that the Florida Legislature put into state statutes in 1998:

"If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment."
[F.S. 163.3191(2)(m)]

These new policies already address the concerns of the legislature; no further changes to the comprehensive plan are needed.

OBJECTIVE 4-E HAZARD MITIGATION — *Mitigate the potential effects of hurricanes by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.*

EVALUATION OF OBJECTIVE 4-E: This objective calls for three separate activities:

- “... easing regulations that impede the strengthening of existing buildings”: This concept was implemented through changes to the floodplain regulations in the land development code. However, after a review of these changes by FEMA personnel in 2004, a number of these changes had to be rolled back to avoid risking the loss of the town’s participation in the National Flood Insurance Program.
- “... encouraging the relocation of vulnerable structures and facilities”: Incentives are provided through Policy 4-E-1 to relocate structures that are seaward of the original coastal construction control line.
- “...allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm”: See discussion under Policy 4-E-1.

POLICY 4-E-1 PRE-DISASTER BUILDBACK POLICY: *Owners of existing developments that exceed the current density or height limits may also 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, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land use and design policies, pedestrian orientation, and natural resource criteria.*

EVALUATION OF POLICY 4-E-1: This policy is an extension of the post-disaster buildback policy (4-D-1). Rather than waiting for natural disasters to eliminate buildings that don’t meet current floodplain and coastal setback standards, this policy allows these buildings to be replaced in a deliberate fashion over the course of many years. The extensive delays in rebuilding after Hurricanes Charley, Frances, Jeanne, and Ivan struck Florida in 2004 have underscored the desirability of replacing substandard buildings over an extended period rather than trying to replace a glut of damaged or destroyed buildings in the immediate aftermath of a hurricane.

This policy, however, has become controversial at Fort Myers Beach due to some ambiguity about its intent. That subject is addressed on page 11.

POLICY 5-C-7 *Continue to inventory buildings that are repeatedly damaged by flood waters to identify those that have recorded one or more National Flood Insurance Program (NFIP) flood losses of \$1,000 or more since 1978. Require that such buildings be brought into compliance with current regulatory standards for new construction if they are damaged again by flooding.*

EVALUATION OF POLICY 5-C-7: This policy was an attempt to speed up the replacement of buildings that were particularly subject to flooding. A single flood loss of \$1,000 or more since 1978 would force a building to be replaced when the next flood damage occurred, regardless of how minor the damage. This is in contrast to the standard rule that a building need not be replaced unless flood damage exceeded 50% of the building’s value. (Language similar to Policy 5-C-7 is also contained in Policy 4-D-1-i.)

This strict policy is encouraged by the Federal Emergency Management Agency and is rewarded by credits that can reduce flood insurance premiums for all other property owners in the same community. However, the cost to an affected building owner is

extremely high, often requiring the demolition of their homes. Figure 6 of the Coastal Management Element mapped the structures that would be affected as of 1993; that map does not include later flood damage from Tropical Storm Gabrielle in 2001 or Hurricane Charley in 2004.

The town council considered implementing this policy when adopting the new land development code but decided that the extreme costs to individuals outweighed the small potential benefits to all. The corresponding code language was repealed from the code in 2004. A somewhat less restrictive repetitive loss provision was put into the code in its place, requiring that structures damaged repeatedly by flooding during any ten-year period would have to be replaced if flood damage cumulatively exceeded 25% of the building's value.

Policy 5-C-7 (and the similar language in Policy 4-D-1) no longer reflect the current policy of the town. This language should be eliminated from the comprehensive plan.

B. Additional Analysis on Pre-Disaster Buildback

One of the important innovations of the comprehensive plan was the “pre-disaster buildback policy.” Before 1999, owners of over-density buildings were allowed to rebuild their existing square-footage only if their buildings were destroyed by a natural disaster. A goal of the new plan was to allow the upgrading or replacement of these “grandfathered” structures without awaiting their destruction by natural causes (see Objective 4-E). Policy 4-E-1 was also added to the plan in 1999 to begin carrying out this goal:

***POLICY 4-E-1: PRE-DISASTER BUILDBACK POLICY:** Owners of existing developments that exceed the current density or height limits may also 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, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land use and design policies, pedestrian orientation, and natural resource criteria.*

Policy 4-E-1 does not define the word “intensity” in this policy nor does it go into detail about intensity as did the older “post-disaster buildback policy,” which said that grandfathered buildings “...can be rebuilt to their legally documented actual use, density, intensity, size, and style....” During the past two years there has been extensive public discussion as to whether Policy 4-E-1 necessarily limits the reconstruction of over-density buildings to their current physical size.

Perhaps the most authoritative reference in the planning field defines “intensity of use” as follows: “The number of dwelling units per acre for residential development and floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial.” This definition is followed by this comment: “FAR may also be used for residential development or for mixed-use development. In residential projects, FAR may be useful in relating the size of the building to the lot area.”⁵ In the buildback context, the lot area doesn’t change, so this definition would measure intensity by the physical size of the building for nonresidential development and sometimes would also measure intensity the same way same for residential or mixed-use development.

⁵ *The New Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom, published in 1993 by the Center for Urban Policy Research at Rutgers.

The town can of course use definitions of its own choosing. The Land Development Code now interprets the pre-disaster buildback policy in a manner similar to this reference book and in the same manner as the post-disaster buildback policy by not allowing over-density buildings to be further enlarged during the pre-disaster buildback process. The actual land development code language for the square footage for *pre*-disaster buildback is identical as for *post*-disaster buildback.

The current evaluation of the Fort Myers Beach Comprehensive Plan allows the town a chance to reconsider its pre-disaster buildback policy. The current interpretations of the policy have been challenged as being unduly restrictive because of the “no enlargement” rule. If over-density buildings were allowed to be enlarged during the buildback process, it would be a considerable incentive for property owners to demolish existing buildings to take advantage of this size increase. The new buildings would meet most current codes even if the existing buildings did not. In some cases, the new buildings would be designed for and marketed to seasonal residents instead of year-round residents or tourists, which might even decrease impacts on public services such as roads/water/sewer and private services such as restaurants.

Most public discussion on this subject has centered around the vagueness of the term “intensity” in Policy 4-E-1. Property owners have argued that their over-density buildings should be allowed to be demolished and enlarged, sometimes several times over, provided there are some measures of intensity which would be held constant or reduced.

However, the policy issues are much broader than what the drafters of Policy 4-E-1 meant by the term “intensity.” For instance:

- **GEOGRAPHICAL EFFECTS:** Discussions of intensity have centered mostly on water and sewer impacts and on road impacts. Although water and sewer impacts would be the same regardless of where a building is located, road impacts could differ greatly. For instance, a hotel that is isolated from commercial and recreational services would generate many more vehicular trips than the identical hotel within walking distance of those same services. In addition, some types of commercial development primarily serve those who are already on the island, actually reducing travel demand by eliminating some off-island vehicular trips.
- **SEASONAL EFFECTS:** Traffic congestion is extreme throughout the winter (and also during holidays, weekends, and special events). Replacing motels with housing for seasonal residents may reduce total yearly vehicular trips, but seasonal residents tend to use their dwelling during the periods of greatest congestion; their absence during non-peak periods does not aid in reducing actual congestion.
- **ECONOMIC EFFECTS:** The economy of Fort Myers Beach is based on tourism. Although tourism is sometimes overwhelming to permanent residents, tourism also provides benefits to residents, including investment opportunities, employment, recreational opportunities, and choices for dining and entertainment that are far beyond what would be available if they were serving the resident population alone. Many residents have chosen to make Fort Myers Beach their home for these very reasons. Eliminating hotels, motels, and condominiums or timeshares that are available for short stays could have effects on the local economy far greater than reductions in intensity as measured by, say, water or sewer consumption.

These policies issues don't suggest that the town needs to change course on pre-disaster buildback. In fact, the original reason for the present course was to give property owners for the first time the same rights to rebuild at leisure that they would have had only after a natural disaster. Granting *greater* rights to rebuild had never been considered for either *pre*-disaster or *post*-disaster buildback, for the simple reason that owners of over-density buildings already had greater rights than all other property owners at Fort Myers Beach. Past over-building caused today's current strong development restrictions, which fall most heavily on owners of vacant or lightly-developed properties such as single-family homes. If Fort Myers Beach were able to accommodate additional development, it would hardly be fair for property owners who are burdened by today's restrictions to continue under those restrictions while other owners who already have over-density buildings are granted additional rights.

Members of the public who attended the April 7, 2005, workshop were requested to give their opinion on how the town should treat the rebuilding of "over-density" buildings. Five choices were set forth with a request to select one choice. This was not a scientific survey or poll but does give some idea of community sentiment on this and other difficult questions. The written responses that evening were as follows:

Density Limitations for Buildback of Older Building: Should the Town...

- 19 *Encourage rebuilding of over-density buildings (older buildings that exceed today's density limits) by allowing their replacements to be larger than the existing buildings?*
- 30 *Allow rebuilding of over-density buildings but do not allow them to become larger?*
- 12 *Discourage rebuilding of over-density buildings by requiring density and/or size to be reduced?*
- 11 *Forbid rebuilding of over-density buildings; all new buildings would have to meet the town's current density rules?*
- 1 *[no answer provided]*

C. Recommendations on Pre-Disaster Buildback

In order to maintain the original intention of *pre*-disaster buildback, Policy 4-E-1 should be amended for clarity. This amendment could either refer more explicitly to its intention to provide the same rights as for *post*-disaster buildback, or it could simply state that the physical size or interior square footage of a building may not be increased during the *pre*-disaster buildback process. In addition, Policy 5-C-7 and similar language in Policy 4-D-1-i. should be repealed.

If the town wishes to provide incentives for pre-disaster buildback beyond those already established in the comprehensive plan, the following concepts could be explored:

Additional Incentive #1: *In areas designated “Pedestrian Commercial” on the future land use map, dry-floodproofed commercial space below elevated buildings could be considered a bonus that would be permitted in addition to replacing the previous building’s interior square footage.*

Additional Incentive #2: *Instead of limiting pre-disaster buildback to the existing interior square footage, additional square footage could be permitted by the Town Council under certain conditions. For instance, up to a 5% increase over the existing square footage might be approved for each of the following:*

- *Rebuilding proposals that will operate as a hotel, motel, or resort.*
- *Replacement of hotel or motel rooms that are less than 400 square feet each.*
- *Rebuilding proposals that provide a fixed percentage of the project as public open space.*
- *Rebuilding proposals of exceptional architectural merit.*
- *Rebuilding proposals for commercial buildings that would dedicate the extra square footage to employee housing.*
- *Replacement of existing buildings of any type whose total size is less than one-half the floor-to-area ratio that would be allowed for a new building on that site.*

D. Additional Analysis on Lodging Issues

The comprehensive plan examined prior regulatory treatments of hotels and motels and then established the basis for more appropriate development regulations for the town's future.

Prior Lee County regulations had alternated between quite strict and quite lenient regulations for timeshare buildings, hotels, and motels, while distinguishing hotels and motels from residential dwelling units by the existence or absence of full kitchens.

For many years Lee County set the number of hotel and motel rooms as either a multiplier of the number of permitted dwelling units or at fixed rates not connected to residential density. For example, just prior to incorporation the county approved construction of the Diamondhead Resort because it complied with a 50-room-per-acre rule for convention hotels. The city of Sanibel uses multipliers that result in fewer motel rooms than the number of dwelling units that are allowed; as a result, developers simply do not build hotels or motels on Sanibel. (Further background discussion of these issues can be found on pages 4–19 through 4–20 of the Future Land Use Element.)

To set the town's new policy, the 1999 comprehensive plan added Policy 4-C-6:

***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.)*

The comprehensive plan discusses motel rooms and residential dwelling units but it never clearly defines motel rooms or determines where the regulatory line should occur in the continuum between motel rooms and dwelling units.

To implement Policy 4-C-6, the new land development code defines “hotel/motel,” “resort,” “timeshare,” and then defines a new term “guest unit” to distinguish these transient units from residential dwelling units, as follows:

***Hotel/motel** means a building, or group of buildings on the same premises and under single control, which are kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests for periods of one day or longer. See division 19 of article IV of this chapter.*

***Resort** means a mixed-use facility that accommodates transient guests or vacationers. Resorts contain at least 50 units, which may include a combination of dwelling units, guest units and timeshare units, and provide food service, outdoor recreational activities, and/or conference facilities for their guests.*

***Timeshare unit** means any dwelling unit, guest unit, or living unit for which a timesharing plan, as defined in F.S. ch. 721, has been established and documented. See § 34-632 for determining density of timeshare units that include “lock-off accommodations.”*

***Guest unit** means a room or group of rooms in a hotel/motel or bed-and-breakfast inn that are designed to be used as temporary accommodations for one or more people traveling together. All guest units provide for sleeping and sanitation, although sanitation may be provided through shared bathrooms.*

The number of guest units that may be constructed was then established as a multiplier of the number of permitted dwelling units (the table of multipliers from § 34-1803 of the land development code is reprinted on page 8).

Policy 4-C-6 and its implementation through the land development code have been successful in clarifying the rules for new hotels and motels and ensuring that new transient units get the maximum multiplier only if they are smaller than 450 square feet, with the multiplier dropping when the units are between 450 and 750 square feet, dropping again between 750 and 1,000 square feet, then offering no multiplier at all when the units exceed 1,000 square feet.

This method of implementation seemingly avoids the need to regulate whether a “guest unit” has no kitchen, a kitchenette, or even a full kitchen, since the multiplier is related mainly to physical size (and secondarily to location on the Future Land Use Map).

However, the issue of what exactly is a “guest unit” versus a “dwelling unit” is still relevant. First, the multipliers are only applicable to guest units; small apartments, for instance, are not allowed to use these multipliers. Second, the land development code designates all types of short-term rental units as “lodging” uses, including bed-and-breakfast inns, hotels, motels, resorts, and even weekly or monthly rentals of residential dwelling units. (All lodging uses and all residential uses are allowed in the Downtown, Commercial Resort, and Santini zoning districts; some lodging uses are allowed in several other zoning districts.)

Although the town restricts where lodging uses may be constructed, it gives them special consideration by allowing certain multipliers to the residential density cap. As long as this special consideration is being extended, the regulations need to be clearer about what type of units qualify for that consideration; this is a larger issue than the size of individual units.

Consider the variety of residential and lodging uses that characterize communities like Fort Myers Beach:

- A condominium building where owners rent their dwelling units for 30-day periods.
- Timeshare buildings where the individual units are no different than a residential condominium but are occupied by their owners for 7-day periods or are rented to the public for 3-day periods.
- A resort that rents full-size condominium units for stays of 3 days or more.
- A hotel or resort where the individual guest units or dwelling units are purchased by individuals condominium-style, but the units are actually rented to the public by the resort operator on a daily basis.
- A hotel which sells some or all of its guest units as timeshares.

Where should the line be drawn between the buildings that qualify for multipliers (while being restricted by location)?

This distinction can be implemented on a regulatory basis if there is a clear public policy supporting the distinction. Here are some of the policy issues to be considered:

- **LENGTH OF STAY:** The town now regulates short-term rentals in residential areas by *minimum* length of stay. However, there are questions about the *maximum* length of stay in lodging establishments, even in commercial districts. It may be intuitive that hotels and motels are for stays of limited duration, but what are the implications of someone purchasing a motel room that is being sold off as a condominium and then discovering that the unit does not meet building code and other requirements such as density for permanent habitation? What are the implications of a condo hotel that is built with density multipliers but which one day becomes permanent residences (in the absence of enforceable maximum length-of-stay requirements)?

- **BUILDBACK AND CONVERSIONS:** These policy issues are sometimes complicated further when an existing over-density building is being completely replaced (“buildback”) or when an existing building is being converted from one use to another without being demolished and reconstructed to all current building codes (“conversion.”) The comprehensive plan and land development code are quite clear about the regulations for “buildback” of the same use, but not as clear about buildback for a different use: for instance, should the equivalency factors in § 34-1803 be usable “in reverse” to convert an over-density hotel or motel into fewer but greatly expanded dwelling units? New code provisions adopted in June 2005 are clear as to when existing multifamily buildings may be converted into individual saleable dwelling units (§ 34-636), but the code doesn’t clearly address conversions of existing buildings from a hotel/motel to a residential use or determine when an existing hotel/motel may be converted into individual saleable rooms.

- **KITCHENS:** Partial or even full kitchens are very common in lodging establishments at Fort Myers Beach, and the boundary between partial or full kitchens is not well defined. Is there any justification in maintaining any limitations on kitchens in guest units, or are they unnecessary regulations?

- **CONFORMANCE WITH STATE LAW:** The state of Florida regulates the broader lodging industry under different chapters of state law:
 - Chapter 509 which regulates public lodging establishments such as hotels and motels.
 - Chapter 475 which regulates rentals by real estate brokers.
 - Chapter 721 which regulates timeshares.
 The town does not currently regulate uses differently based on these patterns of state law, but these distinctions may have potential for addressing some of the town’s complex situations (for instance, the rental of full-size dwelling units in a resort setting).

Members of the public who attended the April 7, 2005, workshop were requested to give their opinion on possible town policies regarding “over-density” motels. Four choices were set forth with a request to select one choice. The written responses that evening were as follows:

Density Limitations for Buildback of Older Buildings: Should the Town...

- 19 *Encourage tear-down of over-density motels (older motels that exceed today's density limits) by allowing their replacement condo building to be larger than the current motel buildings?*
- 33 *Allow tear-down of over-density motels, but do not allow replacement condo buildings to be any larger?*
- 16 *Discourage tear-down of over-density motels by requiring density and/or size of new building to be reduced, or to meet the town's current density rules?*
- 5 *[no answer provided]*

E. Recommendations on Lodging Issues

In recent years property values have been escalating at previously unforeseen rates. The health of the lodging industry is very cyclical and thus it is often difficult to obtain construction financing. In addition, the future of the lodging industry at Fort Myers Beach is now being eclipsed by real estate investors and condominium buyers whose optimism for continuing increases in underlying property values are driving the real estate market continually upward. While the town hesitates to encourage new hotels and motels given the past overbuilding at Fort Myers Beach, the loss of the town's active and healthy lodging industry would change the character of Fort Myers Beach forever.

The town's options to respond to this situation are fairly limited. The most effective options are simply to ensure that town policies and regulations do not inadvertently contribute to the displacement of existing hotels and motels. To this end, the pre-disaster buildback policy should be clarified to ensure that large condominium buildings cannot be substituted for existing hotels and motels in the guise of buildback. (New condominiums or other residential buildings could still replace older hotels or motels, but the new structures would have to meet today's more restrictive density cap.)

The comprehensive plan should also be amended to establish as town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town's economy and walkability, and to specifically allow condominium ownership of lodging establishments (provided they will be operated as hotels or motels), and to clarify that Policy 4-C-6 applies to all guest units, not just motel rooms.

Further, the town's land development code could be amended to clarify many lodging issues. For instance:

- It could be clarified that guest units may be placed in three different types of establishments:
 - resorts (50 or more guest units or dwelling units)
 - hotels/motels (10 or more guest units)
 - bed-and-breakfast inns (9 or fewer guest units)
- Guest units in resorts and hotels/motels may take advantage of the multipliers in § 34-1803 provided they are located in accordance with the restrictions on lodging uses in Tables 34-1 and 34-2 of the code. These multipliers would not be available for use “in reverse” to tear down a hotel/motel and convert it into an over-density residential building using buildback regulations. § 34-1807 of the code would be modified to address only the conversion of an existing building to or from a hotel/motel and to remove other troublesome ambiguities in that section.
- Restrictions on kitchen facilities in guest units could be lifted.
- The definition of resorts and hotels/motels could be expanded to require licensing by the state as a hotel or motel, paying tourist and sales taxes on all rentals, limiting stays to a fixed period (perhaps 60 days), disallowing all permanent residency; and requiring a front desk that is staffed during regular business hours to arrange transient rentals.
- The code could be clarified to clearly allow new and replacement lodging establishments to be financed as “condo hotels” provided they are operated either as resorts, hotels, or motels under the new and expanded definitions. The town could require that the length-of-stay and other lodging requirements be contained in the condominium documents and might be able to require that modifications to those requirements be subject to town approval.

- The code now defines timeshare units as a special type of dwelling unit or guest unit. However, Table 34-1 lists timeshare buildings as being allowable anywhere that multifamily buildings are allowed. This definition could be misread to allow hotels in residential districts provided they are owned as timeshares, which was clearly not the intent. This contradiction should be clarified in the code.
- A new § 34-636 of the code now determines when the owner of an existing two-family or multifamily building may parcelize or subdivide that building into individual units. This section of the code should be expanded to address parcelization or subdivision of existing resorts and hotels/motels.

SECTION 4. ESTERO BOULEVARD – Times Square Area

ISSUE STATEMENT: One of the most popular and thus congested segments of Estero Boulevard is near Times Square. There is never a shortage of ideas on what to do about the congestion. Many ideas were described in the transportation element of the comprehensive plan, but in 2004 some new ideas have surfaced, including diverting all northbound exiting traffic onto Crescent and Fifth, reopening Center Street to traffic entering town from the Sky Bridge, and realigning Estero 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. At the same time, 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. The following three ideas, and others generated during this evaluation process, are discussed more fully later in this section.

(1) Diverting northbound exiting traffic: The TMA has made it a priority to find ways to move traffic off the island more quickly. At their urging, the town has experimented with diverting northbound exiting traffic onto Crescent Street, then to Fifth Avenue past the Lighthouse Resort, then onto the Sky Bridge.

(2) Center Street: Consulting engineers for the town are working on final engineering plans to reopen a portion of Center Street. The purpose is to allow a second route from the Sky Bridge for drivers and transit vehicles that are traveling to Old San Carlos or the nearby public parking areas. This portion of Center Street is now a public parking lot between the foot of the Sky Bridge and Old San Carlos.

(3) Realignment of Estero Boulevard: 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 is taking this historic opportunity to evaluate various alternatives, perhaps identifying one or more potential designs that respond successfully to the varied public and private interests that would be affected.

A. Evaluation of Existing Policies

***POLICY 1-A-1** Changes along Estero Boulevard should improve on the characteristics that make it a boulevard in character and not just in name: safe and interesting to walk along, impressive landscaping, and scaled to people rather than high-speed traffic.*

EVALUATION OF POLICY 1-A-1: This policy remains valid and has not been called in question, with one exception. Due to continuing extreme congestion near Times Square, some traffic-enhancing alternatives are being considered that can be characterized as no longer being "scaled to people" (although "high-speed traffic" is not likely to occur due to upstream and downstream constraints on traffic flow). This issue is discussed in the background section on this page.

OBJECTIVE 3-D TIMES SQUARE — Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities.

EVALUATION OF OBJECTIVE 3-D: This objective is a continuation of Lee County's prior efforts to the same end. The town has formed a Downtown Redevelopment Agency and obtained \$2,000,000 in initial funding from Lee County's former Estero Island Community Redevelopment Agency. A new master plan for Old San Carlos and Crescent Street was completed in 1999. Old San Carlos was completely rebuilt in 2002 to carry out recommendations from that plan. A new "Downtown" zoning district was added to the land development code in 2003. Many landowners have obtained development approvals in accordance with the town's plans: Seafarer's Plaza, Lighthouse Resort, Matanzas Inn, a new Snug Harbor restaurant, Docksider Inn, and three new mixed-use buildings on Old San Carlos. Several beachfront motels near Times Square were destroyed by Hurricane Charley; a special focus of this evaluation process has been alternative redevelopment concepts for those motel sites and for the adjoining Seafarer's and Helmerich Plazas, as discussed beginning on page 23.

POLICY 3-D-3 Continue with sidewalk improvements:

- i. Standard sidewalk widths should be provided by the public sector and/or private developers in each development project as it is implemented. Consider a program for private sidewalk reservation through dedication or easement, particularly along Old San Carlos.
- ii. Use selected materials in public rights-of-way and private property improvements adjacent to sidewalks, such as in plazas or building setbacks.
- iii. Provide special design treatment (e.g. continuation of sidewalk paving patterns) at major intersections of the primary pedestrian streets to create a visual link and distinguish the pedestrian surface from the vehicular right-of-way.

EVALUATION OF POLICY 3-D-E: New sidewalk policies were put into the land development code in 2004. Sidewalk easements were not needed on Old San Carlos but have been obtained through negotiations with landowners on Fifth Avenue, Crescent Street, and one portion of Estero Boulevard. The new Snug Harbor restaurant coordinated its design, including paving materials and colonnades, with the adjoining public plaza at the Matanzas Pass end of Old San Carlos. The Old San Carlos streetscape uses paving materials from the sidewalks to delineate pedestrian crossings on Old San Carlos.

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

- i. Complete the Bay-side sidewalk and streetscape improvements for Estero Boulevard within the Core area with underground utilities and improved sidewalks.
- ii. Construct sidewalks (5' wide minimum sidewalk) along all streets in the Core Area.
- iii. Provide a bike path along Estero Boulevard utilizing Crescent Street to Third Street across to Old San Carlos and then connecting back to Estero Boulevard and north to Bowditch Point.
- iv. Promote the function of Old San Carlos as a pedestrian spine linking Times Square and the marina by implementing public sidewalks and major crosswalks designed to work in conjunction with arcades or plazas located on private property.
- v. Work with the private sector to establish a site for a new public pedestrian plaza at the east of Old San Carlos.
- vi. Provide new on-street parking and sidewalk on the south side of Crescent Street.
- vii. Reconfigure Third and Fourth Streets with on-street parking and sidewalks on both sides of the street.
- viii. Coordinate all proposed improvements with the pedestrian, parking, mass transit, and traffic circulation concepts in the Transportation Element of this plan.

EVALUATION OF POLICY 3-D-4: The following is a summary of the pedestrian circulation ideas set forth in this policy:

- i. New sidewalks on Estero Boulevard have not yet been constructed, although a 5-foot-wide sidewalk easement has been obtained along the frontage of Seafarer's and Helmerich Plazas.
- ii. New sidewalks were built along both sides of Old San Carlos in 2002, but not yet on the other streets listed in this policy.
- iii. This bike path has not yet been planned or constructed.
- iv. The public improvements on Old San Carlos were completed in 2002. Two colonnades have been constructed by private interests that provide shade over portions of the sidewalks.
- v. A new plaza on Matanzas Pass was completed in 2002 at the end of the Old San Carlos right-of-way. A pedestrian easement along the dock was obtained from Snug Harbor restaurant to allow movement between this plaza and the pier and second plaza to be built under the Sky Bridge.
- vi. No sidewalks have been constructed yet on Crescent Street, but provisions have been made for future sidewalks through negotiations with Helmerich Plaza and the Matanzas Inn.
- vii. No improvements have been designed or constructed yet on Third Street. The remaining stub of Fourth Street (between Fifth Avenue and the Sky Bridge embankment) was vacated in 1999 in exchange for new public parking spaces along Third Street and Fifth Avenue.
- viii. This coordination has been accomplished for all improvements in the Times Square area.

OBJECTIVE 4-F REDEVELOPMENT — *Take positive steps to redevelop areas that are reaching obsolescence or beginning to show blight by designing and implementing public improvements near Times Square to spur private redevelopment there, by supporting the conversion of the Villa Santini Plaza into a pedestrian precinct, by providing an opportunity for landowners to replace vulnerable mobile homes and recreational vehicles with permanent structures in the Gulfview Colony/Red Coconut area, and by providing building code relief for historic buildings.*

EVALUATION OF OBJECTIVE 4-F: Public and private improvements near Times Square are discussed beginning on page 23. Potential redevelopment plans for future improvements at Villa Santini Plaza and Gulfview Colony/Red Coconut have been added to the land development code, as has code relief for historic buildings.

POLICY 7-H-1 PEDESTRIAN OVERPASSES: *Although pedestrian overpasses are often ignored by pedestrians, an overpass providing a panoramic view of the Gulf might be attractive enough to reduce at-grade crossings at Times Square without discouraging foot traffic in this highly congested area. Even without an overpass, the pedestrian-actuated stop light may be replaceable with a flashing caution light to minimize effects of the crossing on traffic flow.*

EVALUATION OF POLICY 7-H-1: No physical changes have been made in accordance with this policy, but evaluations are ongoing. One alternative is shown in Figure 8, where a pedestrian overpass would be provided to link the two major buildings in a hotel complex. This overpass would be fully open to the public but it would be constructed by the hotel operator because it would primarily benefit hotel guests.

POLICY 7-H-3 LEFT-TURNS AT TIMES SQUARE: Northbound traffic headed for Lynn Hall Park now turns left just past Times Square. These turns could interfere with traffic flow on Estero Boulevard; if so, alternatives using Crescent Street should be considered.

EVALUATION OF POLICY 7-H-3: Eliminating left turns for northbound traffic headed toward Lynn Hall Park would require those vehicles to instead travel north on Crescent Street, under the Sky Bridge, and south on Old San Carlos to reach their destinations. Unfamiliar drivers who miss the turn at Crescent Street would have no choice but to leave the island then circle back and return. These difficulties have to be balanced with any minor improvements in traffic flow that would occur by eliminating this left turn. As described beginning on page 32, new alternatives have been examined for this area that are more promising than the simple closure of the turn lane as described in Policy 7-H-3.

B. Community Design Ideas from Planning Charrette

All four major issues highlighted in this report were discussed at public workshops in March and April of 2005. However, the bulk of attention went to redesign ideas for the Times Square area, which is the heart of town for tourists, and increasingly so for seasonal and permanent residents as well.

Although this area has been extensively studied in the past, three factors led to this new attention. The first is the on-going efforts of the town's Traffic Mitigation Agency to quickly implement new ideas for moving traffic on and off the island; some of these efforts could change the pedestrian character of this area. The second is that Hurricane Charley destroyed the Sandman, Howard Johnson, and Days Inn beachfront motels in August 2004, making their replacement by new buildings imminent. Third, major consolidation of land ownership has taken place, with the three destroyed motels now sharing common ownership with the adjoining Ramada Inn and two large commercial parcels across Estero Boulevard (Seafarer's and Helmerich Plazas).

These factors led to the wide circulation of a drawing showing Estero Boulevard being relocated landward of its current alignment. This concept would expand the pedestrian-only zone at Times Square onto the existing alignment and might help traffic flow by reducing conflicts with pedestrian movements.

The realignment of Estero Boulevard had never been contemplated, partly because the town does not control this road and partly because the diverse property ownership would have made the idea impractical from the outset. With three beachfront motels about to be replaced in one form or another plus the new common ownership, the idea of realignment became worthy of serious study and in fact is an opportunity that is not likely ever to be repeated.

There are important federal and state regulatory programs that complicate all redevelopment plans in this area. In the years since the original buildings were constructed, the federal government has established

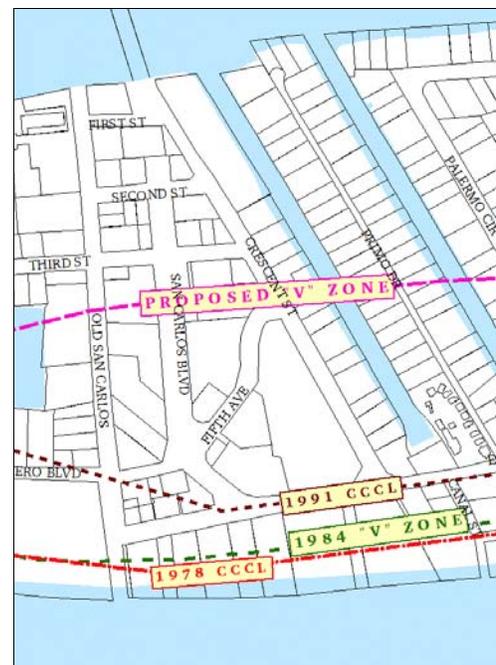


Figure 1, V zones and CCCL lines

“velocity zones” (V-zones) and the state of Florida has established two “coastal construction control lines” (CCCL), all of which run roughly parallel to the beach. These lines demarcate areas that are subject to stringent rules designed to make future buildings less vulnerable to flooding. Figure 1 shows the location of these lines near Times Square, including a new V-zone boundary proposed by FEMA in September 2005; Figure 2 provides technical details on each program.

Design teams at the March 2005 planning charrette examined two approaches to minimizing the difficulties that these regulatory programs could cause to the redevelopment effort. One approach would be to move Estero Boulevard slightly away from the beach, thus putting both sides of the street outside the regulatory influence of the 1991 CCCL. This would allow both sides of the street to be rebuilt with doors, windows, and shopfront along wide sidewalks.

Technical Details on Flood Protection

In V-zones, buildings cannot have any permanent walls at ground level, even if the walls are “dry-floodproofed” to prevent the contents within the walls from flood damage. V-zones, established in 1984, run near enough to the beach that they have had little effect on commercial buildings along Estero Boulevard in this area. The original CCCL line was adopted in 1978; no buildings may be constructed seaward of that line. In 1991 the state established a new type of CCCL that in many cases reaches as far inland as Estero Boulevard itself. New buildings that are seaward of the 1991 CCCL are limited at ground level to enclosures by “permanent walls” of only 20% of the building’s width, thus precluding viable commercial space in the main structure. The purpose of this rule is that in the case of the strongest storms, “permanent walls” would be struck by breaking waves and might collapse in such a way as to endanger the upper floors of the structure.

There is an important strip of land about 30’ deep along Estero Boulevard where the 1991 CCCL requirements could preclude the very kind of pedestrian-oriented activities that the comprehensive plan and land development code so strongly favor; this strip is landward of the V-zone but seaward of the 1991 CCCL, mainly along the beach side, as shown in Figure 3.

Figure 2, technical details on flood protection



Figure 3, showing land that is landward of the V-zone but seaward of the 1991 CCCL

Figure 4 illustrates the character of a classic two-sided Main Street that could be ensured through this minor realignment. This new alignment is shown in site plan format in Figure 5; two versions are shown, one using a simple intersection at the foot of the Sky Bridge similar to what exists there today, the other using a roundabout at that location.

Streets & People

Streets don't have to be mere traffic channels. Streets can be also be attractive and recreational when citizens and government work together to fulfill public desires for pleasant and stimulating public places.



VIEW DOWN RELOCATED ESTERO BOULEVARD

Figure 4, classic two-sided Main Street

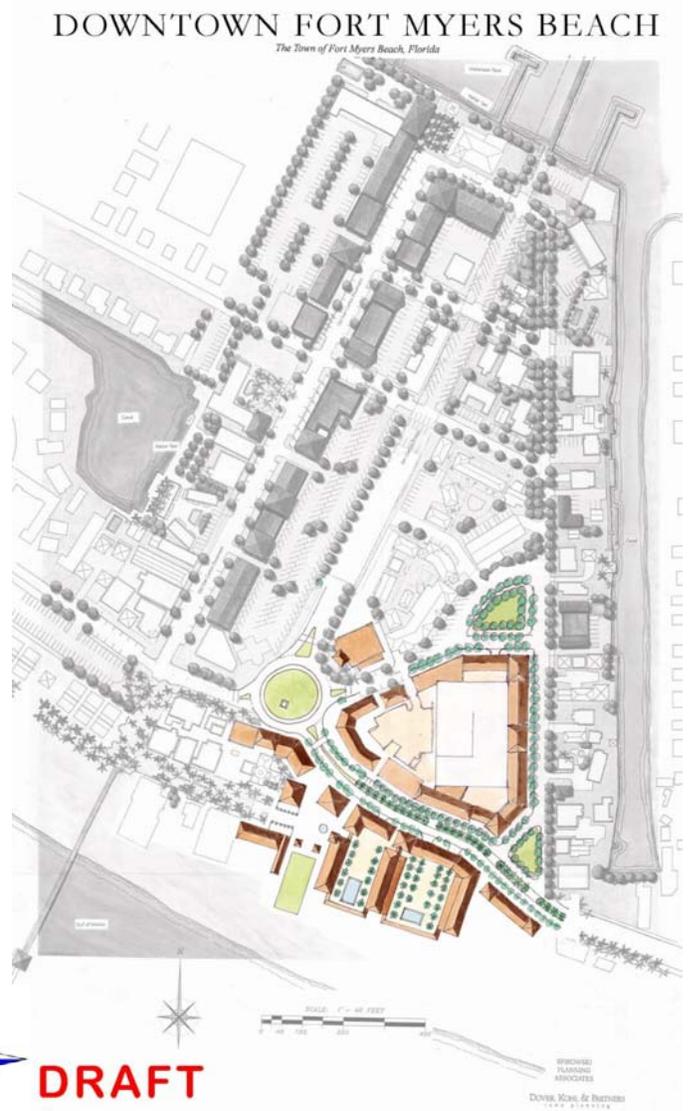
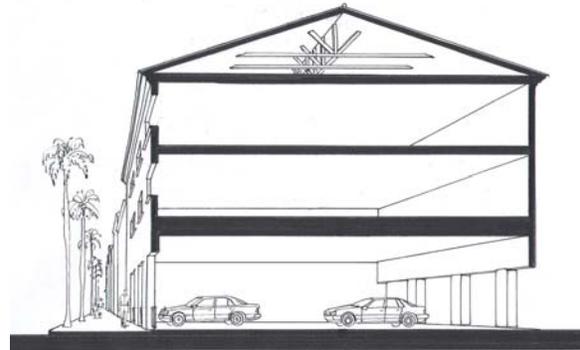


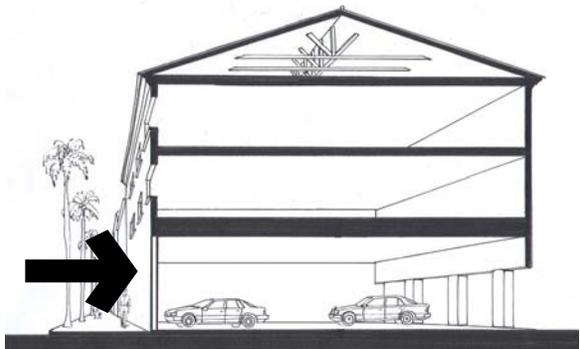
Figure 5, two versions of new alignment for Estero Boulevard

A second approach to the CCCL problem was also considered that would be far less expensive, in that Estero Boulevard would not need to be realigned. This alternative is illustrated in the three sketches in Figure 6 which show typical buildings that could replace the beachfront motels destroyed by Hurricane Charley:

- The top sketch shows the entire building elevated to meet all CCCL and V-zone requirements. The only uses at ground level would be parking and open storage. This is the prototypical building for coastal locations where protection from flooding is the major design criterion.



- The second sketch shows a solid wall built to “breakaway” standards that would separate the parked cars from the sidewalk. This wall would visually screen the parking, but may be nearly as unfriendly to pedestrians and motorists as a full view of the parking area.



- The third sketch shows a creative approach that includes shops at ground level. These shops must be shallow enough to avoid extending into the V-zone. Walls would have to be built to structural standards so they would withstand the forces of rising water yet collapse if confronted with breaking waves (to keep from harming the remainder of the building). If this can be done, the building may comply with current CCCL requirements.

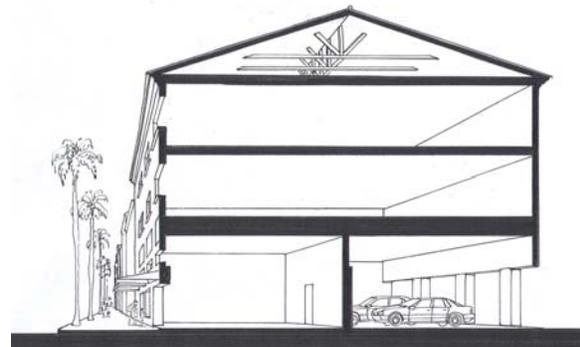


Figure 6, replacing damaged beachfront motels

In September of 2005 the town learned that the federal government was contemplating moving the V-zone boundary further inland (see Figure 1). If this change comes to pass, the approach shown in the third sketch may no longer be a viable solution. Pending this determination, further evaluation of this idea has been postponed.

For the same reason, further evaluation of the street realignment shown in Figure 5 has been postponed.

A quite different approach was also developed and evaluated during the charrette which offers greater promise for improving both traffic flow and livability. This approach would maintain the existing alignment of Estero Boulevard but would create a short new street running parallel to Estero Boulevard from Crescent Street to the foot of the Sky Bridge.

This new street could serve traffic in both directions, providing an alternate route for traffic coming off and on the bridge. With the traffic flow split onto two streets, the interference now caused by pedestrians crossing Estero would be less detrimental to overall traffic flow. A raised pedestrian island in Estero could further assist traffic by allowing pedestrians to cross more easily without stopping traffic. This approach is shown in Figure 7 with the same two variations from Figure 5: one uses a simple intersection at the foot of the Sky Bridge similar to what exists there today, the other uses a roundabout at that location. A major advantage of adding the roundabout is that it provides the traffic-splitting benefits in both directions instead of only for motorists leaving the island.



Figure 7, two versions of new street parallel to Estero Boulevard

One variation on these plans would move all traffic onto the new street, allowing the existing Estero to be converted into a pedestrian mall; pedestrians could move freely across the mall without any interference to through traffic. A second variation would allow vehicles to use both the existing Estero and the new street, but both streets would operate as one-way streets; a roundabout would not be needed with this travel pattern, but an alternating light could help the two southbound travel lanes merge back into one lane near Crescent Street. A third variation would reserve the existing Estero for trolleys, trams, pedestrians, emergency vehicles, and perhaps other permitted vehicles such as those with several occupants or for local residents or businesses.

All of these variations involve acquisition of right-of-way and redesign of adjoining buildings. The town should be able to acquire additional right-of-way at the same time to provide wider sidewalks, pedestrian median refuges, and trolley/tram lanes.

Great Streets

"There is magic to great streets. We are attracted to the best of them not because we have to go there but because we want to be there. The best are as joyful as they are utilitarian. They are entertaining and they are open to all. They permit anonymity at the same time as individual recognition. They are symbols of a community and of its history; they represent a public memory. They are places for escape and for romance, places to act and to dream. On a great street we are allowed to dream; to remember things that may never have happened and to look forward to things that, maybe, never will."

— Great Streets,
by Allan B. Jacobs

A major benefit of all of these variations would be the creation of a new beachfront part on the site of the old Howard Johnson and Days Inn motels. This would be possible because the new street described above was designed to create a complete city block that could accommodate a fully internalized parking garage surrounded by building space on all sides. This building space, if expanded one to three stories taller than preexisting rules, could accommodate the same floor space that would otherwise be reconstructed on the Howard Johnson/Days Inn sites. Thus the park could be provided as a major public amenity without damaging the development rights on that property; those rights would simply be transferred across the street.

This park would be about 300 feet wide along Estero Boulevard and about 140 feet deep to the beginning of the beach. The park would be a town facility and would not be used for parking or restrooms like the nearby Lynn Hall Park. An aerial rendering of an initial concept for this beach park and a new hotel surrounding the park is shown in Figure 8. In this concept the hotel would be split into two major buildings connected by a pedestrian bridge that would also be open to the public. The park would provide a shaded public space near the beach in place of the existing buildings and parking lots. To make this concept possible, the town would have to enter into a development agreement with the property owner that would simultaneously transfer title for the beach park and the new street to the town while granting approval for the surrounding private development.



VIEW OF BEACH PARK

SPROSKO
PLANNING
ASSOCIATES
DOVER, KOHL & PARTNERS
PLANNING

Figure 8, rendering of new beach park

About five years ago a landscaped roundabout was proposed as a distinctive entry feature at the foot of the Sky Bridge. This idea never gained community support. A roundabout is worth reconsidering now because it would provide many traffic circulation benefits at this difficult location. At present, very few turns are allowed at this intersection, requiring many motorists to use circuitous routes to reach their destinations. These detours are confusing for visitors and add to the traffic congestion on nearby streets.

A properly designed roundabout would allow vehicles approaching from all four directions to select the most direct route for their own purposes. This choice of movement in every direction, including left turns, is available only with a roundabout; with other intersection designs, left turns often cause unacceptable delays to the flow of traffic and must be prohibited.

A roundabout would be particularly useful if the new street is constructed from this location directly to Crescent Street as shown in Figure 7. Some traffic coming onto the island would use this new street as an alternative to Estero Boulevard (mainly local residents who would understand its advantages, especially during congested periods). Visitors would tend to continue straight on Estero, the obvious and historic through-route. A traffic signal would be required at Crescent and Estero for optimal utilization of the parallel streets.

Reducing the traffic flow on this block of Estero, even slightly, would soften the impacts of heavy pedestrian usage there. The roundabout would also allow maximum flexibility to experiment with other traffic patterns in this area, as described beginning on page 32.

A roundabout could be heavily landscaped as previously proposed, or the design could be more formal with the visual emphasis being placed on the surrounding buildings. The latter approach

is illustrated in Figure 9. The first rendering is from the Sky Bridge; the second is from the immediate approach to the roundabout, looking straight through onto Estero Boulevard. The beach park has been sited so that it provides an open view to the Gulf of Mexico at this visually prominent bend in Estero Boulevard.

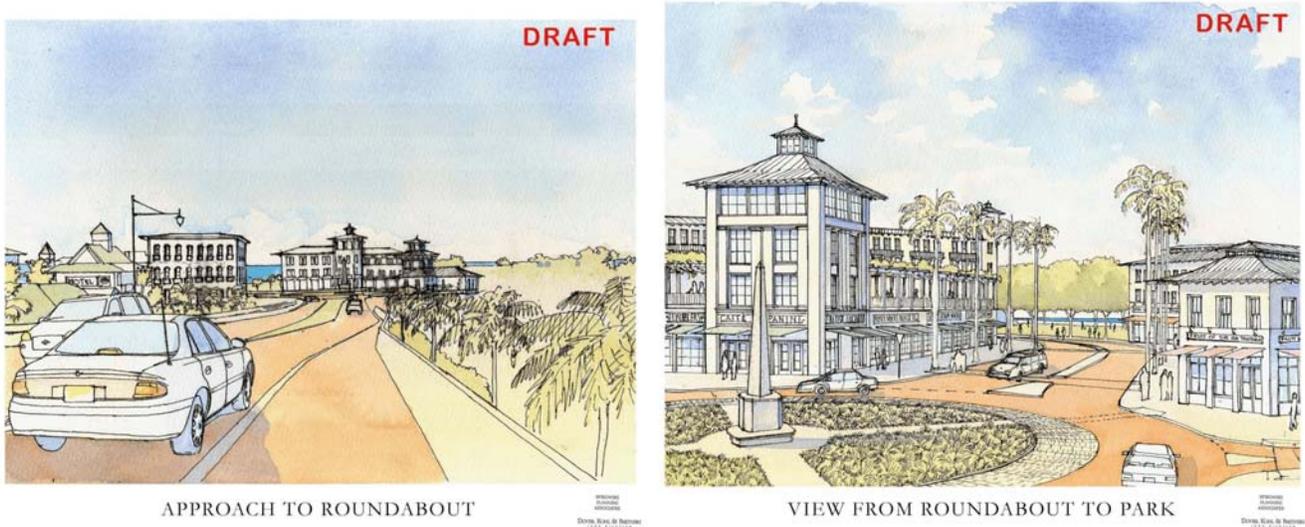


Figure 9, renderings of approach from Sky Bridge

New Intersection Design Concepts

“Modern roundabouts are increasingly being recognized as design alternatives to the use of traditional traffic signals for intersections for arterials. They improve both safety and efficiency for pedestrians and bicyclists, as well as motor vehicles. So far, roundabouts have been built in such states as California, Colorado, Maryland, Nevada, Florida, and Vermont. These roundabouts are different from rotary or traffic circles that have been used in the United States for a number of years to give entering traffic the right-of-way and encourage higher design speeds.

“The modern roundabout is designed to slow entering traffic and allow all the traffic to flow through the junction freely and safely. Unlike the older rotary design, entering vehicles must yield the right-of-way to vehicles already in the circle. A deflection at the entrance forces vehicles to slow down. Traffic signals are not used, and pedestrians cross the streets at marked crosswalks.

“The average delay at a roundabout is estimated to be less than half of that at a typical signalized intersection. Decreased delay may mean that fewer lanes are needed. Signalized intersections often require multiple approach lanes and multiple receiving lanes, which leads to a wider road.

“Perhaps the greatest advantages of roundabouts are their urban design and aesthetic aspects. Roundabouts eliminate the clutter of overhead wires and signal poles and allow signage to be reduced. They can be distinctive entry points into a community or mark a special place. The central island offers an opportunity for a variety of landscape designs, as well.”

— Flexibility in Highway Design,
published by the Federal Highway Administration,
U.S. Department of Transportation

Members of the public who attended the April 7, 2005, workshop were requested to give their opinion on six questions about the community design ideas discussed above which were presented that evening for the first time. The written responses that evening were as follows:

Question # 1: Do you think the idea of the beachfront park should be pursued further?			
<u>Yes</u>	<u>No</u>	<u>Not Sure</u>	<u>[no answer]</u>
56	3	12	2
Question # 2: Do you think the idea of relocating Estero near Times Square should be pursued further?			
<u>Yes</u>	<u>No</u>	<u>Not Sure</u>	<u>[no answer]</u>
30	17	17	9
Question # 3: Do you prefer the beach park or relocate Estero approach?			
<u>Beach Park</u>	<u>Relocate Estero</u>	<u>Neither</u>	<u>Not Sure</u>
44	17	4	8
Question # 4: Do you think enough drivers would use the new parallel street to provide relief on Estero Blvd?			
<u>Yes</u>	<u>No</u>	<u>Not Sure</u>	<u>[no answer]</u>
42	13	14	4
Question # 5: Do you think the pedestrian bridge over Estero Blvd should be pursued further?			
<u>Yes</u>	<u>No</u>	<u>Not Sure</u>	<u>[no answer]</u>
48	13	10	2
Question # 6: What is your reaction to a roundabout at the intersection of Estero Blvd and Fifth Street?			
<u>Love It</u>	<u>Hate It</u>	<u>Neutral</u>	<u>Want to Learn</u>
33	4	7	29

C. Analysis of Street Alternatives

Ten distinct options for improving Estero Boulevard between Crescent Street and the Sky Bridge were developed as a result of the 2005 planning charrette and ongoing work by the Traffic Mitigation Agency. All ten options were analyzed for traffic performance using the “Synchro” traffic simulation model and were ranked using professional judgment of the consulting team using a walkability/livability index and as to right-of-way and feasibility. This section describes the ten options and presents a comparative analysis of existing conditions and each option.

The first five options have one common aspect: they require the town to acquire right-of-way to build a short new street between Crescent and the foot of the bridge, as shown in Figure 7.

In Option 1, the new street would serve traffic in both directions, providing an alternate route for traffic coming off and on the bridge. With the traffic flow split onto two streets, the interference now caused by pedestrians crossing Estero would be less detrimental to overall traffic flow. A raised pedestrian island in Estero would further assist traffic by allowing pedestrians to cross more easily without stopping traffic. Option 1 includes a roundabout at the foot of the Sky Bridge so that the traffic-splitting benefits would be available for traffic traveling in both directions. A traffic signal would be needed at Crescent and Estero to balance traffic flow on both streets.

Option 2 would move all traffic onto the new street, allowing the existing Estero to be converted into a pedestrian mall. Pedestrians could move freely across the mall without any interference to through traffic. The roundabout is shown for Option 2 because without it, vehicles leaving the island from the north end would have to be routed along Old San Carlos, under the Sky Bridge, and then onto Crescent to reach the bridge. A similar arrangement for exiting traffic was tested during the winter and spring of 2005; it stopped performing well when traffic was at its heaviest, at which times those vehicles were unable to smoothly join the main traffic stream leaving the island.⁶ However, with the addition of a roundabout, this traffic could enter the bridge directly rather than first traveling under the bridge.

Option 3 would allow vehicles to use both the existing Estero and the new street, but both streets would operate as one-way streets. A roundabout is not needed with this travel pattern. Part of Estero would have a raised pedestrian island, possibly using an alternating light to help the two southbound travel lanes merge back into one lane near Crescent Street. (A similar traffic pattern was suggested in 2004 last year by a subcommittee of the Fort Myers Beach Civic Association.)

Option 4 would be physically similar to Option 1 but would reserve the existing Estero for trolleys, trams, pedestrians, emergency vehicles, and perhaps other permitted vehicles such as those with several occupants or for local residents or businesses.

Option 5 would be similar to Option 1 but would not use a roundabout. The traffic benefits of the new street would not be available to traffic entering the island from the Sky Bridge, but the cost of (and potential controversy over) the roundabout would be avoided. Option 5 could probably be converted to Option 1 at a future date if retrofitted with a roundabout.

Option 6 would realign Estero Boulevard using gently sloped curves typically used for highways, thus avoiding the sharper turns used in Options 1 through 5. This option would not need any traffic signals or a roundabout. Traffic on Estero Boulevard destined for the north end of the

⁶ *The results of this test are presented in “Speed Delay Study Technical Memorandum” by CRSPE, Inc., July 2005*

island would use Crescent, Third, and Old San Carlos in place of the current left-turn lane at the foot of the Sky Bridge.

Option 7 is similar to Option 6 but the main traffic flow at the foot of the Sky Bridge would be partially elevated to allow pedestrians to use an underpass to avoid interfering with traffic flow.

Options 8 and 9 assume that the center turn lane beyond Crescent would be converted to allow transit vehicles to use that lane (presumably in the direction of peak congestion). Options 8 and 9 would allow the continuation of the transit lane from Crescent to the foot of the Sky Bridge.

Option 8 uses existing streets only. A two-way trolley/tram lane would be provided on Estero Boulevard between Crescent and Fifth, replacing the existing travel lane on Estero furthest from the beach. Regular traffic heading north on Estero would turn right on Crescent; vehicles heading toward the Sky Bridge would then turn left on Fifth, while all others would continue on Crescent, then use Third and Old San Carlos to return to Lynn Hall Park and points further north.

Option 9 also uses existing streets only. Estero Boulevard between Crescent and Fifth would be widened to add a third lane, which would be used by transit vehicles only. The pedestrian signal at Times Square would be removed and replaced by a pair of regular traffic signals on Estero Boulevard, one at Fifth (at the foot of the bridge) and one at Crescent Street.

Option 10 is similar to Option 7 except for three factors. First, traffic coming onto the island on the Sky Bridge would not return to ground level and then rise again, as in Option 7, but would remain elevated until it passes over a pedestrian underpass. Second, Estero Boulevard would be relocated northward slightly to follow the same path as the new street in Options 1 through 5, but its intersections with Crescent Street would use gentle curves rather than angled intersections. Third, Center Street would not be reopened.

Options 2, 5, 6, 7, 8 and 9 all include the reopening of Center Street to traffic from the Sky Bridge to Old San Carlos. However, the computer model was not able to measure whether this street opening would improve traffic flow.

The following pages present simple sketches of each option and a numerical ranking of 1 to 5 on three separate scales. For each scale, 1 is the least favorable ranking and 5 is the most favorable, as described in Table 1. Table 2 presents the analysis of each of ten transportation options, followed by a summary of the rankings for all options (plus existing conditions).

Table 1 — Scoring Key

	A. Traffic Performance	
1 = <i>gridlock or poor local circulation</i>		5 = <i>acceptable traffic flow, minimal queuing, good local circulation</i>
	B. Walkability/Livability	
1 = <i>fast speeds, auto-oriented urban design and land use, low livability and sense of place</i>		5 = <i>moderate traffic speeds, pedestrian-supportive urban design and land use, strong sense of place</i>
	C. Right-of-Way/ Feasibility	
1 = <i>high anticipated R-O-W cost, significant technical hurdles</i>		5 = <i>low anticipated R-O-W cost, few technical hurdles</i>

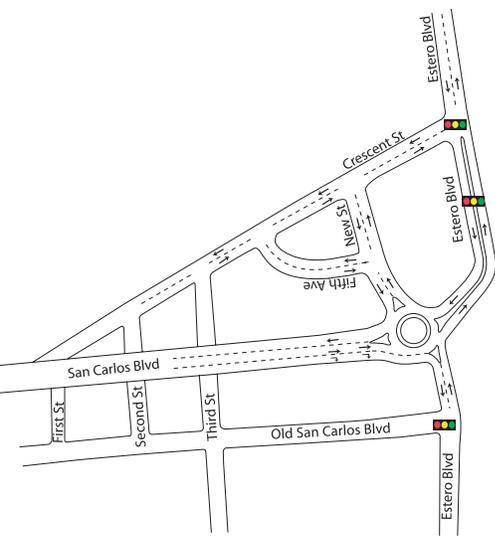
Option	Traffic Performance	Walkability/Livability	ROW/Feasibility
<p>Option 1 – Roundabout with full circulation</p>  <p style="text-align: center;">Option 1</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> Moves traffic through area at a moderate pace. Occasional queues at some intersections.</p> <p><u>Local Traffic:</u> Allows traffic to move on and off the bridge as well as providing a full range of route choices for local trips.</p> <p><u>Through and Local Traffic:</u> As with all options, congested conditions beyond Crescent will continue to cause delays for incoming traffic and for local traffic.</p>	<p>1 2 3 4 5</p> <p>Highly walkable. Lower traffic speeds and frequent intersections provide a safe and attractive pedestrian environment and also allow pedestrian-scale development to line the streets. Strong potential to build upon and magnify the existing sense of place.</p>	<p>1 2 3 4 5</p> <p>Requires construction of “New Street”, a parallel road to Estero between 5th and Crescent. As discussed in the design charrette, this street would be part of the redevelopment plan of the property and need not incur additional ROW costs. Some land may be needed for the roundabout, depending on final design.</p>
<p>Option 2 – Roundabout with Estero closed from 5th to Crescent; reopen Center Street</p>  <p style="text-align: center;">Option 2</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> Putting all northbound traffic onto New Street unbalances the roundabout and exacerbates pedestrian crossing delays. Lack of gaps in the roundabout for traffic and concentration of pedestrian crossings on New Street create extensive queuing on all legs of the roundabout.</p> <p><u>Local Traffic:</u> One-way movement on Center Street (exiting the bridge) might provide a convenient trolley transfer point.</p> <p><u>Through and Local Traffic:</u> This option is not optimal for either traffic movement or pedestrian movement.</p>	<p>1 2 3 4 5</p> <p>Highly walkable. Traffic speeds are frequently reduced to zero due to queuing problems -- crossings at the roundabout will be easily accomplished between the static vehicles. Lower traffic speeds and frequent intersections provide a safe and attractive pedestrian environment and also allow pedestrian-scale development to line the streets. Strong potential to build upon and magnify the existing sense of place; however, the very poor traffic performance limits the desirability for either local or through traffic.</p>	<p>1 2 3 4 5</p> <p>Requires construction of “New Street”, a parallel road to Estero between 5th and Crescent. As discussed in the design charrette, this street would be part of the redevelopment plan of the property and need not incur additional ROW costs. Some land may be needed for the roundabout, depending on final design.</p>

Table 2 -- Transportation Analysis Options Matrix

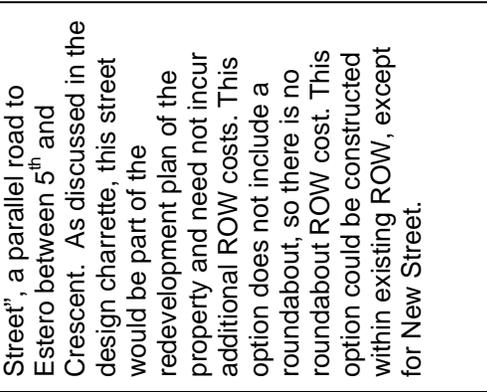
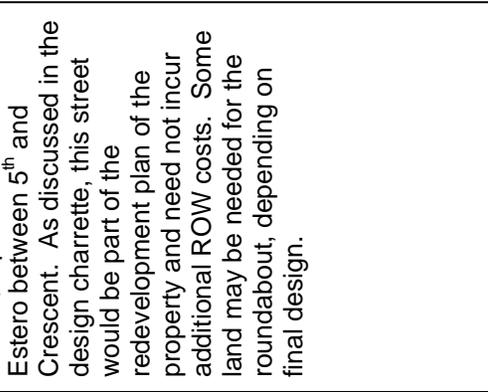
Option	Traffic Performance	Walkability/Livability	ROW/Feasibility
<p>Option 3 – Estero/New Street one-way pair; no roundabout</p>  <p>Option 3</p>	<p>1 2 3 4 5</p> <p>Through Traffic: Southbound traffic coming over the bridge is forced down Estero, due to no left turn onto New Street. With this volume of traffic, the pedestrian signal on Estero creates queuing onto the bridge, but it clears with the signal change and does not create a permanent queue on the bridge.</p> <p><u>Local Traffic:</u> Traffic pattern could allow for left turns from New St. onto Estero, but heavy volumes coming over the bridge would create serious queuing.</p> <p>Through and Local Traffic: This option is suboptimal for either local or through traffic movement.</p>	<p>1 2 3 4 5</p> <p>Minimally walkable. The unrestricted flow over the bridge creates a less walkable condition that is offset somewhat by the pedestrian signal. However, the pedestrian signal neither prevents nor mitigates the undesirable effects of the higher speeds in the area upstream of the signal. Pedestrian crossing to the beach is restricted to the pedestrian signal and the signal at Estero and Crescent (this is the alternating lane signal). Potential for urban development is more limited than in Options 1, 2 and 4 due to the higher speed of traffic during off-peak periods.</p>	<p>1 2 3 4 5</p> <p>Requires construction of “New Street”, a parallel road to Estero between 5th and Crescent. As discussed in the design charrette, this street would be part of the redevelopment plan of the property and need not incur additional ROW costs. This option does not include a roundabout, so there is no roundabout ROW cost. This option could be constructed within existing ROW, except for New Street.</p>
<p>Option 4 – Roundabout with northbound Estero between Crescent and 5th reserved for transit and emergency services</p>  <p>Option 4</p>	<p>1 2 3 4 5</p> <p>Through Traffic: Only transit and emergency vehicles would be allowed on Estero northbound between Crescent and New Street, but all traffic would be allowed southbound on the same section. Performance is similar to Option 1, but the direction of all NB traffic from Estero onto Crescent and New Street creates some imbalance in the roundabout and queuing along New Street, Crescent, and Estero. A signal at Crescent and New Street reduces (but does not eliminate) the delay. Works well for transit.</p> <p><u>Local Traffic:</u> Roundabout provides all options for local circulation except for restricted NB traffic on Estero. Imbalance noted for through traffic also affects local traffic circulation.</p>	<p>1 2 3 4 5</p> <p>Highly walkable. As with Option 1, lower traffic speeds and frequent intersections provide a safe and attractive pedestrian environment and also allow pedestrian-scale development to line the streets. Strong potential to build upon and magnify the existing sense of place.</p> <p>In addition, the transit way option provides a foundation for greater use of transit as a part of a more balanced transportation system.</p>	<p>1 2 3 4 5</p> <p>Requires construction of “New Street”, a parallel road to Estero between 5th and Crescent. As discussed in the design charrette, this street would be part of the redevelopment plan of the property and need not incur additional ROW costs. Some land may be needed for the roundabout, depending on final design.</p>

Table 2 -- Transportation Analysis Options Matrix

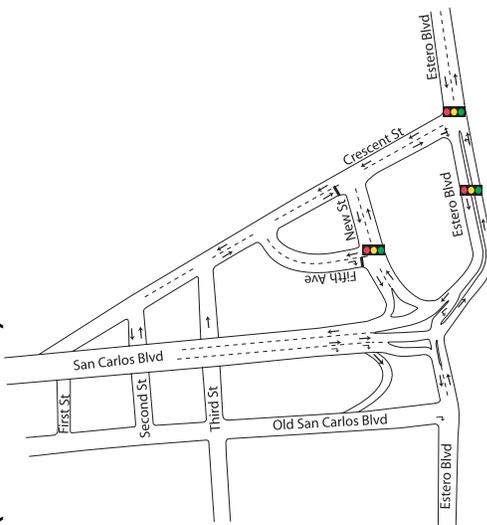
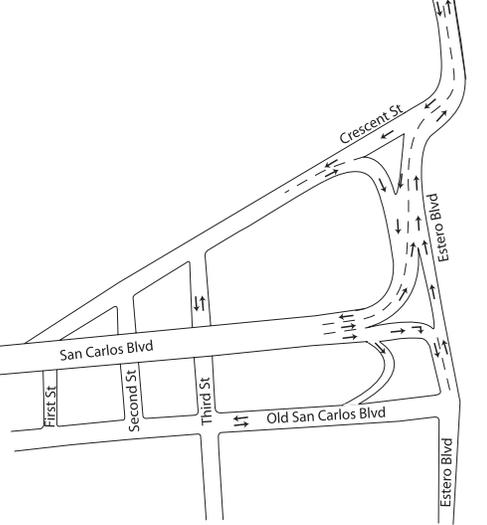
Option	Traffic Performance	Walkability/Livability	ROW/Feasibility
<p>Option 5 – Addition of New Street with unsignalized intersection (no roundabout)</p>  <p style="text-align: right;">Option 5</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> Provides a range of route choices through two-way design of all streets. Left turns from North Estero onto the bridge are prohibited as they are today. This option provides good vehicle access on and off the island. Synchro model runs of this option did not display significant queuing.</p> <p><u>Local Traffic:</u> Local traffic circulation is constrained – left turns are not possible onto or off of the bridge. Local traffic that is west of the bridge will have to travel under the bridge in order to reach the bridge using New Street.</p>	<p>1 2 3 4 5</p> <p>Speeding during non-peak periods is a primary concern, as cars coming over the bridge have no reason to slow down until reaching either a pedestrian signal or the signal at the intersection of Crescent and Estero. These higher speeds would decrease pedestrian comfort and safety. However, the two-way operation of the streets and the frequent intersections still provide a walkable environment appropriate for urban scale development. This option does not preclude creating a sense of place in the local area.</p>	<p>1 2 3 4 5</p> <p>Requires construction of “New Street,” a parallel road to Estero between 5th and Crescent. As discussed in the design charrette, this street would be part of the redevelopment plan of the property and need not incur additional ROW costs. This option does not include a roundabout, so roundabout ROW is not a factor. This option could be constructed within existing ROW, except for New Street.</p>
<p>Option 6 – Highway-geometry reconstruction of Estero Blvd.</p>  <p style="text-align: right;">Option 6</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> This option reconstructs portions of Crescent and Estero to create a road designed for high speeds at the foot of the bridge. This option provides efficient travel through the area and onto or off of the bridge.</p> <p><u>Local Traffic:</u> This option provides for very limited local circulation onto or off of Estero.</p>	<p>1 2 3 4 5</p> <p>Not walkable. Road designs of this type are suburban in nature, and experience since the 1950’s has shown that these road designs tend to blight to the areas through which they pass. Attempts to improve the character of the local community would be severely hampered by a design of this type. The high speed design (45 mph) would provide a dangerous pedestrian crossing obstruction. This design will curtail access to the waterfront and change the character away from its small-town roots.</p>	<p>1 2 3 4 5</p> <p>The high speed geometry of this design requires the realignment of Estero and Crescent Streets, limiting adjoining redevelopment to more highway-oriented uses. The setbacks and design requirements for this type of road would reduce the developable area of the site. The property owner’s willingness to donate the property is not known; all ROW may have to be purchased. Alternatively, if Estero is abandoned, a land swap might be arranged with the land owner for the new alignment.</p>

Table 2 -- Transportation Analysis Options Matrix

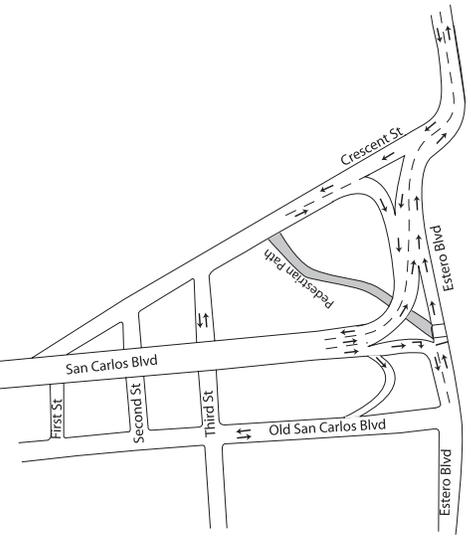
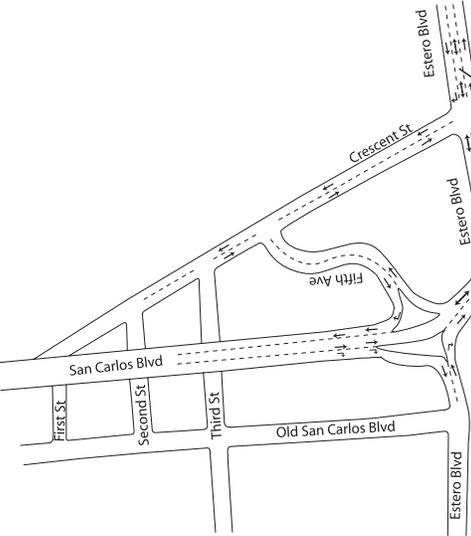
Option	Traffic Performance	Walkability/Livability	ROW/Feasibility
<p>Option 7 – Highway-geometry reconstruction of Estero Blvd. with a pedestrian underpass</p>  <p style="text-align: center;">Option 7</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> This design is similar to Option 6, except that Estero Blvd. would remain elevated as it enters and exits the bridge and would pass over a pedestrian path before returning to grade. Traffic benefits are expected from the pedestrian underpass but could not be quantified by the model. Due to the complete channelization of the road, traffic would move well through the area onto and off of the bridge.</p> <p><u>Local Traffic:</u> This option provides for very limited local circulation onto or off of Estero.</p>	<p>1 2 3 4 5</p> <p>Not walkable. The pedestrian underpass would provide grade-separated access beneath a “Great Wall of China” barrier of Estero Blvd., but the previously walkable areas nearby would be degraded. The suburban highway geometry design precludes pedestrian-oriented development, so that even if sidewalks and pedestrian connections are provided, they will be less usable for pedestrians.</p>	<p>1 2 3 4 5</p> <p>This option will require at least as much ROW as Option 6, plus additional ROW for the on ramp from Estero to west. The feasibility of this design is in question. A preliminary design hasn’t been attempted, but rudimentary calculations of the area required to construct the pedestrian overpass and related elevated facilities indicate the physical space may be too constrained for this option. In addition, the expense of constructing elevated facilities is far in excess of that required for the at-grade facilities in the other options.</p>
<p>Option 8 – Existing street geometry with transit lane on Estero between Crescent and 5th</p>  <p style="text-align: center;">Option 8</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> Queues form on the bridge southbound when the pedestrian signal is activated, but queues are not permanent and traffic flows over the bridge in both directions.</p> <p><u>Local Traffic:</u> Left turns from North Estero onto the bridge are prohibited as they are today; left turns onto North Estero would also be prohibited by this design. Southbound traffic on the bridge would continue to have only one convenient opportunity to enter the local traffic pattern (right turn at foot of bridge). Transit lane would not have left turn at the foot of the bridge. Northbound traffic on Estero would have to turn onto Crescent and 5th to reach the bridge.</p>	<p>1 2 3 4 5</p> <p>Continuous right-turns from Estero onto Crescent and from 5th onto the bridge will create difficulty for pedestrian crossing. The longer block of Crescent without the new street may discourage vehicles from using this bypass or create higher speeds that are detrimental to safe and comfortable walking conditions.</p>	<p>1 2 3 4 5</p> <p>This option uses existing ROW and street geometry, so no additional ROW is required.</p>

Table 2 -- Transportation Analysis Options Matrix

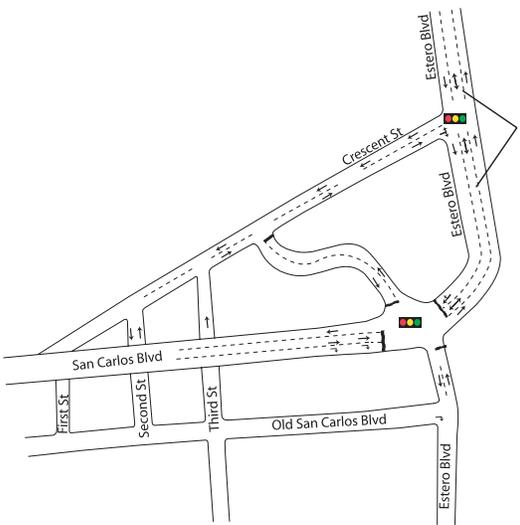
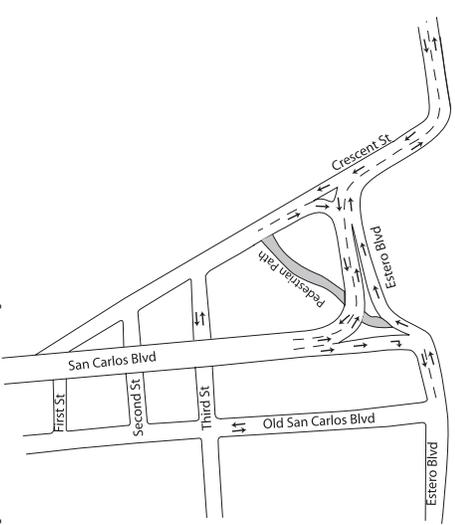
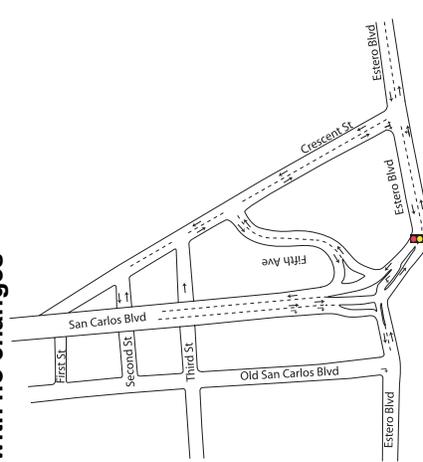
Option	Traffic Performance	Walkability/Livability	ROW/Feasibility
<p>Option 9 – Existing street geometry; signal at 5th /Estero and Estero/Crescent; no pedestrian signal on Estero; transit lane</p>  <p>Option 9</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> Some queuing on the bridge southbound, but cars clear within a few cycles. Northbound traffic moves fine.</p> <p><u>Local Traffic:</u> In order to get LOS D at the intersection of Estero and 5th, left turning movements had to be eliminated, which hampers local traffic circulation. Also, as at present, no east-west through movements would be allowed at this intersection. The transit lane on Estero can be added with a permitted northbound left turn at Estero and 5th and still allow the intersection to operate at LOS D.</p>	<p>1 2 3 4 5</p> <p>Removing the pedestrian signal on Estero creates a long block (>600') encouraging mid-block crossings. The increased through-traffic along Estero, in addition to higher speeds during off-peak periods, are two factors making mid-block crossings less safe.</p> <p>Also creates situation of an arterial road optimized for through traffic separating two pedestrian-oriented locations. Intersection cycle lengths of 90 seconds (Estero/5th) and 100 seconds (Estero/Crescent) are longer than desirable for good walkability, encouraging crossing against the light. Transit lane may require reducing sidewalk width, reducing walkability.</p>	<p>1 2 3 4 5</p> <p>Addition of transit lane will require additional ROW along Estero between Crescent and 5th, unless sidewalks are narrowed.</p>
<p>Option 10 – Alternate highway-geometry reconstruction of Estero Blvd. with a pedestrian underpass</p>  <p>Option 10</p>	<p>1 2 3 4 5</p> <p><u>Through Traffic:</u> This design is similar to Option 7, except that Estero Blvd. would be shifted northward to a new alignment matching Options 1 through 5. Traffic benefits are expected from the pedestrian underpass but could not be quantified by the model. Due to the complete channelization of the road, traffic would move well through the area onto and off of the bridge.</p> <p><u>Local Traffic:</u> This option provides for very limited local circulation onto or off of Estero.</p>	<p>1 2 3 4 5</p> <p>Not walkable. Just as with Option 7, the pedestrian underpass would provide grade-separated access beneath a "Great Wall of China" barrier of Estero Blvd., but the previously walkable areas nearby would be degraded. The suburban highway geometry design discourages pedestrian-oriented development, so that even if sidewalks and pedestrian connections are provided, they will be less usable for pedestrians.</p>	<p>1 2 3 4 5</p> <p>This option will require at least as much ROW as Option 7, plus additional ROW for the on-ramp from Estero to the west, plus a complete realignment of Estero. The northward shift of Estero would cause less damage to private property than Options 6 or 7. The new elevated road would return to ground level just before it reaches Crescent St. The expense of constructing elevated facilities is far in excess of that required for the at-grade facilities in the other options.</p>

Table 2 -- Transportation Analysis Options Matrix

Option	Traffic Performance	Walkability/Livability	ROW/Feasibility
<p>Existing Conditions – Existing streets with no changes</p>  <p style="text-align: right; font-size: small;">Existing</p>	<p>1 2 3 4 5</p> <p>Through Traffic: Extensive peak-hour queuing on bridge.</p> <p>Local Traffic: Limited left turns at intersection of 5th and Estero force local traffic to circulate under the San Carlos bridge. Local circulation pattern wastes vehicle miles of travel and provides limited opportunities for local business access.</p>	<p>1 2 3 4 5</p> <p>Slow traffic speeds and buildings to back of sidewalk create a comfortable pedestrian environment despite the inadequate sidewalks. However, lack of extensive pedestrian-friendly development fails to capitalize on these “good bones” of design. Poor traffic circulation creates a “pedestrians versus cars” mentality that is detrimental to all sides. Additional pedestrian-oriented development requires better traffic circulation for greater livability.</p>	<p>1 2 3 4 5</p> <p>Existing conditions use existing ROW.</p>

SUMMARY OF OPTIONS:	Traffic Performance	Walkability/Livability	ROW/Feasibility
Option 1 – Roundabout with full circulation	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 2 – Roundabout; Estero closed from 5 th to Crescent; reopen Center St	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 3 – Estero/New Street one-way pair; no roundabout	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 4 – Roundabout with northbound Estero reserved for transit and emergency	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 5 – Addition of New Street with unsignalized intersection (no RBT)	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 6 – Highway-geometry reconstruction of Estero Blvd.	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 7 – Highway-geometry reconstruction with pedestrian underpass	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 8 – Existing street geometry with transit lane on Estero	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 9 – Existing street geometry; move signals to 5 th & Crescent; add transit lane	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Option 10 – Alternate highway-geometry reconstruction of Estero w/ped underpass	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5
Existing Conditions – Existing streets with no changes	1 2 3 4 5	1 2 3 4 5	1 2 3 4 5

None of the street alternatives just discussed affect conditions beyond Crescent Street. It is readily apparent during congested periods that the conditions causing the congestion continue beyond Crescent Street and even beyond the end of the “Pedestrian Commercial” district (which extends to Diamondhead Resort).

The town’s ongoing efforts to improve the blocks between Crescent Street and Old San Carlos Boulevard are critical both to the character of the downtown area and to traffic congestion. However, congestion on these blocks (and northward across the Sky Bridge) will still result from the inability of traffic to flow smoothly beyond Crescent Street. The level of this congestion is difficult to predict using traffic simulation software, but will undoubtedly still be very substantial.

Two larger congestion relief issues deserve attention. Additional congestion will continue to be caused by growth elsewhere in Lee County and the state because area residents enjoy visiting the beaches. The town has no regulatory authority over such growth, but comfortable and efficient public transit, whether on trolleys or trams, can provide mobility to island visitors (as well as residents) without adding more vehicles to the lines of traffic waiting to enter and leave the island. Public transit is discussed further on pages 47 and 51.

Another type of relief could be provided by building another bridge to Fort Myers Beach. Four “new bridge” alternatives as illustrated in Figure 10 were discussed in the original comprehensive plan on pages 7-A-48 through 52. The Lee County Metropolitan Planning Agency (MPO) has recently evaluated two of these alternatives, a southerly bridge to Coconut Road and a northerly bridge to the end of Main Street on San Carlos Island. The MPO conducted this evaluation to determine whether any of these improvements would provide enough relief for congestion on Estero Boulevard to justify inclusion on the MPO’s new transportation plan for the year 2030, which identifies needed road improvements throughout Lee County.



Figure 10, potential routes for an additional bridge (was Figure 28 in Transportation Appendix A)

The highway portion of the 2030 plan begins with a “highway needs assessment,” which is a map and list of road improvements that are needed throughout Lee County by the year 2030 (without considering affordability). The map summarizing the results of this assessment is shown in Figure 11. Here is the MPO staff summary of the two “new bridge” alternatives for Fort Myers Beach during the early stages of this assessment:

Additional bridges to the beach communities At the outset of the plan development process, staff submitted the three new bridge alternatives listed in the Fort Myers Beach comprehensive plan for environmental screening through FDOT’s ETDM process [*Efficient Transportation Decision Making, a preliminary impact review by state and federal agencies*]. For two of the alternatives, the Coconut Road extension to Lovers Key and the Winkler Road extension to mid-Estero Island, the reviewing agencies reported a total of seven issues on which they had such serious concerns that dispute resolution would be required if the project could ever be permitted. For the third alternative, connecting Main Street near the southeast end of San Carlos Island with Estero Boulevard in the general area of the town hall, such serious concerns were raised for only three issues.

The Coconut Road to Lovers Key alternative was tested in the first 2030 needs alternative network (combined with a Coconut Road interchange with I 75). The model predicted that it would reduce peak season daily traffic using the Bonita Beach Road bridge in 2030 by about 9,900, but relieve the Matanzas Pass Bridge of only 3,500 daily trips — not enough for a significant improvement in the level of service. The San Carlos Island to Fort Myers Beach alternative was tested in the second alternative needs network. The model predicted it that 11,200 daily trips would choose to use the new bridge, leaving only 17,500 daily trips using the existing Matanzas Pass Bridge, and improve levels of service to D or better throughout Fort Myers Beach and San Carlos Island and on the bridges and San Carlos Boulevard south of Summerlin Road. This alternative performed so well that the TAC and CAC decided to dispense with testing the Winkler extension alternative, and kept the San Carlos Island route for the remaining network alternative and recommended it be included in the 2030 highway needs assessment [*see improvement #111 on Figure 11*].

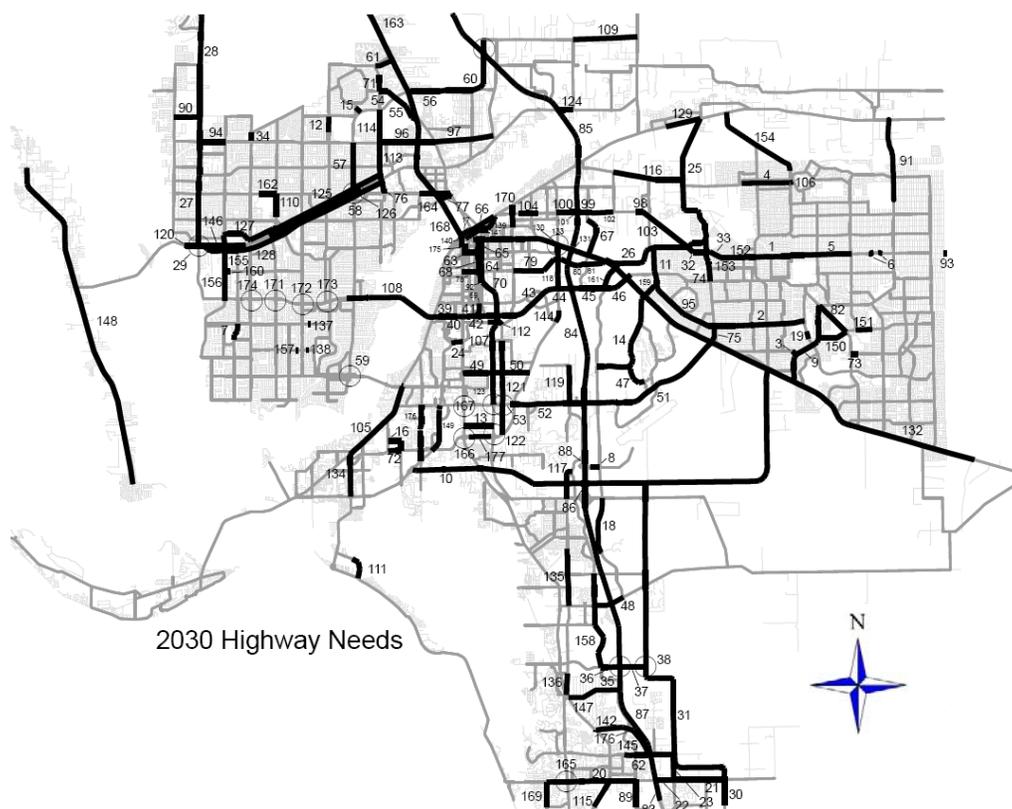


Figure 11 (new roads for 2030 indicated by heavy black lines)

Once the needs assessment is completed, the least valuable road projects from this needs assessment are eliminated until a final list includes only roads that could be built by the year 2030 with available funding sources. The final list and map are called the “2030 financially feasible plan.”

The entire 2030 plan was adopted by the MPO in December 2005. The new bridge shown as #111 on Figure 11 was made part of the 2030 financially feasible plan, based on the following preliminary assumptions:

- Construction responsibility: Lee County
- Length of new road segment: 0.86 miles
- Completion assumed: 2015
- Cost assumed: \$49,113,799
- Funding: Tolls on both new and existing bridges

It is unfortunate that whatever kind of relief can be provided to traffic congestion will be continually eroded by additional growth in the surrounding area. It will also be eroded by motorists who may have avoided Fort Myers Beach in the past, or reached it with public transit, if they take advantage of reduced congestion and begin driving to Fort Myers Beach during peak periods.

D. Recommendations on Times Square Area

The recommendations described in the previous section of this report are now under evaluation by town officials. None of the alternatives described would require any amendments to the comprehensive plan, although there is considerable urgency facing the town due to the impending redevelopment described on page 23.

The only related change to the comprehensive plan that have been identified would be to delete Policy 7-H-3 regarding left-turns on Estero Boulevard as northbound traffic passes Times Square, as discussed on page 23.

SECTION 5. ESTERO BOULEVARD – Length of Island

ISSUE STATEMENT: 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. Other high priorities are to bury overhead power lines to beautify the town and protect the wires from high winds, and to reduce the frequent “ponding” of rainfall that cannot flow off the pavement in many places. However, there is 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 up to \$7 million to move the rest of the power lines underground). This figure is well beyond the ability of the town to finance at current levels of taxation.

A. Evaluation of Existing Policies

OBJECTIVE 1-A ESTERO BOULEVARD — *Improve the functioning and appearance of Estero Boulevard as the premier public space and primary circulation route of Fort Myers Beach.*

EVALUATION OF OBJECTIVE 1-A: This objective remains valid today. Many positive steps have been taken in recent years, as described in the evaluations of Policies 1-A-2, 1-B-2, 7-B-3, and 7-E-1. However, Estero Boulevard is still far from being worthy of the designation of “premier public space” on Fort Myers Beach. Specific issues yet to be resolved are discussed beginning on page 50.

POLICY 1-A-2 *The town should develop a sidewalk and streetscape plan for all of Estero Boulevard that builds on the design theme of the 1997 improvements from Times Square and to the Lani Kai. This plan should recreate the historic “Avenue of Palms” concept by adding appropriate palm trees such as coconuts on both sides between the sidewalk and new curbs. This plan should also address related needs such as parking and trolley pull-offs, and should be sufficiently detailed to estimate costs and suggest potential phases of construction. Priorities should include positive impacts on:*

- i. *stimulating revitalization consistent with the town’s overall vision in this comprehensive plan*
- ii. *completing pedestrian and bike path linkages from one end of the island to the other;*
- iii. *managing traffic flow;*
- iv. *improving pedestrian crossings; including push button (demand) lights; textured materials to emphasize crossings to drivers; and covered seating areas and other “oasis” amenities at trolley stops and beach accesses;*
- v. *lowering construction and maintenance costs from the original design;*
- vi. *correcting drainage problems;*
- vii. *coordinating with utility undergrounding; and*
- viii. *working within new and available sources of funds.*

After completing that plan, the town shall establish a phased schedule of capital improvements to complete this network.

EVALUATION OF POLICY 1-A-2: As a result of this policy, the town commissioned the WilsonMiller engineering firm to prepare a streetscape master plan. This plan, completed in June 2000, presented design alternatives for each segment of Estero

Boulevard as it passes through six geographical areas of differing character: north end, core area, civic complex, quiet center, high-rise resort, and south end. Cost estimates were provided for all alternatives.⁷

POLICY 1-A-3 *In commercial and mixed-use areas, the town shall identify specific portions of Estero Boulevard where changes in land development regulations could work towards a more coherent “framing” of the Boulevard. New regulations should accomplish the following design goals over time through infill and redevelopment:*

- i. *bringing buildings closer to the sidewalk;*
- ii. *encouraging or requiring compatible means of meeting the mandatory flood elevation requirements (for example; using dry-floodproofing techniques, designs such as the old hardware store which is built close to the street with outside steps up, but with added steps up inside to reach the flood elevation);*
- iii. *locating most parking to the rear of buildings, limiting curb cuts, and promoting shared parking areas;*
- iv. *facilitating pedestrian and bicycle access and contributing to the interconnectedness of the circulation system;*
- v. *adopting design guidelines that encourage architecture and urbanism along Estero Boulevard that contributes to human scale and “beach cottage character” (such as the Huston Studio or Hussey tourist information center).*

EVALUATION OF POLICY 1-A-3: By 2003 the new land development code had been completed to incorporate all of the redevelopment design goals listed in this policy.

POLICY 1-B-2 *Improve the appearance of the town throughout by landscaping public property and rights-of-way with native vegetation.*

EVALUATION OF POLICY 1-B-2: This policy has been implemented, though with fewer physical results thus far than had been anticipated:

- The improvements to Old San Carlos Boulevard have been completed, with native coconut trees being the predominant landscape theme.
- The plant palette in the streetscape master plan is weighted heavily in favor of native trees, shrubs, and ground cover.
- Five native trees that typically survived Hurricane Charley were nominated for an election for the town’s “official tree”: coconut palm, silver buttonwood, southern live oak, wild tamarind, and gumbo limbo. The gumbo limbo tree was selected and is now being planted on town projects.
- Since 1998 the town has offered a neighborhood landscaping program. A tree booklet was prepared that offers twelve types of trees that are salt tolerant and are good choices for planting near the beach. The town offers to pay half the cost of purchasing and planting trees along neighborhood streets for participating neighborhoods; \$20,000 has been budgeted each year.
- Residents can also buy individual coconut palms and gumbo limbos from the town at half price to help replace trees lost to the hurricane.

POLICY 1-B-5 *Develop a program for placing utilities underground that addresses both public and private sector development.*

EVALUATION OF POLICY 1-B-5: Between 1996 and 2002, all overhead wires have been moved underground on all of Old San Carlos, throughout Times Square, and on

⁷ *Estero Boulevard Streetscape Master Plan, WilsonMiller, Fort Myers and Naples, Florida, June 5, 2000*

Estero Boulevard from Times Square to the Lani Kai. Power lines were already underground from the public library to Donora Boulevard. It has long been a goal of the town to see overhead wires moved underground on the remainder of Estero Boulevard; see the evaluation of Policy 14-B-1 and a more thorough discussion on page 52.

POLICY 3-A-4 *A “heart of the island” plan should be prepared to coordinate the public and private actions needed to fully implement this concept, including identifying the sequence of actions, responsibilities for implementation, and potential funding sources. Initial actions should include:*

- i. develop a design concept consistent with the new streetscape plan for Estero Boulevard, identifying approximate costs, potential funding sources, and suggested phasing;*
- ii. refine regulations that would allow a compatible mix of uses such as residential, live-work spaces such as studios or galleries, and small-scale specialty retail uses consistent with the historic theme, including eased setback and parking regulations to accommodate the unique needs of renovations of existing and move-on cottages; and*
- iii. prepare architectural guidelines for cottage renovations and for infill development.*

EVALUATION OF POLICY 3-A-4: The streetscape portion of this policy was carried out as part of the streetscape master plan. The regulatory changes in subsection (ii) have been included in the town’s new land development code. Architectural guidelines for cottage renovations have not been prepared.

POLICY 3-C-1 *The town wishes to convert, over time, the existing Villa Santini Plaza and surrounding land from its current configuration of auto-oriented commercial uses. The desired plan would create a new “Main Street” shopping and civic center to serve residents of the south end of Estero Island and visitors to the state park on Black Island and Lovers Key (see Policy 4-F-2(ii) of the Future Land Use Element). To accomplish this goal, the town wishes to structure a public/private partnership agreement that provides for the following:*

- i. outlines the public improvements necessary to implement the concept, and identifies the agencies and entities involved and their respective roles;*
- ii. provides the town’s design criteria to guide the preparation of the development plan by the property owners; and*
- iii. sets forth the process for the partnership, identifies responsibilities, areas of commitment, timing and process, order of magnitude costs, fiscal impacts/benefits, and any reimbursements.*

EVALUATION OF POLICY 3-C-1: The design criteria have been prepared and are now in the land development code in a new “SANTINI” zoning district. The current owners of Santini Plaza and the adjoining Fish-Tale Marina are very interested in pursuing the public/private partnership described in this policy and redeveloping the shopping center accordingly. The partnership will have to involve Lee County because the county still owns and operates Estero Boulevard; during the coming year the town will determine whether county officials are prepared to proceed.

OBJECTIVE 4-A SMALL-TOWN CHARACTER — *Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented “public realm” that allows people to move around without their cars even in the midst of peak-season congestion.*

EVALUATION OF OBJECTIVE 4-A: Maintaining “small-town character” continues to be a focus of most activities of town government, including the evaluation and analysis contained in this report.

POLICY 4-A-2 *The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm.*

EVALUATION OF POLICY 4-A-2: The new land development code carries out this policy through its property development regulations and commercial design standards.

POLICY 7-A-1 CONGESTION: *Every winter, Estero Boulevard becomes so crowded that traffic backs up, sometimes for miles in both directions. Much of this congestion is caused by visitors, who will continue to frequent the beaches regardless of development levels on Estero Island. Despite the road congestion, the town welcomes visitors and intends to provide mobility alternatives as described in this plan.*

EVALUATION OF POLICY 7-A-1: Mobility alternatives such as sidewalks and bike paths have been pursued in great detail in the streetscape master plan, in the recent improvements to Old San Carlos Boulevard, and in the ongoing redesign for North Estero Boulevard. During the past year, the town's Traffic Mitigation Agency has championed and carried out important transit improvements to allow visitors to reach Fort Myers Beach without driving their own vehicles. These include greatly increased trolley service from Summerlin Square shopping center to Bowditch Point; temporarily eliminating trolley fares to measure its effect on ridership; adding a trolley-only lane on the Sky Bridge (using the existing southbound breakdown lane); and experimenting with electronic signs that advise waiting passengers exactly when the next trolley will arrive.

POLICY 7-B-3 IMPROVEMENTS TO ESTERO BOULEVARD: *The Town of Fort Myers Beach shall initiate additional pedestrian and streetscape improvements along Estero Boulevard beginning in 1999, and shall negotiate with Lee County for the turnover of responsibility for its maintenance if necessary to carry out these improvements.*

EVALUATION OF POLICY 7-B-3: In addition to the streetscape master plan, the town has made progress on other improvements to Estero Boulevard. The town has acquired a 5-foot-wide sidewalk easement on the bay side of Estero from the owners of Seafarer's and Helmerich Plazas. The previous right-of-way at this point was only 50 feet wide which does not allow for proper sidewalks on both sides or for a median refuge island that would allow pedestrians to cross in two stages without stopping traffic with the pedestrian signal.

Serious discussions of transferring maintenance responsibility for Estero Boulevard to the town have not taken place. However, the county and town are now jointly carrying out an important study of the feasibility of a transit-only lane on Estero Boulevard (see page 51). Detailed plans for improvements have been delayed until the feasibility can be determined.

POLICY 7-D-2 IMPROVE TROLLEY SERVICE: *Trolley ridership increases when service is more frequent and when fares are low or free, yet no long-term funding or operational plan has been developed for providing higher service levels. Practical measures to improve trolley usage include:*

- i. Recurring subsidies from tourism sources so that service can be enhanced and congestion minimized during heavy seasonal traffic;*
- ii. Pull-offs at important stops along Estero Boulevard so that passengers can safely board and traffic is not blocked excessively; these pull-offs could be built during other improvements to Estero Boulevard or required by the Land Development Code during the redevelopment process.*
- iii. Clear signs at every stop with full route and fare information;*

- v. *Bus shelters at key locations, with roofs, benches, and transparent sides;*
- v. *Replacement of the existing trolley buses with clean-fuel vehicles so that businesses won't object to having trolleys stop at their front doors; and*
- vi. *Accommodation of the special needs of the transportation disadvantaged.*

EVALUATION OF POLICY 7-D-2: The town has not been able to convince county officials to use tourism funding sources to supplement transit service to Fort Myers Beach. However, the town itself subsidized increased service last year and waived trolley fares, demonstrating how these service improvements dramatically increase ridership. In 1993 through 1995 fare were also waived and service was increased; ridership increased quickly then as well. The town has stopped subsidizing this service, but county officials have agreed to do so with county funds.

The streetscape master plan addressed improved trolley pull-offs and bus shelters. No progress has been made on replacing diesel trolleys with clean-fuel vehicles.

POLICY 7-D-3 ALTERNATE TRAVEL MODES: *The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas. The town seeks to at least double the usage of the trolley system by the year 2001 (from its 1996 total ridership level of 238,754).*

EVALUATION OF POLICY 7-D-3: In 2000 the town converted its road impact fee program into a transportation impact fee program as proposed in this policy. In the second half of 2005 the town began examining funding for improved transit service from new development occurring on the mainland that is oriented to regular beach users.

Historic ridership on the beach trolley system is summarized in Table 3.

Table 3 – Historic Trolley Ridership

<i>Fiscal Year</i>	<i>Total Riders</i>	<i>Increase over 1996</i>	<i>Service Notes</i>
1992	268,306		
1993	424,643		<i>free</i>
1994	463,352		<i>free; more frequent service</i>
1995	466,018		<i>free; continued frequent service</i>
1996	238,754		<i>fare reinstated</i>
1997	251,871	5%	
1998	243,478	2%	
1999	260,845	9%	
2000	369,992	55%	
2001	372,112	56%	
2002	342,825	44%	
2003	355,272	49%	
2004	416,710	75%	
2005	524,870 <i>(through July only)</i>	120% <i>(through July only)</i>	<i>more frequent service; transit-only lane</i>

During the first ten months of fiscal year 2005, trolley usage has finally exceeded the Policy 7-D-3 goal of a 100% increase over 1996 ridership levels.

OBJECTIVE 7-E UPGRADE ESTERO BOULEVARD — As part of its congestion avoidance strategy, the town shall methodically upgrade Estero Boulevard to reduce speeding and encourage walking, as higher traffic speeds and car-oriented businesses are antithetical to its pedestrian character. (If a suitable partnership to this end cannot be achieved with Lee County, the town shall consider taking on maintenance responsibility for Estero Boulevard.)

EVALUATION OF OBJECTIVE 7-E: The initial steps toward this objective were taken with the streetscape master plan. The lack of funding to make major improvements has stalled this effort since that time.

POLICY 7-E-1 TIMES SQUARE STREETScape: The town shall begin work by 1999 toward extending southward the curbs, colorful sidewalks, and street trees installed by the Estero Island CRA in 1996. Similar sidewalks should be placed on both sides of Estero Boulevard as far south as the public library, including drainage, lighting, and trolley improvements. Unspent funds from the Estero Island CRA should be sought from Lee County toward this end. Generous urban sidewalks should also be built in the future around the Villa Santini Plaza as part of its redevelopment (as described in the Community Design Element).

EVALUATION OF POLICY 7-E-1: The town was able to obtain about \$2,000,000 of unspent funds from Lee County's former Estero Island CRA. Most of this money has been spent to improve Old San Carlos Boulevard. No physical progress has been made on improvements to Estero Boulevard; the problems have included indecision as to the best design and lack of funding to complete such a large project.

POLICY 7-E-2 TRAFFIC CALMING: The town shall support two types of traffic calming to reduce speeding, which endangers lives and diminishes the quality of the pedestrian environment of Fort Myers Beach:

- i. The first is "active" or traditional traffic calming along residential streets, using physical techniques such as speed humps, narrowed lanes, landscaping, traffic diverters, jogs, or traffic circles at intersections.
- ii. The second is "passive" traffic calming along Estero Boulevard, to control speeding without reducing the number of vehicles that can use the road. Techniques include full curbs and sidewalks separated by street trees; buildings nearer the road; interesting vistas for drivers; and avoidance of overly wide travel lanes or intersections.

EVALUATION OF POLICY 7-E-2: The town has funds budgeted in this fiscal year to study "active" traffic calming on Connecticut Street and adjoining streets in the upcoming fiscal year.

"Passive" traffic calming has been implemented for Old San Carlos Boulevard. It is also planned for Estero Boulevard but not yet installed. The new land development code ensures that new buildings will be placed closer to Estero Boulevard than under previous rules.

POLICY 7-E-3 BUILDINGS CLOSE TO THE STREET: Where pedestrian levels are high, buildings should adjoin the sidewalk rather than be separated by parking spaces. Front walls of stores, offices, and restaurants should have large windows rather than blank walls, preferably shaded by awnings or canopies. Access to parking areas shall be off side streets wherever possible. The town's Land Development Code shall implement these concepts beginning in 1999.

EVALUATION OF POLICY 7-E-3: The land development code now includes all of these principles.

POLICY 7-E-4 SIDEWALKS AND BIKEWAYS: The town shall work toward major expansion of sidewalks and bikeways. In addition to the next phase of Estero Boulevard sidewalks (see Policy 7-E-1 above), the town shall support the following projects:

- i. Support Lee County's imminent plans to fill the gaps from Buccaneer to Estrellita Drive and from the Villa Santini Plaza to Bay Beach Lane using federal funds;
- ii. Initiate extensive improvements by 1999 to Old San Carlos and Crescent Street in conjunction with parking improvements (see Policy 7-F-2);
- iii. Initiate engineering studies by 1999 for bikeways and additional sidewalks on the second side of Estero Boulevard and improved pedestrian crossings, including consideration of a pedestrian overpass at Times Square.

EVALUATION OF POLICY 7-E-4: The sidewalk from Santini Plaza to Bay Beach Lane has been completed as planned, as have the wide new sidewalks on Old San Carlos. On Estero near Times Square, a sidewalk easement has been obtained and improved pedestrian crossings have been studied, but physical improvements have not begun.

POLICY 7-H-10 CONNECTIONS TO ESTERO BOULEVARD: *An excessive number of streets and driveways have direct access to Estero Boulevard, reducing its ability to handle peak-season traffic. The town shall take advantage of any suitable opportunities to consolidate street connections into fewer access points onto Estero Boulevard.*

EVALUATION OF POLICY 7-H-10: This policy has been embedded into the land development code in section 34-676(d)(1) and 34-706(c-d).

POLICY 7-J-2 TRAFFIC IMPACT ANALYSES: *A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 1999 to:*

- i. decrease the thresholds for requiring traffic impact analyses;
- ii. require them to study the cumulative impacts of potential development; and
- iii. use the results in assessing whether impacts are acceptable, and whether an improved design could offset some of the impacts.

EVALUATION OF POLICY 7-J-2: This is the only policy in the plan that specifies LDC changes but has not been carried out. This is a more complex undertaking than had been anticipated; the town should hire a transportation consultant that specializes in this field.

POLICY 10-H-3 *Provide occasional "oasis" areas (resting places for pedestrians and bicyclists) at selected trolley stops and other strategic locations along Estero Boulevard as a part of the Estero Boulevard Streetscape Plan described in Community Design Policy 1-A-3(iv). The first oasis area shall be the Newton estate at Strandview Avenue (see Policy 10-F-3) which shall be closely linked to the Great Calusa Blueway paddling trail, the public trolleys and sidewalks/bike paths along Estero Boulevard, and to the public beachfront.*

EVALUATION OF POLICY 10-H-3: The second sentence of this policy was added in 2002 when the town had an opportunity to acquire the Newton estate. Despite serious damage from Hurricane Charley, Newton Park will open soon as a public park.

POLICY 14-B-1 *The town would like to see major power lines placed underground to protect the lines, to avoid interruptions to evacuation due to fallen lines, and to improve the visual experience for tourists and residents.*

EVALUATION OF POLICY 14-B-1: Overhead wires are unsightly and are vulnerable to tropical storm and hurricane-force winds. However, undergrounding power lines is very expensive, up to \$1,000,000 per mile, and until very recently Florida Power & Light has not been willing to bear any of the costs. The undergrounding process is very disruptive unless the lines are buried while the road is being rebuilt for other purposes; as a practical matter, if undergrounding is to take place, it must be an integral part of other streetscape improvements to Estero Boulevard. See a discussion of this subject beginning on page 52.

B. Additional Data and Analysis

The term “streetscape” refers to all the natural and man-made elements in a street right-of-way, including travel lanes, bike paths, sidewalks, street trees, signs, street lights, utility lines, drainage swales and inlets, and transit benches and shelters.

Two major problems have interfered with implementation of the Estero Boulevard Streetscape Master Plan that was completed in 2000. By far the largest problem has been financial, given the enormous cost of carrying out the entire plan. Another problem has been local resistance to a roundabout that was proposed in the master plan as a gateway feature near Times Square.

One financing 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. However, there has been strong community reaction against tolling the bridges. Unless the community’s resistance to tolling abates, other revenue sources will have to be found or the streetscape improvements will have to be dramatically scaled back.

To gauge continued public support for major improvements to Estero Boulevard, members of the public who attended the April 7, 2005, workshop were asked their opinions on six potential improvements to Estero Boulevard. The written responses that evening were as follows:

How important to you are the following improvements to Estero Boulevard?

	<u>Important</u>	<u>Not Important</u>	<u>[no answer]</u>
<i>Underground Utilities:</i>	66	3	4
<i>Better Drainage:</i>	65	1	7
<i>Sidewalks:</i>	67	0	6
<i>Street Trees:</i>	43	22	8
<i>Bike Paths:</i>	64	5	4
<i>Transit Facilities:</i>	49	14	10

These results indicate outstanding support for streetscape improvements. However, the cost problems that have thus far derailed physical improvements have not been resolved.

A potential funding source for some improvements is Lee County, which currently owns and maintains Estero Boulevard from Times Square to Big Carlos Pass. However, the county’s priorities may be different than those of local residents. Before engineers are hired to design actual improvements, the town needs to decide on the basic form they should take so that the town’s livability and transportation goals will be carried out, even if the improvements are built in phases or by different entities. Several issues that need to be resolved are discussed below.

i. Exclusive transit lane

A necessary first step in the design of future improvements is to determine whether Estero Boulevard can be configured to give priority to trolleys, trams, or other public transit vehicles. The streetscape master plan included many features to make public transit more convenient, such as comfortable trolley stops with adjoining crosswalks. Although exclusive lanes for transit vehicles had also been considered, they were not included in the final master plan.

The enormous increase in public transit usage during the winter of 2005 season was partly a result of the experimental use of an exclusive transit lane on the Sky Bridge (see page 47). That success has warranted a new look at the potential for exclusive transit lanes to be part of the long-range traffic solutions for Fort Myers Beach. The town and the county are in the midst of a feasibility study of exclusive transit lanes on Estero Boulevard.

Across the country, most public transit vehicles use the same travel lanes as other vehicles. On downtown streets in larger cities, transit vehicles are sometimes given priority through special turn lanes or traffic signal timing. In a small number of cases, entire travel lanes are restricted to transit vehicles only. Exclusive transit lanes are rare because the number of transit vehicles per hour must be quite high, typically 30 or more per hour, before there is enough benefit for the transit passengers to offset the loss to other potential uses of the same space (for wider sidewalks, on-street parking, or keeping the travel lane open to other vehicles).

The success of the exclusive transit lane on the Sky Bridge had two major factors. First, southbound traffic on the Sky Bridge is often at a standstill due to congestion on Estero Boulevard; reports of trolleys bypassing this line of cars were the best advertising that public transit could ever get, even though waiting times at each end will always make public transit less convenient than private cars. Second, this transit lane was provided without eliminating existing travel lanes or sidewalks – this lane functions as an exclusive transit lane but is actually a second use of the existing breakdown lane on the Sky Bridge.

Where there is space in the right-of-way to construct an entirely new lane, it can be used as an exclusive transit lane without eliminating existing uses. However, the constraint to this approach at Fort Myers Beach is the narrow right-of-way of Estero Boulevard in the very locations where traffic congestion originates: for instance, from Times Square to the public library. In that area, adding a travel lane would come at the expense of adequate sidewalks, which is a counter-productive strategy because every transit rider becomes a pedestrian after stepping off the vehicle. A comfortable pedestrian experience at each end of the trip is at least as important to encouraging transit usage as reducing the time spent sitting on the vehicle.

The best opportunities for encouraging transit usage by shortening the trip will be similar to the Sky Bridge experience: finding opportunities that don't involve unacceptable tradeoffs. For instance, San Carlos Boulevard is excessively wide north of the Sky Bridge, thus providing some opportunities for underused segments to better serve transit vehicles. Likewise, it may be possible for parts of the center turn lane on Estero Boulevard to be opened to transit vehicles if boarding islands could be provided for passengers at each stop.

It is unlikely that an exclusive transit lane would be justifiable along the entire length of Estero Boulevard. In those segments with adequate right-of-way for a new lane, transit vehicles can operate in mixed traffic with little or no problem. In segments with inadequate right-of-way, the tradeoffs with other potential users of the same space will limit the opportunities for exclusive transit lanes.

However, there are many other design features that can be included on Estero Boulevard to encourage transit ridership. The most obvious is providing shaded and comfortable trolley stops, where the number of minutes until the next trolley arrives is posted and complete schedules are available. These can be considered during the design phase for each segment of Estero Boulevard.

Beyond design features, there are many other factors that can increase transit ridership over time:

- Uncertainly over whether parking for private vehicles will be available or affordable;
- The use of comfortable and/or interesting transit vehicles;
- Frequency and predictability of service (e.g., will the trolley run late enough to get riders back home?)
- Fare levels — public transit is already heavily subsidized; requiring cash payment of fares raises little money but adds uncertainty that discourages ridership (e.g., Do potential riders have enough coins? Will the trolley drive provide change?)

Increased usage of public transit is essential to the future of Fort Myers Beach. There are many opportunities for design and operational features that will make transit attractive. The feasibility and usefulness of exclusive transit lanes will be evaluated in the current study which will be completed in 2006. After completion of that study, there should no further need to delay making improvements to Estero Boulevard because of uncertainties over the future of public transportation.

ii. Underground power lines

For many years there has been an active debate across the country and internationally over the costs and benefits of burying power lines and other wires such as cable television and telephone wires. In the past ten years, about half the national expenditures for new power lines have gone to underground wires. However, 63% of the distribution system for Florida Power & Light (FPL) still uses overhead lines:⁸ nationally, that figure is about 80%.⁹

Underground power lines cost significantly more to install. They tend to have fewer blackouts, but blackouts that do occur take longer to repair. FPL's most recent study showed that its underground power lines had fewer interruptions than its overhead lines during the past two hurricane seasons.

FPL now supports local and statewide legislation requiring all new developments to have underground electrical service. In addition to FPL's public safety concerns, it has become commonplace over the past two decades for power lines in new subdivisions to be placed underground on aesthetic grounds alone. Overhead lines can be inoffensive where they are placed in alleys or they are visually screened by street trees, but in a new subdivision, they are usually visually intrusive.

⁸ "FPL's Five-Point Plan to Build a Stronger Grid for the Future," Florida Power & Light (FPL), January 30, 2006, available from: www.fpl.com/storm/storm_secure_plan.shtml

⁹ "Out of Sight, Out of Mind?: A Study on the Costs and Benefits of Undergrounding Overhead Power Lines," Edison Electric Institute, January 2004, page 4.

However, converting existing overhead lines is a more difficult proposition, for several reasons:

- Unless the existing lines are due for replacement anyway, undergrounding is an additional expense that can be avoided or deferred.
- While blackouts are more likely to occur when high winds break overhead power lines, blackouts can also occur when storm surges damage electrical equipment placed at ground to serve underground power lines.
- In a new subdivision, the costs of undergrounding can be evenly spread to all benefitting property owners; but in a retrofit situation, an intuitively fair way to apportion the cost has often not been available.
- In the absence of a fair funding formula, power companies are often unwilling to move utilities underground in one area out of concern that customers in other areas will demand similar treatment or will object to paying for the improvements from which they do not personally benefit.

There are several additional factors that affect the final decision on whether to place power lines underground at Fort Myers Beach. The first is the obvious damage to overhead power lines that result from tropical storms and hurricanes. The second is the salinity and high levels of groundwater, and the potential damage that floodwaters might cause to transformers and other ground-mounted equipment; these factors are avoided with overhead power lines. The third is the narrow rights-of-way at Fort Myers Beach, which makes it important that power lines that are being moved underground avoid other underground utilities such as water and sewer lines (this problem is minimized when all utilities are being replaced at the same time).

FPL's recent "Storm Secure" plan offers new hope for underground power lines at Fort Myers Beach.¹⁰ FPL has now committed to using "extreme" wind-loading criteria from the National Electrical Safety Code for all new power lines and for main lines that are being relocated or upgraded for other reasons. The "extreme" standards can be met by undergrounding or by using more poles, stronger poles, or additional guy wires. FPL has also agreed to an accelerated schedule of upgrading power lines within five years for "critical infrastructure facilities" such as those serving grocery stores and gas stations.

In addition, FPL has for the first time agreed to pay 25% of the cost of placing power lines underground when that action is requested by a local government for any reason. The main condition is that all property located within any area proposed for conversion would be required to convert from overhead to underground service to ensure that the potential benefits of undergrounding are not compromised by interceding vulnerable overhead lines.

The decision as to whether power lines should be placed underground may not have to be made for the entire island, especially if the town pays the entire cost rather than requesting 25% reimbursement from FPL. It may be possible on some wider segments of Estero Boulevard to combine tall utility poles with shade trees planted in the right-of-way that will hide the overhead power lines from below, yet can be regularly trimmed to avoid interfering with the wires. Even if it is deemed desirable to place all major power lines underground, some segments of streetscape improvements may become unaffordable with underground lines, requiring those segments to be reconstructed with overhead lines or causing the improvements to be delayed. One segment of Estero Boulevard, from the Lani Kai to the public library, still has overhead power lines even

¹⁰ "FPL's Five-Point Plan to Build a Stronger Grid for the Future," Florida Power & Light (FPL), January 30, 2006, available from: www.fpl.com/storm/storm_secure_plan.shtml

though the lines extending in each direction are already underground; this may be the most important segment to underground in the near future.

C. Potential Funding Sources

Only one phase of improvements to Estero Boulevard is currently funded: the northern mile from Lynn Hall Park to Bowditch Point. Because this road segment belongs to the town, approval is not needed from the county or state. Funding is from accumulated gas tax revenues and previously collected transportation impact fees.

Because funding is not in place for additional segments of Estero Boulevard, new funding sources will be required. Several potential funding sources are discussed here.

- **Transportation impact fees.** The town now collects transportation impact fees from new development. These fees are collected when building permits are issued and are used for capacity-enhancing transportation improvements.

Under the current fee schedule, replacing an existing building does not trigger the payment of a new fee. Once the remaining vacant property at Fort Myers Beach has been built upon, the current transportation impact fee program will cease to be a viable funding source for further transportation improvements even though it is apparent that the current transportation system is highly inadequate.

The proposed streetscape improvements would effectively add some capacity to Estero Boulevard, which makes them eligible for transportation impact fees. If a program were devised to charge impacts fees for *redevelopment* of property, not just for new development, this could become a viable funding source for the streetscape program.

Capacity is enhanced by streetscape improvements in many ways: sidewalks and bike paths get pedestrians out of the roadway and encourage alternate travel modes; drainage improvements increase capacity during storm events; transit pullouts and/or a dedicated transit lane would reduce vehicle traffic by promoting an alternative mode; and underground utilities are necessary to provide the space in a limited right-of-way for the other improvements.

Because these capacity enhancements are difficult to quantify using normal engineering methods, the existing methodology would have to be updated. The model would be an “improvements-driven” impact fee. Cost estimates for capacity-enhancing elements of the streetscape program would be divided by projected redevelopment activities to determine the gross impact fee cost per unit of development.

For instance, if the town expects to get 50 new residential units each year and another 50 older homes are replaced with much larger units, that combined might be the equivalent of 100 new residential units if the impact fees were based on dwelling size. At an average per unit fee of \$5,000, that would amount to \$500,000 annually. Add another \$450,000 for nonresidential redevelopment, and transportation impact fees might bring in \$950,000. (The current transportation impact fee of \$2,971 per single-family unit and \$2,059 per multifamily unit was projected to bring in \$50,000 this past year, but actually brought in \$323,000 due to several large condominium projects obtaining permits.)

- **Surcharge on the sale of electricity.** As discussed on page 52, one of the greatest difficulties in moving existing power lines underground is the difficulty in finding an equitable way to pay for the substantial one-time cost. One method not previously considered would be to establish a temporary surcharge on the sale of electricity within town limits and then dedicate these funds to moving the power lines on Estero Boulevard underground.

Florida law allows the town to establish a “public service tax” which would require FPL to collect up to a 10% surcharge on the cost of electricity from all of their customers and then remit those funds to the town. This is a logical funding source because of the direct link between electricity usage and improvements to the local electrical distribution system.

An FPL surcharge might bring in \$600,000 annually. Residents of unincorporated Lee County already pay such a surcharge. The town could formally agree to sunset this surcharge after 10 to 12 years when sufficient funds have been collected to place all of the Estero Boulevard power lines underground.

One characteristic of this method is that year-around residents would pay a greater share of the cost than if the same dollar amount was raised through ad valorem taxes (which are levied on the value of property, whether or not the property is occupied throughout the year). In addition, unlike ad valorem taxes, the surcharge would not be deductible on federal income tax returns.

- **County transportation funds.** Lee County still maintains Estero Boulevard and is very aware of its overcrowding and general poor condition. The drainage portion of the streetscape program is very considerable. A partnership with Lee County is possible whereby Lee County would pay the costs of drainage retrofits, road surfacing, and sidewalks/bike paths while the town pays for other costs. Negotiations with Lee County are underway at this time.
- **Ad valorem taxes.** Since incorporation, the town has decreased its annual property tax levels from 1.47 mills to 0.85 mills. Rising property values and fiscal prudence have made these decreases possible. By not continuing to lower the tax rate as property values rise, additional funds could be generated and dedicated to improving Estero Boulevard. For instance, if the town had not decreased its millage from 0.85 to 0.75 for the new fiscal year, an additional \$250,000 would have been generated this year alone. A similar alternative would be to dedicate a fixed portion of the ad valorem tax receipts to a specific project such as improvements to Estero Boulevard. In this manner, that portion of the millage would have no reason to exist once the specific improvements have been completed.
- **Stormwater utility.** Many communities create a “stormwater utility,” a branch of government whose sole purpose is stormwater management. Its funds usually come from a separate fee that is charged to owners of developed property, based on a share of the benefit each will receive from the utility; these fees cannot be used for any other purposes than improving drainage and stormwater management. A stormwater utility could provide funding for the drainage portion of the Estero Boulevard streetscape. See Section 6 for more details.

D. Recommendations on Estero Boulevard

It remains highly desirable to convert the main power lines along Estero Boulevard to underground lines. No amendments are needed to the comprehensive plan to continue in that direction or to move forward with most of the other initiatives described in this section. The only comprehensive plan amendment that is needed is to modify Policy 7-J-2 to set a realistic date for modifying the land development code to require a useful traffic impact analysis for proposed new developments.

SECTION 6. STORMWATER MANAGEMENT

ISSUE STATEMENT: 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 ending up in 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.

A. Evaluation of Existing Policies

***POLICY 9-A-1** Establish, fund, and implement a program to monitor the environmental impacts of stormwater runoff. This monitoring plan shall be designed to ensure that data collected will be useful in leading the town toward pollution-reducing strategies. If appropriate, this program may incorporate any monitoring requirements under the National Pollution Discharge Elimination System.*

EVALUATION OF POLICY 9-A-1: The town submits annual reports to the federal government as part of its responsibilities under the NPDES program (National Pollutant Discharge Elimination System). Many monitoring requirements are spelled out by permits issued to the town under this program.

***POLICY 9-A-3** Seek available grant funding and other potential revenue sources to retrofit the existing drainage pattern in redevelopment areas to reduce stormwater contamination.*

EVALUATION OF POLICY 9-A-3: Engineering consultants to the town are now designing major improvements to the northern mile of Estero Boulevard from Lynn Hall Park to Bowditch Point. Drainage improvements are a major goal of this effort. Because this road segment belongs to the town, approval is not needed from the or state. Funding is from accumulated gas tax revenues and previously collected transportation impact fees.

Lee County maintains Estero Boulevard from about Crescent Street to Big Carlos Pass and is very aware of its generally poor condition. A partnership with Lee County is possible whereby Lee County would pay the costs of drainage retrofits and certain other improvements such as surfacing if the town agrees to pay the remaining streetscape costs. Negotiations with Lee County have been underway during the past year.

Conditions improve somewhat toward the southern half of the island, where drainage facilities are more abundant and better maintained. These facilities can last 20-50 years if properly maintained. Commercial and condo buildings constructed after the mid-1980s were built to restrict the rate of runoff after development to no greater than the rate before development.

POLICY 9-C-3 Establish the following priorities for the discharge of swimming pool water, in order to minimize erosion and protect the quality of receiving waters and sea turtle nesting habitat:

- i. discharge to roadside swales;
- ii. discharge into the public sewer system (within any limits established by Lee County Utilities); and
- iii. discharge directly to tidal waters only under extreme conditions and in conformance with all federal, state, and local regulations.

EVALUATION OF POLICY 9-C-3: This policy has been implemented through the addition of the following section to the property maintenance code (which is part of the land development code):

Sec. 6-12. Disposal of swimming pool water. Prior to disposal of swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for at least five days or until levels are below 0.1 mg per liter.

- (1) The preferred method for disposing of swimming pool water is to discharge the water into roadside swales to allow percolation into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. The discharge of dechlorinated water into roadside swales is permitted by § 10-604 of this code.
- (2) Another acceptable method is to discharge the water into the sanitary sewer system operated by Lee County Utilities.
- (3) Swimming pool water may not be discharged either directly or indirectly to the beach, canals, wetlands, or any other tidal waters.

POLICY 9-E-2 Identify significant existing drainage problem areas through logs of citizen complaints and a public outreach effort.

EVALUATION OF POLICY 9-E-2: The town has maintained and improved the stormwater drainage system on the island, significantly reducing the road and yard flooding that used to be commonplace during the summer rainy season. Every year the town budgets funds to inspect and maintain the drainage ditches, catch basins, and culverts that comprise the drainage system. The town has also adopted regulations which make it illegal to dump any garbage, refuse, or vegetative debris in any water body to further protect the integrity of the drainage system. Citizen complaints are addressed in response to simple telephone calls to town hall.

OBJECTIVE 9-F STORMWATER MASTER PLAN — Evaluate by 2000 the need to improve public stormwater management facilities.

POLICY 9-F-1 This evaluation shall determine the nature of potential improvements to the existing stormwater system to improve drainage and to reduce the level of contaminants running off into tidal waters.

POLICY 9-F-2 This evaluation shall include studies and/or models as needed to determine the capacity of existing facilities if they were fully maintained.

POLICY 9-F-3 This evaluation shall also be based on the initial results of the monitoring program, the inventory of existing facilities, the potential for improving drainage and water quality, the potential effects of future development, and the potential cost of the improvements.

POLICY 9-F-4 This evaluation shall determine what kind of improvements might better protect life and property against flooding from extreme tides and tropical storms.

EVALUATION OF OBJECTIVE 9-F AND POLICIES 9-F-1 through 9-F-4: A formal stormwater master plan has not been carried, as discussed earlier.

POLICY 9-F-6 *The Town Council shall establish a funding source within two additional years to begin carrying out the selected stormwater improvements. This funding source may include revenue from gas taxes, ad valorem collections, stormwater utility fees, or other recurring sources.*

EVALUATION OF POLICY 9-F-5: Since incorporation, the town funded stormwater improvements from several sources, including gas taxes and the general fund. Some of improvements, such as those on Palmetto Street and Lenell Road, were initially constructed with general town funds which are now being repaid through special assessments on property owners who benefitted from the projects.

Drainage projects have been completed or are in the planning stages for these areas: Santos Road, Primo Drive, Lanark & Lauder, Bayland area, Matanzas Street, Miramar Drive, Pearl Street, St. Peter's Drive, Andre Mar Drive, Gulfview/Bayview/Strandview area, Mid-Island Drive, and Laguna Shores (Buccaneer Drive, Lagoon Road, Redfish Road, and Starfish Circle). Drainage projects are also being considered for Sabal, Coconut, Pearl, and Miramar.

This policy mentions a potential recurring revenue source, stormwater utility fees. The next section of this report addresses this subject.

B. Potential Funding Sources

A "stormwater utility" is a municipal entity that provides a specific service, like a utility that provides drinking water or sewer service. Rainwater should be treated through an organized drainage system of ditches and pipes that collects, treats, and disposes stormwater runoff. To remain effective, this has to be maintained. At Fort Myers Beach, some parts of the system still have to be designed and constructed.

In most new developments, a homeowners' association is required to maintain whatever parts of the system are built by the original developer (such as lakes). The local government typically maintains other parts of the system, such as ditches and underground pipes that run along the public road system. When this drainage system also provides drainage for the road itself, this maintenance can be paid for with gasoline taxes.

Unfortunately, funding for all other types of stormwater maintenance and improvements has to compete with all other needed government services. The result is often neglect. Without a properly maintained drainage system, the quality of stormwater goes down, resulting in higher levels of pollution in Estero Bay. When a proper drainage system was never installed at all, as is the case with many parts of Fort Myers Beach, pollutant levels in runoff can be very high.

As the problems created by improper stormwater management have become better known, many communities are creating a stormwater utility, a branch of municipal government whose sole purpose is stormwater management. In smaller communities this utility is typically part of the public works department. Most often its funds usually come from a separate fee that is charged to owners of developed property, based on a share of the benefit each will receive from the utility. The base fee is often around \$3-\$4 per month for a typical home. A fee of this level covers stormwater planning, routine maintenance, and minor improvements to the system. The fee is frequently listed on the monthly water or sewer bill, avoiding a large annual payment at tax bill time. Larger fees can be charged to specific areas if needed to construct entirely new drainage systems.

Fort Myers Beach is a logical candidate for a stormwater utility because there is a broad awareness of the increasing levels of pollution in the canals and in Estero Bay, accompanied by a strong sentiment towards cleaning up pollution generally. The missing link for citizens to accept a stormwater utility fee is a full understanding of how current practices on Estero Island contribute to that pollution and what kinds of steps can be taken to improve the quality of stormwater runoff.

A stormwater master plan, as proposed by Objective 9-F, would be needed prior to establishing a stormwater utility. The master plan essentially creates the work plan for the utility. If a utility is not ultimately established, the work plan could be carried with other funding sources such as ad valorem taxes.

C. Recommendations

The proposed timing for a stormwater master plan in Objective 9-F is obsolete, but the master plan is still needed. Objective 9-F should be revised to set a realistic timetable for the completion of this plan.

SECTION 7. UTILITIES

ISSUE STATEMENT: The water supply portion of the Utilities Element needs to be updated to reflect the town's purchase of the potable water system. Also, state legislation in 2002 and 2005 have made some changes to the statutory requirements for this element.

A. Town's Purchase of the Water Distribution System

Until 1999, drinking water was provided to customers in the town by Florida Cities Water Company, a private company regulated by the Florida Public Service Commission, as discussed in detail in the Utilities Element.

When Florida Cities decided to sell, Lee County and the town each acquired portions of this utility. The town formed the nonprofit corporation "Town of Fort Myers Beach Public Works Services," commonly known as Beach Water, to operate the water distribution service within town limits. Lee County acquired the remainder of the utility and now operates the water distribution service in unincorporated Lee County and produces treated water for its own customers and for all Beach Water customers.

Florida Cities was not available for purchase when the comprehensive plan was being prepared. Its availability was a one-time opportunity which the Town Council chose to pursue. The acquisition of this utility does not have significant comprehensive planning implications, but the Utilities Element can be updated to reflect this turn of events. Changes required would include:

- Updating of the text to explain the acquisition of the distribution system from Florida Cities.
- Revising Policy 8-C-6 to delete references to the Public Service Commission and Florida Cities.

B. Ten-year Water Supply Plan (2002 legislation)

In 2002 the Legislature expanded the state comprehensive planning requirements to require greater coordination with water supply planning. New requirements included:

- Each local government must consider the adopted water supply plan prepared by the South Florida Water Management District.
- Each local government with responsibility for building water supply facilities must amend its Utilities Element to provide a ten-year work plan for building water supply facilities needed to serve existing and new development.

Lee County prepared the required water supply facilities work plan in 2003,¹¹ in compliance with the first requirement. This work plan was based on the April 2000 regional water supply plan known as the Lower West Coast Water Supply Plan.

Beach Water does not build or operate water supply facilities as it has an agreement to purchase treated drinking water in bulk from Lee County Utilities; thus the second requirement does not apply to the town.

¹¹ *Water Supply Facilities Work Plan – Lee County Utilities – Lee County, Florida. Prepared by Lee County Utilities and Hole Montes, November 2003.*

However, state and regional officials still expect Fort Myers Beach to include in its Utilities Element a work plan identifying water supply facilities within the town that are needed to serve existing and new development and which reflect projected changes in water demand. This work plan must be detailed for the first five years; it can be more general for the second five years. Since no new facilities are needed within the town, the Utilities Element could simply be amended to recognize the county's work plan and state this conclusion (if deemed necessary by state officials).

C. Ten-year Water Supply Plan (2005 legislation)

In 2005 the legislature made further amendments to the statutes governing water supply planning. Within eighteen months after the *next* updates are made to regional water supply plans, new ten-year work plans must be prepared by local governments and included in their comprehensive plans. Workshops are currently being held around the state to discuss the implications of these new requirements.

Workshops are also in progress for the latest update to the Lower West Coast Water Supply Plan, which is expected to be completed in July 2006. Once that plan is adopted, Lee County will update its ten-year work plan. If any further amendments to the Fort Myers Beach Comprehensive Plan are required, they will be made at that time.

SECTION 8. STATUTORY REQUIREMENTS

A. Affordable Housing Needs Assessment

The original Housing Element for the Fort Myers Beach Comprehensive Plan was based on 1990 census data. Shortly after full data from the 2000 census became available, Lee County conducted a completely new affordable housing needs assessment for each municipality and for the unincorporated county.¹² This analysis was based on a uniform method of data collection and preliminary analysis for all Housing Elements across the state.

This needs assessment is composed primarily of data on housing supply and demand, including official census data plus current information from building permit activity and property appraiser records. The assessment then produces housing-demand projections for each municipality through the year 2025.

The housing-demand projections are not useful for Fort Myers Beach at this time.¹³ The projections show a reduced demand for housing beginning in 2002, the base year for the data, and getting progressively smaller through 2025 (a reduction of 60% in demand for housing). Unless the flaws in the data or the projection methodology can be resolved, these results contradict actual trends and thus cannot be the basis for any changes to the comprehensive plan.

B. Interlocal Services

New legislation in 2002 required counties and cities to prepare an “interlocal service delivery report” regarding education, water, sewer, drainage, solid waste, public safety, parks, and transportation. This report must catalog all existing interlocal agreements (agreements between government agencies) and identify any deficits or duplication in providing these services.

The Lee County Planning Division recently completed this report.¹⁴ The report did not identify any deficiencies that would require amendments to the Fort Myers Beach Comprehensive Plan.

C. Capital Improvements Element Updates

New legislation in 2005 legislature strengthened the “financial feasible” requirement for capital improvement programs. “Financial feasibility” is now defined in state statutes. The existing requirement for annual updates of the comprehensive plan’s five-year schedule of capital improvements has been strengthened by adding penalties for non-compliance; the procedural

¹² “Lee Plan Housing Element: 2005 Needs Assessment Update,” October 2005, available from: http://www.lee-county.com/dcd1/Downloads/Documents/Studies_Reports/Housing/AffordableHousingNeedsAssessmentUpdate2005.pdf

¹³ The following explanation appears on page 43 of this study: “With regard to Ft. Myers Beach, the population projections are negative because the 1990 population used in the methodology declines in the ten years between 1990-2000. Consequently, since the methodology is based on population and age, a negative consequence occurred. This may not, in reality, be the case and it may be prudent to have the Shimberg Center recalculate Ft. Myers Beach data with a population basis that more accurately reflects what is occurring in that town.”

¹⁴ Lee County Inter-Local Agreement Report, submitted to the Florida Department of Community Affairs on November 14, 2005, available at: <http://lee-county.com/dcd/GeneralInfo/AppsDocumentsMaps.htm>

requirements for this update have been reduced. The comprehensive plan must be modified to comply with the new requirements by December 1, 2007.

The comprehensive plan has been updated five times to revise its five-year schedule of capital improvements (see page 73 of this report).

D. Redevelopment in Coastal High Hazard Areas

New legislation in 2002 required local governments with areas within a coastal high hazard area to address redevelopment feasibility, taking into account whether any past reduction in land use density impairs the property rights of current residents.¹⁵

This provision is a belated legislative recognition of the conflict often caused by state policy to reduce development rights in coastal areas, given that the highest density areas in the entire state tended to be located in those very coastal areas. A local example is that condominium buildings at Fort Myers Beach often have about 20 to 30 dwelling units per acre, but the future land use map limits densities to 6 units per acre. What happens to the property rights of these owners when one of these buildings is destroyed or becomes obsolete?

When Lee County imposed the 6-unit-per-acre cap in 1984, it did not address this question. However, in 1989 the county created a “buildback” provision that allowed post-disaster reconstruction at the property’s existing density levels and existing floor space, but required the new building to meet most other current codes.

When the town was creating its own comprehensive plan, it had become clear that the buildback policy forced owners to wait for a storm to destroy their obsolete building before they could replace it, even if they were willing to rebuild meeting every requirement for “post-disaster” buildback including not enlarging the building in any way. This ran counter to prevailing philosophy favoring pre-storm mitigation of known hazards, instead of waiting for disasters to occur. Thus was born the new “pre-disaster” buildback policy, which became effective in 1999.

The analysis called for by the 2002 legislation has long been completed and its solution was incorporated into the Fort Myers Beach Comprehensive Plan in 1999.

E. School Siting Criteria

School siting criteria have been required in all comprehensive plans as of October 1, 1999. Although the Fort Myers Beach plan was approved about a year earlier, it contains school siting criteria that in fact meet all of these requirements (see page IV-36, Policy 4-B-14, and numerous other references to schools in the Future Land Use Element). In addition, in 2002 the town entered into an interlocal agreement with the county, the other municipalities, and the school district in accordance with statutory requirements for school coordination.

¹⁵ F.S. 163.3919(2)(m): “If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.”

There is one public school within town limits, the Fort Myers Beach Elementary School. The Future Land Use Element documents the enrollment and excess capacity at this school (see page 4–36).

The Town of Fort Myers Beach has nearly reached a built-out condition. The few parcels still being developed or redeveloped are being marketed primarily as retirement housing, adding few if any school children (in fact, sometimes displacing lower-value housing more likely to be occupied by families with children).

The only significant change since the comprehensive plan was completed has been the recent extreme increases in the cost of housing, a factor which can be expected to continue the enrollment decreases at this school in the future. Thus unlike most places in Florida, there is no need to coordinate growth projections at Fort Myers Beach with the planning and siting of new schools.

F. School Concurrency

Significant growth management legislation was enacted by the 2005 Florida Legislature. School concurrency, an option available to local governments for the past twenty years, will now become mandatory.

When this program is in place, residential development orders must be denied if there will not be adequate school capacity in the area to accommodate students that would be added by that development. Until now, only Palm Beach County has managed to adopt a school concurrency program that met state requirements.

The legislation is clear that school concurrency must be a countywide program. Lee County, all municipalities, and the Lee County School District must now replace their 2002 interlocal planning agreement with an agreement that meets the new statutory requirements. Once that agreement is completed, each local government must adopt a public school facilities element, including a school concurrency program, in accordance with the interlocal agreement; these elements must be adopted before April 1, 2008.

G. Transportation Proportionate Share Ordinance

Another change from the 2005 legislature directed local governments to amend their concurrency programs by December 1, 2006, to allow for “proportionate share” contributions from developers to substitute for concurrency compliance. The town’s concurrency program is in Article II of Chapter 2 of the land development code.

This option would allow developers to proceed under certain conditions, notwithstanding the failure to meet minimum levels of service on an adjoining road, by contributing their share of the cost of improving that road. Previously, developers in this situation could not proceed with their development until the entire cost of the improvement was funded and construction was scheduled within the next three years. The state has prepared a model ordinance that can be adapted to comply with this new requirement.¹⁶

¹⁶ “Model Ordinance for Proportionate Fair-Share Mitigation of Development Impacts On Transportation Corridors,” February 14, 2006, available from: <http://www.dot.state.fl.us/planning/gm/pfso/model-ordinance.pdf>

Until now, concurrency programs were the method by which a local government converted the minimum level-of-service requirements from its comprehensive plan into a regulatory tool. Based on the 2005 legislation, local governments must now amend their concurrency programs even though such amendments are on their face inconsistent with its comprehensive plan. This mandate may be inexplicable but it is now the law.

The effect of this requirement at Fort Myers Beach will be paperwork more than anything else because the town's level-of-service standard for roads has not been exceeded. Instead of adopting a higher standard and thus forcing the four-laning of Estero Boulevard, the town opted to accept a lower standard and to control growth through stronger measures, such as lowering maximum densities from six to four units per acre across much of the island and no longer counting the sandy beach as developable acreage for beachfront parcels.

No changes to the comprehensive plan are required by this portion of the legislation.

H. Concurrency Methodologies on State Roads

Legislation in 2005 addresses concurrency conflicts that could occur where a state road passes through two local government jurisdictions. The Matanzas Pass Sky Bridge is a state facility that connects San Carlos Boulevard to the north (in unincorporated Lee County) to Estero Boulevard (located entirely within the Town of Fort Myers Beach).

Although the state establishes minimum levels of service for certain state roads, it does not do so for San Carlos Boulevard or the Sky Bridge.

In the unincorporated county, the county commission has set the level-of-service for San Carlos Boulevard at LOS "E" during the peak season, peak hour, peak direction condition:

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station. [from Policy 37.1.1]

Within the town, the town council has set the level-of-service as follows:

POLICY 7-I-2: The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.

The question posed by this legislation is whether a common methodology is needed to measure impacts on roads when the county and town implement their respective concurrency management systems. In this case, the levels of service for the county and town are entirely different; a common methodology cannot be used.

I. Other Statutory Requirements

Legislation in 2004 requires an assessment of whether new statutory criteria have been successful in achieving compatibility with military installations. There are no military installations in or near Fort Myers Beach so there are no compatibility issues and thus no need to amend the comprehensive plan to address such issues.

Legislation in 2005 asks whether any of the following have achieved the purpose for which it was created:

- a concurrency exception area designated pursuant to F.S. 163.3180(5);
- a concurrency management area designated pursuant to F.S. 163.3180(7); or
- a multi-modal transportation district designated pursuant to F.S. 163.3180(15).

Fort Myers Beach has not established any of these special areas.

SECTION 9. ACHIEVEMENTS AND CHALLENGES

State statutes require a brief assessment of achievements and challenges related to each element of the plan.

A. Community Design Element

This element describes several overarching “visions” for the future of the town:

- *Foster neighborliness and face-to-face interactions and reinforce a positive family environment and sense of community safety and stability.*
- *Rejuvenate the existing fabric of the community, encouraging its special character without being stuffy, and treasuring the eclectic nature of the town’s physical structures.*
- *Encourage private investment in the economic life, physical form, and natural amenities of the town, directing infill change and redevelopment toward the town’s vision.*

These concepts are then refined for seven distinct geographic areas of the town, each having a distinct character:

- Downtown Core Area
- Civic Complex
- Bowditch/North End
- Near-Town Neighborhoods
- Quiet Center
- High-Rise / Resort Area
- South Point

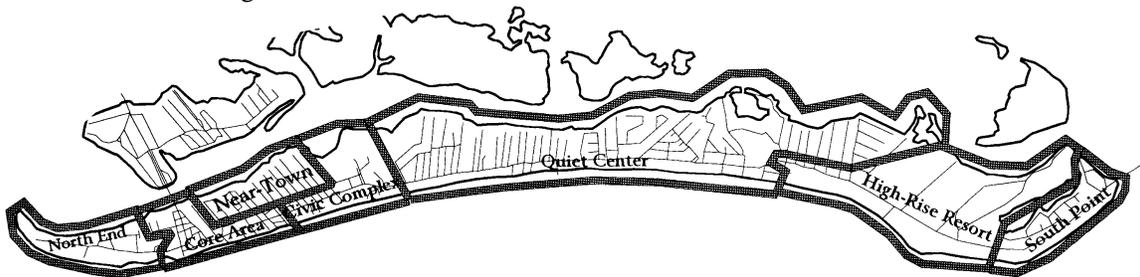


Figure 12, seven zones of community character
(from page 3–4 of Community Design Element)

Although Community Design Elements are encouraged by state planning legislation, Fort Myers Beach is one of the few communities that has embraced this concept. This element was prepared first and has proven to be the centerpiece of the entire comprehensive plan.

This element was given the following special recognition in a recent statewide publication:¹⁷

- *SUMMARY: The Fort Myers Beach comprehensive plan revolves around its community design element that describes how physical pieces of the town (open spaces, buildings, streets, and paths) will work together to achieve a coherent whole, creating a special character and enhanced livability for residents and guests. The plan balances neighborhood needs, economic vitality, and tourist development and reinforces the small-town character of Fort Myers Beach as a place where permanent residents coexist comfortably with tourists.*
- *BACKGROUND: In 1995, residents created the Town of Fort Myers Beach to take control of land-use decisions from the Lee County Commission. Long-range goals for the town were*

¹⁷ “A Guidebook to New Urbanism in Florida: 2005,” published by the Florida Chapter of the Congress for the New Urbanism, <http://cnuflorida.org/>

developed through a two-year planning effort that involved a high level of public involvement. The resulting plan contained detailed strategies for turning those goals into reality through a new land development code. The plan also addresses the heavy traffic congestion caused by visitors who come to the beach, striking a balance between the need to move cars and all other types of movement (on foot or by bicycle or boat).

Objective 2-A of this element describes a “hidden path” initiative to create, over time, a parallel route to Estero Boulevard for pedestrians and bicyclists. The first phase of this effort was resisted by local residents and was ultimately abandoned; however, the idea remains valid and should be pursued at other locations within the town.

Objective 2-B proposes a program for improving residential streets with regularly spaced rows of street trees. The town has implemented this program as outlined in the plan but it has not yet had the desired effect in improving neighborhoods throughout the town.

B. Future Land Use Element

This element is the most important in the plan for regulatory purposes. It directly addresses what were deemed as the most pressing land-use matters immediately after incorporation:

- Illegal apartments
- Negative effects of flood regulations
- Post-disaster redevelopment policies
- Historically high densities and building heights
- Commercial expansion

Legally binding policies addressing each of these issues were adopted into the comprehensive plan. Since that time, the proposed flood map revisions such as those shown in Figure 1 of this report are creating an entirely new set of problems for the town; and questions surrounding the allowable extent of “pre-disaster” buildback are still under discussion (see Section 3.B).

Otherwise, these land-use issues were essentially resolved by the comprehensive plan and have been implemented through the land development code and subsequent actions by the town.

This element also contains a “Future Land Use Map” that designates all land within the town into one of eight categories:

- Low Density
- Mixed Residential
- Boulevard
- Pedestrian Commercial
- Marina
- Recreation
- Wetlands
- Tidal Water

Each category has an explicit limitation on residential density. The most significant changes from Lee County’s prior map were the reduction in commercial zoning and the lowering of maximum densities. In “Low Density,” encompassing 28% of the town, density was lowered from six dwelling units per acre to four. In “Recreation,” which includes the sandy beaches, density was lowered from six dwelling units per acre to one per twenty acres.

The only changes to the “Future Land Use Map” since incorporation have been to redesignate town-owned lots at 216 Connecticut Street and the site of Newton Beach Park from “Mixed Residential” to “Recreation” to memorialize their permanent green space status.

The town's official zoning map was revamped in 2003 to carry out the these designations and other policies in this element (and throughout the plan).

C. Coastal Management Element

This separate element was required by state planning law despite the entire Town of Fort Myers Beach being located in a coastal area.

This element contains substantive policy recommendations on several important topics. The first is beach erosion. The plan concluded that “a large renourishment project for Estero Island would be extremely beneficial to the town.” [page 5–17] Since that time, Lee County and the town have diligently worked toward that end. Lee County remains committed to the renourishment project but the town has become decidedly less enthusiastic despite a funding formula that is very generous to the town. Without renewed support from the town, the renourishment project will likely die. Starting over on such a project would probably require repeating the 6- to 8-year lead time that is needed to obtain federal funding.

The element also addressed an impasse at that time regarding planning for the Matanzas Pass harbor. Neither Lee County nor state/regional officials were taking a lead on planning for this important resource. Given that absence, the town formed the Marine Resources Task Force and later the Anchorage Advisory Board. Both entities have been successful in helping the town focus on problems and solutions for the waterways surrounding Fort Myers Beach.

This element also noted a Lee County program begun in 1995 to identify individual buildings that have been repeatedly damaged by flooding based on flood insurance claims of at least \$1,000. County officials wanted to require that if these buildings were damaged again by more than 20% of their value, they would have to be brought into compliance with current standards for new construction (primarily by elevating the building). This “repetitive loss” program is conceptually admirable but was extremely punitive as originally proposed. County officials have backed away from this approach altogether. Town officials placed this policy into the comprehensive plan effective in 1999:

POLICY 5-C-7: Continue to inventory buildings that are repeatedly damaged by flood waters to identify those that have recorded one or more National Flood Insurance Program (NFIP) flood losses of \$1,000 or more since 1978. Require that such buildings be brought into compliance with current regulatory standards for new construction if they are damaged again by flooding.

When implementing this “repetitive loss” policy through Chapter 6 of the land development code, town officials made it less punitive than the original concept. Policy 5-C-7 should be revised or repealed, as should similar language in Policy 4-D-1-i, as the current language no longer states the town's official policy on this matter.

D. Conservation Element

This element describes natural resources in and around the town and provides strategies to conserve them:

- Estero Bay
- Wildlife and native communities
- Designated conservation areas
- Protected species
- Wetlands
- Habitats in estuaries and bays
- Coastal uplands
- Air quality
- Natural history and geology
- Soils
- Groundwater

Although much of this element is descriptive, several portions formulated town policy. For instance, Policy 6-B-2 defines proper stewardship for the designated “critical wildlife area” on Little Estero Island.

Policy 6-B-4 provided the basis for designating coastal hammocks and sandy beaches as “Recreation” on the Future Land Use Map to preclude their development (or adjacent development at inflated densities).

Policy 6-C-5 established policy for revised regulations protecting sea turtles, specifically beach compaction, vehicular traffic on the beach, storage of beach furniture, and drainage discharges directly onto the beach.

Objective 6-E and related policies (also Policy 6-B-8) set general town policy regarding dunes and beaches.

This element has been implemented through changes to the land development code that were made beginning in 1999 and completed in 2003.

E. Transportation Element

This element addresses the intractable traffic congestion in and around Fort Myers Beach, identifying the available alternatives and their potential side-effects.

Options to improve the flow of traffic are very limited due to the density of existing development; the single road that traverses the island; and limited right-of-way for road expansion and intersection improvements. And as time has demonstrated, increased traffic flow doesn’t necessarily reduce congestion; there is so much pent-up demand for travel to the beaches that the number of trips tends to increase to meet whatever road capacity can be provided.

The policy recommendations of this element are organized into five sections:

1. Mobility Using a Variety of Travel Modes

- Make it easier for visitors to arrive without a car
- Improve trolley service
- Use impact fees and gas taxes to support alternate travel modes
- Encourage a reliable system of water taxis
- Create a hidden-path system

2. Upgrade Estero Boulevard

- Expand the Times Square streetscape project
- Institute traffic calming measures
- Put buildings closer to the street

- Improve sidewalks and bikeways
- Require traffic impact analyses for new development

3. Optimize the Parking Supply

- Encourage shared parking lots
- Big may not be better when sizing parking lots
- Visitors need to be directed to available parking
- Planning for parking

4. The Future of the Bridges

- The Sky Bridge is the scene but not the cause of traffic congestion
- Do not direct additional bridge capacity toward Times Square

5. Experiment Widely

Implementation of this element is still in progress. Some proposals, such as the hidden-path system, have not been successful to date (as discussed in section 9-A). Others, such as improving the analysis of traffic from new developments (Policy 7-J-2), have not yet been attempted; all the other regulatory changes have been completed. Through the work of the Traffic Mitigation Agency over the past two years, many experiments have been attempted, yielding much useful information.

This element also contains two lengthy appendices. The first is a broad survey of transportation alternatives for Fort Myers Beach, the second is a compilation of transportation data collected during the preparation of this element.

F. Utilities Element

The Utilities Element addresses the supply of drinking water, sanitary sewer service, and solid waste disposal.

Section 7 of this report describes the changes that are needed to the water supply portion of this element. No data is available to determine whether the desired 10% per-capita reduction in water use has taken place (see Objective 8-C).

The sewer service portion of this element remains generally valid. Since this element was written, a new deep-well injection system has been installed and new sewer lines are being laid under Matanzas Pass. The major unanticipated factor was the failure of the sewer lift stations to operate after Hurricane Charley; this created a sanitary emergency which greatly slowed the re-entry of island residents and the beginning of the recovery effort.

The solid waste portion of this element remains valid. Lee County is expanding its resource recovery facility to keep up with growth and has selected a new solid waste contractor for Fort Myers Beach, Onyx Waste Services.

G. Stormwater Management Element

Section 6 of this report evaluates the objectives and policies of the Stormwater Management Element and describes the policy questions before the town at this time.

H. Recreation Element

Since the Recreation Element was prepared, many changes have taken place:

- Lee County has acquired the land surrounding Bunche Beach (page 10–4).
- The town has improved and now operates the mooring field in Matanzas Pass (page 10–5).
- Lee County added a public parking lot and planted native shade trees at Bowditch Point Regional Park (page 10–8 and Policies 10-B-1 and 10-B-4).
- Lee County and the town now split the cost of operating Bay Oaks Recreation Center (page 10–10 and Policy 10-D-1).
- Lee County has acquired several additional lots to expand Matanzas Pass Preserve (page 10–11).
- A public swimming pool has been completed across from Bay Oaks Recreation Center (page 10–15 and Policy 10-D-2).
- The town has acquired the Mound House (Long Estate) and operates it as a cultural and environmental learning center (page 10–16 and Policy 10-F-1).
- The town has constructed an “oasis” park where Old San Carlos ends at Matanzas Pass (page 10–17 and Policy 10-C-2).
- The town has acquired the Newton estate and will operate it as Newton Beach Park (page 10–17 and Policies 10-F-3, 10-G-3, and 10-H-3).
- Lee County has designated the northwest side of nearby New Pass as an off-leash dog park (page 10–17).

The town has not been able to acquire an additional beach access at the south end of Estero Island (Policy 10-G-3).

I. Capital Improvements Element

Although many of the figures in this element are now dated, the fundamental issues are the same. The town has followed the policies of this element each year while creating its capital improvements program (CIP).

This element has been formally updated five times to revise its five-year schedule of capital improvements:

Table 4 – CIE amendments

<i>Application Number:</i>	<i>Adopting Ordinance:</i>	<i>Effective Date:</i>
2000-1-TEXT	00-15	11/21/2000
2001-1-TEXT	01-07	11/21/2001
2002-1-TEXT	02-07	11/15/2002
2003-1-TEXT	03-13	3/8/2004
2004-1-TEXT	04-13	5/3/2005

The concurrency management system has been placed in Chapter 2 of the land development code. No shortfalls have occurred in meeting the minimum levels of service set forth in this element.

L. Intergovernmental Coordination Element

The Intergovernmental Coordination Element analyzes the relationship between the town and other government agencies. Since it was prepared, some changes have taken place:

- The forum for southwest Florida chief administrative officers has become dormant (page 14–3).
- The town has purchased the distribution system of Florida Cities Water Company (page 14–6).
- Lee County has selected Onyx Waste Services as its contractor for solid waste pickup (page 14–7).

Much of this element is descriptive but a number of initiatives are proposed to improve intergovernmental coordination. Time has demonstrated that the best coordination occurs through the personal efforts of elected officials and staff personnel as they communicate with their counterparts at other levels of government.

SECTION 10. COMMUNITY ASSESSMENT

A. Increases in Land Area and Population Growth

No land has been annexed into the town since incorporation and no annexations are planned. The only anticipated increase in land area would be an incidental result of beach renourishment, as discussed in the Coastal Management Element of the comprehensive plan.

Population growth is reflected in Table 5. The relation of the permanent population to the peak-season population is described in the Future Land Use Element of the comprehensive plan.

Table 5 – Permanent Population

Year	Permanent Population	Source
1990	5,812	1990 census
1996	6,039	BEBR, University of Florida
2000	6,561	2000 census
2005	6,849	BEBR, University of Florida

B. Extent of Vacant and Developable Land

The Existing Land Use Map (figure 15 of the comprehensive plan) identified the location of vacant land within the town as of June 1996. Other than scattered lots, this land was primarily in the Bay Beach community near Big Carlos Pass. The vacant land at Bay Beach, other than the golf course, has either been developed since that time or development is imminent.

Many structures were severely damaged by Hurricane Charley in 2004. As final decisions are made on the repairability of those structures, some are being demolished, soon to be replaced to new structures. In this context, vacant land is merely a stage in the redevelopment process.

Most other development activity within the town is the voluntary replacement of existing structures, which are often aging, obsolete, or just an economic underutilization of valuable land.

C. Location of Existing Development

State statutes require the following analysis:

*The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.*¹⁸

The existing comprehensive plan does not designate specific areas for urban growth. The entire town only has 1,462 acres of land, 95% of which was developed in 1996. The plan's growth strategy was to limit development rights across the island so that redevelopment activities would not increase density and intensity on a coastal barrier island. Although this strategy varied

¹⁸ F.S. 163.3191(2)(d)

somewhat across the island, there were no designated “urban growth areas.” The development pattern since adoption of the comprehensive plan has matched the plan’s anticipation.

D. Feasibility of Implementing the Comprehensive Plan

State statutes require the following analysis:

*The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.*¹⁹

The comprehensive plan contains many ideas that the town cannot afford at this time; for instance, see the discussion in Section 5 about streetscape improvements for the length of Estero Boulevard. However, the definition of “financial feasibility” in state statutes is limited to the feasibility of constructing only those improvements that are necessary to meet the adopted level-of-service standards:

*“Financial feasibility” means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in s. 163.3180(12) and (16) is used.*²⁰

The town has never failed to meet one of its adopted levels of service, and no shortfalls are anticipated. During the period since adoption of the comprehensive plan, the town has functioned without long-term debt and has continued to build up a surplus of funds, as shown in the following chart.

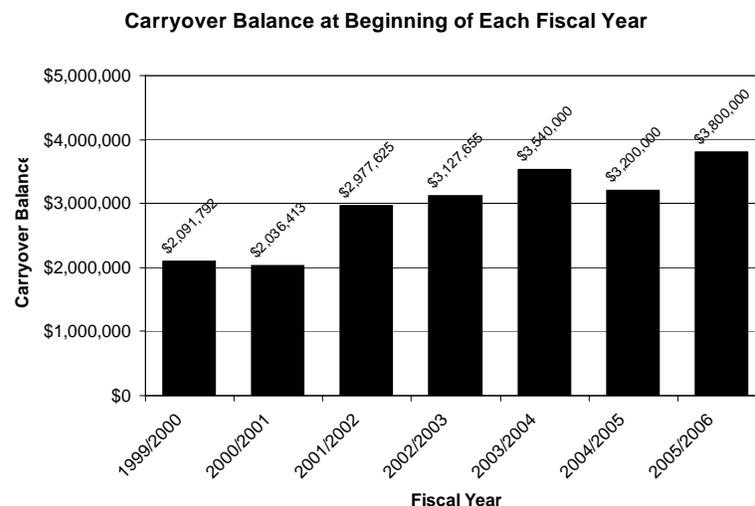


Figure 14, carryover balances at beginning of each fiscal year

¹⁹ F.S. 163.3191(2)(c)

²⁰ F.S. 163.3164(32)

E. Changes to State Planning Requirements

There have been a number of significant changes to state and regional planning law and policies since adoption of the Fort Myers Beach Comprehensive Plan in late 1988. Each change is described in Section 8 of this report along with a summary of changes to the comprehensive plan that may be required.

F. Public Participation

The Local Planning Agency was assigned the lead role in preparing this report by state statutes. The same public participation procedures used while preparing the original plan remained in effect. The Traffic Mitigation Agency was assigned to assist in transportation matters. Three other town committees assisted by evaluating portions of the comprehensive plan within their subject area: Community Resource Advisory Board, Marine Resources Task Force, and Local Planning Agency Historical Subcommittee.

The four major issues highlighted in Sections 3, 4, and 5 of this report were discussed in detail at public workshops held on March 8 and April 7 of 2005. The March workshop kicked off a three-day planning charrette which generated the site plans and renderings in Section 4 of this report.

The preparation of this report has been the subject of numerous other public workshops and meetings. The chart on the following page indicates meeting dates and the subjects of discussion.

SECTION 11. SUMMARY OF RECOMMENDATIONS

This report contains the following recommendations for amendments to the Fort Myers Beach Comprehensive Plan:

- **Revise Policy 4-D-1 and revise or repeal Policy 5-C-7** regarding “repetitive loss” properties under the National Flood Insurance Program (see pages 11, 14, and 70).
- **Clarify Policy 4-E-1** to maintain the original intention of *pre*-disaster buildback. This amendment could either refer more explicitly to its intention to provide the same rights as for *post*-disaster buildback, or it could simply state that the physical size or interior square footage of a building may not be increased during the *pre*-disaster buildback process. It would also clarify that large condominium buildings cannot be substituted for existing hotels and motels in the guise of buildback; they could still replace older hotels or motels, but the new structures would have to meet today’s more restrictive density cap. At the same time, the town could consider additional incentives for *pre*-disaster buildback beyond those already in the comprehensive plan (see page 14).
- **Clarify Policy 4-C-6** so that it unquestionably applies to all guest units, not just to motel rooms (see page 18).
- **Amend the Future Land Use Element** to establish as town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town’s economy and walkability, and to specifically allow condominium ownership of lodging establishments provided they will be operated as hotels or motels (see page 18).
- **Delete Policy 7-H-3** regarding left-turns on Estero Boulevard as northbound traffic passes Times Square (see page 23)
- **Modify Policy 7-J-2** to set a new date for modifying the land development code to require a useful traffic impact analysis for proposed new developments (see page 56).
- **Revise Objective 9-F** to set a realistic timetable for the completion of a stormwater master plan (see page 60).
- **Revise Policy 8-C-6** to delete references to the Public Service Commission and Florida Cities Water Company; update the text of the Utilities Element to reflect the town’s acquisition of the potable water distribution system from Florida Cities (see page 61).
- **Update the Capital Improvements Element** to comply with new statutory requirements, including the annual update to the five-year schedule of capital improvements (see page 64).

These amendments will be considered during a single plan amendment cycle during the eighteen-month period allowed for this purpose.²¹

²¹ F.S. 163.3191(10)