

DCI2016E-01 and CPA2016-02

Village of Estero Planning & Zoning Board *October 11, 2016*

- *Minor Planned Development (PD) amendment to rezone the Subject Property from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to accommodate 60 multi-family units and typical accessory uses.*
- *Comprehensive plan text amendment to allow for the conversion of existing or planned commercially zoned parcels of 10 acres or less in size which border existing planned residential uses under common ownership or control at a blended residential density not to exceed 135% of the previously submitted density per acre for the original residential.*

Subject Property



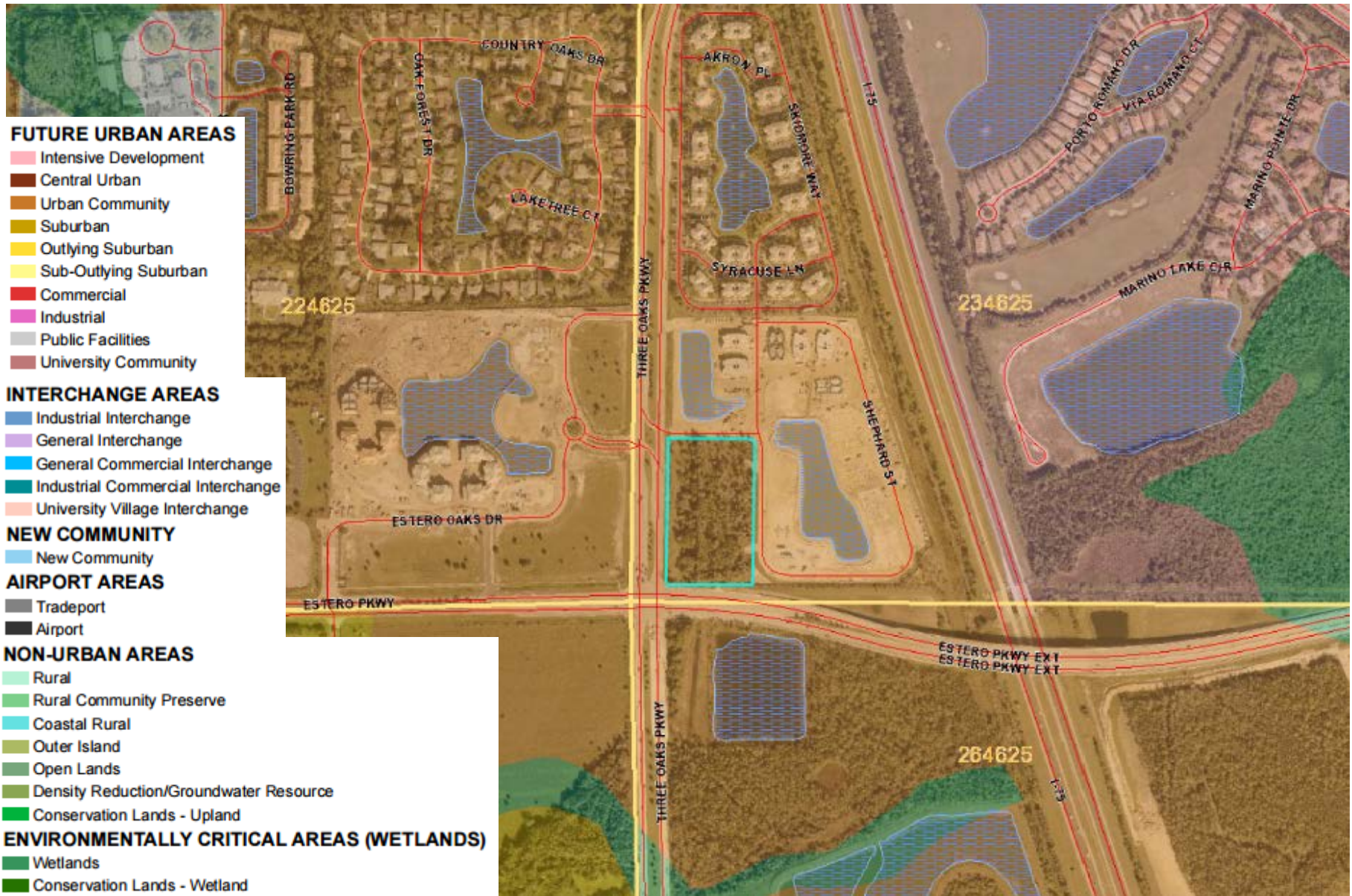
Surrounding Land Uses

	Current Land Use	Zoning	Future Land Use
N/E	Existing Residential - approved for 168 dwelling units, which may include single-family, duplex, two-family attached, townhouse, multi-family, and/or zero lot line units, pursuant to Lee County Zoning Resolution No. Z-02-071; completed Summer 2016 for student housing	RPD	Urban Community
S	Vacant Governmental (Lee County) - approved for 32,000 square feet of commercial retail and office uses and 126 dwelling units, which may include single-family, duplex, two-family attached, and/or zero lot line units, pursuant to Lee County Zoning Resolution No. Z-02-071. Now 16.33 acres are encumbered with a recorded conservation easement which does not permit this scope of development	CPD/RPD	Urban Community/ Wetlands
W	Vacant Commercial – approved for 280 multi-family and townhouse dwelling units including 63 moderate income and/or work force income bonus density units and 130,000 square feet of retail and general/medical office space, pursuant to Zoning Resolution No. Z-14-011. A 7-11 has recently opened along Estero Parkway	MPD	Urban Community
SW	Grazing Land - approved for up to 500 dwelling units, of which 250 may be multi-family and 250 may be single-family, pursuant to Zoning Resolution No. Z-94-009	CPD/RPD	Urban Community/ Suburban/ Wetlands

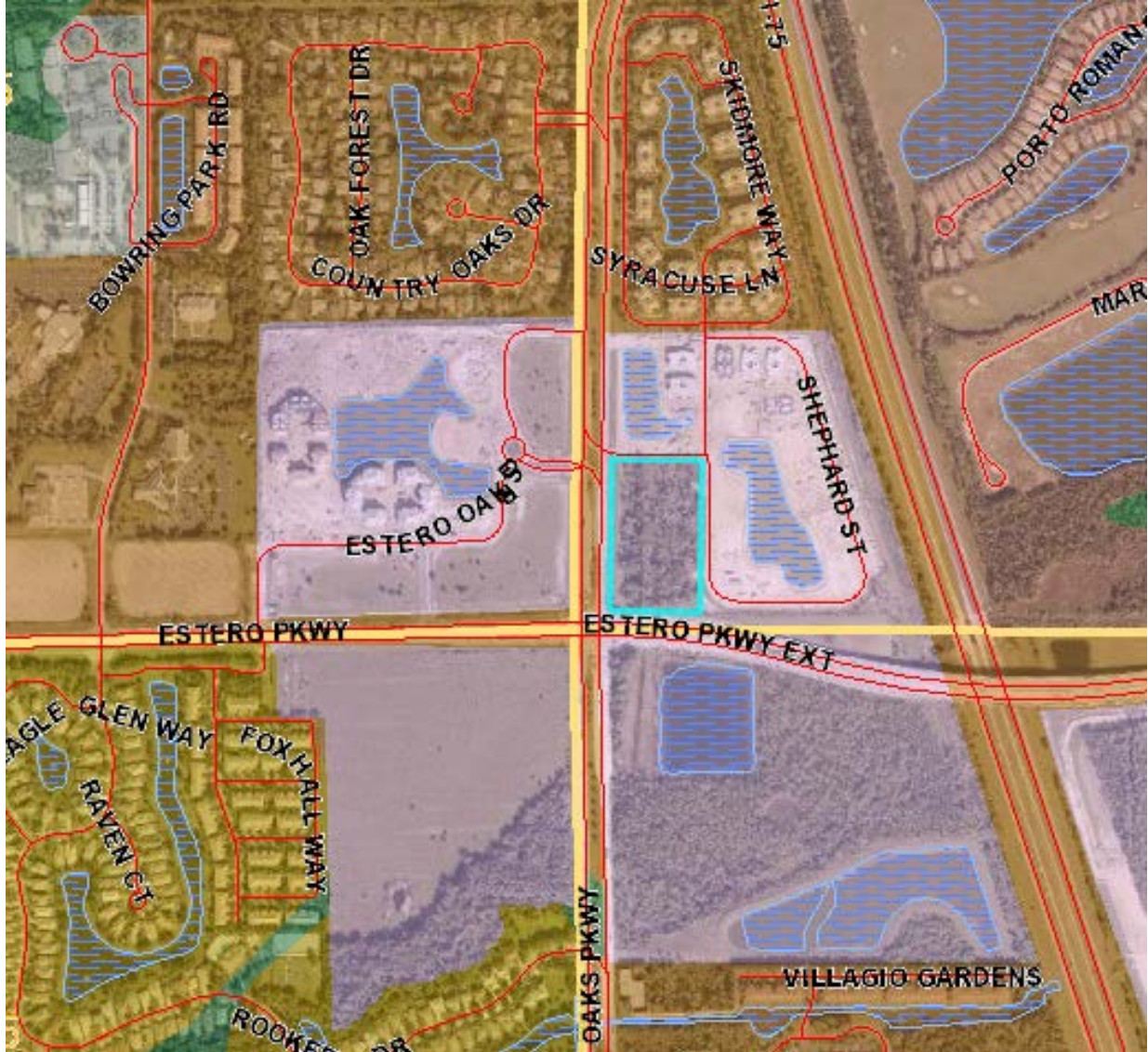
Zoning Map



Future Land Use



Mixed Use Overlay



DCI2016E-01

Request

Subject property is 5.32 +/- acres and is identified as Development Area "A" zoned CPD within The Reef RPD/CPD pursuant to Lee County Zoning Resolution No. Z-02-071 (f/k/a Corlico Villages RPD/CPD). Currently approved for 46,200 square feet of commercial, including mini-storage, retail and office uses

Zoning Request: A minor PD amendment to rezone the subject property from CPD to RPD to accommodate the proposed multi-family residential development (60 units), parking not to exceed 278 spaces, and typical accessory uses. The existing RPD Development Area "B" consists of 168 units on 23.38 acres for 7.2 units per acre. This request proposes to remove the commercial uses, which include mini storage, and increase the multi-family by 60 dwelling units for a total of 228 units or 7.9 units per acre across the entire Reef project.

Deviation Request: For a one (1) additional ground mounted identification sign

Proposed Policy 19.3.4 *Commercial Conversion*

POLICY 19.3.4: Encourage re-development of underutilized commercial lands by providing for higher residential densities and mixed-use development within the Urban Community future land use designation and Mixed-Use Overlay in a manner consistent with Policies 19.1.1.c, 19.1.1.d, 19.1.3.e, 19.2.1.i and 19.3.2. This provision allows for the conversion of existing or planned commercially zoned parcels of 10 acres or less in size to residential use, where those commercial parcels border parcels with existing or planned residential uses and these parcels are under common ownership or control, provided that the blended residential density of the resulting project that combines these parcels does not exceed 135% of the previously permitted density per acre for the original residential use subject to the following:

- a. The conversion is sought as part of an application to rezone the commercial parcel to residential use;
- b. The conversion parcel's proposed residential uses will be incorporated into and consistent with the adjacent planned or existing residential use that are under common ownership or control; and
- c. Approval for the conversion of the commercial parcel to residential use is at the Board's discretion and is dependent on a determination that the conversion is compatible and consistent with the adjacent residential development under common ownership or control and with the rezoning approval criteria set forth in the Land Development Code.

Height

The maximum height will be 35-feet and three-stories, similar to that of Phase I and the Estero Oaks MPD to the west, and consistent with LDC § 34-932 that limits height in RPD to 45-feet.

Density

The proposed Comprehensive Plan amendment will permit residential density on a commercial parcel, if that parcel borders a residential parcel under common ownership, the parcel is 10 acres or less, and the parcel is located in the Mixed Use Overlay subject to certain conditions (*i.e.*, compatibility and consistency with the adjacent planned or existing residential use). The maximum blended density of the resulting project that combines these parcels does not exceed 135% of the previously permitted density per acre for the original residential use.

The impact of this amendment specific to the Reef II development would be a permitted blended density for the overall project of 7.9 units per acre.

Compatibility

The proposed development will complement and be compatible with the surrounding Reef property, north and east of the Subject Property, in color palette and design. Light fixtures utilized throughout the proposed development will complement the overall design pursuant to § 33-116(b), LDC. The proposed development is less intense than the previously approved commercial uses, thereby reducing the likelihood of any negative effects on the surrounding properties. The change from commercial to residential will not increase the probability or degree of flooding, erosion, or other hazards.

Transportation

The existing CPD uses and intensity do not place an undue burden on existing transportation or planned infrastructure. Three Oaks and Estero Parkways roadway links will all operate at an acceptable level of service at project buildout based on the Lee County 2015 Concurrency Report. The rezoning from CPD to RPD will generate 3,389 fewer daily two-way trips. The Subject Property is within the ¼-mile service area of LeeTran Route 60 (Stop No. 457) and falls under the ¾-mile service area for Paratransit Service.

Urban Services

Urban Services are available and adequate to serve the subject property. Public water and sewer are available to the site. The private road into the development will adequately serve the project. The surrounding area is served by various park and recreation facilities and the project will also include an on-site recreational element. Emergency Medical Services, fire, and police protection are available and adequate for the site.

Appropriateness

The proposed mixture of uses are appropriate at this location. The 60 multi-family dwelling units are similar in design to the units to the north and east and the proposed multi-family units, ancillary parking, and recreational element on the Subject Property are nearly identical to and compatible with the uses allowed in Phases I and III.

Consistency with the Comprehensive Plan

- Policy 1.1.4 – Urban Community FLU to provide for a mixture of relatively intense commercial and residential uses and limited light industrial uses.
- Objective 2.1/Policy 2.1.1 – provides for contiguous and compact development locations to contain urban sprawl, minimize energy costs, conserve land, water and natural resources, minimize the cost of services, and prevent development more distant from services and existing communities. Further provides that most residential and commercial development is expected in the Future Urban Areas on the FLUM.
- Project incorporates MF residential units within a CPD/RPD at a higher density in close proximity to commercial uses.
- The subject site is within the designated Future Urban Area of the Future Land Use Map and is situated in the Village of Estero where a concentration of residential and commercial development exists. The proposed multi-family housing will spur activity and provide living accommodations in a developing area, which helps minimize travel distances, cost of services and natural resource impacts that are associated with sprawl.

Consistency with the Comprehensive Plan

- Objective 2.2 – growth to be directed to portions of Future Urban Areas with adequate public existing facilities or are assured and where compact contiguous development patterns can be created.
- Policy 2.2.1 – Rezoning will be evaluated as to: the availability and proximity of the road network, sewer and water, community facilities and services like schools, EMS, fire, and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting public health, safety, and welfare.
- The proposed development is similar in design to the existing development to the east and north and is less intense than the previously approved commercial uses, thereby reducing the likelihood of any negative effects on the surrounding properties.
- The subject site is located with access to an available and proximate road network, which was evaluated and found to be adequate to accommodate the proposed development. The rezoning from CPD to RPD will generate less traffic and have an even lesser burden on transportation facilities.

Consistency with the Comprehensive Plan

- Objective 2.2 – growth to be directed to portions of Future Urban Areas with adequate public existing facilities or are assured and where compact contiguous development patterns can be created.
- Policy 2.2.1 – Rezoning will be evaluated as to: the availability and proximity of the road network, sewer and water, community facilities and services like schools, EMS, fire, and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting public health, safety, and welfare.
- Adequate central sewer and water lines and solid waste collection service are available to serve the site.
- The proposed development does not pose an educational impact.
- EMS, fire, and police protection are available and adequate for the site.
- Analysis for public services, including parks recreation and open space demonstrated adequate facilities are available for the anticipated development.

Consistency with the Comprehensive Plan

- Objective 4.2/Policy 4.2.1– Mixed Use Overlay encourages a mixed use pattern of development due to the close proximity to public transit routes, educational facilities, recreation opportunities, and existing residential/shopping/employment centers.
- Project conveniently located near public transit (Stop No. 457 on LeeTran Route 60), educational facilities, recreation, and existing residential and 7-11, as well as area employers.

Consistency with the Comprehensive Plan

- Policy 5.1.2 – prohibit residential development where physical constraints or hazards exist (*e.g.*, flood, storm, hurricane, unstable soil)
- Policy 5.1.3 – high-density residential developments are to be directed to locations near employment and shopping centers, close to schools and parks, and accessible to mass transit and bike facilities.
- No physical constraints exist for the property. The property is designated AE-EL17. The development will comply with the applicable floodplain regulations for a floodway area in the AE zone. The subject property is not within the coastal high hazard area and the soil and geologic conditions support the proposed development.
- Proximate to Creative World School, Three Oaks Elementary School, Three Oaks Middle School, Estero High School, Florida Gulf Coast University, Estero Community Park, Estero Fire Rescue and EMS Services Station, and South County Regional Library.

Consistency with the Comprehensive Plan

- Policy 5.1.2 – prohibit residential development where physical constraints or hazards exist (e.g., flood, storm, hurricane, unstable soil)
- Policy 5.1.3 – high-density residential developments are to be directed to locations near employment and shopping centers, close to schools and parks, and accessible to mass transit and bike facilities.
- Near employment and shopping areas located off Alico Road, Ben Hill Griffin Parkway, and Corkscrew Road (including, FGCU, Hertz, Miromar Outlets, Coconut Point).
- Within the ¼-mile service area of LeeTran Route 60 (Stop No. 457) and falls under the ¾-mile service area for Paratransit Service.

Consistency with the Comprehensive Plan

- Goal 11 – ensure 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.
- Adequate central sewer and water lines and solid waste collection service are available to serve the site and the proposed traffic impacts can be accommodated on the surrounding road network within the standard Levels of Service. Environmental review has been conducted in the course of this application and no probability of environmentally sensitive areas is identified due to the nature of the site within a RPD/CPD in which overall conservation and indigenous preserve requirements are met.

Consistency with the Comprehensive Plan

- Objective 19.1/Policy 19.1.1.c and d/Policy 19.1.3.a and e – higher density residential with an integrated form of development and a mixture of uses are encouraged in Mixed Use Overlay and redevelopment of underutilized commercial lands is also encouraged.
- Policy 19.3.2 – high density residential, with a mix of unit types, in close proximity to FGCU between Three Oaks Pkwy and I-75 are encouraged to meet the future needs of FGCU
- Meets requirements for Mediterranean style consistent with Phase I and Estero Oaks MPD.
- The project establishes a higher density with an integrated form of development within the Mixed-Use Overlay. The proposed text amendment also establishes an incentive to encourage redevelopment of underutilized commercial lands by providing for higher residential densities and mixed-use development within the Urban Community future land use designation and Mixed-Use Overlay.
- Subject Property is between Three Oaks Pkwy and I-75 and will provide student housing within ~3 miles of FGCU.

Consistency with the Comprehensive Plan

- Objective 61.3 – general water surface water management standards
- Meeting Housing Needs Objectives 135.1 and 135.4/Policy 158.1.9 – ensure that additional dwellings needed by 2025 are provided in types, costs, and locations to meet the needs of the Village population.
- Policy 158.1.9 – encourage a diverse mix of housing types, sizes, prices, and rents to accommodate current and projected needs of residents
- The water management system will be designed and permitted according to the South Florida Water Management District Environmental Resource Permitting requirements.
- The multi-family use is consistent in that the project itself contributes a mixture of housing types at a higher density.
- The project introduces multi-family housing options to support a mixture of housing types, sizes, provides, and rents in a location adjacent to CPD businesses and workplaces.

Proposed Conditions (as revised)

1. The development of this project must be consistent with the one-page Master Concept Plan entitled, "THE REEF" – PHASE II, MASTER CONCEPT PLAN – stamped received August 21, 2016. The development must comply with all of the requirements of the LDC at the time of development order approval. If approved by the Village Council, the zoning and Comprehensive Plan amendments will allow a maximum of 60 multi-family units and the maximum height of the buildings shall not exceed 35 feet and three stories.
2. The rezoning shall not be effective until such time that the Comprehensive Plan amendment is adopted and effective.
3. The applicant shall provide an enhanced buffer along Estero Parkway and Three Oaks Parkway. The buffer shall provide taller trees and additional material (including trees, shrubs, and groundcover) to provide better screening of the parking areas. The fencing material shown within the Pattern Book should also be identified on the MCP along Estero and Three Oaks Parkways. The Pattern Book should be revised to reflect these changes prior to the Village Council first reading.

Proposed Conditions (as revised)

4. Uses and Site Development Regulations:

Schedule of uses:

Accessory Uses and Structures

Administrative Offices

Dwelling Unit: Multiple-family building

Entrance Gates and Gatehouse

Essential Services

Excavation: Water retention

Fences, Walls

Home Occupation

Models: Limited to leasing of units in subject property only

Recreational Facilities: Personal and private, on-site

Residential Accessory Uses

Signs in accordance with Chapter 30 and Chapter 33 of the LDC

Proposed Conditions (as revised)

4. Uses and Site Development Regulations:

Property Development Table:

Regulations	
Height	35 Feet
Stories	3 Stories
Setbacks	
Front	20 Feet
Side	20 Feet
Rear	20 Feet
Parking	270 Spaces

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

Proposed Conditions (as revised)

6. Approval of this zoning 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.
7. Approval of this rezoning does not guarantee development order approval, or issuance of a Concurrency Certificate. Future development order approvals must satisfy the requirements of the Land Development Code and be found consistent with all other Comprehensive Plan provisions.
8. 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 of the subject property must be in compliance with LDC Section 33-16 and Section 34-625 utilizing a maximum height of 15 feet for structures. All lighting must be architecturally designed and complementary to the buildings where the lighting is located.

Proposed Conditions (as revised)

10. The Pattern Book should be revised prior to the first reading of Village Council to include plant types, varieties, sizes, and heights for the proposed landscaping and specifics on the location, type, or height for the proposed fencing
11. The development of the subject property must include a unified, common signage plan and graphic theme throughout the project as depicted in the Pattern Book. The overall Reef Project has permitted one Residential Identification Sign which is already installed at the project entrance drive. A request for deviation to authorize the proposed sign on the Master Concept plan on the southwest corner of the site has been submitted.
12. The overall project must provide a minimum of 40% open space in substantial compliance with the approved Master Concept Plan.
13. A fencing image has been provided, however the location of the fence and the details on the height are not provided on the Master Concept Plan. Any fencing must be provided on site plan in the Development Order application and approved by the Village of Estero staff or Design Review Board, as applicable prior to the issuance of a development order. Any fencing shall be concealed by landscaping.

Proposed Conditions (as revised)

14. A covenant shall be provided for parcels A & B addressing cross easements for access, parking, drainage, and recreational uses sufficient to provide for unified operation of the project.
15. The project is within hurricane evacuation zone B. Therefore, hurricane mitigation is required prior to the approval of the Development Order, based on the options provided in the Land Development Code, Section 2-485.
16. If the requested deviation for the proposed sign is not approved, the trash dumpster location must be moved to be screened and internal to the site.

Summary

Approving these requests is appropriate for the following reasons:

- The proposed development is compatible with the existing or planned uses in the surrounding area.
- The requests are consistent with the goals, objectives, and policies of the Comprehensive Plan, as amended.
- The proposed development meets or exceeds the LDC requirements.
- The proposed development will not place an undue burden on existing transportation or planned infrastructure and will be adequately streets with sufficient capacity.
- The proposed mixture of uses are appropriate at this location.