



## VILLAGE OF ESTERO ZONING STAFF REPORT

**CASE TYPE: PLANNED DEVELOPMENT/REZONING**  
**CASE NUMBER: DCI2015-00013**  
**NAME: VOLUNTEERS OF AMERICA**  
**PLANNING & ZONING BOARD DATE: NOVEMBER 17, 2015**

### **REQUEST AND STAFF RECOMMENDATION**

This is a request to rezone 21 acres of land on Corkscrew Road from commercial to residential planned development for a continuing care/assisted living facility. Staff recommends **APPROVAL** of the applicant's request with specific conditions and deviations in Attachment "A". The staff's rationale is explained further in the report.

### **APPLICATION SUMMARY**

**Applicant:** Gulf Care, Inc./dba Gulf Coast Village in reference to Volunteers of America

**Request:** Request to rezone +/- 21.36 acres from Commercial Planned Development (CPD) per Zoning Resolutions Z-05-038 and Z-05-039 to Residential Planned Development (RPD) to permit assisted living units, independent living units and continuing care units (assisted living) with a maximum of 340 beds so long as the density equivalency ratios per the Land Development Code do not exceed a maximum density of 128 dwelling units. Maximum building height requested is 45 feet. Development will connect to both public potable water and sanitary sewer service. No development blasting is requested.

**Location:** The subject property is located at 9201 and 9301 Corkscrew Road, Village of Estero, FL.

The applicant indicates the STRAP numbers are: 34-46-25-E1-U1986.2380 and 34-46-25-E1-U2011.2380

### **PUBLIC INFORMATION WORKSHOP**

The workshop for this application was held at the Planning and Zoning Board on July 21, 2015. Additionally, the applicant met with the homeowner's association of the Estates at Estero River to discuss the proposed development (April 21, 2015 and July 17, 2015).

### **PROJECT HISTORY**

The site is currently vacant and is not part of a plat or subdivision. The property consists of two STRAP numbers 34-46-25-E1-U1986.2380 and 34-46-25-E1-U2011.2380 both owned by RD Investment Properties, LLC.

The property was a portion of a larger 55.6 acre property (known as Kristen Woods) with a long zoning history. It was first rezoned from Agricultural (AG-2) to Residential Planned Development (RPD)/Commercial Planned Development (CPD) on March 15, 1999. The zoning permitted 220

dwelling units and 170,000 square feet of commercial office, not to exceed 40 feet in height. The frontage on Corkscrew Road (including the subject property) was zoned for the commercial portion, while the property to the north (Estates at Estero River) was zoned for residential development.

### **Subsequent Actions**

- 2001  
The Kristen Woods RPD/CPD was amended per Zoning Resolution Z-00-077 January 29, 2001 to make modifications to the master concept plan, permit single-family development, make changes to the access, and request additional deviations.
- 2005  
Administrative Amendment ADD2005-00038 made a change to the maximum lot coverage for single-family lots at Estates at Estero River and was approved March 15, 2005.
- 2005  
Zoning Resolution Z-05-038 "Galleria at Corkscrew CPD" rezoned a 9.94-acre portion of the Kristen Woods RPD/CPD – located on the corner of Sandy Lane and Corkscrew Road – permitting 70,000 square feet of commercial retail and 30,000 square feet of commercial office, with a maximum building height of 45 feet. This zoning change was approved August 15, 2005.
- 2005  
Zoning Resolution Z-05-039 "Design Parc CPD" rezoned a 15.63-acre portion of the Kristen Woods RPD/CPD – located east of Galleria at Corkscrew – permitting a maximum of 143,000 square feet of commercial including 30,000 square feet of retail – also with a maximum building height of 45 feet. It was also approved August 15, 2005. This CPD included Tract 2A – shown on the master concept plan with six buildings – and Tract 2B – "Future Development Area".
- 2006  
Tract 2B (about 4.2 acres) was developed per Development Order DOS2005-00345 with four general office buildings (41,492 square feet) "Galleria Commercial Parc", issued May 23, 2006. This development was permitted and completed and is located east of Design Parc Road.
- 2015  
Administrative Amendment ADD2015-00098 "Legacy Church" was approved by the Village of Estero Planning and Zoning Board July 21, 2015 to amend Z-05-039 Design Parc CPD to add place of worship to the permitted schedule of uses on Tract 2B.
- 2005  
Development Order DOS2005-00058 "Galleria at Corkscrew" was issued November 28, 2005 for 192,000 square feet of commercial floor area in 11 buildings on about 25 acres,

to include office and restaurants located on the subject property from Design Parc Road west to Sandy Lane. Galleria at Corkscrew includes property within Galleria at Corkscrew CPD and Tract 2A of Design Parc CPD. This development was never constructed.

The proposed rezoning to RPD would remove all of Tract 2A from Z-05-039 Design Parc CPD, about 42 acres. Tract 2A was approved with 40,000 square feet of office and 60,000 square feet of retail. A total of 43,000 square feet of commercial development would be permitted on Tract 2B, allowing the current development to remain.

There are no special exceptions, variances or other zoning actions associated with the property. No open code enforcement or building code violations are associated with the subject property as of the date of this report.

### **PROJECT DESCRIPTION AND MASTER CONCEPT PLAN**

The site plan shows the property in relation to roads and surrounding properties. An access is shown on Sandy Lane and another (right in/right out) on Corkscrew Road. The buildings and parking areas are shown in detail as are proposed common areas and courtyards which are internal to the development. The site plan shows interconnections to the Galleria office park to the east.

There is an existing wall on the north side of the property which separates it from the residential subdivision directly north. Dry detention is located along Corkscrew Road, separating the internal drive from Corkscrew Road. Dry detention separates Sandy Lane from the internal road as well. The proposed office uses are on the eastern part of the site.

### **STAFF ANALYSIS**

#### **Zoning in Progress Resolution**

This property is located in an area that is subject to the Village of Estero Resolution 2015-22. This resolution involves zoning in progress for an area encompassed in the "Village Center" study area. (See attached Resolution for additional detail.)

The Village has hired consultants who are conducting a study which may result in Land Development Code and Comprehensive Plan Amendments.

Applications for development approval will be reviewed by the Village Council to determine if they are exempt, have vested rights or whether they comply with the principles of compact, walkable, transit supportive, mixed use development with an emphasis on employment, housing, recreational and civic uses. The Council will address this issue at its public hearing on this zoning case.

#### **Height**

The Land Development Code section addresses maximum height in the Village of Estero:

*Buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less, in height. Elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines, may exceed the maximum height limitations with an approved variance or deviation.*

The request is for 45 feet.

### **Assisted Living Density**

The Land Development Code Sections 34-1411-1414 and Sec. 34-1494 address density as it pertains to assisted living. Where health care, social service, assisted living, continuing care, or other group quarters are provided – but there is no central kitchen or dining – and each dwelling unit has its own kitchen – each unit is calculated at a 1:1 ratio – which is the same as a multi-family facility.

Assisted Living Facilities/Continuing Care Facilities (ALF/CCF) – where there are no kitchens in individual units, but there is a central dining facility, and other transportation and social services for residents – units are calculated at a 4:1 equivalency ratio (four assisted dwelling units are equivalent to one standard dwelling unit).

Independent Living Units (ILU) are authorized as part of a state-licensed continuing care facility (CCF) which may be equipped with a kitchen in each unit. These facilities also provide health services, common dining, transportation and other resident services. Independent Living Units (ILU) are calculated at a 2:1 equivalency ratio.

At this stage of development, the precise mix and type of assisted living units is not known. More detail such as this will be necessary at the Development Order stage where the site plan will be reviewed in detail. With a maximum of 128 standard dwelling units – a maximum of 512 units (assisted living beds) could be permitted for an ALF/CCF use (at a 4:1 ratio) and a maximum of 256 units (assisted living beds) can be permitted for an ILU use (2:1 ratio). As conditioned, the applicant could develop with a mix of both types of assisted living products so long as the density does not exceed the equivalent of 128 standard dwelling units.

### **Environmental Issues**

Lee County Environmental staff conducted a site inspection on July 10, 2015. The 21.36 acre subject site has been previously cleared, filled, and a small portion of the infrastructure installed per the approved local development order DOS2005-00058 for the commercial project. During the inspection, staff observed two large oak trees were preserved along the south property line (Corkscrew Road) and a wall was installed along the north property line as per previous development approvals; although, the work has not received certificate of compliance (CC).

### **Transportation Issues**

The Master Concept Plan shows three access points for the proposed project. There is a full access on Sandy Lane (the northern extension of Via Coconut Point), a right-in/right-out access on the north side of median divided Corkscrew Road, and a full access to Corkscrew Road opposite Corkscrew Palms Boulevard through the existing Galleria commercial development to the east.

The proposed development with a 340 bed assisted living facility and 15,000 square feet of medical offices is estimated to generate 962 daily two-way trips. These trips will be dispersed to the roadway network via the three access points with most of the trips anticipated to be local in nature. The applicant's traffic report contains an analysis of the impacts this rezoning would have on the Corkscrew Road/I-75 interchange. It anticipates that 45% of the project traffic will arrive from/depart to the east on Corkscrew Road, towards the I-75 interchange. Project traffic going east will dissipate from the connection of River Ranch Road and more notably at Three Oaks Parkway, a major north/south arterial. The report estimates that 20% to 25% of the project trips will reach the I-75 interchange from the project. A capacity analysis was performed at the two

ramp intersections with I-75 using traffic counts collected by the applicant's traffic engineer. This capacity analysis shows that the proposed rezoning would have a very small impact on the operations of the I-75 interchange as it currently exists (with no improvements). Specifically, the overall intersection level of service for both the northbound and southbound ramps during the weekday P.M. peak hours is LOS "E" in 2020 without the project and will remain at LOS "E" in 2020 with the project. Further, the average vehicle delay is estimated to increase by approximately 1.8%.

It is also worth noting that under the present CPD zoning resolutions for this property (Z-05-038 and Z-05-39) the total daily two-way trip generation would be much higher, at 6,655 trips, if the project were developed for commercial use.

The applicant's traffic study shows that Corkscrew Road in the vicinity of the proposed project will continue to operate at LOS "C" based upon the project peak hour, peak season, peak direction traffic added to the existing traffic for this link as published in the 2014 Lee County Concurrency Report and will continue to operate at LOS "C" to year 2020 as projected. Traffic counts are not provided for Sandy Lane or Via Coconut Point but these links are currently operating satisfactorily and should continue to operate at an acceptable level upon completion of the project.

Both Lee County Department of Transportation and Lee County Development Services technical staff reviewed this application and found that it creates no level of service (LOS) issues.

### **Surrounding Zoning**

**North** – To the north of the subject property is the Estates at Estero River, zoned residential for 105 dwelling units on about 28 acres (about 3.9 units per acre). North of this is the Estero River and then a mix of lower and moderate density developments. A solid wall and vegetation buffer separate the subject property from the residential units. Height is limited to 45 feet. The master concept plan for this assisted living facility shows detention areas, parking (including covered parking), and open space to the north. The master concept plan shows a wall and berm combination to the north (8 feet minimum) with landscaping. Also see Deviation request 1.

**South** – To the south is Corkscrew Road, a four lane arterial and divided median. South of this are commercial planned developments and commercial office buildings and the Farm- a produce stand and U-pick business with Agricultural (AG-2) zoning proposed for residential rezoning.

**West** – West is Via Coconut (Sandy Lane), a two-lane Collector Road. West of this is vacant land with Mixed Use Planned Development (MPD) zoning (Estero on the River MPD). Estero on the River MPD includes approval of 530 dwelling units on 85.07 acres – about 7.84 dwelling units per acre. West of this is US 41.

**East** – East is Design Parc Lane then the Galleria development with office uses and a recently approved church.

### **Neighborhood Compatibility Issues**

The Comprehensive Plan contains the following policy:

**POLICY 135.9.5:** *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22).*

This application would provide housing and support services available to those needing assisted living. The proposed assisted living development is adjacent to established residential neighborhoods and commercial uses on Corkscrew Road and Sandy Lane.

Assisted living is typically a low-intensity residential use with fewer traffic impacts than commercial uses, retail uses, or high density residential uses. Impacts to nearby residential uses may include deliveries, visits by friends and family, medical and support services, and ambulance service for emergencies or transportation to nearby hospitals. Typically assisted living is a low impact use.

The separation of the residential project by the wall, landscape buffer, dry detention and internal driveway will provide a distance separation from the existing residential development to the north from the proposed 3-story buildings to minimize incompatibility issues.

### **Comprehensive Plan Considerations**

The property is designated as a "Suburban" land use category in the Comprehensive Plan.

**POLICY 1.1.5:** *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30).*

Residential requests such as assisted living are appropriate in this category but must meet density requirements as well as other requirements and policies of the Comprehensive Plan, including Estero-specific policies. The maximum density allowed in the Suburban Future Land Use category is 6 units per acre.

**POLICY 2.2.1:** *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22).*

This application proposes a Residential Planned Development (RPD) within an urban future land use category. The property is served by roads, utilities, EMS, fire and police protection. The site is within the Lee County Utilities water and wastewater franchise areas which has the capacity to serve the proposed development.

Lee Tran does not provide service to the site on either Corkscrew Road or Sandy Lane. However, Lee Tran Route 60 has a stop on Three Oaks Parkway and the intersection of Corkscrew Road about 1 mile to the east (South County Library). Route 60 provides services from the San Carlos community to the north with stops at the South County Library, Miromar Outlets, Florida Gulf Coast University and Gulf Coast Town Center Mall. Lee Tran Route 140 provides service from Merchants Crossing in North Fort Myers south to Coconut Point Mall in Estero via US 41, with a stop on US 41 and Corkscrew Road, about 1 mile west of the subject property. Lee Tran Route 240 provides service from Bell Tower in South Fort Myers to Coconut Point Mall in Estero via US 41 – also with a stop on US 41 and Corkscrew Road.

Since a number of the project residents may not drive the applicant will have van service available to take residents to places such as shopping, restaurants and doctor appointments.

**POLICY 5.1.3:** *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30).*

The highest density in the Suburban category is requested. The subject property is proximate to other residential developments, employment, parks and shopping. Lee Tran service is not available at the site.

**POLICY 5.1.5:** *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22).*

The site is adjacent to residential single-family development to the north (the Estates at Estero River). The 3-story proposed height is taller than the single family homes to the north.

The proposed uses are limited to assisted living with amenities, and limited commercial use on the eastern part of the site. The height is limited to 3 stories. The density is the maximum permitted in the Suburban Future Land Use category. The buildings are set back from the property line and there is an existing wall separating the two projects. There is a landscape buffer as well.

**GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS.** *To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.*

**STANDARD 11.1: WATER.** *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).*

**STANDARD 11.2: SEWER.** *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The property is served by Lee County Utilities and will connect to such services.

### **Estero-Specific Goals and Policies**

**GOAL 19: ESTERO.** *Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by: a. Protecting the natural resources, environment, and lifestyle; b. Establishing minimum*

*aesthetic and design requirements; c. Managing the type, location, quality, design and intensity of future land uses; d. Providing greater opportunities for public participation in the land development approval process; and e. Promoting a true sense of place in Estero. (Added by Ordinance No. 14-16).*

**OBJECTIVE 19.1: CHARACTER & LAND USE.** *Promote community character through the implementation of planning and development practices that create a visually attractive community, and an enhanced quality of life, and foster a unique sense of place. (Added by Ordinance No. 14-16).*

**POLICY 19.1.1:** *Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing Lee Plan policies, Land Development Code (LDC) regulations, and other planning tools that: a. Implement and maintain commercial development standards for architecture, landscaping, buffering, signage, lighting designs and visual appearance of developments, transportation facilities, and other community amenities; b. Promote the use of low impact design, sustainable energy, water, and other environmental features; c. Establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay; d. Encourage the redevelopment and infill of underutilized commercial and residential lands; and e. Increase public participation in the land development approval process to ensure future development efforts support the Estero community plan and adopted Lee Plan policies and LDC standards. (Added by Ordinance No. 14-16).*

**POLICY 19.1.2:** *Lee County may not approve any proposed project that is inconsistent with the Lee Plan including this Goal 19 and its objectives and policies. Projects will be reviewed through a public process that includes the Estero community, property owners, and Lee County staff to ensure that the development is consistent with Estero's Plan and vision. (Added by Ordinance No. 14-16).*

**POLICY 19.1.3:** *Encourage new developments that achieve the Estero community's vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the Lee Plan and Land Development Code that: a. Promote urban integrated forms of development in targeted areas identified on the Mixed-Use Overlay; b. Promote targeted industries in appropriate areas of Estero-e.g.: healthcare, arts and culture, technology, and research and development facilities; c. Promote the use of green design, sustainable energy, water, and other environmental features; d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards; e. Enable infill of underutilized commercial and residential lands; and f. Encourage residential developments to use the bonus density established through the Lee Plan Urban land use categories. (Added by Ordinance No. 14-16).*

Estero has a vision to develop a community with a unique quality of life by promoting good planning principles consistent with Goal 19 and associated Objectives and Policies. This application is to utilize an infill area with a mix of assisted living related support uses and 15,000 square feet of medical office.

**OBJECTIVE 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS.** *Promote Estero's quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero's residents, business people, and visitors. The aim of the economic areas is to provide the community a*

*diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community.*

**POLICY 19.2.1:** *Where feasible, provide for the development of walkable mixed-use town centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through Lee Plan policies and LDC regulations that support Estero's distinct community character and the following community priorities: Support the development of a central town center to unify the community; Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities; Diversify the community's economic base and employment opportunities; Encourage the development of targeted industry clusters-particularly health industries, professional services and businesses, and technology, research, and development; Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities; Improve access to the community's cultural and historic resources; public spaces, parks and recreational facilities; and other community amenities; Commercial and mixed-use developments will maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage; and Promote and incentivize private investment within mixed-use centers and economic areas.*

The proposed development is for a mix of assisted living, related accessory, uses, and some limited commercial uses where residents could walk to nearby commercial businesses. There are amenities on site. The site plan shows civic spaces. There are proposed connections (road and sidewalks) to residential and commercial uses and neighborhoods. Lee Tran service is about a mile to the east and west.

**OBJECTIVE 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY.** *Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system.*

**POLICY 19.4.1:** *Establish land development code standards that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should: Require, where feasible, interconnects with adjacent uses; To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties; Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.*

**POLICY 19.4.3:** *All public and private rights-of-way within future mixed-use centers and the Old Estero area, as defined in the Land Development Code, are encouraged to be designed to include pedestrian ways, cross walks and traffic calming measures including, where appropriate, on-street parking, raised crosswalks, narrow lane widths or other similar mechanisms.*

The proposed development includes interconnectivity to adjacent developments where possible. Links are provided internally and externally. There is an interconnection to the commercial office development to the east. Sidewalks will be constructed along Sandy Lane and Corkscrew Road. A marked cross walk across Corkscrew Road is being evaluated.

### **Findings and Conclusions**

After balancing the advantages and disadvantages of this project, and its impacts, the Planning and Zoning Board will make a recommendation to the Village Council for this rezoning. The recommendation should contain Findings of Fact.

Based upon an analysis of the application and the standards for approval of planned development rezonings contained in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has a justification for the rezoning to Residential Planned Development (RPD) by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulation, as conditioned.
2. The requested zoning to Residential Planned Development (RPD), as conditioned:
  - a. Meets all performance and locational standards set forth for the potential uses allowed by the request; and
  - b. Is consistent with the densities, intensities and general uses set forth in the Comprehensive Plan; and
  - c. Is compatible with existing or planned uses in the surrounding area, as conditioned; and
  - d. The request will not adversely affect environmentally critical areas or natural resources.
3. Although there will be additional trips generated by the development, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Comprehensive Plan will be available and adequate to serve the proposed land use.
5. The proposed use or mix of uses, as conditioned, is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations as conditioned, will preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

**ATTACHMENTS:**

- A. Staff Conditions and Deviation Recommendations
- B. Maps: Surrounding Zoning, Future Land use, Aerial Photograph, Mixed Use Overlay, Sandy Lane Corkscrew Road Overlay, Project Density
- C. Estero Continuing Care Retirement Community: Master Concept Plan
- D. Zoning in Progress Resolution 2015-22
- E. Planning and Zoning Board Regular Meeting July 21, 2015 Regular Meeting Agenda and Minutes
- F. Estates at Estero River HOA Meeting Notes, April 21, 2015
- G. Lee County Utilities Water and Wastewater Availability Letter
- H. Lee County School District Comments
- I. Lee County Environmental Staff Comments
- J. Lee County Department of Transportation Comments
- K. Lee County Development Services TIS Comments

**EXHIBIT**

- A. Legal Description, Sketch, Boundary Survey

## ATTACHMENT "A"

### **Conditions and Deviations**

#### **1. Master Concept Plan/Development Parameters**

The development of this project must be consistent with the one-page Master Concept Plan entitled "ESTERO CONTINUING CARE RETIREMENT COMMUNITY" stamped received **OCTOBER 20, 2015 (Attachment "C")** except as modified by the conditions below.

This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

This rezoning allows a maximum of 340 beds/units of assisted living/independent living/continuing care (hereinafter referred to as assisted living) beds/units in any combination or configuration so long as the density does not exceed 128 standard dwelling units per LDC Sec. 34-1494 and LDC Sec. 34-1414(c) - as of the date of this Zoning Resolution approval. Commercial use is limited to 15,000 square feet.

Resolution Z-05-038 Galleria at Corkscrew CPD is null and void as a result of this zoning action, and is superseded by this zoning resolution.

Zoning Resolution Z-05-039 Design Parc CPD remains in full force and effect except as amended herein. In the event of any inconsistency between this zoning resolution and zoning resolution Z-05-039 then the conditions and deviations approved in this resolution shall prevail.

#### **2. Uses and Site Development Regulations**

The following limits apply to the project and uses:

##### **Schedule of Uses**

###### **Residential**

Accessory Uses and Structures

Accessory Commercial Support Uses, limited to a maximum of 2,500 square feet of floor area for each use. Must include a minimum of one of the following accessory commercial uses:

Banks and Financial Institutions, Group I (including ATM)

Barber or Beauty Shop

Business Services, Group I – limited to catering for on-site events

Convenience Store – (no self-service fuel pumps, not freestanding, located internal to site)

Laundry or Dry Cleaning, Group I and II  
Restaurants, Group II and III

Administrative Office

Assisted Living Facility – See dwelling units below

Clubs, private

Community Garden per LDC Sec. 34-1716

Continuing Care Facility – See dwelling units below

Consumption on Premises, limited to indoors. Locations limited to restaurants, and to those areas shown as common areas and civic space on the approved master concept plan. Outdoor consumption on premises will require approval through an amendment to the RPD (public hearing required)

Dwelling Units:

Assisted Living Facility, Independent Living Facility, Continuing Care Facility, Maximum 340 beds. See Condition #1 above

Essential Services

Essential Services Facilities, Group I

Excavation, Water Retention

Fences, Walls

Health Care Facilities, Group I, II, and III – accessory for on-site patient/resident care only.

Home Occupation

Independent Living Facility, See dwelling units above

Medical Office – (15,000 square feet maximum per the Master Concept Plan)

Model Units and Real Estate Sales (See Condition #4)

Parking Lot, Accessory – includes covered parking per the Master Concept Plan

Recreational Facilities, Private, On Site (accessory to assisted living only)

Recreational Facilities, Indoor (accessory to assisted living only)

Residential Accessory Uses and Structures

Signs: Per Chapter 30 and Chapter 33 of the Land Development Code

### **Minimum Lot Areas and Dimensions**

#### **Assisted Living including Amenities and Recreation**

Lot Size: 10,000 square feet

Lot Width: 100 feet

Lot Depth: 100 feet

#### Minimum Setbacks

Street 25 feet (public)/5 feet (private)

Also see Deviations #2 and #6

Side 15 feet

Rear 20 feet

Water body 20 feet

All Accessory Uses: Per the LDC

Minimum Building Separation: 20 feet

Building Height: 45 feet/3 stories (whichever is less)

Maximum Lot Coverage: 45 percent

**3. No Blasting**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

**4. Model Units/Real Estate Sales**

A. Model units are limited to a maximum of 4.

B. Real estate sales are limited to recreational facilities/administrative offices and within model units.

C. Real estate sales will be limited to the sale of lots or units within the development only.

D. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday 8 a.m. to 8 p.m.

E. No dry models are permitted.

**5. Concurrency**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

**6. Vehicular/Pedestrian Impacts**

Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Land Development Code may be required to obtain a local development order.

**7. Plan Consistency/Concurrency**

Approval of this rezoning does not guarantee local development order approval, or issuance of a Concurrency Certificate. Future development order approvals must satisfy the requirements of the Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other Comprehensive Plan provisions.

**8. Utilities**

Water and sewer services are available to the site, and this development must connect to those services as part of any local development order for the site for vertical construction.

**9. Lighting**

Lighting of the subject property must be in compliance with LDC Section 33-16 and Section 34-625 utilizing a maximum height of 20 feet for structures. All lighting must be architecturally designed and complementary to the buildings where the lighting is located.

**10. Development Parameters**

Development must include a unified "Old Florida" architectural theme for all buildings.

**11. Signage**

The development of the subject property must include a unified, common signage plan and graphic theme throughout the project. The signage and graphic design theme must be reviewed and approved by Village of Estero staff or Design Review Board, as applicable, prior to the issuance of a local development order.

**12. Pedestrian-Friendly Design**

The development must be designed with all of the following design elements:

- A. Traffic calming measures within internal roadways, which may include but not be limited to: speed bumps or tables, if approved by the Village and Fire District, raised pedestrian crossings, street trees and pedestrian-friendly landscaping; street furniture' or the use of pavers and contrasting materials within the roadways.
- B. Sidewalks must be provided at all entrance points and provide connections to the existing sidewalk system on Corkscrew Road, or future sidewalk systems on Via Coconut.
- C. An internal sidewalk network connecting the uses within the development on the approved Master Concept Plan.
- D. Pedestrian crosswalk south across Corkscrew Road from western edge of property near Via Coconut/Sandy Lane.

**13. Open Space**

The overall project must provide a minimum of 8.5 acres of open space in substantial compliance with the approved Master Concept Plan.

**14. Heritage Trees**

Development order landscape plans must retain the two existing heritage oak trees located along Corkscrew Road to be preserved as part of a completed project.

**Deviation Requests**

The application includes eight deviation requests, three of which are withdrawn.

The standard for approval is that the deviation request, as conditioned, enhances the planned development, and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

**Deviation #1** request relief from LDC Section 10-416(d)(6) requiring if roads, drives or parking areas are located less than 125 feet from a residential single-family subdivision, to provide a solid wall or wall/berm combination not less than 8 in height to be constructed not less than 25 feet from the abutting property line and landscaped (between the wall and the abutting property) with a minimum of five trees, and 18 shrubs per 100 linear feet to allow a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 15 feet from the abutting property line to the north and landscaped (between the wall and abutting property) with a double staggered row hedge maintained at 60 inches and 10 trees per 100 linear feet.

The applicant makes a case that the buffer to the north with Estates at Estero River is similar in nature to the buffer and deviation for Design Parc CPD where the wall, berm and buffer have been constructed. The applicant makes the case that there is already adequate buffer and open space from the single-family development to the north and the proposed assisted living.

Lee County Environmental staff verified the wall currently exists 15 feet of the north property line as allowed through previous zoning approvals. In addition, the proposed plantings (double hedge row maintained at min. 60-inches and 10 trees per 100 linear feet) are those required by a Type F buffer which as per LDC Section 10-421(a)(2) requires a minimum of 15-feet of plantable width. Environmental staff finds that the buffer plantings proposed exceed LDC requirements and the buffer plantable width meets minimum requirements.

Staff recommends **APPROVAL** of Deviation #1.

**Deviation #2** requests relief from LDC Section 33-406 requiring a maximum 25-foot street setback in the Corkscrew Main Overlay district to allow a setback of 110 feet along Corkscrew Road for the buildings as shown on the Master Concept Plan.

The property is located in the Corkscrew Main Overlay District per Chapter 33 of the Land Development Code. The intent of this district is as follows:

**Sec. 33-402. Intent.**

*The Corkscrew Road and Sandy Lane districts will be developed as the Estero Planning Community's Main Street, a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community. These districts are depicted in Appendix I, Map 1.*

The applicant makes the case that the request is an assisted living development with internal courtyards, amenities, and walkways and that a maximum setback standard is more appropriate for a commercial development, not a residential development. They also contest that a 110-foot-setback from an arterial road is appropriate to protect residents from noise and nuisance from the road. The applicant also states there is a 45-foot drainage easement along Corkscrew Road, making compliance with the required 25 foot setback problematic.

Many developments along Corkscrew Road have complied with this setback. Some projects with larger setbacks were developed before the requirement was put into place. A deviation was granted for the Miromar Design Center in the past. Staff does not object to granting this deviation due to the nature of this project.

**Deviation #3 and Deviation #4 were Withdrawn.**

**Deviation #5** requests relief from LDC Section 34-2015(2)d. which requires exiting vehicles to leave a parking lot in a forward motion to allow for parking as depicted on the master concept plan.

The applicant states that the request is limited to situations where 90-degree parking spaces will back into an internal roadway within the context of an assisted living facility. Cars will exit on a local private road within the development, not subject to a lot of traffic, according to the applicant. The posted speed will be 20 miles per hour and traffic calming measures internal to the development are likely to be utilized.

It is assumed that this request relates to areas where the internal circulating access way passes through parking areas, thereby necessitating driver backing maneuvers directly onto the internal access way instead of a parking lot drive aisle. To mitigate this potential safety hazard, staff recommends approval of the deviation, subject to the condition below.

Staff recommends **APPROVAL** of Deviation #5 with the following:

1. If vehicles back directly onto an internal access way, the posted speed limit of the access way must be 25 miles per hour or less, and the access way must be designed so that traffic calming devices are provided per Administrative Code AC-11-14. The design and location of traffic calming devices will be to the satisfaction of the Village of Estero staff.

**Deviation #6** requests relief from LDC Section 33-403 which requires that buildings on corner lots be designed with a maximum setback of 25 feet from each adjacent right of way to allow a setback of 185 feet from Sandy Lane and a setback of 110 feet from Corkscrew Road.

The applicant makes a similar case to Deviation #2 that the Master Concept Plan depicts an assisted living facility with internal courtyards, pedestrian areas, and amenities. The intent is to buffer the residents from both a Collector Road (Via Coconut/Sandy Lane) and an Arterial (Corkscrew Road).

Staff recommends **APPROVAL** of Deviation #6.

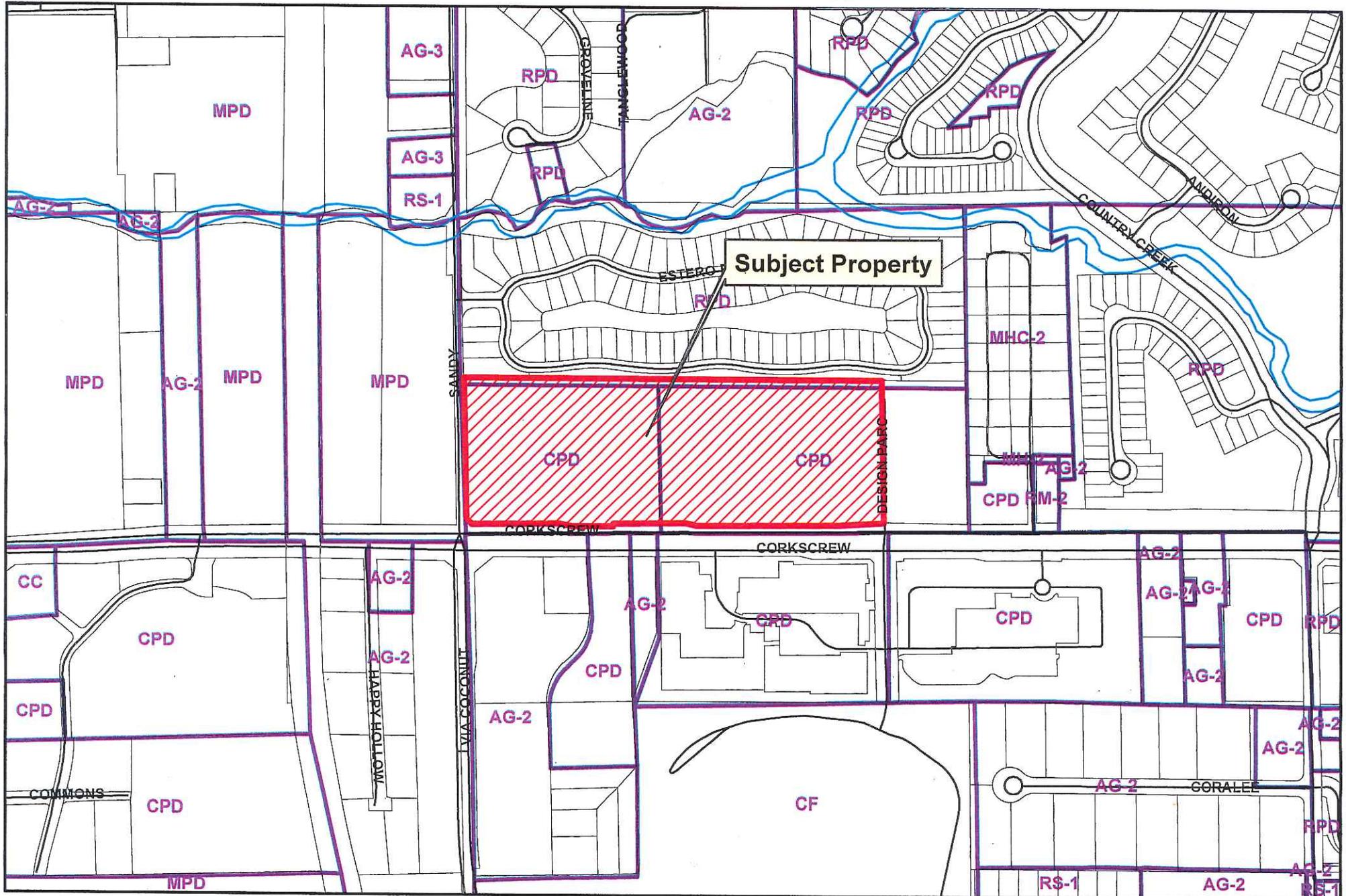
**Deviation #7** requests relief from LDC Section 34-2192(b)(5) which requires all parking lots, access streets, and drives to be a minimum of 75 feet from the right of way to allow parking lots, access streets, and drives to be set back to a minimum of 50 feet from the right of way as shown on the master concept plan.

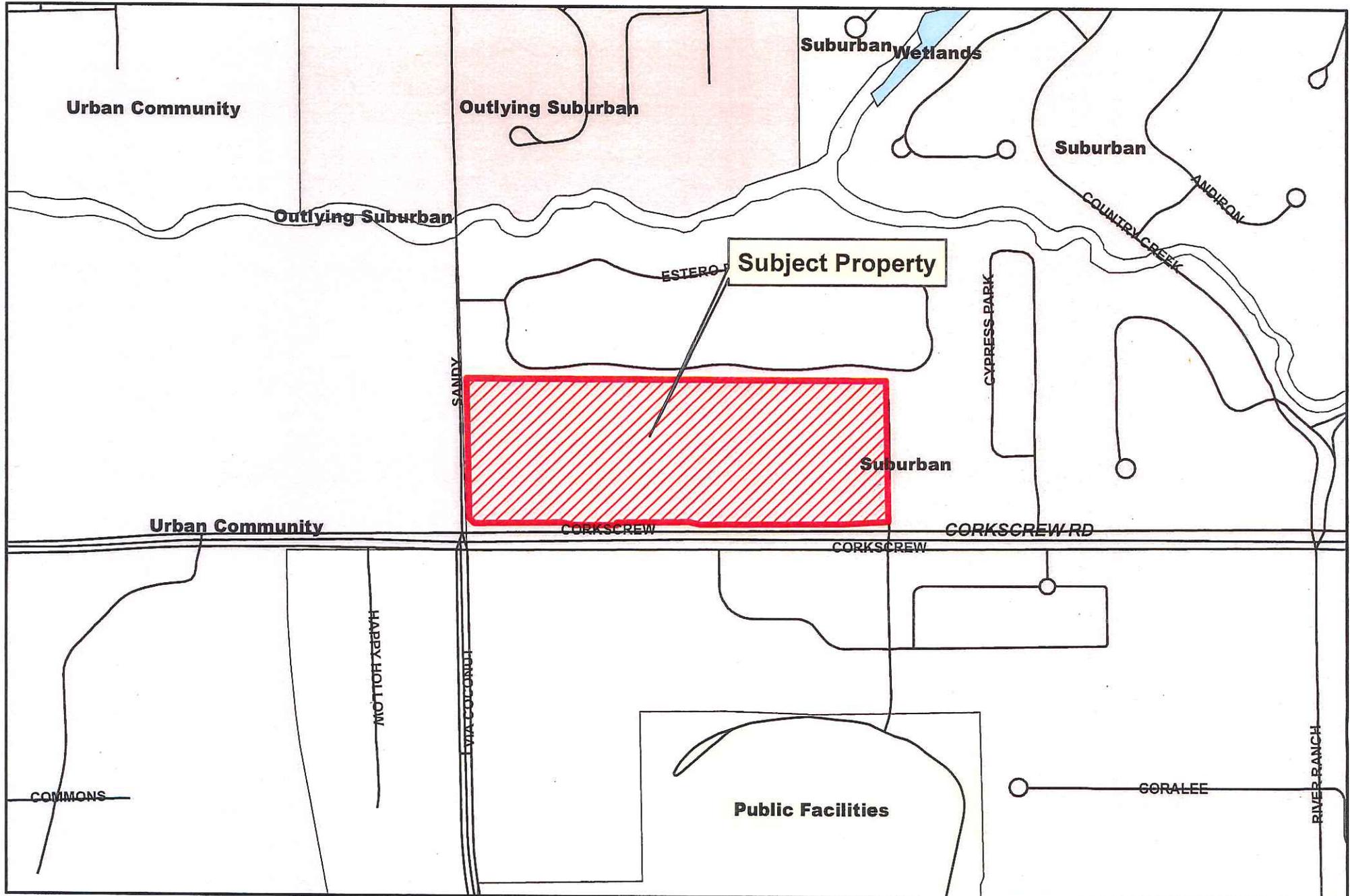
The applicant makes the case – similar to Deviation #2 and #6 – that parking is provided on the perimeter of the site – enabling a design to allow residents and services to be consolidated, compact, and amenities accessible. The setback is to allow greater protection of residents from the roadways. Sandy Lane, it was pointed out, could possibly be expanded from two to four lanes. The parking, as proposed, is adequately buffered and is of an adequate distance from residential uses (such as the Estates at Estero River) and roads, according to the applicant.

Staff recommends **APPROVAL** of Deviation #7.

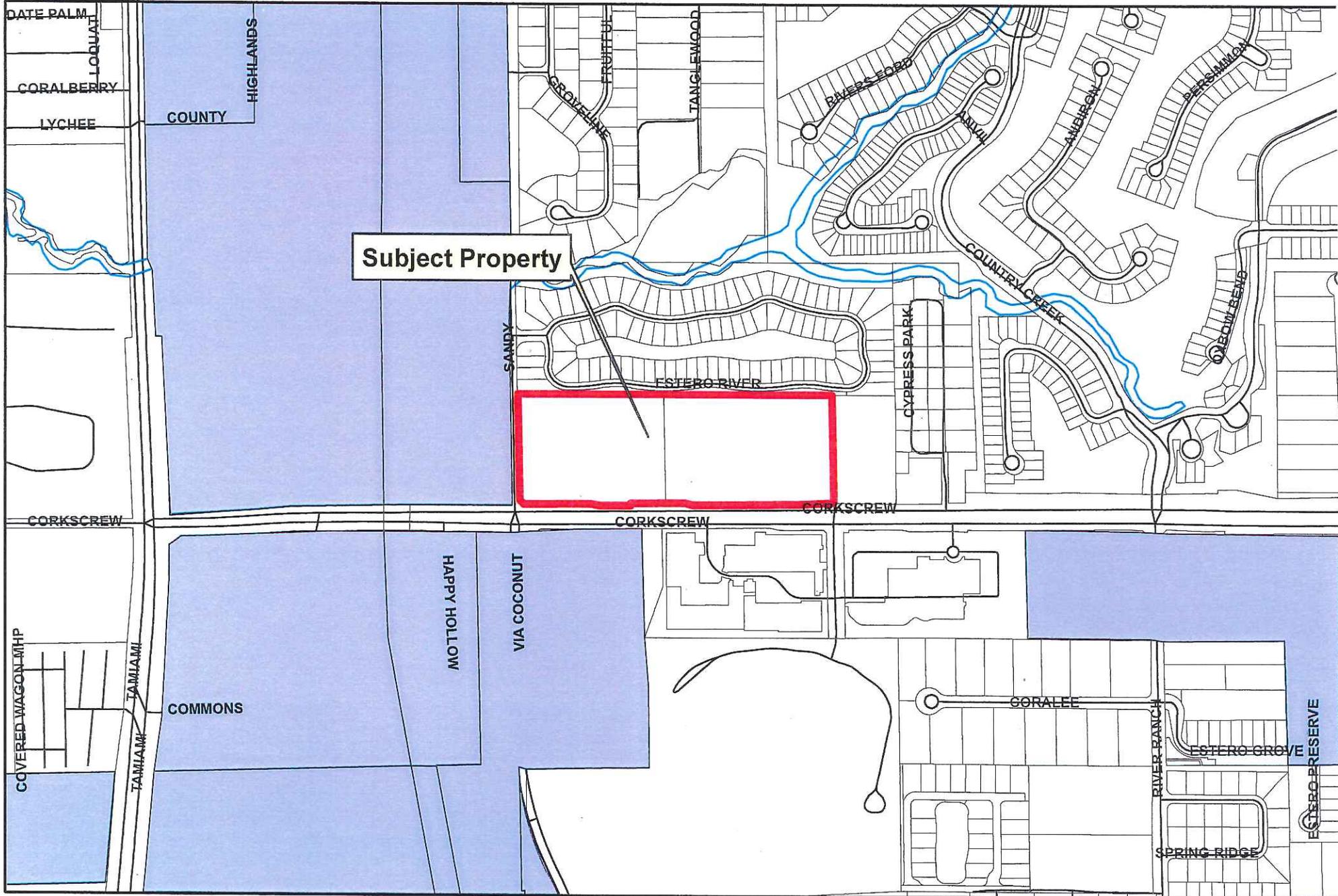
**Deviation #8 was Withdrawn.**





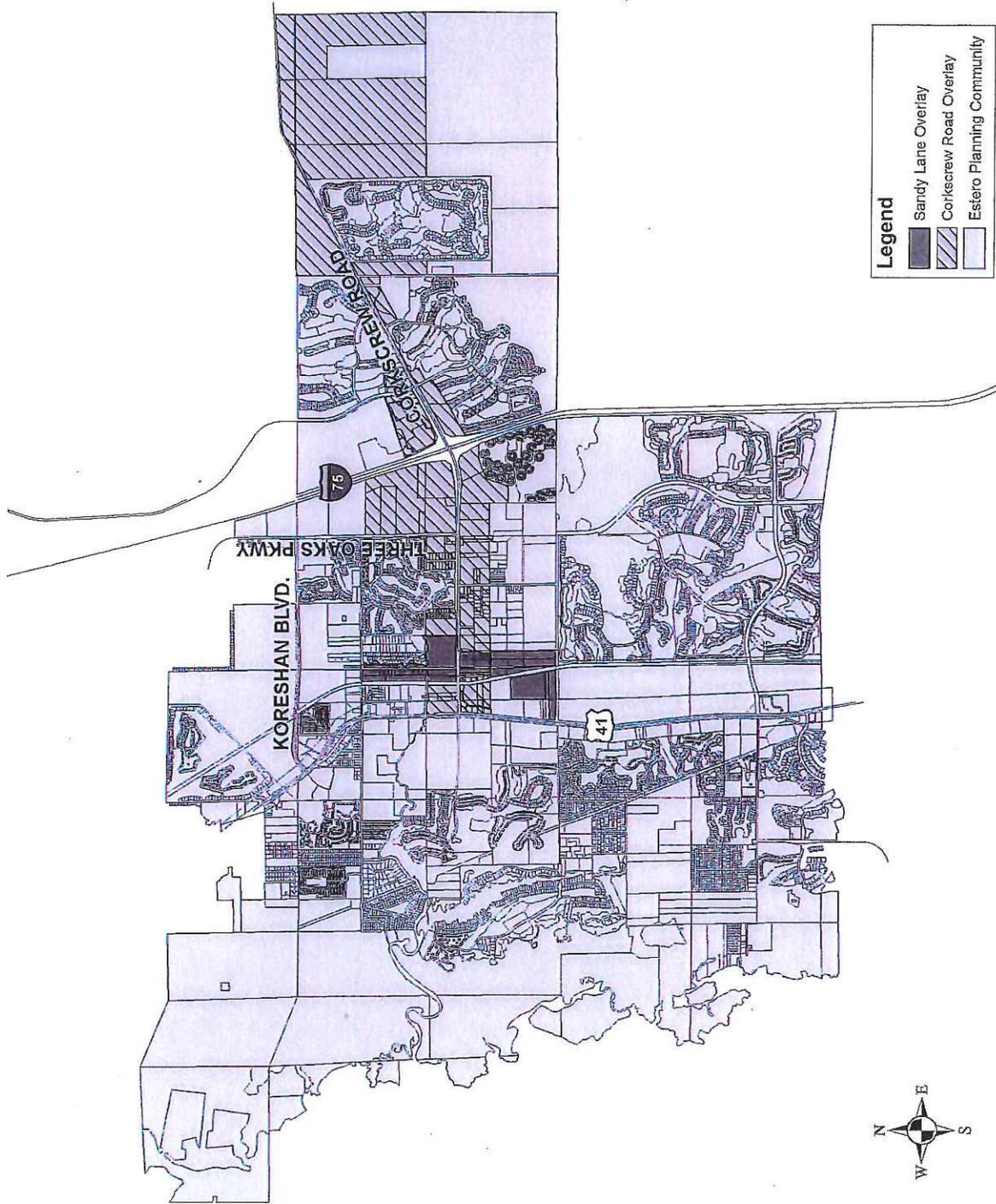




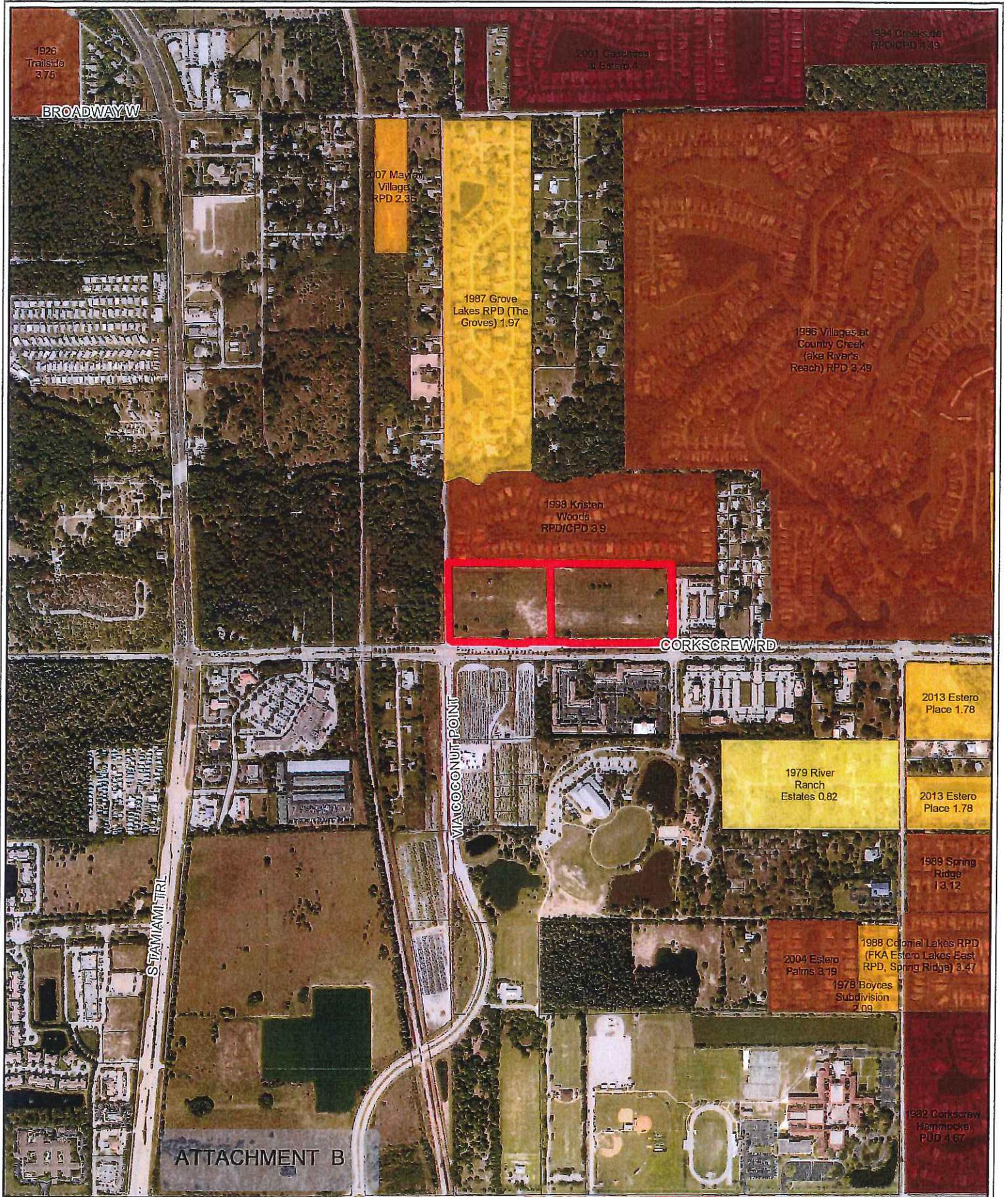


APPENDIX I PLANNING COMMUNITY AND REDEVELOPMENT OVERLAY DISTRICT BOUNDARIES AND LEGAL DESCRIPTIONS

APPENDIX I PLANNING COMMUNITY AND REDEVELOPMENT OVERLAY DISTRICT BOUNDARIES AND LEGAL DESCRIPTIONS



ATTACHMENT B

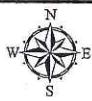


ATTACHMENT B

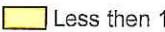
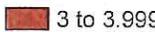
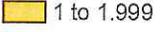
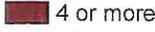
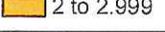

**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

0.08 0.04 0 0.08 0.16  
 Miles

Map Generated October 2015



Approved Project Density

- |   |   |  |
|---|---|--|
|  Less than 1 |  3 to 3.999 |  Subject Property |
|  1 to 1.999  |  4 or more  |  |
|  2 to 2.999  |   |  |

**VOLUNTEERS OF AMERICA**

Project Densities



RESOLUTION NO. 2015- 22

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING RECITALS; INVOKING ZONING IN PROGRESS FOR THE AREA ENCOMPASSED IN THE VILLAGE CENTER STUDY AREA ILLUSTRATED ON MAP A ATTACHED HERETO; ADOPTING EXEMPTIONS; PROVIDING FOR ECONOMICALLY VIABLE USE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero was incorporated by referendum held on November 4 3, 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the Village of Estero ("Charter") created by Ch. 2014-249, Laws of Florida; and

**WHEREAS**, the Charter provides that the Village Council shall have the broadest exercise of home rule powers permitted under the state Constitution and the laws of the state; and

**WHEREAS**, the Village Council has reviewed the January 2015 Community Planning Initiative Final Report (Report), by Seth Harry & Associates, Inc. and Spikowski Planning Associates, and based on the Report has determined to pursue the preparation and adoption of Land Development Code regulations to implement a walkable, mixed use regulatory framework based on the preliminary concepts in the Report, for the areas generally identified in the Report as the Village Center and the Healthcare Village ; and

**WHEREAS**, the Village Center which is the subject of this Resolution is depicted in the Map attached hereto as Map A;

**WHEREAS**, the Village has contracted with Seth Harry & Associates, Inc. and Spikowski Planning Associates, and Lewis, Stroud & Deutsch, PL, for the preparation of Land

Development Code Amendments and any appropriate Comprehensive Plan Amendments to implement the concepts set out in the Report; and

**WHEREAS**, it is anticipated that the adoption of new Land Development Code Amendments pursuant to the concepts set out in the Report will be accomplished in approximately one year; and

**WHEREAS**, Florida law recognizes the doctrine of "Zoning In Progress" that allows applications for development approval to be accepted but temporarily delayed for a reasonable amount of time while zoning changes are pending that would affect the development approval, as explained in *City of Hollywood v. Hollywood Beach Hotel Co.*, 283 So.2d 867 (Fla. 4<sup>th</sup> DCA 1973), *aff'd* in pertinent part, 329 So. 2d 10 (Fla. 1976), and *City of Pompano Beach v. Yardarm Restaurant, Inc.*, 509 So.2d 1295 (Fla. 4<sup>th</sup> DCA 1987); and

**WHEREAS**, Zoning in Progress prevents the premature review and approvals of new development which may be incompatible with proposed land development regulations that may result from the adoption process; and

**WHEREAS**, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to invoke Zoning in Progress for any new application for development approval in the Village of Estero in the area depicted in Map A that would be affected by the pending zoning changes.

**NOW THEREFORE, THE VILLAGE OF ESTERO HEREBY RESOLVES** as follows:

**Section 1. Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this

Resolution.

**Section 2. Zoning in Progress.** After the effective date of this Resolution, any application for development approval within the Village within the areas depicted on Map A attached hereto and made a part hereof, shall be reviewed to determine if it complies with the principles of compact, walkable, transit supportive, mixed use development, with an emphasis on employment, housing, recreational and civic uses, as more fully envisioned by the January 2015 Community Planning Initiative Final Report, insofar as those applications are also consistent with the Village Comprehensive Plan. The final approval of any such development application may be temporarily stayed until the adoption of land development regulations that implement the principles of the Report.

**Section 3. Exemptions.** The Village Council hereby determines that the following shall be exempt from the application of Zoning in Progress:

- a. Applications for development approval within the area depicted on Map A which are pending and determined to be sufficient for review as of April 17, 2015.
- b. Applications for development approval within the area depicted on Map A which the Village Council determines, after public hearing, proposes particular development for which the Applicant has vested rights to proceed.

**Section 4. Economically Viable Use.** Nothing in this Resolution shall be construed or applied to prevent all economically viable use of property within the area depicted on Map A.

**Section 5. Severability.** If any section, subsection, clause or provision of this Resolution is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder

shall not be affected by such invalidity.

**Section 6. Effective Date.** This Resolution shall be effective immediately upon passage and shall remain in effect for no longer than 365 days.

PASSED and ADOPTED this 17<sup>th</sup> day of April, 2015

  
\_\_\_\_\_  
Nick Batos, Mayor

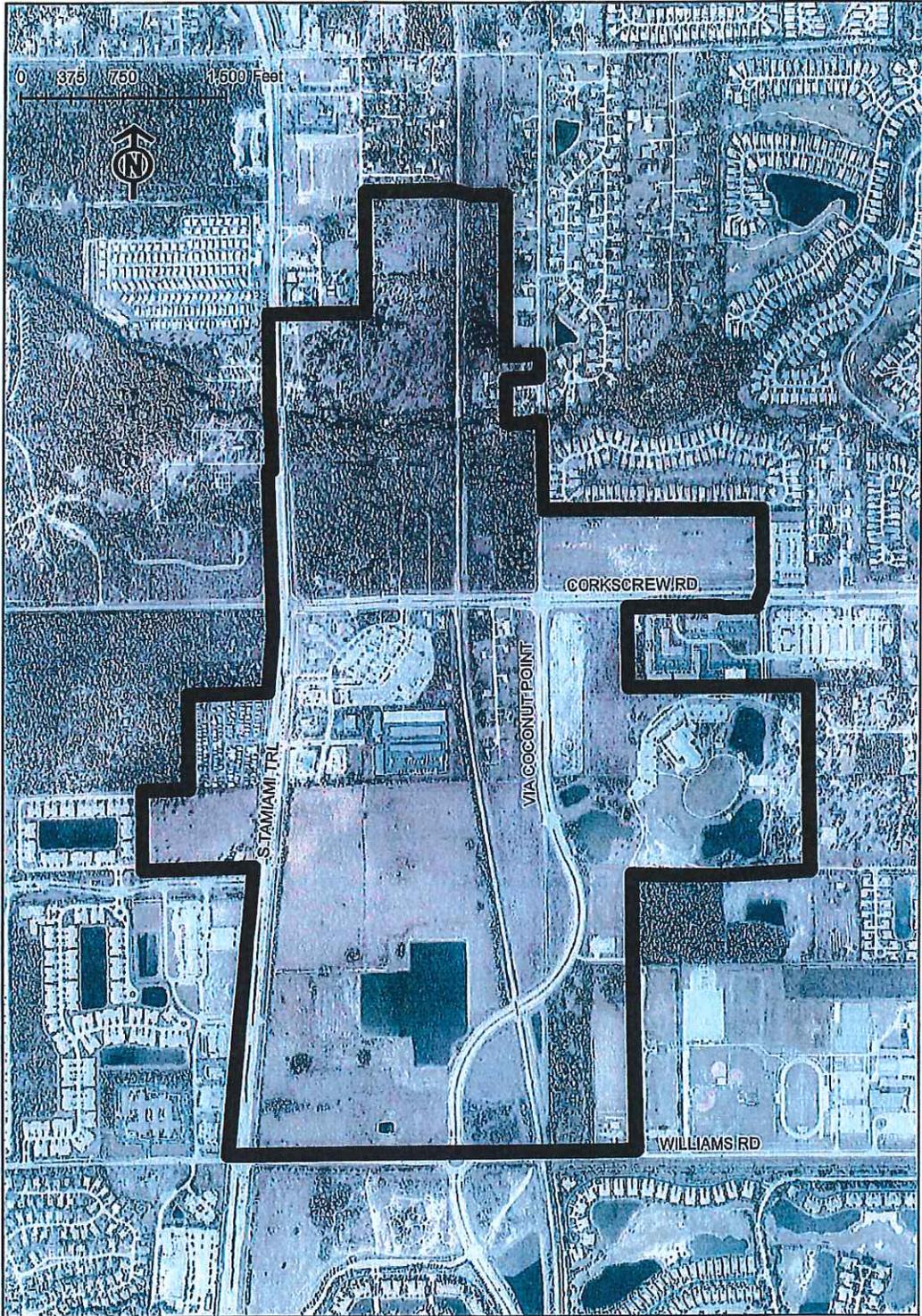
Attest:

  
\_\_\_\_\_  
Interim Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Burt Saunders, Interim Village Attorney

Mayor Batos	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Levitan	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Councilmember Boesch	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Councilmember Brown	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Councilmember Errington	yes <input type="checkbox"/>	no <input checked="" type="checkbox"/>
Councilmember Ribble	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Councilmember Wilson	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>



MAP A



**PLANNING & ZONING BOARD  
REGULAR MEETING  
Agenda**

**Village Hall  
21500 Three Oaks Parkway, Estero, FL**

**Tuesday, July 21, 2015  
5:30 p.m.**

***Planning & Zoning Board Members: Roger Strelow, Chair; Ryan Binkowski;  
David Crawford; Ned Dewhirst; Jeff Maas; Marlene Ann Naratil; Scotty Wood***

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **BOARD BUSINESS**

The public will have an opportunity to speak during each agenda item. Each individual has one opportunity to speak for three minutes per agenda item.

(A) Approval of June 16, 2015 minutes

6. **ACTION ITEMS**

- (A) Corkscrew Village Commercial Planned Development – US 41 and Corkscrew Road (District 5)
- ADD2015-00088 Amendment for proposed Publix Liquor Store
- (B) Legacy Church – Corkscrew Road (District 4)
- ADD2015-00098 Minor Administrative Amendment to add Place of Worship to approved commercial uses in existing commercial office park

**7. PUBLIC INFORMATION MEETINGS**

- (A) Estero United Methodist – US 41 at Lords Way Street (District 4)
  - Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197
  
- (B) Stanley Thrasher – 8601 Judeth Lane (District 4)
  - Variances for single family home
  
- (C) Volunteers of America – NE Corner of Corkscrew Road and Sandy Lane (District 4)
  - Rezone 21 acres from Commercial to Residential Planned Development for Continuing Care Facility with 330 beds – DCI2015-00013
  
- (D) Estero WAS – US 41 at Pelican Sound Drive (District 2)
  - Rezone 1.26 acres from Mixed Use Planned Development to Commercial Planned Development to allow 15,000 sq. ft. of retail use – DCI2015-00016

**8. PUBLIC INPUT OF NON-AGENDA ITEMS**

**9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS**

**10. ADJOURN**

If you desire to address the Board, please complete a Public Comment Card located on the table in the lobby and return it to the Clerk. Citizens desiring to speak must step up to the podium, state their full name and address and/or whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment, should contact Peter Lombardi, at 239-390-8000, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:  
"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Please Note: One or more members of the Village Council of the**

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**VILLAGE OF ESTERO PLANNING AND ZONING BOARD  
MEETING OF JULY 21, 2015**

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, Jeff Maas, Marlene Ann Naratil, and Scotty Wood.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

**1. CALL TO ORDER**

Chairman Strelow called the meeting to order at 5:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman Strelow led the Pledge of Allegiance.

**3. ROLL CALL**

Village Clerk Kathy Hall called the roll; all members were present.

**4. APPROVAL OF AGENDA**

Board Member Crawford moved approval of the agenda, seconded by Board Member Binkowski, called and carried unanimously.

**5. BOARD BUSINESS**

**(A) Approval of June 16, 2015 Meeting Minutes**

Board Member Naratil moved approval of the June 26, 2015 minutes as presented, seconded by Board Member Binkowski, called and carried unanimously.

**6. ACTION ITEMS**

Audience members wishing to provide testimony regarding the action items were sworn in by the Village Clerk.

**(A) Corkscrew Village Commercial Planned Development – US 41 and Corkscrew Road (District 5) - ADD2015-00088 Amendment for proposed Publix Liquor Store**

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Derek Rooney, Attorney, GrayRobinson, P.A., explained that the applicant was seeking two administrative amendments to the Corkscrew Village CPD: adding the use of package store to the schedule of uses and adding a deviation from LDC Section 34-1263(e), to reduce the separation of 500 feet between a package store or other establishment primarily engaged in the retail sale of liquor for off-site consumption and a religious facility, to 371.85 feet. Mr. Rooney stated that the entrance to the proposed location of the package store and the closest property line of the Happehatchee Center, designated as a religious facility by a county zoning letter, was

371.85 feet. He indicated that the store hours would be 10:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. Sunday.

Board Member Naratil noted that, upon a site visit, it appeared that the Happehatchee Center was much greater than 500 feet from the proposed package store. Brief discussion followed.

Chairman Strelow called for public comment and no one came forward.

Community Development Director Mary Gibbs added that when the application initially came in, it was just for the package store; however, in reviewing the 500 foot requirement and the County zoning verification letter regarding the Happehatchee Center, the deviation was added to the application even though there was a separation by Corkscrew Road. Brief discussion ensued.

Board Member Crawford moved approval of Resolution No. PZB 2015-03 with conditions, seconded by Board Member Binkowski, called and carried unanimously.

**(B) Legacy Church – Corkscrew Road (District 4) - ADD2015-00098 Minor  
Administrative Amendment to add Place of Worship to approved commercial uses  
in existing commercial office park**

Stacy Ellis Hewitt, Banks Engineering, explained that the applicant was seeking an administrative amendment to a CPD to add the use of Place of Worship. She noted that, due to parking discussions at the June 30, 2015 Public Information Workshop, they were in agreement with a condition that no worship services may be scheduled between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Community Development Director Mary Gibbs added that due to the questions that came up, she wanted to make certain that the parking calculations were correct and there was sufficient parking, and even with the church use, the parking calculation was adequate.

Board Member Naratil noted that there was a Legacy Church set up in a shopping center on Estero Parkway across from the new Walmart and inquired whether they were going to keep both facilities. Pastor Nolen Rollins responded the church was moving to the new location.

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Chairman Strelow called for public comment and no one came forward.

Board Member Wood moved approval of Resolution No. PZB 2015-04 with conditions, seconded by Board Member Naratil, called and carried unanimously.

## **7. PUBLIC INFORMATION MEETINGS**

### **(A) Estero United Methodist – US 41 at Lords Way Street (District 4) - Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197**

Dennis Strausbaugh, SW Florida Markets, LLC, explained that the application was for a farmer's market on the Estero United Methodist property to be held on Saturdays from 8:00 a.m. until 1:00 p.m., November 7, 2015 through April 30, 2015. Mr. Strausbaugh noted that he held farmer's markets at this site last year.

Board Members Maas, Naratil, Wood and Binkowski made inquiries and Mr. Strausbaugh provided responses regarding temporary toilet facilities; cleanup responsibilities; types of vendors participating; insurance coverage; and live music.

Chairman Strelow called for public comment and no one came forward.

Community Development Mary Gibbs added that this was the first temporary permit submitted to the Village and was something that was handled administratively by the County. She stated that information was included in the packet regarding the rules for temporary farmers markets and noted that the Fire Department had to review these types of permits. Ms. Gibbs also noted that banner and pennant flags were not allowed in Estero. Mr. Strausbaugh added that during their season, they would have a number of inspections.

### **(B) Stanley Thrasher – 8601 Judeth Lane (District 4) - Variances for single family home**

Community Development Director Mary Gibbs described the property location and size (less than 7,000 sq. ft.) and noted that the area was zoned Agricultural; the lot did not meet the size needed for agriculture use. She continued that Mr. Thrasher also had to file for, and was approved for, a minimum use determination; if the lot was created before the rules were in place, the property owner would be entitled to build one single-family residence. Ms. Gibbs explained that Mr. Thrasher needed a variance for the roadway; the Estero Fire Rescue issued a letter with no objection, with two conditions.

Stanley Thrasher explained that the lot was non-conforming and was asking for a setback variance from 20 feet to 10 feet, as he was trying to preserve a tree on the lot. Mr. Thrasher offered to distribute some photographs of the lot; however, it was decided that it would be best if Mr. Thrasher brought them back to the meeting where the application would be on the agenda for Board approval.

Board Member Binkowski mentioned that he had driven by the property and suggested that it would be useful for other Board Members to do so as well.

Chairman Strelow called for public comment and no one came forward.

Discussion ensued regarding the property and Mr. Thrasher's plans to construct a 1420 sq ft. residence.

**(C) Volunteers of America – NE Corner of Corkscrew Road and Sandy Lane (District 4) - Rezone 21 acres from Commercial to Residential Planned Development for Continuing Care Facility with 330 beds – DCI2015-00013**

Bob Mulhere, Planning Director, Hole Montes, Inc., Consulting Firm, described the property location, which was currently zoned CPD and proposed to be changed to RPD to allow for a Continuing Care Retirement Community (CCRC).

Kevin Ahmadi, Director of Operations, Volunteers of America SW Florida, provided information regarding the organization and partnering with Greystone. He also spoke to Gulf Coast Village as well as the Estero business model.

Bob Mulhere referred to the project location and noted that there was a total of 143,000 sq. ft. approved with approximately 41,500 sq. ft. already built. He spoke to the density and noted that, under the proposal, they would be converting the undeveloped portion to a 340 bed CCRC along with accessory commercial uses, ancillary medical offices, health care facilities and recreational facilities. Mr. Mulhere addressed the traffic analysis and stated that 5-foot sidewalks would be provided along Sandy Lane and Corkscrew Road, along with pedestrian improvements throughout the site to Corkscrew Road. He also addressed six requested deviations.

Bill Prysi, Landscape Architect, spoke to the “Old Florida” Design architecture to provide an idea of the design style intended for the project. He stated that this would be a two phase project and landscaping would be designed conducive to the style of architecture, with sensitivity to the importance of buffering.

Kevin Ahmadi stated that they had reached out to the association throughout the process; three meetings were held; it was his understanding that they have some very good support for the project.

Board Members Wood, Maas, Naratil, Crawford and Binkowski made inquiries and the representatives provided responses regarding stormwater retention; building height; buffering between Corkscrew Road and internal roadways; sales of the units; water and sanitary sewer; covered parking; and security

Public Comment:

Patty Whitehead, Old Estero resident, inquired about old Oak trees on the property.

Staff and Board Member questions and responses from representatives followed regarding interconnection to Sandy Lane, deviations; encouragement for compact, walkable, transit supported mixed use development; residential use of the commercial amenities; and project time frame.

**(D) Estero WAS – US 41 at Pelican Sound Drive (District 2) - Rezone 1.36 acres from Mixed Use Planned Development to Commercial Planned Development to allow 15,000 sq. ft. of retail use – DCI2015-00016**

Neale Montgomery, Attorney, Pavese Law Firm, stated that the 1.36 acres was located at the corner of US 41 and Pelican Sound Drive; the request was to rezone from Mixed Use Planned Development (MPD) to Commercial Planned Development (CPD); many of the outparcels were

already developed; the residential portions were developed; and the water management system and landscape buffers were in.

Matt Noble, Planner, spoke to the existing buffers along US 41 and Pelican Sound. He stated the reason for the request to rezone from MPD to CPD was to allow 15,000 sq. ft. of commercial use; the ownership was fractured; the development schedule planned for the site could not meet the MPD threshold, and it was a commercial retail outparcel. He also stated that emphasis was to provide neighborhood retail uses that would be supported by the residents in the area. Mr. Noble referred to the proposed master concept plan and indicated that building was planned to be placed as close to the right-of-way as possible. He stated that the site plan utilizes the existing stub outs in the shopping center, and made the following points: the project would integrate with existing pedestrian and bicycle facilities; the site was deemed consistent with Esteró Village Plan since 1998 and remained consistent; the site was one of the very last outparcels; they would like to reduce the parking by 5%, which was allowed in an administrative deviation, by increasing the provision of bicycle facilities; connection into surface water management system that would drain to back of property that was connected to a large stormwater detention area; and there were large distances to residential.

Ted Treesh, President, TR Transportation Consultants, Inc., spoke regarding the traffic analysis and indicated that US 41 was projected to operate at Level of Service "C" in 2020 with and without the project traffic. He stated that the access to the CPD was already set up; the intersection of US 41 and Pelican Sound was unsignalized, there was not enough traffic currently to warrant a signal; however, it has been continuously looked at for a signal. He further described access and stated that access to the center and turn lanes have been installed; no further improvements were anticipated.

Matt Noble stated that the site was allocated for 15,000 sq. ft. of commercial use in the past; however, time had passed and there had been continuing development at the site. He added that there currently was not enough retail space to accommodate the full utilization of the site and the intention was to accommodate some neighborhood-serving retail uses.

Chairman Strelow called for public comment and no one came forward.

Board Members Wood, Maas, Naratil and Binkowski, and Community Development Director Gibbs made inquiries and Mr. Noble and Ms. Montgomery provided responses regarding building height; rental rates; drive thru; schedule of uses; open space; and architectural style.

## **8. PUBLIC INPUT OF NON-AGENDA ITEMS**

None.

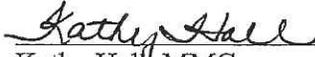
## **9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS**

Chairman Strelow noted that the next meeting would be held on August 18 for a presentation from Consultant Bill Spikowski; meeting location to be determined. He reminded the Board Members that they could not write or talk among themselves and to contact the Community Development Director if they had questions. He noted that discussions were underway among Councilmembers and Village staff regarding possible educational sessions consistent with the Sunshine Law on pertinent issues related to comprehensive planning, zoning, etc.

**10. ADJOURN**

Board Member Crawford moved to adjourn, seconded by Board Member Wood, called and carried unanimously. Chairman Strelow adjourned the meeting at 7:16 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Kathy Hall, MMC  
Village Clerk

Minutes approved as presented: September 22, 2015

ATTACHMENT Y

Estates at Estero River HOA Meeting  
April 21, 2015  
6:30 PM  
Estero Recreation Center

**PRESENTATION:**

Kevin Ahmadi introduced the team and provided an in depth overview of the project, the nature of VOA/Gulf Coast Village/Greystone and their accomplishments to date. Kevin provided a detailed overview of the projects operations and context of the facilities and proposed site plan.

**GENERAL COMPARISONS PROVIDED BY PROJECT TEAM TO RESIDENTS:**

- Illustrated the context of the currently approved CPD and the comparable impacts between what is approved and what is being proposed.
- Noted that traffic is substantially less under this use versus what is currently approved. Noted that the TIS for this project will be available once the application has been submitted.

**GENERAL FEEDBACK VOICED BY RESIDENTS IN ATTENDANCE:**

Sidewalks:

- By far the biggest concern noted by the residents was in response to the current lack of sidewalks along Sandy Lane and how the impact of the project would further exacerbate the problem without them.
- Greatest issue is with the nature of the Sandy Lane/Corkscrew Road intersection.

Buffering/Landscaping:

- Residents noted that the current wall is in disrepair and that some of imagery presented looked light on landscaping. Team noted that the imagery was for effect only and didn't indicate what would be installed. Team noted that the wall would be repaired/replaced and that all required landscaping would be installed.
- Residents noted that would like to have a pedestrian access gate along the north buffer that would provide access near the Galleria area at the east end of the property. No commitment was made in this regard by the team.
- The 15' north of the wall is part of subject site – landscaping to be provided between wall and Estates at Estero River (EER) – trees and shrubs, trees min. 12' height at installation

Noise Concerns:

- Compared to vested/approved development, this project will be much quieter with far less impacts along the north perimeter (loading areas, dumpsters, etc...).
- Most concerns articulated by residents were with potential sirens. Team noted that the operators typically have running agreements with service provider to not run sirens while on or near the property.
- Deliveries are typically once per week

Traffic Issues:

- Residents noted that wish to assure that the project will provide a turn lane into site along Sandy Lane.
- Resident reiterated the need for sidewalks
- Residents noted a need for a green turning arrow for drivers turning left onto Corkscrew form Sandy Lane
- Residents commented that they would prefer removing entrance onto Sandy Lane entirely. The team noted that without a signalized intersection on the east side would make that problematic for the operations of the facilities...
- Adequate spacing between intersection, entrance, and entrance to EER?
- Traffic from employees backing onto Sandy

Smell:

- Dumpsters/trash (if located north side of buildings)

**CONCLUSIONS:**

- Residents noted their appreciation in being informed and the Team willingness to hear their concerns.
- Team committed to keeping them informed and to meet with them again once the plans and designs were closer to completion.

DCI 2015-00013



Writer's Direct Dial Number: (239) 533-8532

John E. Manning  
District One

April 29, 2015

Cecil L. Pendergrass  
District Two

Charlie Krebs  
Hole Montes, Inc  
6200 Whiskey Creek Drive  
Fort Myers, FL 33919

Larry Kiker  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

**RE: Potable Water and Wastewater Availability  
Estero CCRC, 9301 Corkscrew Road  
STRAP #s 34-46-25-E1-U1986.2380 & 34-46-25-E1-U2011.2380**

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
Hearing Examiner

Dear Mr. Krebs:

MAY 08 2015  
COMMUNITY DEVELOPMENT

The subject properties are located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 233 unit continuing care facility with an estimated flow demand of approximately 53,590 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

ATTACHMENT CC

Mary McCormic  
Technician Senior  
UTILITIES ENGINEERING

VIA EMAIL



## THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF  
LONG RANGE PLANNER  
239-337-8142  
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN  
CHAIRMAN, DISTRICT 3  
STEVEN K. TEUBER  
VICE CHAIRMAN, DISTRICT 4

MARY FISCHER  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

PAMELA H. LARIVIERE  
DISTRICT 5

NANCY J. GRAHAM, Ed.D  
SUPERINTENDENT

KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

May 14, 2015

Tony Palermo, AICP  
Lee County Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Volunteers of America  
Case # DCI2015-00013

Dear Mr. Palermo:

This letter is in response to your request for comments date May 8, 2015 for the Volunteers of America in regard to educational impact. The project is located in the South Choice Zone, S-2.

This project should have no impact on classroom needs based on the request is for a Continuing Car Facility.

Thank you for your attention to this issue. If I may be of further assistance, please me at 239-337-8142.

Sincerely,

Dawn Huff,  
Long Range Planner

ATTACHMENT DD

**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
ZONING SECTION**

**Date:** October 5, 2015

**To:** Tony Palermo, Senior Planner

**From:** Susie Derheimer, Environmental Planner

**Phone:** (239) 533-8158

**E-mail:** sderheimer@leegov.com



**Project:** Volunteers of America RPD

**Case:** DCI2015-00013

**STRAPS:** 34-46-25-E1-U1986.2380 & 34-46-25-E1-U2011.2380

Environmental staff has reviewed the proposed Volunteers of America Residential Planned Development (RPD) and offer the following analysis and recommended conditions:

**SITE DESCRIPTION:**

ES staff conducted a site inspection on July 10, 2015. The 21.36 acre subject site has been previously cleared, filled, and a small portion of the infrastructure installed as per approved local development order DOS2005-00058 for commercial project. During the inspection staff observed two large oak trees were preserved along the south property line (Corkscrew Road) and a wall was installed along the north property line as per previous development approvals; although, the work has not received certificate of compliance (CC). The current request is to rezone the property from Commercial Planned Development to RPD to allow for development of a continuing care facility.

**OPEN SPACE:**

Land Development Code (LDC) Section 10-415(a) requires a large residential development must provide a minimum of 40 percent open space; therefore, the proposed large 21.36 acre project must provide a minimum of 8.5 acres (21.36 x 0.4) of open space. The Master Concept Plan (MCP) Conceptual Open Space Table indicates a minimum of 8.54 acres (40%) of open space is to be provided which meets LDC Section 10-415(a) requirements.

In addition, LDC Section 33-354 Tree preservation (2) requires existing native vegetation must be preserved whenever possible; and (3) requires infrastructure design must integrate existing trees and the natural character of the land to the greatest extent possible. The MCP plan identifies the location of the two existing heritage trees along Corkscrew Road that were preserved through

previous approvals and staff recommends that they continued to be preserved as a part of approvals for this project.

ES staff finds the open space is in compliance with the LDC and consistent with the following Lee Plan Objectives:

**Objective 77.1:** Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

**Objective 77.3:** New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

**Policy 77.3.3:** The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.

ES staff recommends the following condition in order to ensure the minimum LDC open space requirement is met:

*The overall project must provide a minimum of 8.5 acres of open space in substantial compliance with the approved Master Concept Plan.*

*Development order landscape plans must depict the two existing heritage oak trees located along Corkscrew Road to be preserved as part of a completed project.*

#### **BUFFERS:**

The project site abuts Corkscrew Road right-of-way (ROW) to the south, Sandy Lane ROW to the west, Estates at Estero River single family residential to the north, and Galleria commercial development to the east.

LDC Section 33-351 Landscape buffers require a 20-foot wide Type D buffer where the proposed project abuts Corkscrew Road and Sandy Lane and a 15-foot Type B buffer where the proposed multi-family like living facility abuts commercial to the east. In addition, LDC Section 10-416(d)(6) requires where the road and parking areas are located less than 125 feet from an existing single-family residential subdivision to the north a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property.

The MCP depicts the 20-foot wide Type D buffers to be provided along the Corkscrew Road and Sandy Lane ROWs which meet minimum LDC buffer requirements. The application requests the following deviations for the north and east property lines:

**Deviation #1** requests to deviate from LDC Section 10-416(d)(6) requiring the solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property to the north and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet; **to allow** an eight foot in height wall or berm combination located no less than 15-feet from the abutting property line to the north with a double staggered hedge row maintained at a minimum of 60 inches and ten trees per 100 linear feet.

As per the site inspection, staff verified the wall currently exist 15-feet of the north property line as allowed through previously zoning approvals. In addition, the proposed plantings (double hedge row maintained at min. 60-inches and 10 trees per 100 linear feet) are those required by a Type F buffer which as per LDC Section 10-421(a)(2) requires a minimum of 15-feet of plantable width. Environmental staff finds that the buffer plantings proposed exceed LDC requirements and the buffer plantable width meets minimum requirements. Environmental staff has no objection to the deviation requested and defers to Zoning planning staff for recommendation.

**Deviation #8** requests to deviate from LDC Section 33-351 requiring a 15-foot Type B buffer where the proposed multi-family like living facility abuts commercial to the east; **to allow** no buffer.

The MCP depicts the eastern portion of the project abutting the existing commercial to the east proposed to be accessory medical and administration offices which is more of a commercial use. LDC Section 33-351 indicates a Type A buffer should be provided where a commercial use abuts commercial use. In addition 33-351 Note 2 indicates that Type A buffers required between commercial uses must be designed to allow for pedestrian, bicycle, and automobile connections through adequate spacing between required trees and that palms may be used where commercial (COM) abuts commercial on a 1:1 basis, if they are clustered as defined. Given the applicants concern indicated in the deviation justification, staff recommends that the COM to COM Type A buffer may be more appropriate at this location. **Environmental staff recommends that at minimum a COM to COM Type A buffer be provided along the east property line** and defers to Zoning planning staff for final recommendation.

# Memo

To: Tony Palermo, Senior Planner  
Zoning Division

From: Lili Wu<sup>Wu</sup>  
Sr. Transportation Planner

Date: July 24, 2015

**Subject: Volunteers of America (DCI2015-00013)**

---

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located on the north side of Corkscrew Rd east of Sandy Lane. Accesses to the subject site are shown on the Master Concept Plan via a proposed driveway on Sandy Lane, a right-in/right-out access to Corkscrew Rd and access to Corkscrew Rd via Design Parc Lane, which is constructed. Lee County DOT have no objection to the application.

cc: File

ATTACHMENT FF

**MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES SECTION**

DATE: October 22, 2015

TO: A. Palermo  
Senior Planner

FROM: M. Evans *ME.*  
Senior Engineer

**RE: Volunteers of America**  
Case No. DCI2015-00013

The 21.4-acre subject site is located on the north side of Corkscrew Road between Sandy Lane/Via Coconut Point and Design Parc Lane/Corkscrew Palms Boulevard in the Village of Estero. On the applicant's Master Concept Plan (MCP), access to the site is shown directly to Corkscrew Road via a single right-in/right-out driveway, to Sandy Lane via a single full-access driveway, and to Design Parc Lane via two full-access driveways.

The site is currently undeveloped and zoned Commercial Planned Development (CPD). Per Zoning Resolutions Z-05-038 and Z-05-039, this site at present may be developed with a maximum of 130,000 ft<sup>2</sup> of retail and 71,500 ft<sup>2</sup> of office uses. In this zoning case, the applicant proposes to rezone the site to Residential Planned Development (RPD) and construct a 340-unit Continuing Care Retirement Community (CCRC). Since the proposed schedule of uses for this rezoning will allow more intense residential development than simply a CCRC, the applicant's traffic analysis assessed the future site development based on the impacts of a 340-assisted-living-bed facility and a 15,000 ft<sup>2</sup> medical office, and compared the trips generated by a full site build-out under the current zoning. The development parameters used to compare the trip generation of the current and proposed zoning are described in Table 1.

**Table 1**  
Development Parameters ATTACHMENT GG  
Current vs. Proposed Zoning

Use	Current CPD	Proposed RPD
Retail	130,000 ft <sup>2</sup>	--
General Office	71,500 ft <sup>2</sup>	--
Assisted Living	--	340 beds
Medical Office	--	15,000 ft <sup>2</sup>

In order to assess and compare the traffic impacts of the current and proposed zoning, the Institute of Transportation Engineer's (ITE's) report, titled **Trip Generation, 9<sup>th</sup> Edition**, was reviewed and generated trips were calculated. The results of the trip generation calculations are described in Table 2.

**Table 2**  
New Trip Generation  
Current vs. Proposed Zoning

Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Current CPD	-208	-66	-274	-267	-392	-659	-6,655
Proposed RPD	59	25	84	48	80	128	962
Trip Difference	-149 (-72%)	-41 (-62%)	-190 (-69%)	-219 (-82%)	-312 (-80%)	-531 (-81%)	-5,693 (-86%)

As noted in Table 2, the proposed zoning will greatly decrease AM/PM peak hour and daily 2-way trips as compared to the current zoning.

Generated trips from the proposed zoning were distributed to the County road network in order to assess the Level of Service (LOS) impacts on Corkscrew Road. Based on the 2014 Lee County Concurrency Report, the section of Corkscrew Road adjacent to the site currently operates at LOS "C". Utilizing the 2014 Lee County Traffic Count Report and a five-year project build-out in 2020, the background traffic volume on Corkscrew Road was estimated to be 744 peak hour, peak direction trips, corresponding to a LOS "C". Once the project build-out traffic was added to this roadway section, Corkscrew Road was estimated to operate at LOS "C". Based on the LOS Standards set forth in THE LEE PLAN, LOS "C" is an acceptable Level of Service. Therefore, the proposed development is consistent with the standards contained within the County's comprehensive plan.

The applicant requests six deviations from standards within the Land Development Code (LDC) in order to facilitate its proposed design. Development Services Section (DSS) staff provides comment on deviations with regard to traffic- and gate-related provisions within LDC Chapter 34 as well as provisions within Chapter 10. Staff provides the following comments with respect to the corresponding requested deviation(s):

Deviation #5: This deviation provides relief from the provisions of LDC Section 34-2015(2)d. which requires that vehicles exiting a parking lot leave the parking lot in a forward motion. It is assumed that this request relates to areas where the internal circulating access way passes *through* parking areas, thereby necessitating driver backing maneuvers directly onto the internal access way instead of a parking lot drive aisle. To mitigate this potential safety hazard, DSS staff recommends approval of the deviation, subject to the following condition:

*If vehicles back directly onto an internal access way, the posted speed limit of the access way must be 25 miles per hour or less, and the access way must be designed so that traffic calming devices are provided per Lee County Administrative Code AC-11-14. The design and location of traffic calming devices will be to the satisfaction of the Village of Estero manager or his designee.*

ATTACHMENT GG

**DESCRIPTION**

Parcel in  
Sections 28 and 33, Township 46 South, Range 25 East  
Lee County, Florida

A tract or parcel of land lying in Sections 28 and 33, Township 46 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

PARCELS 1 & 2

DCI 2005-00041

Commencing at the East Quarter Corner of said Section 33 run S88°26'11"W along the South line of the Northeast Quarter (NE 1/4) of said Section 33 for 1,319.50 feet to the Southwest Corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run N01°08'18"W along the West line of said Fraction for 1,312.23 feet to the Northwest Corner of said Fraction; thence run N88°37'43"E along North line of said Fraction for 164.78 feet to the Southeast Corner of the West Half (W 1/2) of the West Half (W 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run N01°08'42"W along the East line of said Fraction for 58.89 feet to an intersection with the Northerly right of way line of Corkscrew Road (State Road 850)(variable width)(F.D.O.T. right of way, Section No. 12640-2601) and the POINT OF BEGINNING.

From said Point of Beginning run S83°51'56"W along the said Northerly right of way line of Corkscrew Road for 263.54 feet; thence run S89°34'34"W along said Northerly right of way line for 315.90 feet; thence run N48°17'13"W along said Northerly right of way line for 75.44 feet to an intersection with the Easterly right of way of State Road 45 (Tamiami Trail)(200' wide) (F.D.O.T. right of way, Section No. 1201-203(117)); thence run N02°27'28"W along said right of way line, being 132 feet Easterly as measured perpendicular to the center line thereof for 877.98 feet; thence run S87°32'32"W along said right of way for 39.00 feet to the Southeast corner of lands described in deed recorded as Instrument No. 2006000134175, Lee County Records thence run N02°27'28"W along the Easterly line of said Lands, being 93 feet Easterly as measured perpendicular to the center line of said State Road 45 for 262.86 feet; thence run S87°23'02"W along said Easterly line for 3.46 feet; thence run N02°35'37"W along said Easterly line for 71 feet, more or less to an intersection with the Southerly top of bank of the Estero River; thence run Easterly along said Southerly top of bank of the Estero River for 743 feet more or less to an intersection with the Easterly line of the West Half (W 1/2) of the West Half (W 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run S01°08'42"E along the East line of said fraction for 1,095 feet more or less to the POINT OF BEGINNING.

Containing 18.24 acres, more or less

PARCEL 3

Commencing at the East Quarter Corner of said Section 33 run S88°26'11"W along the South line of the Northeast Quarter (NE 1/4) of said Section 33 for 1,319.50 feet to the Southwest Corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run N01°08'18"W along the West line of said Fraction for 1,312.23 feet to the Northwest Corner of said Fraction;

**Barraco**  
and Associates, Inc.

CIVIL ENGINEERS, LAND SURVEYORS AND PLANNERS

DCI 2005-00041

DESCRIPTION (cont.)

thence run  $N88^{\circ}37'43''E$  along North line of said Fraction for 329.56 feet to the Southwest Corner of the East Half (E 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run  $N01^{\circ}09'06''W$  along the West line of said Fraction for 59.94 to an intersection with the Northerly right of way line of Corkscrew Road (State Road 850)(130 feet wide)(F.D.O.T. right of way, Section No. 12640-2601) and the POINT OF BEGINNING.

From said Point of Beginning continue  $N01^{\circ}09'06''W$  along the West line of said fraction for 1,164 feet more or less to an intersection with the Southerly top of bank of the Estero River; thence run Easterly along said Southerly top of bank of the Estero River for 338 feet more or less to an intersection with the East line of said Fraction; thence run  $S01^{\circ}09'54''E$  along said East line for 1159 feet more or less to intersection with said Northerly right of way line of Corkscrew Road; thence run  $S89^{\circ}34'34''W$  along said Northerly right of way line for 329.58 feet to the POINT OF BEGINNING. Containing 8.92 acres, more or less.

PARCEL 4

Commencing at the East Quarter Corner of said Section 33 run  $N01^{\circ}11'31''W$  along the East line of the Northeast Quarter of said Section 33 for 1,307.79 feet to the Southeast Corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run  $S88^{\circ}37'43''W$  along the South line of said Fraction for 529.13 feet to an intersection with the East line of the West 130 feet of the West Half (W 1/2) of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run  $N01^{\circ}09'54''W$  along said East line for 52.34 feet to an intersection with the Northerly right of way line of Corkscrew Road (State Road 850)(130 feet wide)(F.D.O.T. right of way, Section No. 12640-2601) and the POINT OF BEGINNING.

From said Point of Beginning continue  $N01^{\circ}09'54''W$  along said East line for 1155 feet more or less to an intersection with the Southerly top of bank of the Estero River; thence run Easterly along said Southerly top of bank of the Estero River for 513 feet more or less to an intersection with the Westerly right of way line of Sandy Lane (60 feet wide); thence run  $S01^{\circ}11'31''E$  along said Westerly right of way line, being 30 feet Westerly as measured perpendicular to the East line of the Northeast Quarter of said Section 33 for 1,145 feet more or less to intersection with said Northerly right of way line of Corkscrew Road; thence run  $S89^{\circ}34'34''W$  along said Northerly right of way line for 499.14 feet to the POINT OF BEGINNING.

Containing 13.18 acres, more or less.

PARCEL 6

Beginning at Northwest Corner of Lot 9 as shown on the Record Plat of Marshall's River Groves Unit 1 as recorded in Plat Book 12, Page 131, Lee County Records run  $N89^{\circ}22'51''E$  along the Northerly line of Lot 9 and Lot 14 of said Record Plat for 240.00 feet to an intersection with the Westerly right of way line of Highlands Avenue; thence run  $S00^{\circ}37'09''E$  along said Westerly right of way line for 419.88 feet to an intersection with the Northerly right of way line of County Road (50 feet wide) as shown on said Record Plat; thence run  $S88^{\circ}12'14''W$  along said right of way line for 240.05 feet to an intersection with the Easterly right of way line of Estero Court (50 feet wide) as shown on said Record Plat;

**DESCRIPTION (cont.)**

thence run  $N00^{\circ}37'09''W$  along said Easterly right of way line for 424.82 feet to the POINT OF BEGINNING.  
Containing 2.33 acres, more or less.

PARCEL 7

Commencing at the Southeast Corner of said Section 28 run  $N00^{\circ}20'39''W$  along the East line of the Southeast Quarter (SE 1/4) of said Section 28 for 254.00 feet; thence run  $S89^{\circ}39'21''W$  for 30.00 feet to an intersection with the Westerly right of way line of Sandy Lane (60 feet wide) and the POINT OF BEGINNING.

From said Point of Beginning run  $S89^{\circ}39'21''W$  for 205.00 feet; thence run  $S00^{\circ}20'39''E$  for 242.50 feet; thence run  $S88^{\circ}49'17''W$  for 12.00 feet; thence run  $S00^{\circ}20'39''E$  for 47 feet more or less intersection with the Northerly top of bank of the Estero River; thence run Westerly along said Northerly top of bank of the Estero River for 260 feet more of less to an intersection with the East line of the West 165 feet of the East Half (E 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 28; thence run  $N00^{\circ}26'01''W$  along said East line for 1,559 feet more of less to the Northwest corner of lands described in deed recorded in Official Record Book 3314 at Page 3550, Lee County Records; thence run  $N89^{\circ}48'46''E$  along the north line of said lands for 248.39 feet; thence run  $S00^{\circ}20'39''E$  for 614.68 feet; thence run  $N89^{\circ}39'21''E$  for 12.50 feet; thence run  $S00^{\circ}20'39''E$  for 540.00 feet; thence run  $N89^{\circ}39'21''E$  for 205.00 feet to an intersection with said Westerly right of way line of Sandy Lane (60 feet wide); thence run  $S00^{\circ}20'39''E$  along said right of way line for 150.00 feet to the POINT OF BEGINNING.  
Containing 9.84 acres, more or less.

PARCEL 5, 8 through 15

Commencing at the East Quarter Corner of said Section 28 run  $S89^{\circ}48'51''W$  along the north line of the Southeast Quarter (SE-1/4) of said Section 28 for 662.45 feet to the Northwest corner of the East Half (E 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 28; thence run  $S00^{\circ}26'01''E$  along the West line of said Fraction for 993.10 feet to the POINT OF BEGINNING.

From said Point of Beginning continue  $S00^{\circ}26'01''E$  along said West line for 1,576.92 feet to the Southeast Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 28; thence run  $S01^{\circ}09'54''E$  along the East line of the East Half (E 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33 for 11 feet more or less to an intersection with the Northerly top of bank of the Estero River; thence run Westerly along said Northerly top of bank of the Estero River for 340 more of less to an intersection with West line of said Fraction; thence run  $N01^{\circ}09'06''W$  along said west line for 7 feet more of less to the North line of the Northeast Quarter (NE 1/4) of said Section 33; thence run  $S88^{\circ}49'17''W$  along said North line for 164.63 feet to the Northeast Corner of the West Half (W 1/2) of the West Half (W 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 33; thence run  $S01^{\circ}08'42''E$  along the East line of said Fraction for 88 feet more or less to an intersection with the Northerly top of bank of the Estero River;

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COMMUNITY DEVELOPMENT

**DESCRIPTION (cont.)**

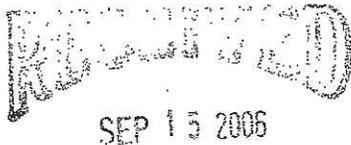
thence run Westerly along said Northerly top of bank of the Estero River for 728 more or less to an intersection with the easterly line of lands described in deed recorded in Official Record Book 2603 at Page 1859, Lee County Records; thence run  $N00^{\circ}35'33''W$  along said easterly line for 65 feet more or less to the northeast corner of said lands; thence run  $S89^{\circ}24'27''W$  for 32.19 feet; thence run  $N01^{\circ}48'05''W$  for 2.49 feet to a point of curvature; thence run northerly along an arc of curve to the right of radius 50.00 feet (delta  $34^{\circ}26'02''$ ) (chord bearing  $N15^{\circ}24'56''E$ ) (chord 29.60 feet) for 30.05 feet to a point of reverse curvature; thence run northerly along an arc of curve to the left of radius 36.00 feet (delta  $95^{\circ}59'43''$ ) (chord bearing  $N15^{\circ}21'54''W$ ) (chord 53.50 feet) for 60.32 feet; thence run  $N63^{\circ}15'10''W$  along a non-tangent line for 3.36 feet to the Southeast corner of lands described in deed recorded as Instrument No. 2006000134177, Lee County Records; thence run the following two courses along the Easterly line of said lands:  $N02^{\circ}27'43''W$  for 367.61 feet and  $N01^{\circ}02'28''W$  for 129.57 feet to an intersection with the Southerly right of way line of County Road (50 feet wide) as shown on the Record Plat of Marshall's Estero River Groves Unit 1 as recorded in Plat Book 12, Page 131, Lee County Records; thence run  $N88^{\circ}12'14''E$  along said Southerly right of way line for 566.80 feet to and intersection the West line of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of said Section 28; thence run  $N00^{\circ}31'19''W$  along said Fraction for 848.09 feet to the northwest corner of lands described in deed recorded in Official Record Book 3810, at Page 212, Lee County Records; thence run  $N89^{\circ}38'34''E$  along the north line of said lands for 660.91 feet to the POINT OF BEGINNING.

Containing 32.57 acres, more or less.

Parcels 1 thru 15 totally containing of 85.07 acres, more or less.

Subject to easements and restrictions of record.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the East line of the Southeast Quarter (SE 1/4) of said Section 28 to bear  $S00^{\circ}20'39''E$ .



*Scott A. Wheeler* 8/28/06  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

COMMUNITY DEVELOPMENT  
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