



SPIKOWSKI PLANNING ASSOCIATES

MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: September 6, 2005
SUBJECT: E.A.R. Workshop on September 13, 2005, 12:00 noon

As backup for your September 13 workshop about the evaluation of the Comprehensive Plan, please find attached a preliminary draft of the first four sections of the evaluation and appraisal report:

1. INTRODUCTION

- A. Purpose of Evaluation and Appraisal
- B. Brief History of this Comprehensive Plan
- C. Organization of this Report

2. COASTAL HAZARDS

- A. Evaluation of Existing Policies
- B. Additional Analysis

3. BUILDBACK AND CONVERSIONS

- A. Evaluation of Existing Policies
- B. Additional Analysis on Pre-Disaster Buildback
- C. Recommendations on Pre-Disaster Buildback
- D. Additional Analysis on Lodging Issues
- E. Recommendations on Lodging Issues

4. ESTERO BOULEVARD – Times Square Area

- A. Evaluation of Existing Policies
- B. Community Design Ideas from Planning Charrette
- C. Analysis of Street Alternatives
- D. Recommendations on Times Square Area

The matrix on page 3 of Section 1 now shows the subjects which were considered at all town workshops and meetings about the evaluation and appraisal reports. No other changes were made to this section.

Section 2 contains only minor changes from the draft you reviewed on August 9, such as improved cross-references.

The pre-disaster buildback portion of Section 3 has been modified as follows:

- Text has been edited in several places to reflect the LPA's discussions on August 9.
- The draft recommendation on page 15 is to maintain the status quo for pre-disaster buildback. At your August workshop, LPA members discussed whether the town might wish to offer landowners additional incentives for pre-disaster buildback beyond those already established in the Comprehensive Plan. To further that discussion, page 15 now lists four additional incentives that could be explored:

Additional Incentive #1: Increase in speed and predictability. Public hearings could be eliminated from the pre-disaster buildback process, thus decreasing the review time and increasing the predictability of the result.

Additional Incentive #2: Walkability preference. 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 #3: Fixed size increase. Instead of limiting pre-disaster buildback to the existing interior square footage, additional square footage could be permitted. For instance, a 25% increase over the existing square footage could be allowed. This could be allowed automatically or could be discretionary based on meeting criteria set forth in the plan or code.

Additional Incentive #4: Preference for lodging. A fixed size increase such as the one just described could be provided for new buildings that are dedicated to the lodging industry (rather than to multifamily or other commercial uses).

The lodging portion of Section 3 contains minor editing to reflect the LPA's discussions on August 9.

Section 4 contains entirely new language. Please review this section carefully to prepare for the September 13 workshop.

EVALUATION AND APPRAISAL REPORT TOWN OF FORT MYERS BEACH

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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."* [F.S. 163.3191(c)]

The town's land development code assigns responsibility for preparing this report to the Local Planning Agency. [§ 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.

The Fort Myers Beach Comprehensive Plan is published as a single bound volume. The plan begins with "Envisioning Tomorrow's Fort Myers Beach," an optimistic look at the type of community that the 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 or can be downloaded at no cost from the town's web site at http://www.fmbeach.org/comp_plan/.

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 15.¹

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

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 – 9

In addition to the four major issues, the town has identified several other subjects where the plan may have become out-of-date or may not have addressed important issues. These issues are addressed in Sections 6 through 9 of this report.

¹ 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.

| | | Coastal Hazards | Buildback & Conversions | Estero Bl: Times Square | Estero Bl: Full Length | Transportation | Stormwater Management | Utilities | Housing | Special Topics | |
|---|--------------|-----------------|-------------------------|-------------------------|------------------------|----------------|-----------------------|-----------|---------|----------------|--|
| Public workshops: 2005: | March 8 | | ● | ● | ● | | | | | | |
| | April 7 | | ● | ● | ● | | | | | | |
| LPA workshops: 2004: <i>(Local Planning Agency)</i> | June 22 | | ● | ● | ● | ● | ● | ● | | | |
| | September 21 | | | ● | ● | ● | | | | | |
| | October 19 | | | ● | ● | ● | ● | ● | | | |
| | November 16 | | ● | ● | ● | | | | | | |
| | December 7 | | ● | ● | ● | ● | ● | ● | ● | | |
| | 2005: | February 8 | | ● | ● | ● | ● | ● | ● | ● | |
| | | February 15 | | ● | ● | ● | ● | ● | ● | ● | |
| | | March 15 | | ● | ● | ● | | | | | |
| | | April 12 | | ● | ● | ● | | | | | |
| | | May 10 | | ● | ● | ● | | | | | |
| | | June 21 | | ● | ● | | | | | | |
| | | August 9 | ● | ● | | | | | | | |
| | September 13 | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| LPA public hearings: 2005: | | | | | | | | | | | |
| TMA workshops: 2004: <i>(Traffic Mitigation Agency)</i> | September 21 | | | ● | ● | ● | | | | | |
| | December 21 | | ● | ● | ● | ● | | | | | |
| | 2005: | February 9 | | | | ● | | | | | |
| | | April 7 | | | ● | | | | | | |
| | | May 18 | | | ● | ● | ● | | | | |
| | | June 22 | | | ● | ● | ● | | | | |
| | | July 14 | | | ● | ● | ● | | | | |
| | | August 11 | | | ● | ● | ● | | | | |
| Town Council workshops: 2005: | | | | | | | | | | | |
| Town Council public hearings: 2005: | | | | | | | | | | | |
| <i>[list others here]</i> | | | | | | | | | | | |

iii. Special Topics – Section 10

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 can be met jointly with Lee County while others are specific to Fort Myers Beach.

iv. Community Assessment – Section 11

Section 11 fulfills one other statutory requirements for this report which is to provide a brief community assessment including the following subjects:

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

v. Recommendations – Section 12

The final section of this report summarizes all recommendations made throughout the 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.”² 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 been physically completed at the time of this writing (August 2005). 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.

² 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 units 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 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 18.

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 12.

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.”³ 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.

³ The New Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G. Lindbloom, published in 1993.

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: Increase in speed and predictability:** *Public hearings could be eliminated from the pre-disaster buildback process, thus decreasing the review time and increasing the predictability of the result.*
- Additional Incentive #2: Walkability preference:** *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 #3: Fixed size increase:** *Instead of limiting pre-disaster buildback to the existing interior square footage, additional square footage could be permitted. For instance, a 25% increase over the existing square footage could be allowed. This could be allowed automatically or could be discretionary based on meeting criteria set forth in the plan or code.*
- Additional Incentive #4: Preference for lodging:** *A fixed size increase such as the one just described could be provided for new buildings that are dedicated to the lodging industry (rather than to multifamily or other commercial uses).*

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 9).

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 units, but the code doesn’t clearly address conversions of existing buildings from a lodging use to a residential use or determine when an existing hotel/motel may be converted into individual saleable units.

- **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:

| <i>Density Limitations for Buildback of Older Buildings: Should the Town...</i> | |
|---|---|
| 19 | <i>Encourage</i> tear-down of over-density motels (older motels that exceed today's density limits) by allowing their replacement condo building to be to be larger than the current motel buildings? |
| 33 | <i>Allow</i> tear-down of over-density motels, but do not allow replacement condo buildings to be any larger? |
| 16 | <i>Discourage</i> tear-down of over-density motels by requiring density and/or size or new building to be reduced, or to meet the town's current density rules? |
| 5 | <i>[no answer provided]</i> |

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 tightened as recommended above 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 lodging establishments, 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.
- 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, Dockside 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 24.

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 24. 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 33, 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

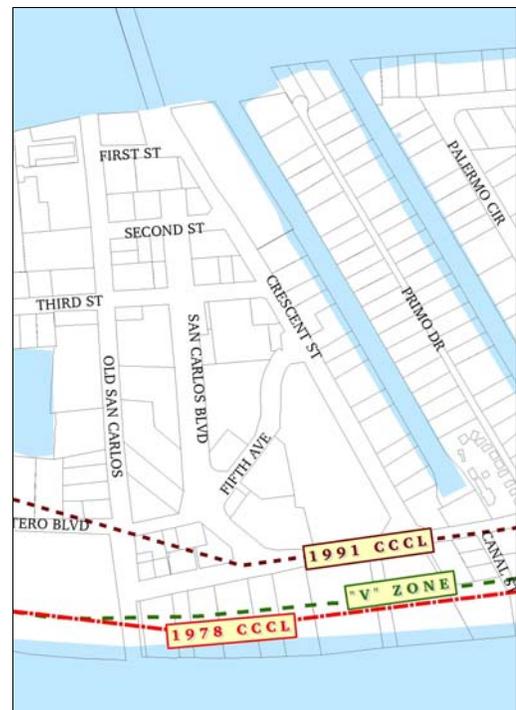


Figure 1

“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; 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



Figure 3

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

SPENCER PLANNING ASSOCIATES
Dove, Klein & Burnham
LAND PLANNING

Figure 4

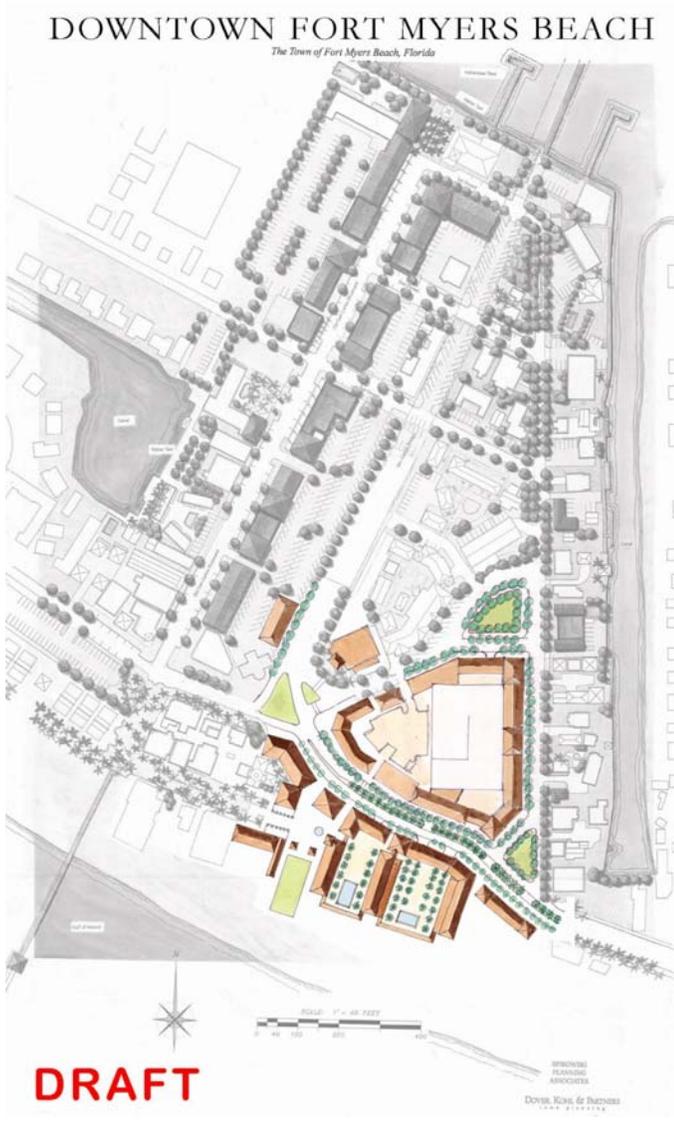
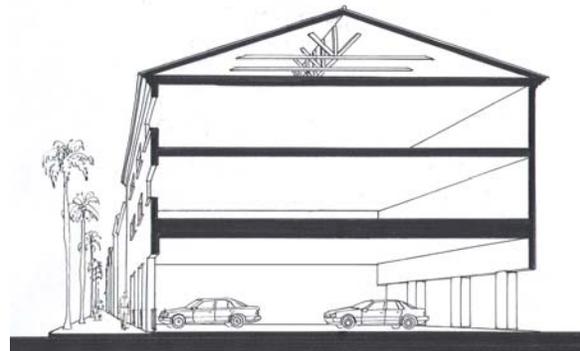


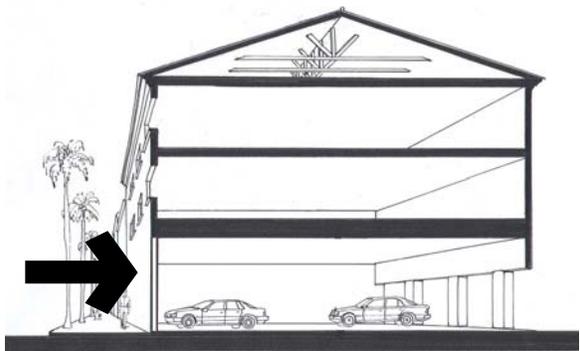
Figure 5

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.

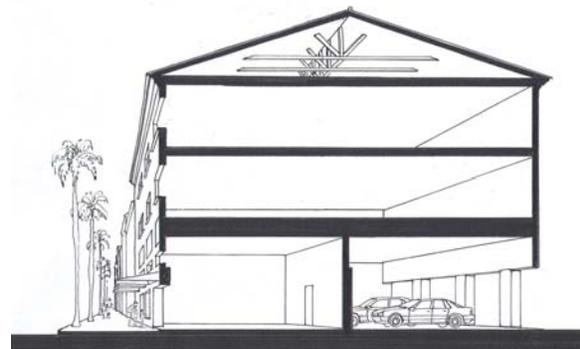


Figure 6

During June of 2005 the town learned that the federal government was contemplating moving the V-zone boundary further inland. 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.

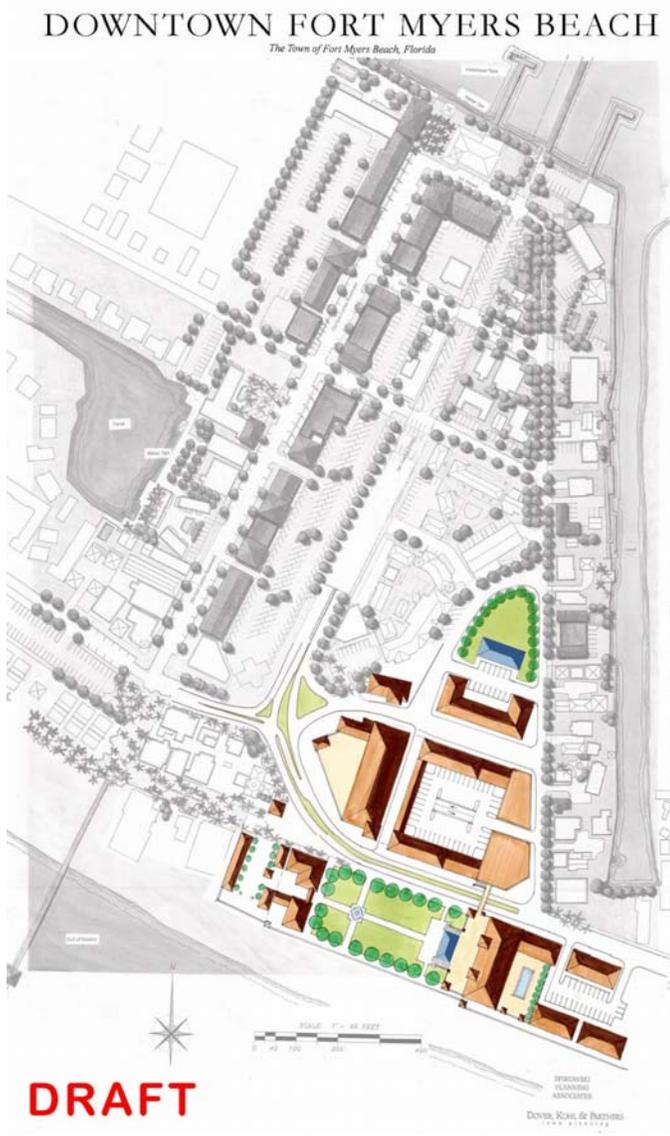


Figure 7

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

SPEROWSKI
PLANNING
ASSOCIATES
DOVER, KOHL, & PARTNERS
LAW PLANNING

Figure 8

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 33.

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.

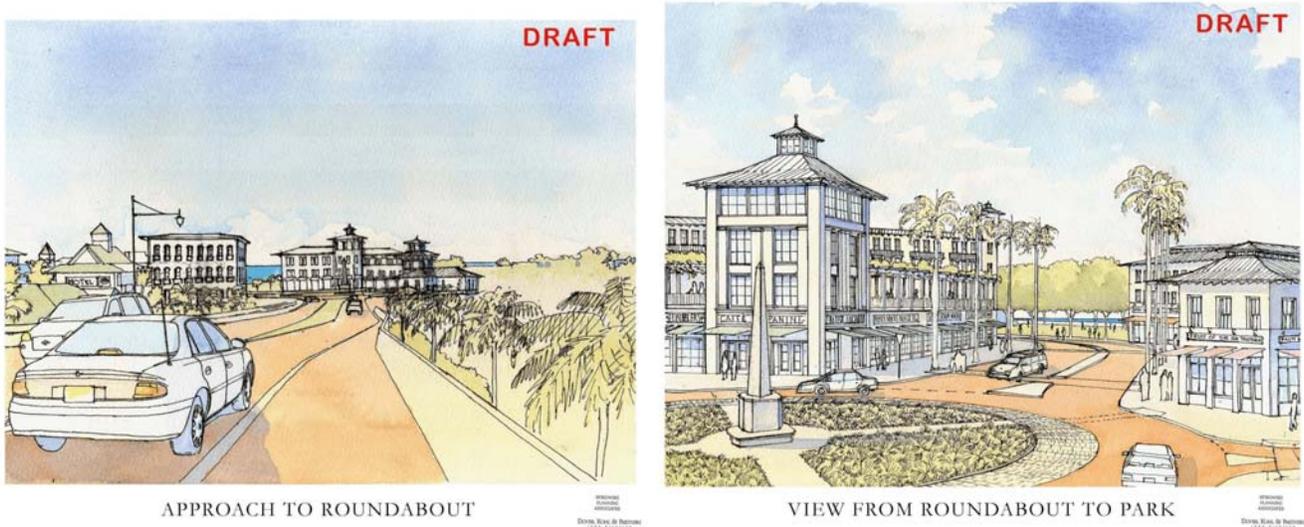


Figure 9

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

C. Analysis of Street Alternatives

Seven 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 town's Traffic Mitigation Agency. All seven options were analyzed for traffic performance using "Synchro" traffic simulation model and were also 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 seven options and presents a comparative analysis of existing conditions and all seven options.

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.⁴ 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

⁴ The results of this test are presented and analyzed in "Speed Delay Study Technical Memorandum" by CRSPE, Inc., July 2005

traffic signals or a roundabout. Traffic on Estero Boulevard destined for the north end of the 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 remain partially elevated to allow pedestrians to walk through an underpass and thus not interfere 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 were designed to explore the continuation of this transit lane from Crescent to Fifth (the foot of the Sky Bridge).

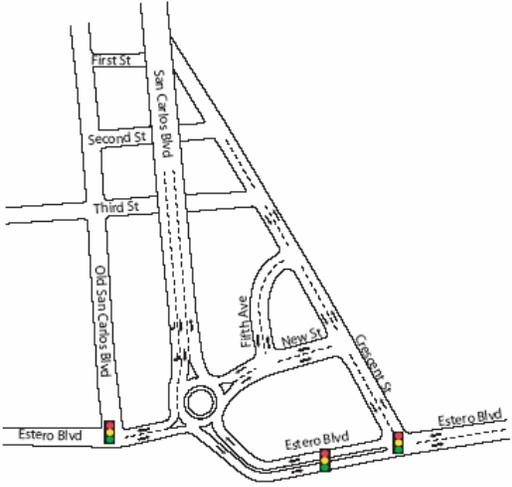
Option 8 uses existing streets only. A two-way trolley/tram lane would be provided on Estero Boulevard between Crescent and Fifth, replacing the existing travel lane on Estero furthest from the beach. Regular traffic heading north on Estero would turn right on Crescent; vehicles heading toward the Sky 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.

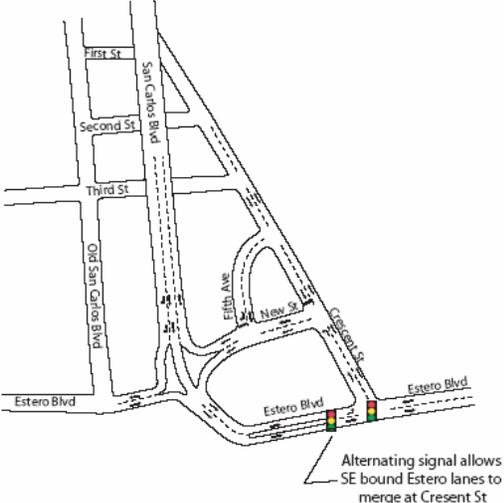
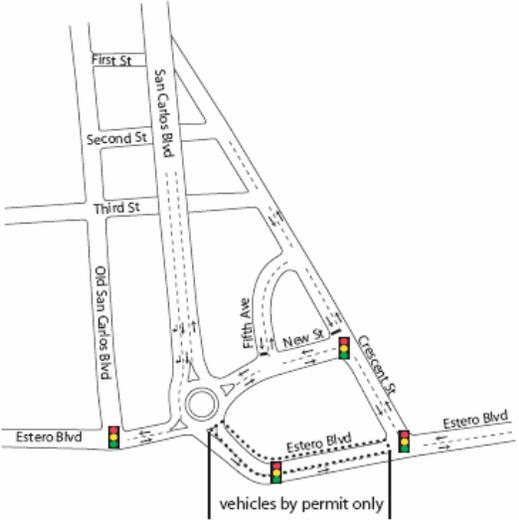
Option 9 also uses existing streets only. Estero Boulevard between Crescent and Fifth would be widened to add a third lane, which would be used by transit vehicles only. The pedestrian signal at Times Square would be removed and replaced by a pair of regular traffic signals on Estero Boulevard, one at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

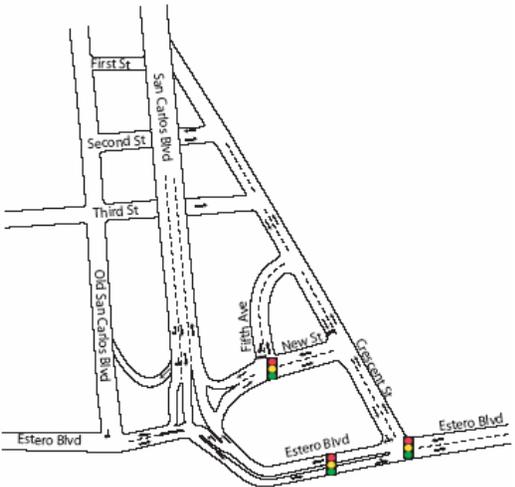
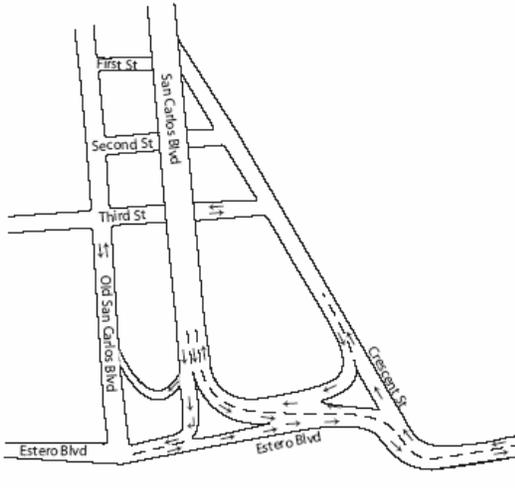
Options 2, 5, 6, 7, 8 and 9 all include the reopening of Center Street to traffic from the Sky Bridge to Old San Carlos. However, the computer model was not able to measure whether this street opening would improve traffic flow.

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 all seven options, and Table 3 summarizes the rankings on a single page.

| 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>Option 1</p> | <p>4</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 <u>all</u> options, congested conditions beyond Crescent will continue to cause delays for incoming traffic and for local traffic.</p> | <p>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>4</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 between 5th and Crescent; reopen Center Street</p>  <p>This block of Estero becomes a pedestrian mall (seasonally or year-round)</p> <p>Option 2</p> | <p>1</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>4</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>4</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> |

| Option | Traffic Performance | Walkability/Livability | ROW/Feasibility |
|---|---|--|---|
| <p>Option 3 – Estero/New Street one-way pair; no roundabout</p>  <p>Option 3</p> | <p>2</p> <p><u>Through Traffic:</u> 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><u>Through and Local Traffic:</u> This option is suboptimal for either local or through traffic movement.</p> | <p>2</p> <p>Minimally walkable. The unrestricted flow over the bridge creates a less walkable condition that is mitigated by the pedestrian signal to some extent. 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>4</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>3</p> <p><u>Through Traffic:</u> 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>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>4</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> |

| Option | Traffic Performance | Walkability/Livability | ROW/Feasibility |
|--|---|--|--|
| <p>Option 5 – Addition of New Street with unsignalized intersection (no roundabout)</p>  <p style="text-align: center;">Option 5</p> | <p>4</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>3</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>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: center;">Option 6</p> | <p>3</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</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</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> |

| 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>3</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</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</p> <p>This option will require at least as much ROW as Option 6, plus additional ROW for the on ramp from Estero to the west. The feasibility of this design is in question. A complete preliminary design has not 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>3</p> <p><u>Through Traffic:</u> Queues form on the bridge southbound whenever the pedestrian signal is activated, but queues are not permanent and traffic does move 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 (the right turn at the foot of the bridge).</p> | <p>2</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>5</p> <p>This option uses existing ROW and street geometry, so no additional ROW is required.</p> |

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 need to be emphasized. Additional congestion will continue to be caused by growth elsewhere in Lee County and the state because area residents enjoy visiting the beaches. Although the town has no regulatory authority over such growth, comfortable and efficient public transit, whether on trolleys, trams, or other vehicles, 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 41 and 45.

Another type of relief could be provided by building another bridge to Fort Myers Beach. The four new-bridge alternatives illustrated in Figure 9 were discussed in the Comprehensive Plan on pages 7-A-48 through 52. The Lee County Metropolitan Planning Agency is now conducting its own evaluations of two of these alternatives, a southerly bridge to Coconut Road and a northerly bridge to the end of Main Street on San Carlos Island. This evaluation should shed additional light on the feasibility, cost, and usefulness of an additional bridge.

It is unfortunate that whatever kind of relief can be provided to traffic congestion will be continually eroded by additional growth in the 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.



Figure 9

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 24.

The only related changes to the Comprehensive Plan that have been identified are:

- Delete Policy 7-H-3 regarding left-turns on Estero Boulevard as northbound traffic passes Times Square, as discussed on page 24.
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