



Myerside Resort and Cottages Planned Development Schedule of Deviations and Justifications

The Myerside Resort and Cottages CPD is a redevelopment project aimed at conserving historical beach cottages and improving the subject property to create an attractive and functional boutique resort that offers lodging, recreational amenities, and small accessory restaurant and retail components that will serve resort and the general public. The existing structures on site date back to the 1930's. Since then development regulations have changed significantly, making those existing building non-conforming. The CPD zoning option provides design flexibility to allow innovative projects and planning practices through the use of deviations and site-specific development standards. Through the CPD and the deviations below, nonconformities can be addressed, conditioned and legitimized. The deviations requested are needed because of existing historical conditions – i.e. building placement and site configuration. It should be noted that most of the buildings and site improvements have been in place for decades and have had no detrimental impact on adjacent properties. The proposed CPD is consistent with the Town's comprehensive plan and furthers the intent of the Boulevard future land use district. As stated in Policy 4-B-5, the Boulevard district allows, and promotes the conservation of historic cottages and the mixed-use nature of this area.

DEVIATION #1: A deviation from LDC Table 34-3 Dimensional Regulations in Conventional Zoning District that requires 15' side setbacks for the CR zoning district (*Per LDC Sec 34-953 Building placement, size, design, and all other property development regulations in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging...*) to allow $\pm 6.9'$ for Building 1, $\pm 4.3'$ for Building 7 and $\pm 7'$ for Building 8.

JUSTIFICATION: Since this is an existing condition and the structures have been in these locations for decades, it is appropriate to grant relief from the side setback requirement for buildings 1,7 and 8. The resort concept proposed is a continuance of the Fort Myers Beach early village design. It is important to recognize that the CPD proposes a village concept that is an improvement to this neighborhood and that a reduced setback is needed for this proposed village design. The proposed deviation simply legitimizes and allows the continuation of existing conditions that have had no detrimental impacts on adjacent properties.

DEVIATION #2: A deviation from LDC Section 34-1174(2)(a) that requires accessory structure setbacks to be the same as principal structures or 15' to allow a 3' side setback for the accessory structure associated with Building 7 and $\pm 5.9'$ for the accessory garage associated with Building 4.

JUSTIFICATION: Since these are existing conditions and the structures have been in these locations for decades, it is appropriate to grant relief from the side setback requirement for the accessory shed associated with Building 7 and the accessory garage associated with Building 4. The proposed deviation simply legitimizes and allows the continuation of existing conditions that have no detrimental impact on adjacent properties. The

shed abuts the public parking lot of the Bay Oaks pool facility and will continue to have no impact to public health, safety and welfare. Likewise, the accessory garage has no impact on public health, safety and welfare.

DEVIATION #3: A deviation from LDC Table 34-3 Dimensional Regulations in Conventional Zoning District that requires 10' street setbacks for the CR zoning district (*Per LDC Sec 34-953 Building placement, size, design, and all other property development regulations in a CPD zoning district shall be the same as for the CR zoning district for CPDs that are primarily lodging...*) to allow a $\pm 2.6'$ for Building 3.

JUSTIFICATION: Since this is an existing condition and the structure has been in this location for decades, it is appropriate to grant relief from the street setback requirement for Buildings 3. Building 3 is an integral part of the village resort concept proposed for this property. It has been in its current location for decades, it has no detrimental impact to adjacent properties and does not affect public health, safety and welfare. The proposed deviation legitimizes and allows the continuation of this existing condition.

DEVIATION #4: A deviation from LDC Section 34-2015 (5), which requires that "all parking lots must be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion...", to allow exiting vehicles to leave parking spaces by backing onto School or Oak Streets.

JUSTIFICATION: This deviation is requested to allow the continuation of existing conditions and to accomplish the village concept in which the existing parking is located on the periphery of the property and the recreational and open space areas are located at the center of the village complex. The proposed MCP and associated parking plan allows for some existing parking spaces to maintain their "back out" configuration along Oak Street and School Street. These parking spaces account for a small amount of the overall spaces and are in proximity and accessory to existing buildings. Moreover, Oak and School Streets are local roads with very low traffic volumes and low travel speeds. The existing back out spaces have not created unsafe conditions in the past nor will they do so in the future. The parking arrangement supports the village design and ease of access and convenience for patrons of the resort. Along Estero Boulevard where buildings 1 and 3 will be converted into ancillary restaurant and retail space, the parking has been centralized and formalized to improve access, circulation and general safety conditions by reducing access points, and eliminating back up parking spaces onto Estero Boulevard. The proposed improvement, in combination with the proposed deviation, will allow a much-improved parking plan, while allowing the village resort look and feel to be maintained.

DEVIATION #5: A deviation from the driveway separation requirements of LDC Section 10-296 along Estero Boulevard to allow a driveway access to the subject property that is $\pm 77'$ from the closes access point (driveway) to the north and $\pm 77'$ to School Street.

JUSTIFICATION: This is a request for a deviation from driveway access separation along Estero Boulevard. Currently, there are two driveway accesses from Estero Boulevard to the subject property. The two access points are being reduced to one access point. Phase 1 relocates Building 2 and creates one access point to a parking lot that will services the proposed accessory restaurant (Building 1) and retail (Building 3), as well as the guest units. This new configuration eliminates existing "back up" parking along Estero and limits the Estero access point to "ingress only" and the School access point to "egress only." This configuration will improve

circulation patterns and safety conditions. The proposed access point on Estero is located $\pm 77'$ from the nearest driveway to the north and $\pm 77'$ from School Street to the south.

DEVIATION #6: A deviation from LDC Section 10-416(d) Table 10-18 which requires a 15' Type C buffer when a commercial use abuts a residential use, to allow a 6' Types C buffer as indicated on the Master Concept Plan.

JUSTIFICATION: This deviation is requested in conjunction with deviation #1 and provides relief to the buffer separation requirement due to existing site conditions. Building 1 is located approximately 6.9' from the adjacent property line where code requires a 15' Type C buffer. Along the length of Building 1, this deviation will allow the required Type C plantings and fence to be located within a 6' strip rather than a 15' strip. The proposed buffer will provide the required Type C plantings and fence but the buffer width will be reduced to accommodate Building 1 that has been in this location for decades. This deviation meets the intent of the buffer requirement, while not having any detrimental impact on the adjacent property and public health, safety and welfare.

DEVIATION #7: A deviation from LDC Section 34-202(b)(5), which requires architectural elevations or a three-dimensional rendering, to instead allow pictures of the existing structures.

JUSTIFICATION: This deviation is requested in recognition that the proposed resort represents a redevelopment project where 7 of the 8 proposed buildings are already on the site and that the 8th building will either be a relocated beach cottage or new structure that will have to undergo appropriate permitting. This application preserves and promotes the historic bungalow cottage architecture that was prevalent on this island 60 years ago. We submit that the attached photographs be included as part of a condition of approval requiring that the cottages maintain their current architectural vernacular. The photographs provide a true and accurate depiction of this architecture. They constitute an appropriate substitute to architectural elevations since this requirement typically applies to new construction where architectural drawings are readily available. We would agree to a condition that would require Building #8 to be harmonious and consistent with the architectural style preserved in the attached photographs.