

**Estero WAS Minor CPD
DCI2015-00016**

**Village of Estero
Planning & Zoning Board
Public Hearing
December 15, 2015**

Summary of Request

Owner:	Estero WAS Partners LP
Area:	1.36 acres
Location:	SW Corner of US 41 and Pelican Sound Drive
Request:	Rezone from Mixed Use Planned Development (MPD) to Commercial Planned Development (CPD)

Applicant Representatives

Attorney:

Neale Montgomery, Esq.
Pavese Law Firm

Planners:

Matthew A. Noble, AICP
ANoblePlan, LLC
Stacy Ellis Hewitt, AICP
Banks Engineering

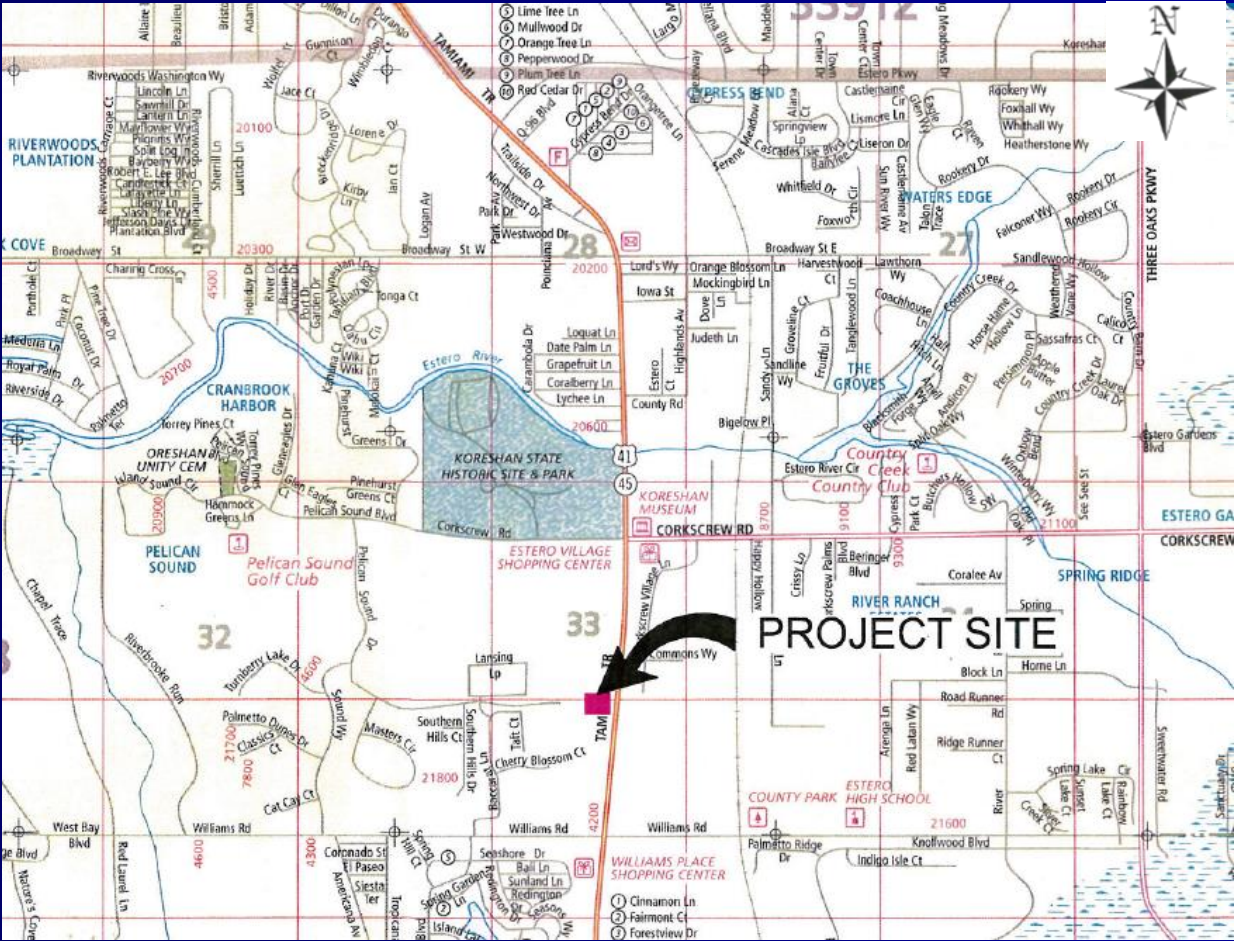
Engineer:

Samuel W. Marshall, P.E., LEED AP
Banks Engineering

Transportation:

Ted Treesh
TR Transportation Consultants, Inc.

Location Map



Aerial Map



LAND USE & PLANNING

Matthew A. Noble, AICP

ANoblePlan, LLC

Aerial Map



Existing Buffers



Existing Buffer – US 41



Existing Buffer-Pelican Sound



Existing Buffer – Pelican Sound ROW and Sign



Rezoning Request

- Applicant seeks an infill rezoning of 1.36± acres from MPD to CPD to allow 15,000 SF of commercial.
 - Site location standards would allow 30,000 SF at Pelican Sound Drive & US 41
 - Adjacent to Paradise Shoppes

Schedule of Uses

Estero WAS Minor CPD

DCI2015-00016

Schedule of Uses

Accessory Uses and Structures (See Note 1 below)
 Administrative Offices
 Animals: Clinic (with outdoor pens/kennels, enclosures, and dog runs prohibited)
 ATM (automatic teller machine)
 Auto Parts Store – without installation facilities
 Banks and Financial Establishments: Groups I and II
 Boat Parts Store, without installation
 Broadcast Studios
 Business Services, Group I
 Clothing Stores, general
 Clubs:
 Commercial
 Fraternal, membership organization
 Private
 Computer and Data Processing Services
 Consumption on Premises (LDC Section 34-1261 et seq.) Indoor and Outdoor Seating Area
 Cultural Facilities
 Day Care Center, Child, Adult
 Drive-through Facility for any Permitted Use
 Entrance Gates and Gatehouse
 Essential Services
 Essential Service Facilities, Group I
 Excavation: Water retention
 Fences, Walls
 Food and Beverage Service, Limited
 Food Stores: Group I
 Hardware store (limited to a maximum of 10,000 square feet)
 Health Care Facilities: Groups I, II and III
 Hobby, Toy and Game Store
 Household and Office Furnishings, Groups I and II (Household use as limited by the LDC and Office use is limited to businesses like Kinko's, Office Depot, Office Max or other like business. Large newspaper printing facilities are prohibited.)
 Insurance Companies
 Laundry or Dry Cleaning: Group I
 Lawn and Garden Supply Stores
 Library
 Medical Office
 Nonstore Retailers, all groups

Package Store
 Paint, Glass and Wallpaper
 Parks: Groups I and II
 Parking Lot: Accessory (see Note 1 below)
 Garage, public parking
 Temporary
 Personal Services:
 Group I, limited to –
 ATM's
 Barbershops and Beauty Shop
 Clothing Alterations and Repair including Dressmakers,
 Seamstresses and Tailors
 Laundry Agents (wherein the establishment may do its own
 Pressing and finish work but not the laundering or dry
 Cleaning which is performed elsewhere)
 Photo Agents (wherein drop-off and pickup film services are
 provided but the actual processing and developing is done
 elsewhere)
 Shoe Repair Services (wherein shoe repair or shoe shining for
 Individual customers is performed)
 Group II, limited to -
 Beauty spas
 Health clubs or spas
 Reducing or slenderizing salons
 Steam or Turkish baths
 Group III, limited to -
 Artificial limbs
 Crutches
 Hearing aids
 Hospital beds
 Optical supplies
 Orthopedic supplies
 Wheelchairs
 Pet Services (outdoor pens, enclosures, and dog runs are prohibited)
 Pet Shop (outdoor pens, enclosures, and dog runs are prohibited)
 Pharmacy
 Post Office
 Real Estate Sales Office
 Recreational Facilities: Commercial: Groups II and IV
 Religious Facilities
 Rental or Leasing Establishment (All storage must be indoor and outdoor display is prohibited):
 Group I, limited to -
 Beach chairs, umbrellas, and similar facilities
 Bicycles
 Moped and scooters
 Passenger care pickup and drop off (no maintenance or repairs
 And limited storage)
 Group II, limited to -
 Appliances
 Bicycles
 Costumes
 Furniture
 Garden equipment
 Movies, videotapes and similar home entertainment
 Party and banquet supplies
 Tools and equipment primarily for home use

Repair Shops: Groups I and II
 Research and Development Laboratories: Groups II and IV
 Restaurant, Fast Food (subject to LDC Section 34-1353 if stand alone)
 Restaurants: Groups I, II and III
 Schools: Commercial
 Signs in accordance with LDC Chapter 30
 Social Services: Group I
 Specialty Retail Shops: Groups I, II, III and IV (no outdoor storage or display permitted)
 Studios
 Temporary Uses (limited solely to temporary contractor's office and storage shed)
 Used Merchandise Stores: Groups I and II
 Variety Store
 Wholesale Establishments: Group III

Note 1: All accessory uses, including accessory parking, must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.

Property Development Regulations

Estero WAS Minor CPD

DCI2015-00016

Property Development Regulations

Minimum Lot Area and Dimensions:

Area:	1.36 acres
Width:	190 feet
Depth:	270 feet

Minimum Setbacks:

Street:	25 feet
Side:	15 feet
Rear:	20 feet

Accessory Use and Structure setbacks must comply with LDC Section 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: 60 percent

Maximum Building Height: 45 feet

Minimum Building Separation: Minimum building separation is the greater of either the minimum required setbacks or one-half the sum of the height of the buildings. (LDC Section 34-935(e)(4))

Deviation

LDC Section 34-2020(c)(3) allows administrative deviation for 5% reduction in parking if located on Bikeways/Walkways Facility Plan and bicycle parking racks provided.

LDC Section 34-2020(c)(3)

Bicycle and pedestrian facilities and amenities. The minimum required **parking** for a use **may be reduced by five percent if** bicycle and pedestrian facilities, identified on the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D-1 or Map 3D-2 of the Lee Plan, are located in the right-of-way adjacent to the property or on the property; a **continuous bicycle path** and **pedestrian accommodations**, consistent with section 10-610, are provided internal to the project from the bicycle/pedestrian facility to the primary entrance of the building; and, bicycle racks are provided on-site consistent with section 10-610(e)(3).

Staff Report

- Recommends approval
- Applicant agrees, with exception of:
 - Schedule of Uses
 - Temporary Contractor's office appropriate
 - Consumption on Premises – Outdoor seating appropriate in conjunction with restaurant use
 - Deviation Request – appropriate timing is now

Applicant's 48-Hour Notice

**PAVESE
LAW FIRM**

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@mvslaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

December 11, 2015
Via Hand Delivery and Email Transmittal

Mr. Roger Strelow, Chairman
Planning & Zoning Board
Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928

**RE: ESTERO WAS
DCI2015-00016
Applicant's 48-Hour Letter**

Dear Chairman Strelow:

The Village of Estero adopted the County Land Development Code (LDC) and related Administrative Code. The County LDC and the Administrative Code require an Applicant to advise the Hearing Examiner, now the Planning and Zoning Board, of the issues of concern in the staff report.

The Applicant concurs with the staff report with the exception of three items.

1. Page 8 of 10 - Schedule of Uses: The staff recommended the elimination of temporary uses, limited to the temporary contractor's office and storage shed. The contractor needs to keep plans on site, and meet with inspectors and sub-contractors. A building site is subject to rain, lighting and heat much of the year that is not conducive to the protection of the plans and meetings. The developer needs to be able to have a safe place to retain plans and supervise the job site.
2. Page 8 of 10 - Schedule of Uses: The staff did not include the applicant's request for consumption on premises in conjunction with outdoor seating. The Applicant would like to have an outdoor seating area. The Applicant requested consumption on premises in conjunction with outdoor seating. The staff report doesn't reflect that the use was eliminated, it appears to have been dropped. The Applicant would be amenable to the inclusion of reasonable conditions such as: a) the outdoor seating will not face US 41; b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight); and c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.
3. Page 3 of 10 - Deviation Request: The Applicant disagrees with the recommended denial of the deviation for the 5% reduction in the required off-street parking if bicycle and pedestrian facilities are provided consistent with Section 10-610(e)(3). The Land Development Code provides for an administrative approval of the proposed parking deviation, but the Village no longer has administrative approvals. Ordinance 15-01 gives the Planning and Zoning Board the power to approve administrative amendments

Mr. Roger Strelow, Chairman
Planning & Zoning Board
December 11, 2015
Page 2

through the public hearing process. The staff suggested that the deviation can be approved by the Design Review Board at the time of DO review. It does not appear that Ordinance 15-01 gives the Design Review Board the authority to approve administrative deviations. The Applicant does not want to end up back in front of the Planning and Zoning Board to achieve the deviation. The Village has expressed a desire to promote walkability, bicycling, and a healthier lifestyle. The deviation is consistent with the expressed desires of the Village. The Land Development Code includes criteria that must be met at the time of local development order. The LDC requires the applicant at the time of local development order to demonstrate the availability of a continuous bicycle path and pedestrian accommodations, consistent with Section 10-610, internal to the project from the bicycle/pedestrian facility along U.S. 41 to the primary entrance of the building; and the application must also demonstrate that the bicycle racks are provided consistent with the requirements of Section 10-610(e)(3). The Design Review Board will be able to review the development order plans for compliance with this condition when the Design Review Board reviews the development order plans as required by Ordinance 15-01.

The Applicant's Witness List and the Applicant's Exhibit List are attached hereto.

Your consideration of this matter is greatly appreciated.

Sincerely,



Neale Montgomery

NM/kc

Attachments:

Applicant's Witness List
Applicant's Exhibit List

cc: Planning and Zoning Board Members

Mr. Ryan Binkowski
Mr. David Crawford
Mr. Ned Dewhirst
Mr. Jeff Maas
Ms. Marlene Naratil
Mr. Scotty Wood

Ms. Mary Gibbs
Mr. Steven Sarkozy
Mr. Jonathan Agnew
Mr. Gary Williams
Ms. Stacy Hewitt
Mr. Sam Marshall
Mr. Matthew Noble
Mr. Ted Treesh

Applicant's Proposed Conditions Consumption on Premises

- a) the outdoor seating will not face US 41;
- b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight);
and
- c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.

MPD Thresholds

LDC Sec. 34-940

(a) All mixed use planned developments must meet or exceed **at least two** of the following thresholds:

(1) A residential or mobile home development of **50 or more** dwelling units.

(2) A **commercial** development or activity that is located on a parcel of **two or more acres** and includes **30,000 square feet or more** of floor area.

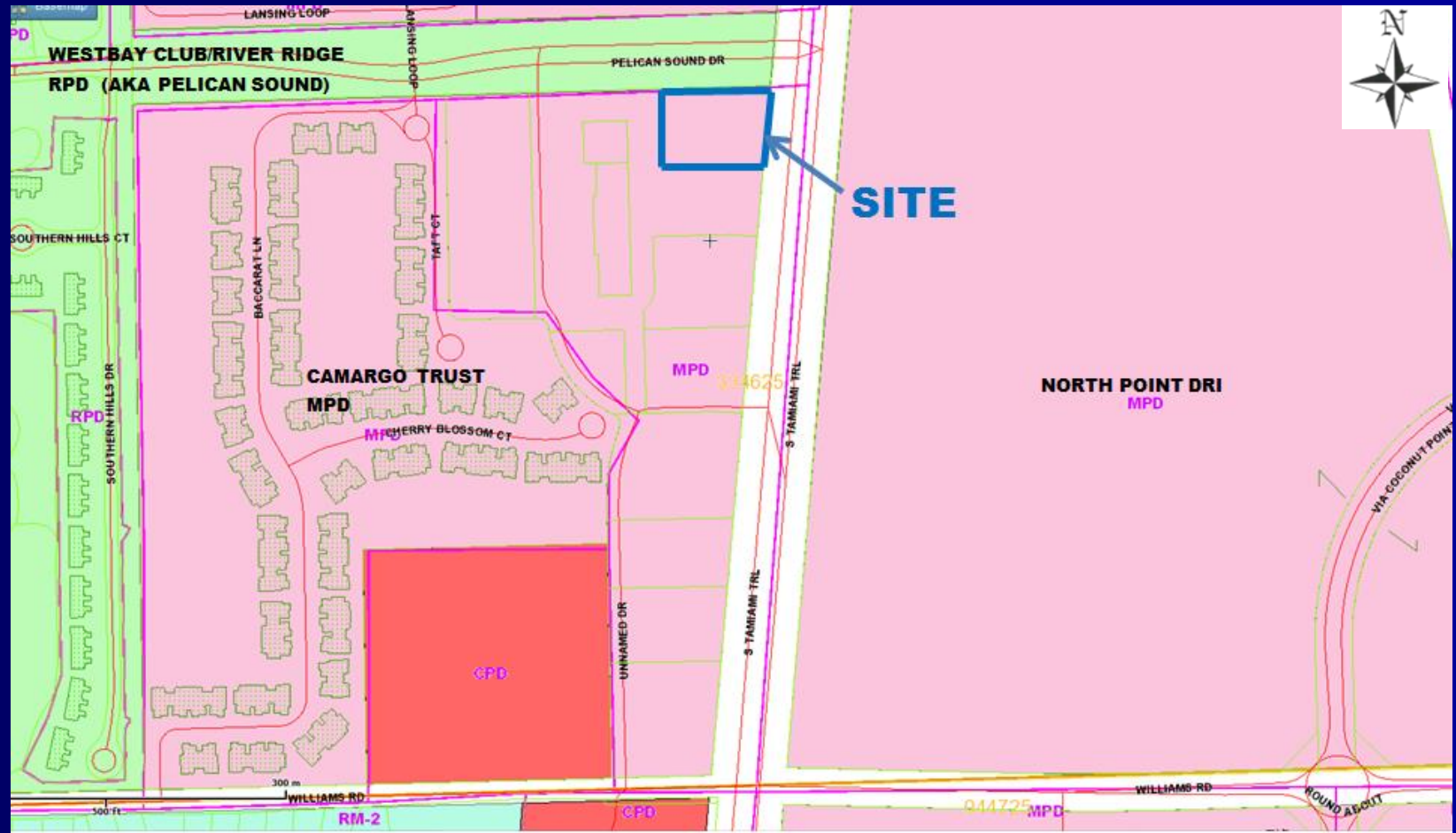
(3) An **industrial** development or activity that is located on a parcel of **two or more acres** and includes **30,000 square feet or more** of floor area.

(4) A **community facility** development of **two or more acres**.

Future Land Use Map Designation



Zoning Designations

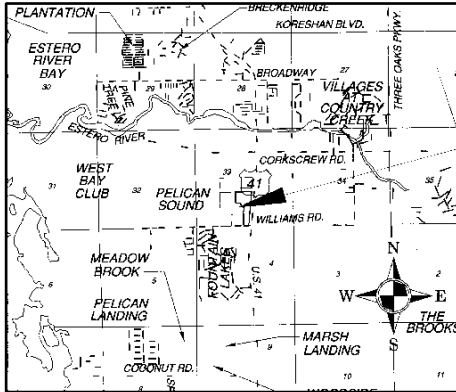


Current (MPD) Master Concept Plan



Current Master Concept Plan

- Page 2



SUBJECT PROPERTY

LOCATION MAP

SITE DEVELOPMENT NOTES (APPlicant'S SUGGESTED CONDITIONS)

1. Open space and indigenous preservation areas shall comply with Resolution No. Z-98-026.
2. There are no "use in title" facilities proposed.
3. All deviations from Resolution No. Z-98-026 will apply.
4. All obstacles will be removed at the time of development order approval.

RETAIL/COMMERCIAL INTENSITY

	PARCEL ACREAGE	MAXIMUM SQUARE FOOTAGE *
PARCEL 1	1.40	15,000
PARCEL 2	0.98	6,000
PARCEL 3	2.11	25,000
PARCEL 4	2.00	15,000
PARCEL 5	1.33	8,000
PARCEL 6	1.55	7,000
PARCEL 7	2.00	16,000
PARCEL 8	4.84	65,000
TOTAL	*NOT TO EXCEED:	100,000

OPEN SPACE TABLE

PARCEL ACREAGE	REQUIRED OPEN SPACE IN ACRES	PROPOSED OPEN SPACE IN ACRES
PARCEL 1	1.40	0.42
PARCEL 2	0.98	0.29
PARCEL 3	2.11	0.63
PARCEL 4	2.00	0.60
PARCEL 5	1.33	0.40
PARCEL 6	1.55	0.47
PARCEL 7	2.00	0.60
PARCEL 8	4.84	1.50
RIGHTS-OF-WAY	1.32	0.39
LNIC	2.92	0.90
DRY RETENTION	1.17	0.35
TOTAL ACREAGE FOR SOUTH COMMERCIAL DEVELOPMENT AREA	21.72	6.65
TOTAL ACREAGE FOR FUTURE NORTH COMMERCIAL DEVELOPMENT AREA	10.96	3.30
TOTAL COMMERCIAL ACREAGE	32.67	10.00
PREVIOUSLY APPROVED RESIDENTIAL AREA	48.90	20.00
TOTAL	81.57	30.00

Indigenous Open Space Provided

As per Resolution Z-98-026, Condition #9, open space must be provided per the open space table on the MCP. A total of 10 acres (with credits) of existing indigenous native vegetation has been preserved in the residential portion of the MCP. Calculations on the approved open space table are as follows:

Open Space Required for Commercial Parcels at 30% 10.0
 Open Space Required for Residential Parcels at 4% 20.0
 Total Open Space Required 30.0 acres

Indigenous Open Space Provided 15.0 acres

Indigenous Open Space Provided:
 2.2 acres @ 10% per LDC Section 10-413(c)(2) 2.2
 4.8 acres @ 15% per LDC Section 10-413(c)(2) 7.3
 Total Indigenous Open Space Provided 10.0 acres

10 acres (with credits) of indigenous open space has been provided in the residential portion of the MCP.

SURROUNDING ZONING AND LAND USES

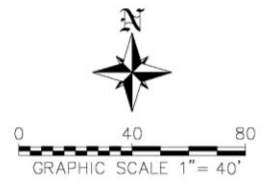
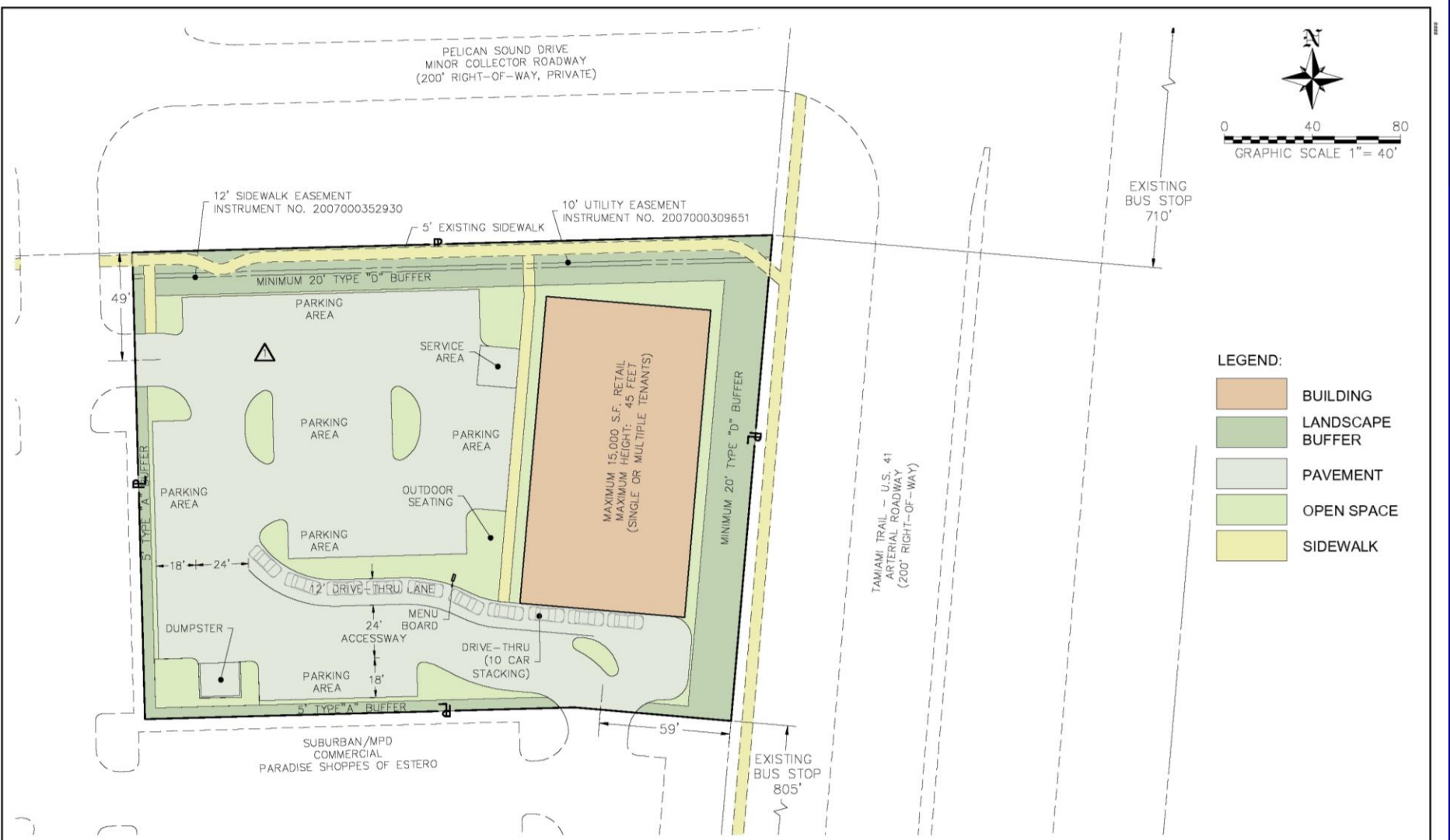
ZONING	EXISTING LAND USES
NORTH	MPD PELICAN SOUND DRIVE / VACANT
SOUTH	CPD WILLIAMS ROAD / COMMERCIAL
EAST	AG-2 U.S. 41 / VACANT
WEST	MPD VACANT

PARCELS 1-4 TO BE COMMERCIAL DEVELOPED

APPROVED
 Master Concept Plan

DATE: 04/06/2009
 BY: [Signature]
 TITLE: [Title]

Proposed Master Concept Plan



PREPARED FOR:
ESTERO WAS PARTNERS LP
13470 TRIPLE CROWN CT.
FORT MYERS, FL 33912

NO.	DATE	REVISIONS/DESCRIPTION	BY	CHK.
1	8/12/2015	SUPPLEMENTARY COMMENTS	SOJ	SEH
2		REVISION/DESCRIPTION		

BANKS ENGINEERING
Professional Engineers, Planners & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33908
PHONE: (239) 939-5940 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LC 8050
WWW.BANKSENG.COM

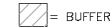
COLOR MASTER CONCEPT PLAN
ESTERO WAS MINOR CPD
VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/12/2015	8051	_MCP	SOJ	SOJ	SEH	1" = 40'	1

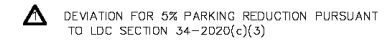
Proposed Master Concept Plan



LEGEND:



= BUFFER



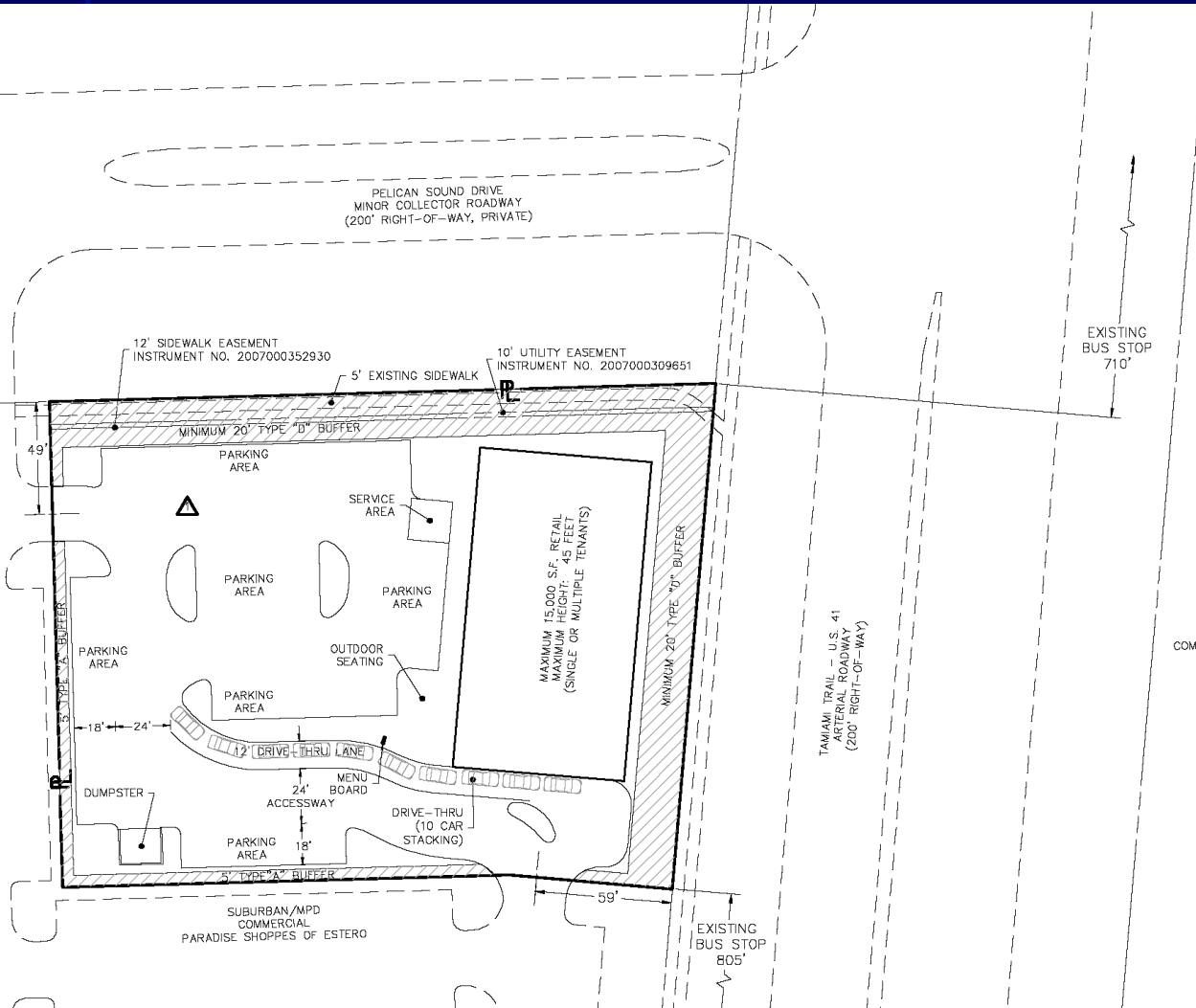
DEVIATION FOR 5% PARKING REDUCTION PURSUANT TO LDC SECTION 34-2D20(c)(3)

NOTES:

- LEE TRAN ROUTES 240 AND 140 RUN ALONG THE EAST PROPERTY LINE OF THE PROJECT ALONG U.S. 41. THERE ARE EXISTING BUS STOPS WITHIN ¼ MILE THAT ARE ACCESSIBLE VIA EXISTING PAVED ROADWAYS AND WALKWAYS.
- INTERNAL SIDEWALK CONNECTIONS WILL BE PROVIDED AT THE TIME OF DEVELOPMENT ORDER APPROVAL.
- LOCATION OF SERVICE AREA IS APPROXIMATE. FINAL LOCATION WILL BE IN COMPLIANCE WITH LDC SECTION 33-115 AND DETERMINED AT TIME OF DEVELOPMENT ORDER APPROVAL.
- LOCATION OF OUTDOOR SEATING AREA IS APPROXIMATE. FINAL LOCATION WILL BE DETERMINED AT TIME OF DEVELOPMENT ORDER APPROVAL. THE ENTIRE SITE IS NOT WITHIN 500 FEET OF A RELIGIOUS FACILITY, SCHOOL (NONCOMMERCIAL), DAY CARE CENTER (CHILD), PARK OR DWELLING UNIT UNDER SEPARATE OWNERSHIP.

OPEN SPACE TABLE:

URBAN COMMUNITY/MPD
 SITE AREA = 1.36± AC.
 OPEN SPACE REQUIRED: 20% x 1.36 = 0.27 ACRE
 OPEN SPACE PROVIDED:
 TOTAL OPEN SPACE PROVIDED: MINIMUM 0.27 ACRE



Deviation

LDC Section 34-2020(c)(3) allows administrative deviation for 5% reduction in parking if located on Bikeways/Walkways Facility Plan and bicycle parking racks provided.

Community Coordination

Planning and Zoning Board Public Information Meeting – July 21, 2015

- No Public Comment

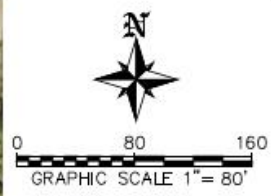
Pelican Sound Board Workshop – September 15, 2015

- Outreach meeting
- Discussed traffic, bicyclists and landscaping

ENGINEERING

Samuel W. Marshall, P.E., LEED AP
Banks Engineering

Existing Utilities & Drainage



PREPARED FOR: ESTERO WAS PARTNERS LP 13870 TEMPLE CROWN CT. FORT MYERS, FL 33912		<table border="1"> <tr><th>REV.</th><th>DATE</th><th>REVISION DESCRIPTION</th><th>BY</th></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	REV.	DATE	REVISION DESCRIPTION	BY																																					BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving The State Of Florida <small>15011 101 MILE CROWN PARKWAY FORT MYERS, FLORIDA 33907 PHONE (239) 638-0880 FAX (239) 638-0552 EMAIL INFO@BANKSENG.COM WWW.BANKSENG.COM</small>	EXISTING UTILITIES ESTERO WAS MINOR CPD VILLAGE OF ESTERO, LEE COUNTY, FLORIDA <table border="1"> <tr> <th>DATE</th> <th>PROJECT</th> <th>DRAWING</th> <th>DESIGN</th> <th>ISSUED FOR</th> <th>CHECKED</th> <th>SCALE</th> <th>SHEET</th> </tr> <tr> <td>7/17/2015</td> <td>8015</td> <td>_DRI</td> <td>SDJ</td> <td>SDJ</td> <td>SDH</td> <td>1"=80'</td> <td>1</td> </tr> </table>	DATE	PROJECT	DRAWING	DESIGN	ISSUED FOR	CHECKED	SCALE	SHEET	7/17/2015	8015	_DRI	SDJ	SDJ	SDH	1"=80'	1
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Lee County Utilities Availability Letter:



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

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Housing Examiner

June 1, 2015

Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

**RE: Potable Water and Wastewater Availability
Estero Was CPD, 21700 S. Tamiami Trail
STRAP #: 33-46-25-E3-28001.0000**

Dear Ms. Hewitt:

The subject property is 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 1 commercial unit with an estimated flow demand of approximately 2,250 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

A handwritten signature in cursive script, appearing to read "Mary McCormic".

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL

TRANSPORTATION

Ted Treesh

TR Transportation Consultants, Inc.

Transportation

- US 41 projected to operate at LOS "B" in 2020 Both With and Without the Project Traffic
- No Additional Access to US 41 Proposed

LAND USE & PLANNING

Matthew A. Noble, AICP

ANoblePlan, LLC

Village Plan Compliance

- Request for commercial on this site has been deemed consistent with the Lee Plan/Village Plan since 1998 and remains consistent.

Policy 6.1.7

Prohibit commercial developments from locating in such a way as to **open new areas** to premature, scattered, or strip development; but **permit** commercial development to **infill** on small parcels in areas where existing commercial development would make a **residential use clearly unreasonable**.

Estero Vision Statement

To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to FGCU and the SW Florida International Airport. Estero's growth will be planned with strong neighborhoods, **diverse economic generators**, **interconnected mixed-use centers**, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will be a highly valued place to live, work, and visit because of development standards and design guidelines that promote: 1) desirable neighborhoods and public amenities; 2) **vibrant economic centers**; 3) **attractive landscaping**, streetscaping, lighting, signage, and architectural features; and 4) an **interconnected transportation network**. The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community.

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.

Village Plan Compliance

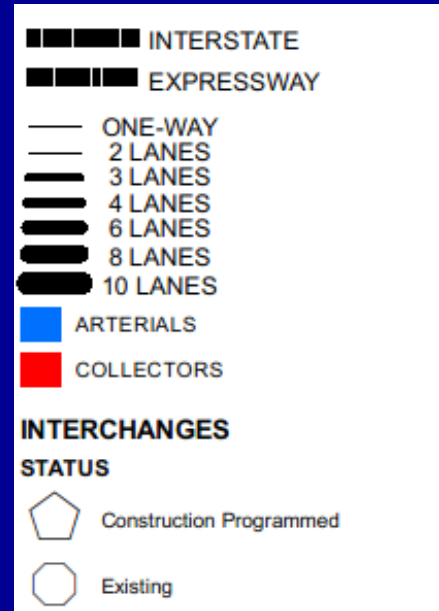
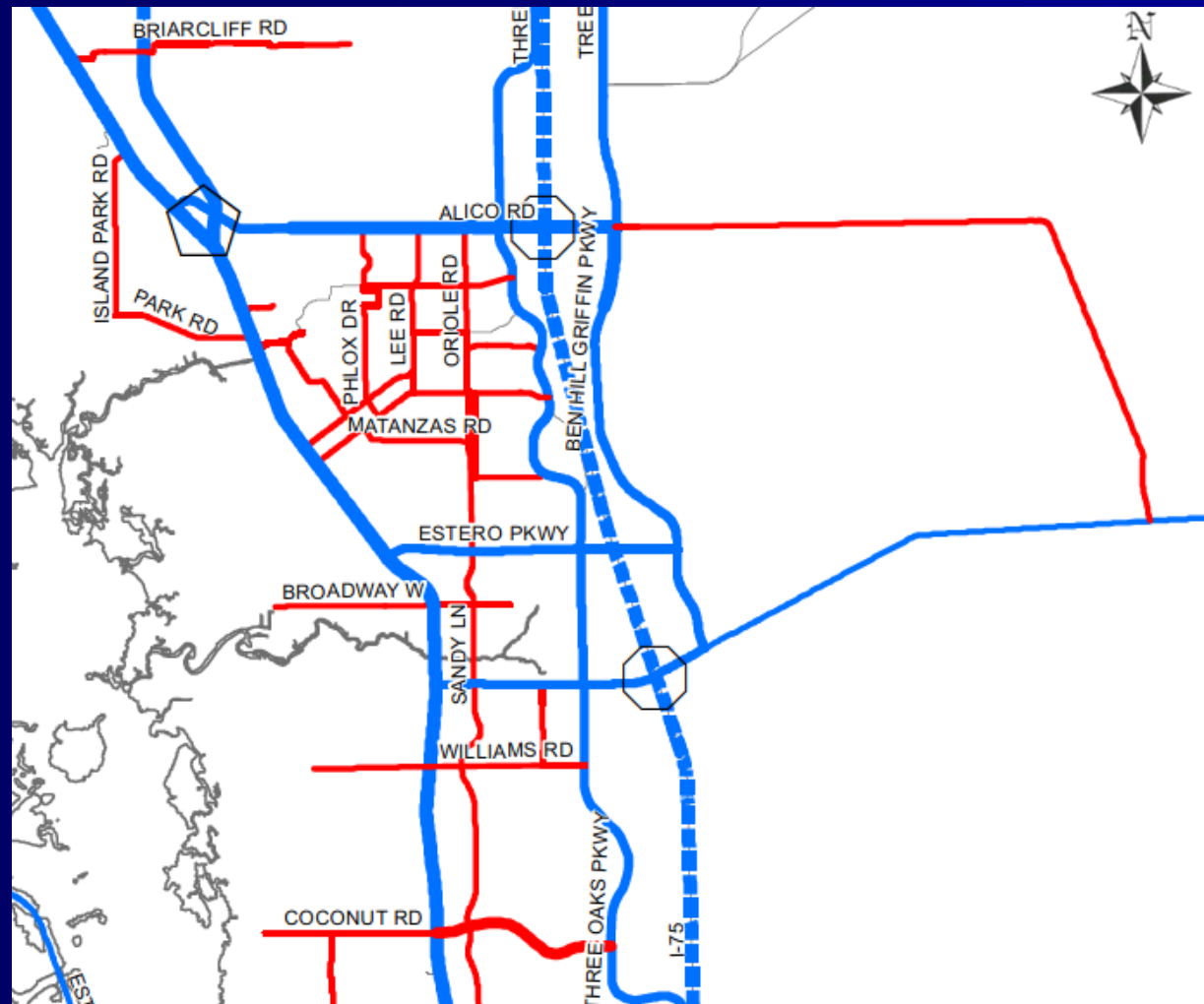
Development Location – Objective 2.1, Policy 2.1.1

Development Timing – Objective 2.2, Policy 2.2.1

Sustainable Development Design – Objective 4.1, Policies 4.1.1 & 4.1.2

Commercial Land Uses – Policy 6.1.2 – Location criteria, Policy 6.1.4, Policy 6.1.7

Future Functional Classification



Compatibility

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.

Standard 11.1 (Water) and 11.2 (Sewer)



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

John E. Manning
District One

Cecil L. Pendegrass
District Two

Larry Kiser
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjardins
County Manager

Richard Wm. Wesch
County Attorney

Doona Marie Collins
Hearing Examiner

June 1, 2015

Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

**RE: Potable Water and Wastewater Availability
Estero Was CPD, 21700 S. Tamiami Trail
STRAP #: 33-46-25-E3-28001.0000**

Dear Ms. Hewitt:

The subject property is 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 1 commercial unit with an estimated flow demand of approximately 2,250 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

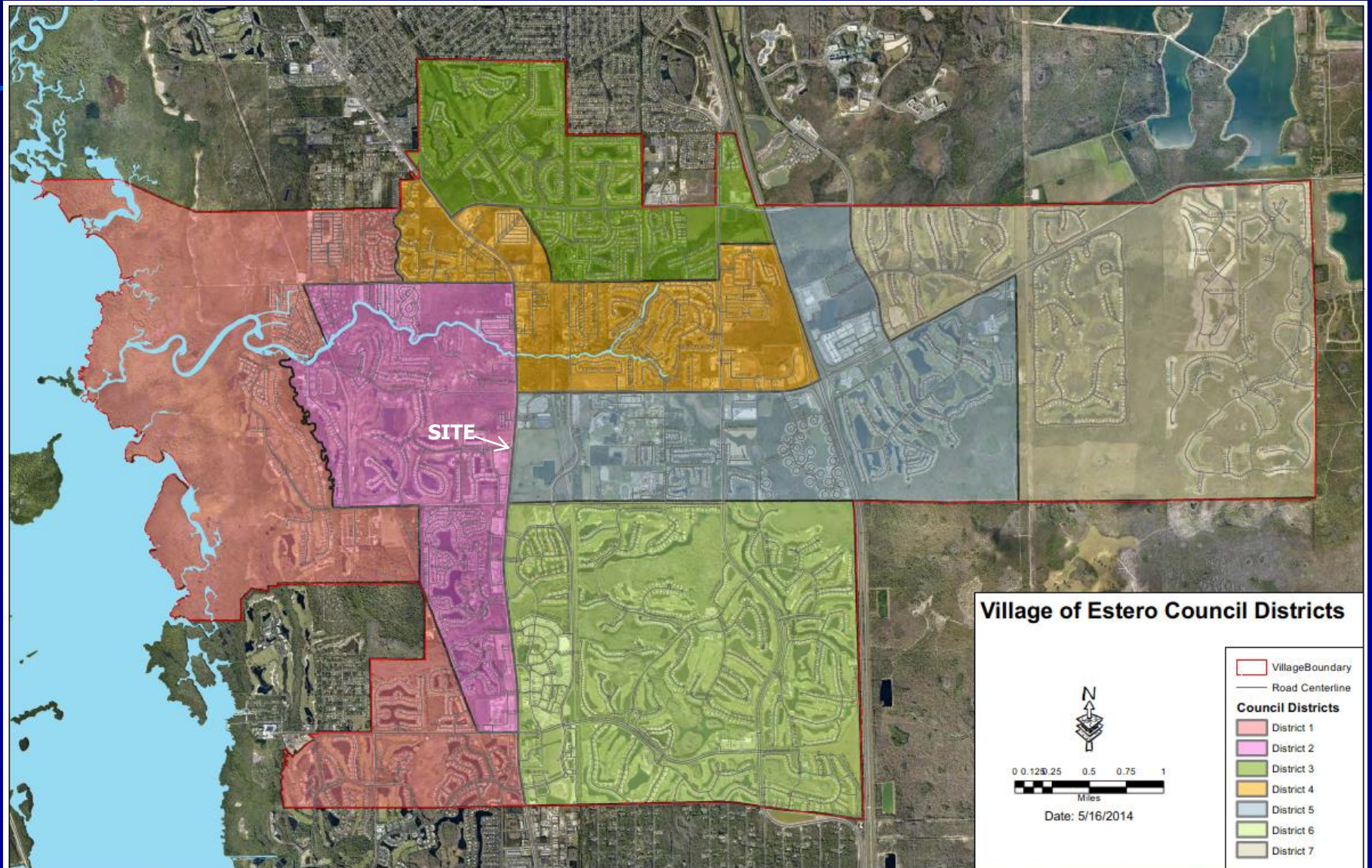
A handwritten signature in cursive script that reads "Mary McCormic".

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL

- Lee County Utilities Letter of Availability shows sufficient capacity to serve project

Village of Estero Boundaries



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 19.2.3

Establish a safe and desirable urban environment within the Estero community by adopting LDC standards that guide development in the community's major economic areas near FGCU, **along the U.S. 41 corridor**, along Corkscrew Road, and in the Old Estero area that:

- a. Address streetscaping design and amenities, residential buffering standards, **commercial center developments**, signage, transportation facility needs, and other community concerns;
- b. Provide for the **economic and employment needs** of the Estero community by utilizing the Mixed-Use Overlay to facilitate the development of **mixed-use centers along the US 41**, Corkscrew Road, Three Oaks Parkway, Ben Hill Griffin Parkway, Via Coconut/Sandy Lane, and in the Old Estero area; and
- c. Encourage mixed-use centers at these locations.

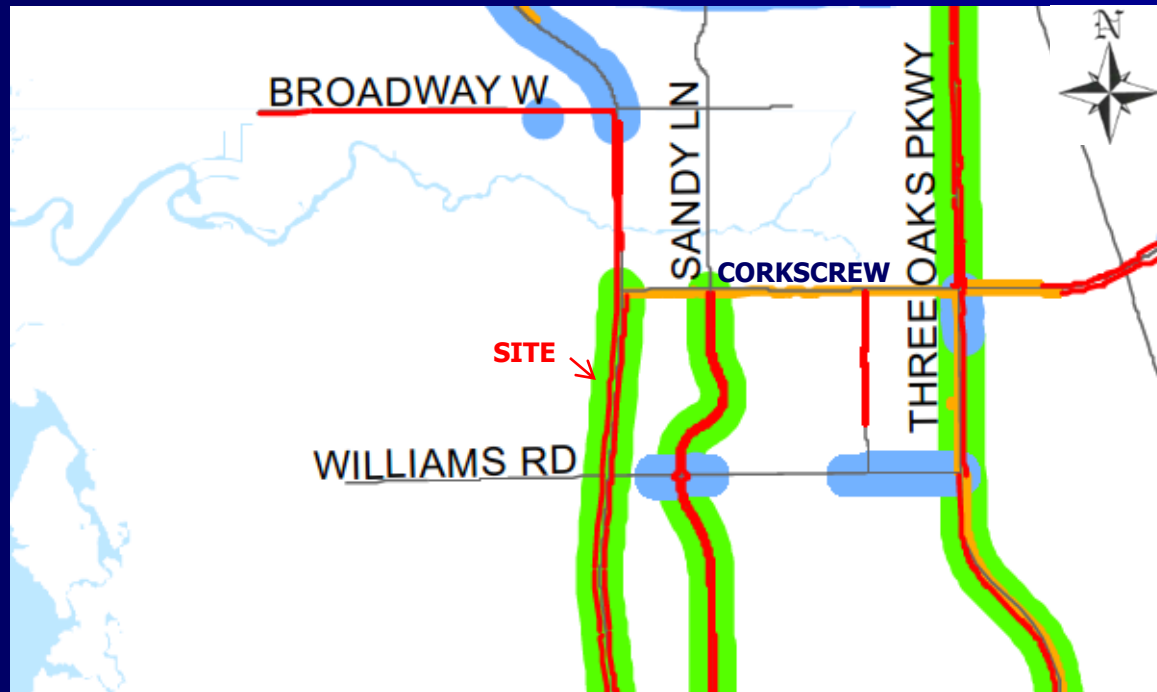
Policy 19.2.4

Ensure that **future commercial** and mixed-use developments meet the community's planning priorities by requiring that **all new commercial development** which requires rezoning within Estero must be **rezoned to a Commercial (CPD), Mixed Use (MPD), or Compact Communities Planned Development (CCPD)**.

Policy 19.2.6

Encourage commercial developments within the Estero Planning Community to **provide interconnect opportunities** with adjacent commercial uses in order to **minimize access points** onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, **bike paths and pedestrian accessways.**

Bikeways/Walkways Facilities Plan Existing Facilities (Map 3D-2)



Legend

Sidewalk/Bike-Ped Facilities Existing Facility Type

- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulders
- Wide Outside Lane
- Undesignated Bike Lane

Seth Harry & Associates Estero Market Opportunity Assessment Final Report

- Vacant Commercial Land Market Report showed general **retail space steadily increased** occupancy over last three years – **Estero second lowest overall vacancy rate** of 16 submarkets studied in Southwest Florida
- Statistics provide evidence that **market can support more retail**
- **Need for additional** neighborhood commercial such as that proposed

Design Standards Compliance

LDC Section 34-411 (a) & (b)

- a) All planned developments must be **consistent** with the provisions of the **Village Plan**. The proposed development will comply with applicable Village of Estero regulations.
- b) All planned developments must be **designed and constructed** in accordance with the provisions of all applicable **Village development regulations** in force at that time. **Deviations** from the general provisions of this chapter, as well as from any separate land development regulation or code, **may be permitted** if requested **as part** of the application for a **planned development** in accordance with section 34-373(a)(9) and approved by the Village Council based on the findings established in section 34-377(b)(4).

Design Standards Compliance

LDC Section 34-411 (c)

- c) The tract or parcel proposed for development under this article must be **located so as to minimize the negative effects** of the resulting land uses on surrounding properties and the public interest generally, and must be of **such size, configuration and dimension** as to adequately **accommodate** the proposed **structures**, all required **open space**, including private recreational facilities and parkland, **bikeways, pedestrian ways, buffers**, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

Design Standards Compliance

LDC Section 34-411 (d)

- d) The tract or parcel shall have **access** to existing or proposed roads:
- (1) In accordance with chapter 10 and as specified in the Lee Plan transportation element;
 - (2) That have either **sufficient existing capacity** or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and
 - (3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

Design Standards Compliance

LDC Section 34-411 (e) & (f)

- e) If within the Lee Tran public **transit service area**, the development shall be designed to facilitate the use of the transit system.
- f) Development and subsequent use of the planned development shall **not create** or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of **flood, erosion or other danger**, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

Lee Tran System Map



Design Standards Compliance

LDC Section 34-411 (g)

- g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to **not** unnecessarily **destroy** or alter **natural, historic** or **archaeological features** of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

Design Standards Compliance

LDC Section 34-411 (h), (i) & (j)

- h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an **architecturally integrated human environment**. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.
- i) Site planning and design shall **minimize any negative impacts** of the planned development on surrounding land and land uses.
- j) Where a proposed planned development is surrounded by existing development or land use with which it **is compatible** and of an equivalent intensity of use, the design emphasis shall be on the **integration of this development** with the existing development, in a manner consistent with current regulation.

Design Standards Compliance

LDC Section 34-411 (k), (l) & (m)

- k) Where the proposed planned development is surrounded by existing development or land use **with which it is not compatible** or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.
- l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which **promote pedestrian activity and community interaction**.
- m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and **separation of potentially conflicting uses** within the planned development.

Design Standards Compliance

LDC Section 34-411 (n), (o) & (p)

- n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the **location of intense or obnoxious uses away from incompatible land uses** at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.
- o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, **sufficient parking** must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.
- p) **Internal consistency** through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

FINDINGS SUMMARY

34-145(d)(3):

- a. The applicant has **proved entitlement** to the rezoning by demonstrating **compliance** with the **Village Plan**, & **land development code**.
- b. The request, including the use of TDR or affordable housing bonus density units, is **consistent with** the densities, **intensities** and general uses set forth in the **Village Plan**.
- c. The request is **compatible** with existing or planned uses in the surrounding area.
- d. Approval of the request will **not place an undue burden** upon existing **transportation** or planned **infrastructure facilities** and will be served by streets with the capacity to carry traffic generated by the development.

FINDINGS SUMMARY

34-145(d)(3):

- e. The request will not adversely affect environmentally critical areas and natural resources.
- f. 34-377(a)2.
 - a. The proposed list of uses is appropriate at this location.
 - b. Recommended conditions provide sufficient safeguards to the public interest
 - c. Recommended conditions are reasonably related to impacts on public's interest.

Deviation Specific Finding

- 34-377(a)4 – approve, approve with modification or reject each requested deviation based upon a finding that each item:
 - a. **Enhances** the achievement of the objectives of the **planned development**; and
 - b. **Preserves** and **promotes** the general intent of this chapter to protect the **public health, safety** and **welfare**.

FINDINGS SUMMARY 34-145(d)(3):

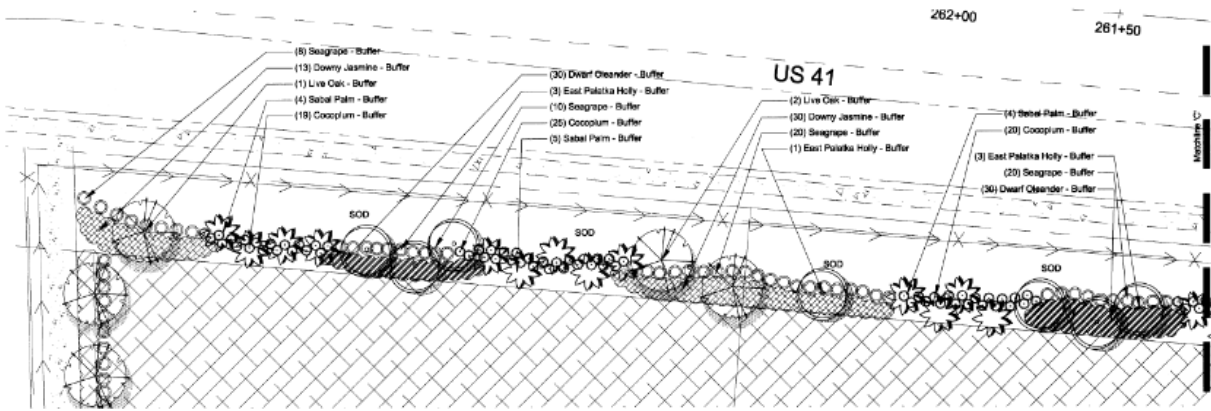
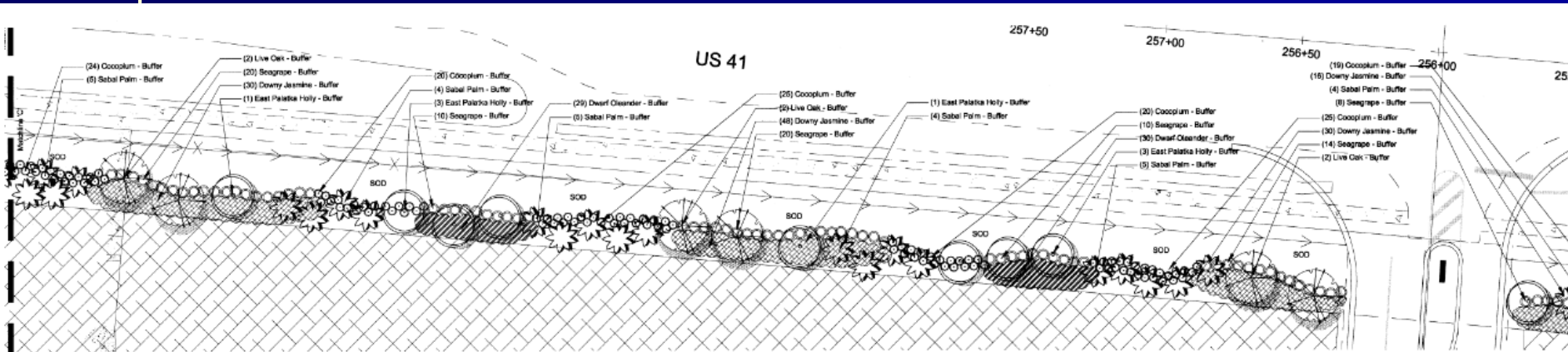
- g. Where the change proposed is within a future urban area category, must also find that **urban services**, as defined in the Lee Plan, are, or will be, **available** and **adequate** to serve the proposed land use.
- h. If the rezoning is to Compact PD, the recommendation of the Hearing Examiner must also include findings regarding the provisions set forth in section 32-504(a).
- i. That the level of **access** and **traffic flow** (i.e. median openings, turning movements etc.) is **sufficient** to support the proposed development intensity.
- j. If the hearing concerns a mine excavation planned development, that the request meets the criteria and standards set forth in chapter 12.

Final Thoughts

Based upon my experience and review of the request, it is my **professional opinion** that:

- the subject request is **consistent** with the intent of the **Village Plan, Land Development Code** and other applicable codes or regulations
- the proposed mix of **uses** are **appropriate** at the subject location and are consistent and **compatible** with surrounding uses
- is **entitled** to approval of the request for rezoning from to Mixed Use Planned Development to Commercial Planned Development.

Existing Buffer – US 41



LANDSCAPE MATERIAL LEGEND:

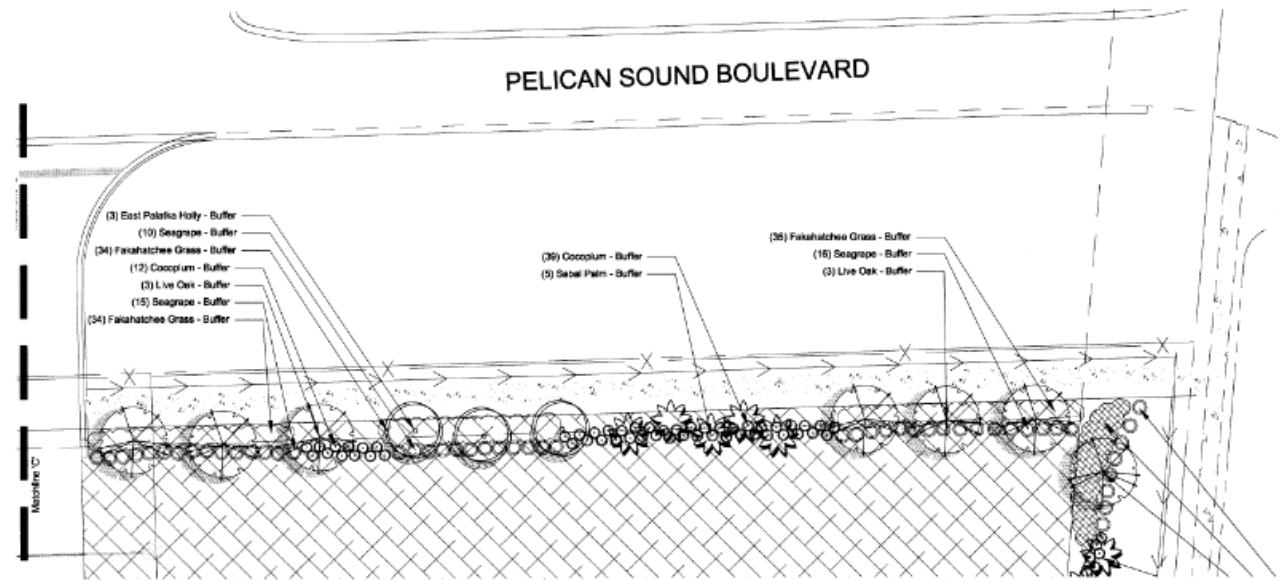
BUFFER 7 - TOTAL PLANTINGS				
Qty.	Botanical Name	Common Name	Specification	Notes
25	<i>Ilex x attenuata</i> 'East Palatka'	East Palatka Holly	#45, 14" ea., 5' spr., 3" cal.	Y
14	<i>Quercus virginiana</i>	Live Oak	#45, 14" ea., 6' spr., 3" cal.	Y
62	<i>Sabal palmello</i>	Sabal Palm	10' cl. min. staggered heights	Y
206	<i>Coccoloba uvifera</i>	Seagrape	24"x24", 4' oc.	Y
290	<i>Chrysoalthus icaco</i>	Coccolum	24"x24", 3' oc.	Y
325	<i>Jasminum multiflorum</i>	Downy Jasmine	15"x15", 3' oc.	N
196	<i>Nerium oleander</i> 'Ice Pink'	Dwarf Oleander	18"x18", 3' oc.	N

Existing Buffer-Pelican Sound

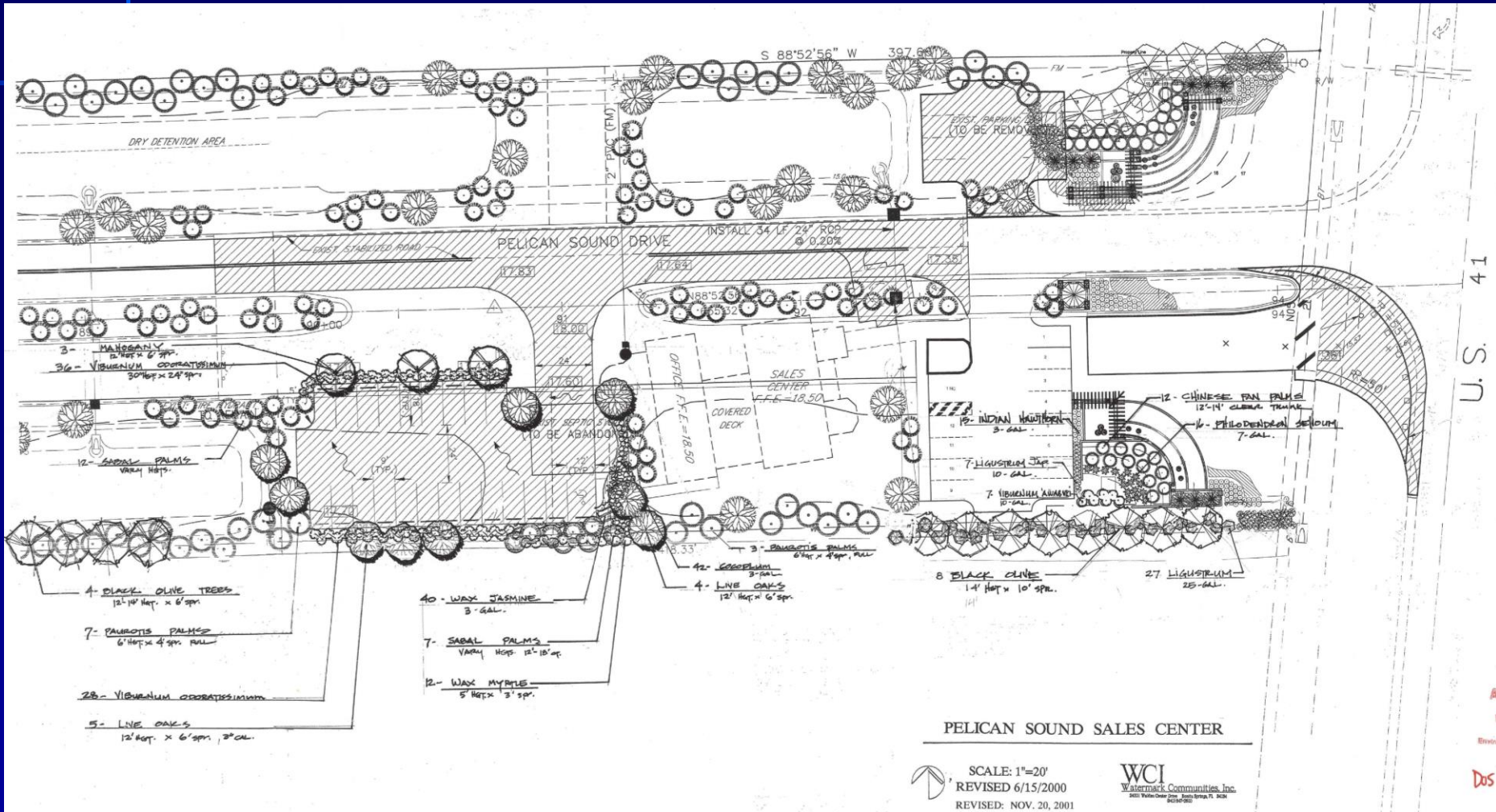
LANDSCAPE MATERIAL LEGEND:

BUFFER 6 - TOTAL PLANTINGS

Qty.	Botanical Name	Common Name	Specification	Native
13	<i>Ilex x amoniata</i> 'East Palatka'	East Palatka Holly	#45, 14' ea., 5' apr., 3' cal.	Y
14	<i>Quercus virginiana</i>	Live Oak	#45, 14' ea., 8' spr., 3" cal.	Y
15	<i>Sabal permo</i>	Sabal Palm	10' ct. min., staggered heights	Y
117	<i>Coccoloba uvifera</i>	Seagrape	24"x24", 4' oc.	Y
155	<i>Chrysobalanus icaco</i>	Cocoplum	24"x24", 3' oc.	Y
296	<i>Tripsacum dactyloides</i>	Fakahatchee Grass	18"x18", 3' oc.	Y



Existing Buffer – Pelican Sound ROW and Sign



Existing Restaurant Pictures





- Legend:
- Subject Property: Parcel 1, Paradise Shoppes at Estero
 - 83-acre± Camargo Trust MPD
 - 21.73-acre Paradise Shoppes at Estero

