



**VILLAGE OF ESTERO
PHOENIX AT ESTERO - PLAZA DEL SOL
COMMERCIAL PLANNED DEVELOPMENT AMENDMENT
STAFF REPORT**

PROJECT NAME: PHOENIX AT ESTERO TRACT G
CASE TYPE: PLANNED DEVELOPMENT AMENDMENT
CASE NUMBER: DCI2017 - E-004
PLANNING & ZONING BOARD DATE: February 20, 2018
VILLAGE COUNCIL DATE: TBD

REQUEST AND STAFF RECOMMENDATION

The applicant is requesting amendments to the Planned Development Zoning for a portion of the Plaza Del Sol Commercial Planned Development (CPD), located at the northeast corner of Three Oaks Parkway and Corkscrew Road. The applicant requests an increase in the allowable height for Parcel G from 35 feet or two stories to 45 feet or three stories for a 140 unit assisted living facility on 7.04 acres. The applicant is also seeking a new Deviation from the Land Development Code (LDC) for architectural elements that exceed the maximum height limitation.

Staff is recommending approval of the request with conditions.

APPLICATION SUMMARY

Applicant

Echelon Senior Living Group, LLC

Location

The subject property is located at the northeast corner of Three Oaks Parkway and Corkscrew Road at 10251 Arcos Ave. The subject property STRAP number is 35-46-25-E1-3100G.0010.

Request

Commercial Planned Development (CPD) amendment to increase maximum height from 35 feet or two stories to 45 feet or three stories to accommodate up to 140 units for a proposed assisted living facility on 7.04 acres. Deviate from Land Development Code (LDC) height limitations to allow a cupola with a maximum roof height of 56 feet.

LAND USE CATEGORY

Urban Community (Proposed Transitional Mixed Use)

PUBLIC INFORMATION WORKSHOP

A public information workshop for this application was held at the Planning and Zoning Board on June 20, 2017. No public comments were received. The Planning and Zoning Board raised questions regarding fire access, stormwater permitting, and affordability of the units was questioned. The applicant provided that fire access will be provided to the 3-story portion of the development by demonstrating stabilized fire access at the time of development order application for the project. The applicant also provided that stormwater management permitting will be addressed at the time of development order application. The applicant responded to the affordability question by stating they are looking into potentially including studio units in addition to the one and two bedroom units, and has increased the potential of the number of units to a maximum of 140. Staff notes that the applicant has concurrently submitted a Development Order (DOS2018-E001) for a 124 unit assisted living facility.

PROJECT HISTORY

The property that is the subject of this request is a portion of a larger development known as Plaza Del Sol. The subject site is a portion of one parcel, Parcel G, within the larger Plaza Del Sol development. The subject site is approved for the assisted living facility use that is proposed to be developed on the site. The applicant desires additional height than what is approved. The history of the property is discussed in greater detail below.

The larger 38 acre site, originally known as "Corkscrew Crossing", was rezoned from agricultural (AG-2) to Commercial Planned Development to permit a community shopping center on November 13th, 1989 (Resolution Number Z-89-051). The site of this request was located in a portion of Parcel A and Parcel H. Parcel H was approved with an adult congregate living facility as an alternative to a hotel or motel use. Parcel H had an approved height of four stories, or 50 feet above average grade. This approval vacated and a new Master Concept Plan was adopted (by Resolution Z-94-050) on December 5th, 1994. Within this Master Concept Plan, the subject site was included in a portion of Parcel A and Parcel G. Parcel G was approved with an adult congregate living facility as an alternative to a hotel or motel use. Parcel G had an approved height of four stories, or 50 feet above average grade.

The applicant in 2002 filed a request to amend the existing (Corkscrew Crossings) Commercial Planned Development (as contained in Resolution Z-94-050) to revise the schedule of uses, increase the permitted gross square footage, allow additional lots, relocate an on-site lake, and revise the open space calculations, deviations, and site development notes. Resolution Z-94-050 was replaced in its entirety with Resolution Number Z-03-039 (which also renamed the project as "Plaza Del Sol"). The subject site was depicted as being located wholly within Parcel G. The approval did not include adult congregate living facility. The approval did include Design Guidelines (Revised 07/14/03) that were adopted as part of the project.

In 2008 the applicant filed a request to amend the Plaza Del Sol Commercial Planned Development (CPD) to add Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU) as allowable uses to the currently approved schedule of uses on Parcel G. The applicant requested 272 ALF/CCF units which was reduced to 268 ALF/CCF units or 134 independent living units or the equivalent of 67.62 dwelling units (a maximum of 6.0 dwelling units on 11.27 acres of land). This request was approved on February 1, 2010 (as contained in Resolution Number Z-09-037). This resolution limited maximum building height to 35 feet or two (2) stories. Previous approvals (Resolution No. Z-03-039, ADD2004-00068, ADD2005-00016, ADD2005-00197 and ADD2006-00079) were superseded by the adoption of Resolution Number Z-09-037.

The subject site of this request is vacant. The subject site is a portion of Parcel G of the plat of Plaza Del Sol (Plat Book 80, Pages 74-76). The Plat was recorded on January 31st, 2005. The plat mirrors the Master Concept Plan contained in Resolution Number Z-09-037. Various parcels of the plat remain vacant but several have been developed such as Culver's Restaurant on Parcel F and Classic Car Wash on Parcel H. The existing building on the western portion of Parcel G consists of 39,234 square feet of medical office (Estero Medical Center).

The Estero Medical Center applied for an amendment to Resolution Number Z-09-037 to eliminate the maximum building side setback of five feet. Village Council adopted this elimination on May 18th, 2016 (Ordinance No. 2016-05).

PROJECT DESCRIPTION

Plaza Del Sol is located in the northeast quadrant of the intersection of Corkscrew Road and Three Oaks Parkway. The subject property is 7.04 acres internal to the site in the northeast portion of the development adjacent to the on-site stormwater lake and the Estero Medical Center.

The applicant is requesting an amendment to the adopted master concept plan to update the master concept plan for Parcel G to reflect the proposed ALF plan and to increase maximum height from 35 feet or two stories to 45 feet or three stories for the proposed facility. The applicant provides that the project architecture provides for varied building heights and that the project locates the three-story portion of the proposed building to the rear of the development, adjacent to the existing stormwater management tract for the subdivision.

The applicant is also seeking one new Deviation, Deviation 12. Deviation 12 requests to deviate from LDC Section 33-229 which provides that buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less in height, to permit a maximum roof height of 56 feet for elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines as provided for in the pattern book (page 12).

MASTER CONCEPT PLAN

The applicant is proposing an access point on Arcos Avenue as well as two vehicular interconnections with the adjacent Estero Medical Center. The Master Concept Plan includes a pedestrian connection (sidewalk) at each vehicular access point as well as internal sidewalks. The plan includes several outdoor plazas that will function as public gathering spaces as well as a proposed pool in one of the proposed outdoor plazas. The proposal includes a single building that has multiple floors (2 or 3) depending on location. The proposal provides 78 parking spaces including 4 handicap spaces. LDC Section and Table 34-2020 (a)(4) provides that assisted living facilities are required to provide 0.54 spaces per unit. For the requested 140 units this equates to 76 parking spaces ($140 \times 0.54 = 75.6$ or 76 parking spaces). If the 124 unit facility is ultimately constructed on the site per the development order application, 67 spaces would be required ($120 \times 0.54 = 66.96$ or 67 parking spaces). The submitted Development Order for 124 units provides 78 parking spaces. Staff concludes the proposed facility meets the required amount of parking spaces. The Master Concept Plan also includes a 10 foot wide stabilized fire access on the east side of the proposed building.

The architectural style is Mediterranean, consistent with the architectural vision of the Village of Estero as well as the Plaza Del Sol Design Guidelines. The site will connect to the existing five foot sidewalk system along Arcos Avenue. Sidewalks are provided throughout the project providing pedestrian access to the building and parking areas. The proposed plan includes bike racks at both the main and employee entrances.

The applicant has indicated that the proposed right of way buffer located along Arcos Avenue will be expanded from 15 feet in width to 20 feet in width. The applicant is also providing more open space than what is required, 30% provided, 10% required. Condition #12 of Resolution Number Z-09-037 provides that prior to local development order approval for this parcel, development order plans must depict a minimum of 10% open space is provided within this parcel.

PATTERN BOOK

The applicant has submitted a pattern book consistent with the requirements of LDC Chapter 33, Subdivision VI. The pattern book includes information concerning the architectural style of the proposed facility including building details. The pattern book also includes a site plan that provides the building and parking lot layouts as well as stormwater detention areas. The Master Concept Plan provides information concerning pedestrian interconnects with adjacent properties as well as internal pedestrian and bicycle (bike rack) facilities. The pattern book also includes information concerning the landscape design and landscape plan for the proposed facility.

SURROUNDING ZONING AND LAND USE

North - Stormwater management tract for the Plaza Del Sol development. This tract contains a lake. North of the lake is Calvary Chapel and then vacant property designated as Urban Community or Wetlands Future Land Use categories (Proposed Transitional Mixed Use).

East - Plaza Del Sol stormwater management tract containing a lake then the Estero Interstate Commerce Park Commercial Planned Development. Estero Interstate Commerce Park has been developed with a variety of uses including multi-family apartments, the Embassy Suites Hotel, a Mobil gas station, and an Applebee's restaurant. A Springhill Suites Marriott Hotel is proposed to be developed north of Corkscrew Commons Drive. There is also a Speedway gas station located along Corkscrew Road between Plaza Del Sol and Estero Interstate Commerce Park. Estero Interstate Commerce Park is located in the General Interchange Future Land Use category (Proposed Transitional Mixed Use).

South - Arcos Avenue, then 2 outparcels that are included in the Plaza Del Sol development. One outparcel is vacant, the other contains a Culver's restaurant. Across Corkscrew Road is the Estero Town Center CPD containing a Lowe's and other outparcel uses such as Ruby Tuesday. The land use designation is Urban Community (Proposed Transitional Mixed Use).

West - Estero Medical Center then Arcos Avenue, then 2 vacant outparcels then Three Oaks Parkway. Across Three Oaks Parkway is the Lee County South County Regional Library facility. These properties are located in the Urban Community Future Land Use category (Proposed Transitional Mixed Use) with the exception of the library which is located in the Public Facilities Future Land Use category.

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, height, compatibility, and Comprehensive Plan considerations (including Estero-specific goals and policies).

The Planning and Zoning Board will review the project on February 20th and will provide a recommendation to Council. In order to assist, staff has provided a summary of the project's

advantages and disadvantages below. Following this section is more information on each of the issues.

SUMMARY OF ADVANTAGES AND DISADVANTAGES

Disadvantages:

- Located in an area of primarily commercial uses.
- Lack of nearby commercial establishments to provide daily needs such as a grocery store.
- There is an existing traffic congestion issue on Corkscrew Road.

Advantages:

- The proposal is located internal to the Plaza Del Sol planned development adjacent to the Estero Medical Center.
- The surface parking is buffered from the internal roadway, Arcos Avenue, by a 20 foot wide roadway buffer and a dry retention area that is planted with a variety of trees and ground covers, creating a green buffered area from the adjacent right-of-way. These design features have the effect of providing more buffering than is required.
- The project will result in landscaping being installed on the site including a roadway buffer being installed adjacent to that portion of Arcos Avenue that abuts the subject site. The applicant is providing a minimum width of 20 feet for this roadway buffer, 15 feet is required per approved Deviation #9.
- The project is providing additional open space. Ten percent open space is required on this parcel, the applicant has committed to providing 30% open space.
- The project will provide an integrated public walking path with benches and enhanced landscaping.
- The architectural style is Mediterranean consistent with Village and Plaza Del Sol design requirements.
- The proposed use is a low intensity use that will generate fewer trips than what other permissible retail uses could generate.

HEIGHT AND DENSITY

Section 33-229 of the Land Development Code limits height of buildings outside of the Highway Interchange Areas to a maximum of three stories or 45 feet, whichever is less. This section of the code also provides that "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. Resolution Z-09-037 specifies a maximum building height of 35 feet or two stories for the Plaza Del Sol planned development. The applicant requests an increase in the allowable height for Parcel G to 45 feet or three stories, and 56 feet for the cupola.

Density of the ALF units is controlled by Resolution Z-09-037 (see condition 1.D. thru F.). A maximum of 268 units are allowed. The applicant is requesting 140 units, less than the maximum permissible number of units. Project density is further discussed under the Comprehensive Plan Considerations section below.

ENVIRONMENTAL ISSUES

Staff believes there are no environmental issues with the subject site. Staff has performed an inspection on the property. The following are the findings:

- The property has been cleared.

- There are no wetlands on the site.
- There are no native vegetative communities or critical habitat that could support listed species.
- There are no imperiled (listed) species on the site and no potential since there is no critical habitat.
- There are no floodways.
- The site falls within the Special Flood Hazard Area (AE-EL 16 & AE-EL 17) and therefore will need to adhere to the criteria in LDC Sections 6-401, which applies to development in a flood hazard area and 10-253, regarding soil conditions in a flood hazard area.
- This is a highly disturbed site. Most of the site is maintained in a mowed state but there are scattered native and non-native vegetation on the site.

FLOOD ISSUES

As mentioned above, the site falls within the Special Flood Hazard Area (AE-EL 16 & AE-EL 17). The proposed building is located within the AE-EL 16 flood zone. Staff recommends that a condition be included in any zoning amendment approval confirming that the finished first floor must meet base flood elevation (AE – EL 16) plus one foot of free board. The applicant has indicated that the first floor elevation will be 19.50 NGVD.

EMERGENCY PREPAREDNESS PLAN/HURRICANE SHELTER/EVACUATION IMPACTS

The subject property is located in a Category 3 Storm Surge Zone as depicted in the Storm Tide Atlas of Lee County prepared by the Florida Division of Emergency Management and the Southwest Florida Regional Planning Council (Volume 7-9, Book 5 of 6). The subject site is NOT located in the Coastal High Hazard area.

The Transitional Comprehensive Plan includes a goal, Goal 102, that addresses people with special needs and the need to assist in emergency preparedness requirements of the county's (village) elderly, frail, infirmed, or handicapped (people with special needs). This goal includes a policy, Policy 102.1.1, that requires several types of facilities to prepare an emergency preparedness plan acceptable to the Lee County Division of Public Safety prior to receiving a final development order. This policy is reproduced below:

POLICY 102.1.1: *New hospital, nursing home, adult congregate living facility, or developmentally disabled projects must prepare an emergency preparedness plan acceptable to the Lee County Division of Public Safety prior to receiving a final development order.*

The proposed ALF is required by this policy to prepare an emergency preparedness plan. Staff recommends that a condition be included in any zoning amendment approval confirming this property's obligation to prepare an emergency preparedness plan.

The LDC includes (Chapter 2, Article XI. Hurricane Preparedness) provisions that address the impacts created by residential development on hurricane shelter availability and evacuation capability in Lee County. These regulations are applicable to ALF facilities. Chapter 2 includes multiple options that are available to the project developer to address these impacts prior to the issuance of the development order. Staff recommends that a condition be included in any zoning amendment approval confirming this property's obligation to address the project's shelter and evacuation impacts consistent with the requirements of Chapter 2.

TRANSPORTATION ISSUES

The request does raise a level of service issue on Corkscrew Road as identified in the Village of Estero Area-Wide Traffic Study. The Village of Estero Area-Wide Traffic Study shows that Corkscrew Road from Three Oaks Parkway to I-75 is failing in the PM peak hour based upon the 2017 Existing Volume. Staff would not normally recommend approval with a level of service issue but the request is for a use that generates very low number of trips and the Florida Department of Transportation has funded interim improvements that address the identified level of service issue.

The applicant has provided a Traffic Impact Statement for the ALF at Plaza Del Sol dated July 6, 2017 by JMB Transportation Engineering, Inc. The Statement concludes that the proposed Assisted Living Facility (ALF) will not have a significant impact upon Three Oaks Parkway or Corkscrew Road:

It was verified that both roadways have a surplus of capacity and can accommodate the traffic associated with the proposed development of the ALF at Plaza Del Sol, as well as the build-out of the remaining vacant parcels within Plaza Del Sol.

The impact statement also noted that the development of an ALF on Parcel G will result in fewer site-generated trips than what would otherwise be generated if the project were to be completed based upon the existing land uses and remaining land use entitlements. The submitted impact statement provides that 268 ALF units will generate on average 734 trips a day. The applicant's engineer has indicated to staff that the 140 ALF units will generate on average 384 trips a day.

During the review of this request, Village staff raised the issue that the Village of Estero Area-Wide Traffic Study shows that Corkscrew Road from Three Oaks Parkway to I-75 is failing in the PM peak hour based upon the 2017 Existing Volume. The applicant responded with the following discussion:

The Florida Department of Transportation (FDOT) has funded improvements to the Corkscrew Road & I-75 Interchange that should substantially improve traffic flow along Corkscrew Road (between Three Oaks Parkway and Ben Hill Griffin Road). The "on-ramp" Interchange improvements will be completed by the year 2019/2020 which include constructing eastbound and westbound dual left turn lanes and extending the eastbound and westbound right turn lanes. These Interchange improvements should significantly reduce the frequency of "on-ramp" queuing that encroaches into the eastbound and westbound thru lanes during peak season conditions. FDOT has estimated that the interchange will operate at LOS D conditions with the completion of these improvements. Long-term improvements will likely warrant 6-lanes for Corkscrew Road between Three Oaks Parkway and I-75. There is adequate right-of-way to widen Corkscrew Road to 6-lanes, but Lee County Government has not yet funded the improvements. Plaza Del Sol has and will pay its fair share of roadway improvements via payment of road impact fees.

Pursuant to a signalization agreement as a part of development order number DOS2002-00172, Plaza Del Sol is responsible for a proportionate share of the cost of the signalization of the intersection of Puente Lane and Corkscrew Road at such time as the required warrants for signalization are met. Staff recommends that a condition be included in any zoning amendment approval confirming this property's obligation to participate in the funding of the signal.

UTILITIES

The subject property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services as depicted on Maps 6 and 7 of the Lee Plan. The applicant has obtained a service availability letter, dated July 6, 2017, from Lee County Utilities. This letter provides that the applicant estimates that the ALF project will have an estimated flow

demand of approximately 16,100 gallons a day; and Lee County Utilities has sufficient capacity to provide potable water and wastewater service.

NEIGHBORHOOD COMPATIBILITY ISSUES

Staff does not believe that the request raises neighborhood compatibility issues. The adjacent uses are all commercial uses or internal stormwater facilities to the Plaza Del Sol development.

COMPREHENSIVE PLAN CONSIDERATIONS

The Future Land Use designation of this property is Urban Community. The Urban Community designation is intended for areas characterized by a mixture of relatively intense commercial and residential uses with future development in this category encouraged to be developed as a mixed-use where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre) only with "bonus" density. The calculation of density for this parcel for ALF uses was previously done when these uses were added to the planned development. The 7.04 acre site would permit 42 dwelling units or 168.96 ALF units (the original calculations included a percentage of the internal roadways that provide access to the ALF site). The request is for 140 ALF units. The request meets density requirements.

The applicant provides that the existing zoning approval was deemed consistent with the Comprehensive Plan and that the development plan continues to be consistent with the Urban Community and other plan Policies. The applicant further states that the requested increase in maximum height has no effect on the project's consistency. Staff agrees because the applicant is simply seeking additional building height as well as providing a Master Concept Plan for the already approved ALF use. The subject site is located near the Estero Interstate Commerce Park Commercial Planned Development which contains a hotel, Embassy Suites which is taller than the proposed building. Estero Interstate Commerce Park is also the location of a proposed Springhill Suites Marriott Hotel which will be taller than the proposed building. The additional height is oriented to the rear of Parcel G towards the stormwater lake parcel. The additional height has been internalized to the Plaza Del Sol Development, away from adjacent parcels and rights of ways.

An evaluation of other pertinent Comprehensive Plan Policies is provided below.

OBJECTIVE 19.1 CHARACTER AND LAND USE: Promote the community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place.

The proposed development has three stories of ALF use. However, the applicant is providing additional open space than what is required. Condition 12 of Resolution Z-09-037 provides that "prior to local development order approval for the undeveloped 7.08 acre portion of Parcel G, development order plans must depict a minimum of 10% open space is provided within the 7.08 acre project boundary. The Pattern Book, on page 23, provides that the open space provided by the project exceeds 30%.

The proposal includes landscaping, a pedestrian system, a pool, and several outdoor plazas that promote a visually attractive community. The outdoor plazas and other shaded seating areas foster a unique sense of place. The Mediterranean architecture style of the project is consistent with the community character of the Village of Estero.

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:*

- a. *Require, where feasible, interconnects with adjacent uses;*
- b. *To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;*
- c. *Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and*
- d. *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 Village of Estero.*

The project includes internal sidewalks which connect the building and parking areas with sidewalks on Arcos Avenue and then to Corkscrew Road and Three Oaks Parkway. The Plaza Del Sol development includes an internal frontage road, Arcos Avenue, that connects to the internal frontage road, Corkscrew Commons Drive, within the Estero Interstate Commerce Park development as well as providing the opportunity to provide a connection to the north to the Calvary Chapel property. Lee Tran route 60 is located on Three Oaks Parkway and Corkscrew Road with stops located on the other side of these roads. The proposed ALF facility will include a shuttle van for the use of project residents.

POLICY 19.6.1: *Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities.*

The proposal is proposing 2 outdoor plazas that are oriented to the neighboring lake. A public seating area is also provided at the access point with Arcos Avenue. These amenities expand the variety of public and private spaces within the Plaza Del Sol development and the immediate area as well. The outdoor plazas will be open to facility residents and visitors.

Staff finds that the request for additional height is consistent with the Comprehensive Plan and is compatible with the surrounding existing and planned developments.

DEVIATIONS

Previous approvals (Z-03-039 & Z-09-037) reference 11 Deviations, six of which have been previously withdrawn. The applicant is seeking to utilize Deviation 11 as well as proposed Deviation 12. Staff discusses all of the previous deviations as well as proposed Deviation 12 below.

Deviation 1 sought relief from the LDC Section 10-329(d)(1)(a)(3) requirement to provide a water retention setback of 50 feet from private property under separate ownership, to allow a setback of 25 feet. This Deviation was utilized in the installation of the stormwater lake located north and east of the subject site.

Deviation 2 sought relief from LDC Section 10-285(a) requirement to provide a separation distance of 660 feet on an arterial road, to allow a separation distance of 556 feet. This Deviation was utilized to install the Puerto Way connection to Corkscrew Road 556 feet west of the Puente Lane connection to Corkscrew Road.

Deviations 3, 4, 5, 6, and 7 were withdrawn.

Deviation 8 sought relief from LDC Section 34-1044(b) (now Section 33-351) requirement of a Type A buffer between commercial properties to allow a conservation easement in the northeast portion of the CPD to substitute for a Type A buffer between commercial properties. The conservation easement has been recorded and the conservation area exists northeast of the stormwater lake.

Deviation 9 sought relief from Section 34-1044(b) which requires a Type D buffer between commercial zones and a right-of-way to allow a reduction in the width of the buffer from 20 feet to 15 feet but still provide the same vegetation as required by a Type D buffer. The proposed ALF facility will install a 20 foot wide Type D buffer along Arcos Avenue.

Deviation 10 was withdrawn.

Deviation 11 sought relief from Section 33-351 requirement to provide a Type A buffer between commercial properties, to allow no buffer between the existing and future development on Parcel G. The applicant is proposing to utilize this approved deviation between the proposed ALF facility and the existing Estero Medical Center. The Master Concept Plan for the ALF facility includes a landscaped dry detention area between the two facilities.

The applicant as part of this application has requested a new Deviation, Deviation Number 12.

12. Deviation (12) seeks relief from the LDC §33-229 which limits buildings outside of the Interstate Highway Interchange Areas to a maximum of three stories or 45 feet whichever is less to allow the cupola on the north elevation a maximum height of 56 feet.

The applicant has provided the following justification:

This deviation is being requested due to the comments received from the Design Review Board public informational meeting on December 13, 2017 for the pending development order application for the project. The board directed the architect to break up the roofline and provide towers and that a deviation from the 45 feet in height would be supported to allow for the architectural enhancements. Approval of this deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to the health, safety or welfare of abutting property owners or the general public.

Approval of this deviation will allow the placement of a cupola on the roofline which will break up the roofline and provide further architectural interest to the proposed building. Staff agrees that approval of the deviation will enhance the achievement of the objectives of the planned development and will not cause a detriment to the health, safety or welfare of abutting property owners or the general public. Staff recommends approval of this deviation.

FINDINGS AND CONCLUSIONS

After balancing the advantages and disadvantages of this project and its impacts, based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.

2. The Village of Estero Area-Wide Traffic Study shows that Corkscrew Road from Three Oaks Parkway to I-75 is failing in the PM peak hour based upon the 2017 Existing Volume. The Florida Department of Transportation (FDOT) has funded interim improvements to the Corkscrew Road & I-75 Interchange that should improve traffic flow along Corkscrew Road between Three Oaks Parkway and Ben Hill Griffin Road. FDOT is constructing “on-ramp” Interchange improvements which will be completed by the year 2019/2020 which include constructing eastbound and westbound dual left turn lanes and extending the eastbound and westbound right turn lanes. These Interchange improvements should reduce the frequency of “on-ramp” queuing that encroaches into the eastbound and westbound thru lanes during peak season conditions. FDOT has estimated that the interchange will operate at LOS D with the completion of these improvements. 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.
3. The application is generally compatible with existing or planned uses in the surrounding area. Staff notes that the proposed use is set back a considerable distance to adjacent commercial uses (The proposed ALF building is setback 91 feet from the common property line with the Estero Medical Center and 92 feet from Arcos Avenue).
4. Urban services will be available and adequate to serve the proposed use.
5. The request will not adversely affect environmentally critical areas and natural resources.
6. The proposed use, with the proposed conditions, is appropriate at the subject location.
7. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public’s interest created by or expected from the proposed development.
8. The deviations recommended for approval:
 - a. Enhance the planned development; and
 - b. Preserve and promote the general intent of the LDC to protect the public, health, safety and welfare.

ATTACHMENTS

- A. Zoning Map
- B. Future Land Use Map
- C. Recommended Conditions
- D. Master Concept Plan
- E. Pattern Book
- F. Lee County Utilities Availability Letter
- G. Solid Waste Letter
- H. Zoning Resolution Z-09-037
- I. Zoning Resolution Z-03-039
- J. Applicant’s Amended Application and Information