



Professional Engineers, Planners & Land Surveyors



August 13, 2018

Ms. Nicole DeVaughn, AICP
City of Fort Myers Planning Division
1825 Hendry Street, Suite 101
Fort Myers, FL 33901

Reference: **City Walk (FKA First Street Village Phases Two and Three)
PUD Amendment
Letter of Intent**

Dear Ms. DeVaughn:

On behalf of the property owner and applicant, City Walk Fort Myers LLC, we respectfully request approval of a PUD amendment to update the proposed development plan for the undeveloped 7.87± acre portion of the existing First Street Village PUD approved by Ordinance no. 3331 formerly identified as Phase Two (blocks 2A and 2B) and Phase Three (block 3) on the existing approved PUD plan. The site is located at the northwest corner of the intersection of McGregor Boulevard and Altamont Avenue/Victoria Avenue, south of West First Street and east of Virginia Avenue across Altamont Avenue from the existing Publix and liner buildings.

City Walk proposes to develop up to a maximum residential density equivalent of 256ⁱ multi-family residential/townhouse dwelling units (up to a maximum 320 residences) with a maximum height of four (4) stories, a five (5) level parking garage, up to 30,000 square feet of commercial retail/office and up to 130 hotel rooms with a maximum height of five (5) stories. In summary, the requested amendment is to reduce the maximum intensity by 32 residences (96 residential density equivalent) and 31,997 square feet and to add a maximum of up to 130 hotel rooms while also reducing proposed height and number of access points. City Walk also proposes to include a use conversion table based on transportation impacts in order to maintain development flexibility for future phases of development.

City Walk will be a benefit to the City and the surrounding community by providing infill redevelopment contributing to the Downtown revitalization efforts. The site has been vacant and has remained undeveloped under the currently approved plan for over 12 years. The development will increase tax revenues for the City with the estimated value of the proposed improvements at \$75,000,000. The development will generate impact fees as well as other applicable development revenues for the City. The proposed development will create additional job opportunities with the multi-family and hotel portion providing approximately 24 jobs with annual salaries ranging from \$25,000 to \$85,000. City Walk includes green space and amenity areas internal to the project for its residents, customers and guests.

Existing Approval

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The 2006 First Street Village PUD approval (Ordinance 3331) consisted of 12.34 acres±, which included the subject property, to be developed with up to 348 multi-family residential units in an eight (8) story building and 139,922 square feet of office/retail space, including an approximate 39,000 square foot grocery store. However, Section 5a of the Ordinance 3331 states that should the number of stories be reduced to seven (7), the Developer may increase the number of residential units to 356. Therefore the application materials will reference the approved maximum of 356 units. The northern portion (Phase One/block 3) has been developed with a 47,538 SF Publix supermarket with 13,283 SF liner buildings, 17,104 SF liner buildings at 2023 Altamont and 4 residential units.

The property is designated in the Downtown (D/T) future land use category as shown in the below future land use map excerpt.

Legend

Future Land Use

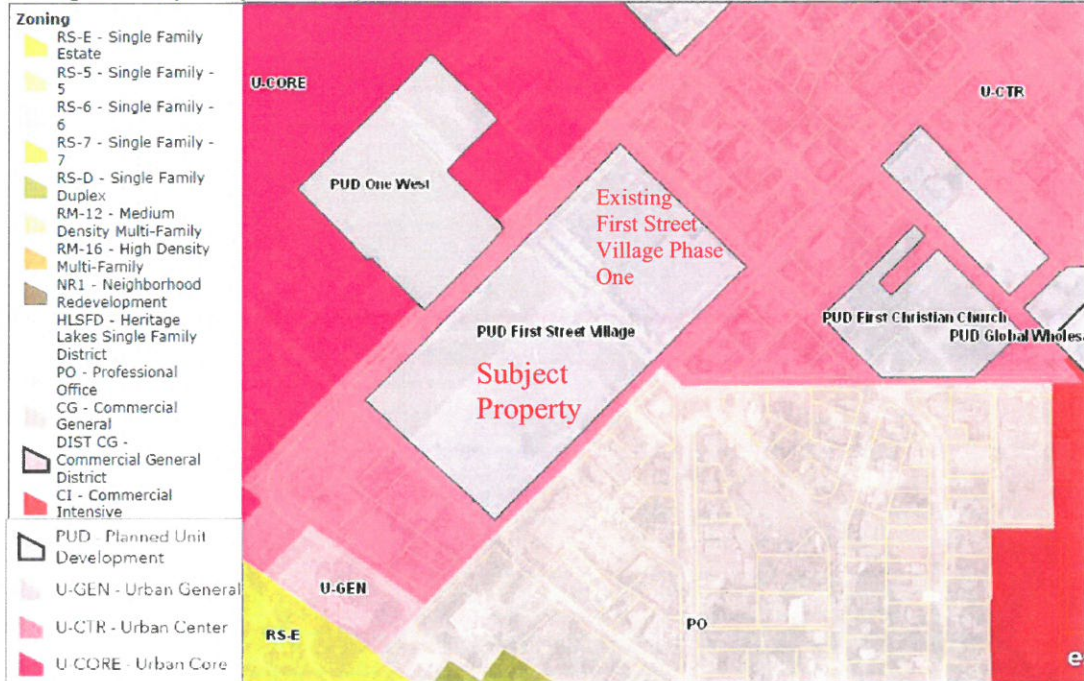
FLU

-  Residential Low Density (RLD)
1-8 du/ac.
-  Residential Medium Density (RMD) 5-16 du/ac. Max 20 du/ac. via PUD
-  Special Community (S/C)
-  Traditional Community (T/C)
FAR = 2
-  Corridor Commercial (C/C)
FAR = 3
-  Downtown (D/T)
-  Airport (A/P)
-  Industrial (IND)
-  Recreation District (REC)
-  Conservation Lands (CON)



Below is an excerpt of the zoning map.

Zoning Web Map - City of Fort Myers



The existing PUD approval included warrants for bonus height and bonus density and proposed multiple access points onto the adjacent roadways. City Walk does not propose to exceed the maximum height allowed in the underlying zoning district of Urban Center of five (5) stories, does not include a bonus density request under the pending revisions to the Future Land Use Element, and reduces the number of access points onto McGregor, West First Street and Virginia Avenue.

Below is a comparison of the development potential under the existing underlying zoning, the approved PUD, the pending revisions to the FLU element and the proposed City Walk PUD. The table includes a breakdown for the overall First Street Village PUD acreage of 12.34 acres and the subject property 7.87 acre portion for analysis purposes:

	Current Underlying Downtown/Urban Center Future Land Use	Approved First Street Village PUD	Pending revisions to Downtown/Urban Center Future Land Use	Proposed City Walk PUD	Approved vs. Proposed
Residential	25/acre standard + 15/acre bonus		70/acre standard + 21/acre bonus		
Overall 12.34 AC	494 units	Maximum 356 units (29/acre)	1,123 units	Up to 260* residential density equivalent units	
Subject 7.87 AC	315 units	Maximum 352 units (45/acre)	716 units	Up to 256* residential density equivalent units	-96 units
Commercial	Overall FAR 5		Commercial FAR 8		
Overall 12.34 AC	2,687,652 SF all uses	139,922 SF retail/office Commercial FAR 0.3:	4,300,243 SF commercial	Up to 107,925 SF retail/office + up to 130 hotel rooms @ ±90,000 SF = 197,925 SF Commercial FAR: 0.37	
Subject 7.87 AC	1,714,086 SF all uses	61,997 SF retail/office Commercial FAR 0.2	2,742,538 SF commercial	Up to 30,000 SF retail/office + up to 130 hotel rooms @ ±90,000 SF = 120,000 SF Commercial FAR 0.35	-31,997 SF retail/office + up to 130 hotel rooms @ ±90,000 SF
Height	7 maximum – bonus height optional	8 maximum	7 maximum – bonus height optional	5 maximum	-3 stories
Access Points					
McGregor Boulevard	2 existing	4		1	-3
West First Street	2 existing	2		1	-1
Virginia Avenue	1 existing	3		1	-2
Altamont Avenue	1 existing			1	+1

*City Walk proposes 320 multi-family or townhome residences with a residential density equivalent of 256 units pursuant to LDC Section LDC 118.8.1.B.1:

- 72 studio or 1-bedroom multi-family ≤ 750 sf (0.5 density factor or 36 units)
- 104 2-bedroom multi-family ≤ 1,200 sf (.75 density factor or 78 units)
- 144 units without area limitations
- For 12.34 acres add 4 units without area limitations for existing First Street Village townhomes

Schedule of Uses

The applicant wishes to update the schedule of uses to include those allowed in the underlying Urban Center land use district pursuant to LDC Section 118.8.6.D: Open residential (including multifamily and optional townhouses) Open Lodging, Open Office, Open Retail and Artisanal. Institutional by amendment to PUD. This update is not intended to exclude any uses allowed by the existing schedule of uses on the approved PUD Site Plan.

Comprehensive Plan Analysis

The timing of the subject application is unique in that there are pending revisions to the Future Land Use Element of the Comprehensive Plan through the Fort Myers Integrated Downtown Redevelopment Strategy. Although these revisions are not in effect as of the date of application, adoption and implementation is anticipated prior to final approval of this PUD amendment. As such, an analysis of the pending changes has been included to assist with this transition.

Below are some excerpts from the February 19, 2018 Transmittal letter summarizing the changes within the Proposed Comprehensive Plan Amendment Submittal Package – February 5, 2018.

"In summary, the Plan Amendment package contains an amendment to the Future Land Use Map adding the Future Land Use designation Midtown. Also, the package includes a text revision to Future Land Use Policies wherein:

The maximum base density (not including bonus allocations) is proposed to be increased for the Downtown District Future Land Use Category in Policy 1.7 from 35 dwelling units per acre to 70 dwelling units per acre. The standard allowable intensity [quantified as floor area ratio (FAR)] for the Downtown District has been reduced from eighteen (18) FAR to eight (8) FAR. However, the existing Policy applied FAR to residential and non-residential uses. It is proposed that FAR will now only apply to non-residential uses.

Density and intensity limits are no longer included in the Comprehensive Plan for the individual zoning districts. The Land Development Regulations will specify the standard density and intensity ranges for each zoning district.

Bonus density will no longer be allocated based on the criteria in existing Future Land Use Action 1.7.7. The remaining items in renumbered Policy 1.7.5 will become requirements for all new developments, which will be implemented in the Land Development Regulations.

Below are some additional excerpts from the transmittal package with specific text changes proposed:

Policy 1.7): Areas on the Future Land Use Map designated as **Downtown District (D/T)** in accordance with Map E will be redeveloped as the pre-eminent regional mixed use development center. Properties located within the Downtown Historic District shall be developed or redeveloped in accordance with this policy and the Historic Preservation Element of the Comprehensive Plan. The maximum base (not including bonus) density allowed within the D/T District is 70-units/acre and the maximum base (not including bonus) intensity for non-residential uses is eight (8) FAR. The maximum densities and intensities for each zoning district shall be further defined by the Land Development Regulations. Additional density, intensity (FAR) and height may be approved only through the bonus incentive program, as described in Policy 1.9 and as implemented through standards and procedures in the Land Development Regulations. Bonus shall be approved through the Planned Unit Development process. Intensity for all properties designated Downtown District should be limited to a floor area ratio (FAR) of no more than eighteen (18) FAR. The maximum densities and intensities may be further restricted by the Land Development Regulations.

The proposed floor area ratio (FAR) and density are consistent with Policy 1.7 Downtown future land use designation. The site is not located within the Downtown Historic District. Although bonus density is proposed under the current regulations, the current request provides a reduction of 96 residential density equivalent units from what is currently approved for the site. City Walk proposes 33 dwelling equivalent units per acre (256 residential equivalent dwelling units on 7.87± acres). Under the current future land use designation this equates to 25 standard dwelling units per acre along with 8 bonus density units per acre. Under the pending revision to the future land use language, 70 units per acre will be allowed by right removing the requirement for bonus density. The bonus density was approved via Ordinance 3331 which outlined the criteria requirements. Many of the monetary contributions associated with the PUD have been addressed with the existing development. Attached with this application is a narrative addressing the existing PUD conditions and the proposed City Walk revisions for review and consideration.

~~Standard 1.7.21.2) The Urban Center (U-CTR) areas zoning designation shall be applied to establish and protect the pedestrian-friendly fabric of the historic downtown core and each surrounding neighborhood. For the purposes of projecting future growth and demand for services only, the intent of aggregate development in the Urban Center, the percentage is to provide a ratio of mixed-uses designation shall be as follows: approximate mix of 30-40% residential and 60-70% office/commercial non-residential. These percentages are subject to change as market demands dictate. The standard density permitted within the Urban Center is 25 units/acre. A maximum bonus density, for a total of 40 units/acre, may be permitted through Action 1.7.7. Intensity for all properties within Urban Center is limited to a floor area ratio (FAR) of no more than five (5) FAR.~~

City Walk is consistent with Standard 1.7.1.2, Urban Center zoning designation. The request to expand the schedule of uses to include the open lodging and other uses within this zoning category will further the PUD's compliance with this Standard.

Action 1.7.43) For the Downtown Redevelopment Area shown on Map E (and the entire Coastal High Hazard Area as shown on Map E-2), the City will continue focusing on hurricane preparedness as a major issue and the impact its Comprehensive Plan has on maintaining or reducing clearance times and providing adequate shelter space. The City will initiate appropriate strategies to improve hurricane preparedness. Potential strategies include working with the Lee County Emergency Management Office, Lee County, the MPO and FDOT to increase the capacity of evacuation routes through structural and non-structural improvements in order to maintain evacuation clearance times, and sufficient shelter space to meet the projected need.

The existing PUD contains conditions to address hurricane preparedness. The proposed PUD amendment for City Walk will continue to include conditions for hurricane preparedness. The proposed amendment is consistent with Action 1.7.3.

~~Action 1.7.75) Approval of the bonus density allocation, increased FAR's, and/or increased height in the Downtown Redevelopment Area shall be awarded through implementation of the Land Development Regulations for All new development shall provide amenities according to the pertinent standards provided in the Land Development Regulations, including but not limited to the following areas:~~

~~Hurricane evacuation;
Affordable housing;
Para-transit provision;
Public open space;
Mixed-use residential/commercial/retail;
Exceptional architectural design;
Public/private parking;
Pedestrian friendly connections between public and private property; and,
Water enhanced or water dependent uses;
Multimodal transportation strategies including para-transit provision; and
Riverwalk easement.~~

The existing PUD contains conditions addressing the items listed in Action 1.7.5. There are existing conditions of approval regarding Hurricane Evacuation which are proposed to be amended as shown in the attached narrative regarding the existing PUD conditions. The existing/proposed condition includes language regarding developer contribution of \$300 per unit

to mitigate shelter impacts (estimated at \$76,800 for 256 equivalent units). The affordable housing, public open space and public/private parking provisions are no longer applicable. City Walk proposes a mixed-use residential/commercial/retail development. The applicant proposes exceptional architectural design as demonstrated on the architectural and landscape exhibits included with the application. Pedestrian friendly connection between public and private property are proposed and provided on the proposed City Walk PUD plan. The existing PUD contains conditions regarding multimodal transportation strategies including para-transit provision which are proposed to be amended as shown in the attached narrative addressing the existing PUD conditions. The existing/proposed condition includes language regarding developer, their successors or assigns contribution of \$51.14 per unit (estimated at \$13,100 for 256 equivalent units) annually to mitigate para-transit impacts. The Riverwalk easement is not applicable to the subject property.

Policy 1.9) Bonus Incentive Program. The Bonus Incentive Program shall allow additional density, intensity, and height for new developments and redevelopment in the Downtown Future Land Use District and Midtown Future Land Use District, where appropriate. The number of bonus density residential dwelling units and the amount of bonus non-residential intensity available shall be based on surplus utility capacity, which is depicted geographically on Map F. Standards and procedure for awarding of bonus density, intensity, and height shall be specified in the Land Development Regulations, however the allowable bonus density and intensity shall not exceed the available surplus equivalent units as quantified based on utility system capacity on Map F. Any development or redevelopment project that is awarded for bonus density, intensity, or height is subject to a bonus incentive requirement, the standards and procedures for which shall be outlined in the Land Development Regulations. The cost of new infrastructure improvements necessary for the construction of any development will be paid by the developer. The City Manager or designee shall keep an account of all surplus equivalent dwelling units built and surplus equivalent dwelling units granted to approved, but unbuilt, developments.

Action 1.9.1) Bonus shall be awarded in accordance with the following parameters:

Standard 1.9.1.1) The maximum bonus that may be awarded for any development on any parcel that is greater than 0.5 acres is 30% of the base maximum.

Standard 1.9.1.2) The maximum bonus that may be awarded for any development on any parcel that is 0.5 acres or less is 40% of the base maximum.

Standard 1.9.1.3) Bonus shall be awarded in accordance with the criteria provided in the Land Development Regulations. Bonus height shall not be awarded in violation of Neighborhood Protection Policy 1.10.

Action 1.9.2) Bonus shall be approved through the Planned Unit Development process as described in the Land Development Regulations.

With the proposed land use amendments, City Walk will not require bonus density.

Policy (1.14) Within each land use classification, the Land Development Regulations shall distinguish between permitted uses and conditional uses. Planned Unit Development requirements shall be established in the Land Development Regulations.

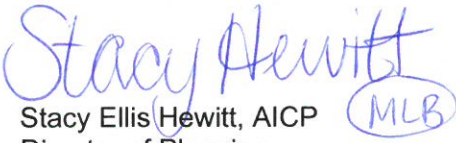
Action (1.14.3) A Planned Unit Development is designed and developed in an integrated and cohesive fashion, under single ownership or unified control, providing for flexibility and clustering of uses. Specific standards and criteria shall be met in order for developments to be approved as a Planned Unit Development.

The City Walk PUD is consistent with Policy 1.14, Action 1.14.3. The PUD meets the standards of the LDC with approval of the requested warrants and deviations. City Walk proposes a mix of uses developed in an integrated and cohesive fashion under unified control.

As demonstrated by the above analysis, the proposed PUD amendment to update the development plan for City Walk is appropriate for the subject location, in compliance with the Comprehensive Plan and compatible with surrounding developments. Should you or your staff have any questions or require further information, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING


Stacy Ellis Hewitt, AICP (MLB)
Director of Planning

Attachments:

Check for \$2,760.00 (PUD Amendment 1-10 acres \$2,750 + \$10 for 2 signs)
2 originals and 8 copies of each of the following:

- PUD Application
- List of Deviations and Warrants
- Narrative regarding Ordinance 3331 Conditions
- Agent Authorization
- Disclosure of Interest
- Disclosure of support or not to object
- Acknowledgement
- Variance Report
- Location Map
- Aerial Photograph
- Survey with Certified Legal Description and Vegetation
- Existing PUD Site Plan
- Proposed PUD Site Plan
- Landscape Plans
- Traffic Impact Statement
- Level of Service Analysis
- Architectural Renderings, Elevations or Schematics of Proposed Buildings
- Sign Package

cc:

ⁱ City Walk proposes up to 320 multi-family or townhome residences with a residential density equivalent of up to 256 units pursuant to LDC Section LDC 118.8.1.B.1:

- 72 studio or 1-bedroom multi-family ≤ 750 sf (0.5 density factor or 36 units)
- 104 2-bedroom multi-family $\leq 1,200$ sf (.75 density factor or 78 units)
- 144 units without area limitations