



**CORKSCREW CROSSING RPD**  
***Amendment to Residential Planned Development***  
**Zoning Staff Report**  
**For Village Council**

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**PROJECT NAME:** CORKSCREW CROSSING RPD  
**CASE TYPE:** PLANNED DEVELOPMENT AMENDMENT  
**CASE NUMBER:** DCI2014-00022  
**PLANNING & ZONING BOARD DATE:** JUNE 18, 2019  
**COUNCIL 1<sup>ST</sup> READING DATE:** JULY 24, 2019

**REQUEST**

The applicant is requesting amendments to the Planned Development Zoning for a 395.6-acre residential project located on the south side of Corkscrew Road, east of I-75 between Wildcat Run and the Preserve at Corkscrew.

The applicant is proposing 590 primarily single-family or single-family attached residential units (up to 70 of the total units could be multi-family townhome units) with a clubhouse/amenity area, maximum building height of 45 feet and deviations for several items. The property was previously rezoned by Lee County in 2007 for 724 residential units for a project known as Monte Cristo, primarily multi-family, but not built.

**BACKGROUND**

This rezoning amendment was submitted to Lee County prior to Village incorporation. The applicant has been pursuing an Environmental Resource Permit from the South Florida Water Management District since that time. The permit was issued on December 18, 2018.

Additionally, the applicant filed an administrative challenge to the Village's first Comprehensive Plan that was adopted in June, 2018. The Village and the applicant subsequently entered into discussions pertaining to the administrative challenge. A settlement agreement was reached among the parties on May 1, 2019. Under the terms of the agreement, the Village Council will consider a Comprehensive Plan Amendment and rezoning for the property.

## **PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board reviewed this case at its June 18, 2019 meeting. The Board voted to recommend rezoning approval with the staff conditions and approval of the requested deviations. The vote was 5-1 (Board Member King against, Board Member Gargano absent).

## **STAFF RECOMMENDATION**

*Staff is recommending approval with conditions of the rezoning request, contingent on a Comprehensive Plan Amendment relating to wetlands Policy Future Land Use 1.2.3. being adopted and becoming effective. The Comprehensive Plan Amendment is being processed concurrently with the rezoning.*

There are several reasons for the staff recommendation:

- The number of units has been reduced from 724 through negotiation and will not exceed 590.
- The composition of units has changed to be primarily single-family compared to the original project which was mostly multiple-family.
- The height of the residential buildings has been reduced to 2-stories (from 3-4 stories) which will be more compatible with the other residential developments adjacent to this project.
- The applicant has recently been issued an Environmental Resource Permit from the South Florida Water Management District, allowing the filling of certain wetlands.
- A preserve area of almost 225 acres (mostly wetlands) has been set aside and there will be a conservation easement on this property dedicated to the appropriate agencies, including an easement in favor of the Village.
- The applicant has offered a voluntary contribution of \$750,000 to the Village for the purchase of lands within the Village for preservation of environmentally sensitive lands, prior to any construction on the site.
- The 4-laning of Corkscrew Road from Ben Hill Griffin Parkway to Bella Terra is now included in the Lee County Capital Improvements Plan and design is underway.

## **REQUEST**

Residential Planned Development amendment (rezoning) to:

1. Reduce the total number of units from 724 to 590;
2. Change the product mix to allow the units to be single-family (including single-family attached and zero lot line) with up to 70 of the total 590 to be townhome multi-family units;
3. Adopt a new Master Concept Plan; and
4. Add deviations.

## **APPLICATION SUMMARY**

### **Applicant**

J. Dean Templeton as Trustee of the Templeton Family Trust under the agreement dated May 25, 1984

### **Authorized Agent**

Q. Grady Minor and Associates, P.A. / D. Wayne Arnold

### **Additional Agents**

Neale Montgomery, Pavese Law Firm  
Scott Bland, Argo US, LLC

### **Location**

The subject property is located on the south side of Corkscrew Road between Wildcat Run and the Preserve at Corkscrew, at 12840 and 12970 Corkscrew Road. The subject property STRAP numbers are 19-46-26-E3-U2613.2570, 30-46-26-E3-U2598.2485 and 31-46-26-E3-U2585.2313.

### **Size of Property**

395.6 acres

## **ZONING**

Residential Planned Development

## **LAND USE CATEGORY (as adopted June 13, 2018)**

Village Neighborhood 1: 54 acres

Wetlands: 341 acres

## **PUBLIC INFORMATION MEETINGS**

Two public information meetings for this application were held at the Planning and Zoning Board: June 30, 2015 and February 20, 2018. The project also had meetings prior to Village incorporation at the Estero Community Planning Panel on October 20, 2014 and February 16, 2015.

## **PROJECT HISTORY**

The property was rezoned by Lee County in 2007 by Resolution Z-07-047 from Agriculture to Residential Planned Development. The project, formerly known as Monte Cristo, was approved for a total of 724 residential units, including 130 single-family and 594 multiple-family units. The site is undeveloped.

## **PROJECT DESCRIPTION**

The applicant is requesting an amendment to the Residential Planned Development. The property was rezoned by Lee County in 2007 but has not been developed. The site is located on Corkscrew Road east of Wildcat Run and west of the Preserve at Corkscrew development. The applicant is changing the unit mix to be primarily single-family or single-family attached or zero



lot line units in lieu of the prior project rezoning which was primarily multi-family. The new proposal would allow 70 of the 590 units to be townhomes.

**MASTER CONCEPT PLAN**

The applicant has provided a revised Master Concept Plan for the site dated April, 2019 which proposes a main entrance along Corkscrew Road and a potential emergency access on Corkscrew Road, approximately 800 feet west of the main entrance. This location has been revised from a prior proposal which would have interconnected with Wildcat Run on the project’s western boundary. The site plan shows 2-lane internal private roadways, extending in a generally north-south direction to the proposed preserve area. The subdivision layout, including the roads, is conceptual and could be modified within the same footprint during the development order process when more specific information will be available.

The majority of the developed area will be single-family or two-family attached residences.

A proposed multi-family and/or single-family/two-family attached area is located on the northern portion of the site. There is a large proposed wetland and upland preserve area on the southern part of the site comprising 225 acres. An amenity center is shown on the site plan near the project entrance which could include a clubhouse, pool or fitness center. The project is proposed to be gated and walls are also requested.

There is a 50-foot wide drainage and landscape buffer easement shown along the east property line that extends southward until it reaches the proposed preserve area, then extends westward and southward along part of the preserve boundary. The site plans shows a 5-foot buffer (15-foot wide for multi-family) with a deviation adjacent to Wildcat Run, a 25-foot buffer along Corkscrew Road, and no buffer east or south of the project adjacent to the preserve area. The site plan also references an Argo/Wildcat Run Planting Plan which is described later in this staff report.

**COMPARISON OF PRIOR PLAN TO PROPOSED PLAN**

A comparison of the prior County-approved plan and the new proposal is shown below:

	<b><u>County Approved Zoning</u></b>	<b><u>Proposed Project</u></b>
Number of Units	724	590
Type of Unit	Primarily multi-family (max 130 single-family of the 724 total)	Primarily single-family (max 70 townhome multi-family of the 590 total)
Development Area	165 acres	170 acres
Preserve Area	231 acres	225 acres
Height	35-48 feet (3-4 stories)	35-45 feet (2 stories residential)
Deviations	10 approved	8 requested
Interconnection	Emergency access to Wildcat Run	Emergency access/deviation requested on Corkscrew Road
Access	Common entrance with Wildcat Run	Access aligns with WildBlue on north side of Corkscrew Road



## **SURROUNDING ZONING AND LAND USE (LAND USE as adopted June 13, 2018)**

North – Corkscrew Road, then WildBlue development (Lee County in DR/GR) and a small portion of Grandezza in Suburban and Wetlands land use, both zoned as Mixed Use Planned Development

East – The Preserve at Corkscrew development, zoned Residential and Commercial Planned Development, zoned for 520 residences, 40,000 square feet commercial and 35 feet maximum building height, developed; and with single-family homes (located in Village Neighborhood 1 and Wetlands land use categories)

Portion of Bella Terra, zoned Residential Planned Development, located adjacent to proposed preserve area (Village Neighborhood 1 and Wetlands land use categories)

South – Edison Farms Property (Lee County Conservation 2020 preserve area), zoned AG-2, undeveloped and primarily Wetlands (County DR/GR land use category)

West – Wildcat Run residential development zoned PUD in 1980, located in Village Neighborhood 1 and Wetlands land use categories, and

Undeveloped wetland preserve area located south of Wildcat Run which is mitigation for the Preserve at Corkscrew development, under a conservation easement, primarily in the Wetlands land use category

## **AGREEMENT WITH WILDCAT RUN**

Staff has been contacted by an attorney for the Wildcat Run Community Association, indicating that the association has entered into an agreement with Argo Land regarding the Corkscrew Crossing development. The Association wants to ensure that this agreement is included in any zoning approval to protect the Association's interests.

The agreement signed by the President of the Community Association and the manager of Argo Land US LLC in January, 2016 is for an enhanced landscape buffer, expanded swale easement, access easement and maintenance agreement. The buffer is described in the agreement and a reference is noted on the proposed Master Concept Plan to the Argo/Wildcat Run Planting Plan.

## **STAFF ANALYSIS**

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, stormwater management, height, compatibility, deviations, and Comprehensive Plan considerations under the Village's adopted but not yet effective Plan.

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**

### Advantages:

- The project is 134 fewer units than previously approved (reduced from 724 to 590).
- The proposed project will include a conservation easement for a 225-acre wetland and upland preserve to which the Village will be a party.
- The height of the residential units has been reduced from the prior project to 2-story maximum
- The product mix is primarily single-family and two-family attached units.
- The applicant has offered a contribution of \$750,000 to the Village for use in preservation of environmentally sensitive lands in the Village (in addition to the mitigation required by the other agencies such as South Florida Water Management District). These funds can be used to purchase or maintain environmentally sensitive lands in the Village.

### Disadvantages:

- The project will add approximately 5,600 vehicle trips per day to Corkscrew Road.
- Although the project comprises fewer units than the County-approved Monte Cristo project, the development area (footprint) is slightly larger.
- The project will impact over 159 acres of wetlands (mitigation has been required by agencies, and the applicant has offered a contribution to the Village to be used for environmentally sensitive lands preservation).

## **Pattern Book**

The applicant submitted a Pattern Book dated September 28, 2018 depicting a general schematic of what the development will look like. The Pattern Book depicts a potential range of styles of residential development. Also included is a generalized site plan and pictures of landscaping examples. The applicant does not know at this time what the architecture will look like for the residential development. A more detailed review will be conducted by the Design Review Board when the actual development order site plan is submitted. It should be noted that Pattern Books typically focus on the appearance of a project from the main roadways. This project, for the most part, is not visible from Corkscrew Road so the focus of the Pattern Book review is more on the area along Corkscrew Road, and ensuring compatibility with adjacent developments.

## **Environmental Issues**

### Wetlands -

The property is 395.6 acres in size. Approximately 14%, or 54 acres is designated Uplands. The remaining 341.6 acres or 86% of the property is designated Wetlands. Of the 341 acres, the applicant proposes to impact 159 acres of wetlands. Some of these wetlands are identified as high-quality and moderate-quality wetlands. Staff and the applicant negotiated to preserve more high-quality wetlands as part of the settlement agreement. An upland and wetland preservation area of almost 225 acres in the southernmost portion of the site will be set aside with a conservation easement as preserve area. Mitigation will be required by permitting agencies, including mitigation conditions of the South Florida Water Management District permit. The applicant has verbally indicated that some mitigation will be onsite, by removing exotics from



preserve areas and maintaining it to prevent the spread or regrowth of exotics. The applicant has indicated that an entity such as a Community Development District will be established to be the entity responsible for maintenance. Offsite mitigation is also included as part of the water management district permit conditions.

The South Florida Water Management District issued an Environmental Resource Permit on December 18, 2018. Permits will be needed from the US Army Corps of Engineers.

A “biological opinion” letter was issued in January, 2018 by the US Fish and Wildlife Service.

#### Open Space and Buffers -

The Master Concept Plan shows the following buffers:

- North (Corkscrew Road) – 25-foot wide buffer (Type D) with 5 trees per 100 linear feet and a continuous double row hedge maintained at 36 inches in height.
- East – 50-foot wide drainage and landscape buffer easement, no buffer along preserve areas.
- West – 5-foot wide buffer (Type A) with 4 trees per 100 linear feet and no shrubs adjacent to single-family areas, 15-foot wide (Type B) buffer adjacent to Multi-family areas.
- South – no buffer (adjacent to Edison Farms)

It should be noted that Wildcat Run and the applicant’s representative have negotiated an agreement for an enhanced landscape buffer along Wildcat Run. This buffer is referenced on the site plan and per the agreement consists of 690 sabal palms and a solid screen hedge with 1,725 shrubs.

The proposed Residential Planned Development is required to provide 40 percent open space per LDC Section 10-415(a). The Master Concept Plan includes an open space calculation showing 40 percent or 158 acres of open space required. LDC Section 34-414(c)(4) requires a minimum of 10 percent open space per tract which will need to be included on the local development order plan.

#### Protected Species -

The applicant provided a Protected Species Survey in October, 2014. This technical report summarizes field observations conducted over a 4-day period which did not observe any listed species. However, evidence of Florida black bear was observed during other field work.

Additionally, panther telemetry data documents the use of the property by the Florida Panther.

A condition of any approval should include updating the Protected Species Survey, if necessary, at the time of a development order. Surveys are valid for 5 years.



### Wildlife Corridor –

The 225-acre preserve area will serve as a wildlife corridor and flow-way. The Preserve at Corkscrew development has a flow-way along its western boundary. Corkscrew Crossing proposes a 50-foot wide conveyance ditch and drainage easement along its east property line connecting to the preserve area. There is an anticipated wildlife underpass several hundred feet east of this project on Corkscrew Road which has been included in the County's design for the Corkscrew Road 4-laning.

### Protected Species Management -

The proposed indigenous preserve abuts the Edison Farms property to the south which was acquired by Lee County through the Conservation 20/20 Program. It connects to conservation lands to the east. Additionally, the proposed development abuts an indigenous preserve along the east property line that provides connectivity to the large mammal underpass on Corkscrew Road. Therefore, it will be important to incorporate measures to minimize the opportunities for human and large mammal encounters for the protection of both humans and Florida's native wildlife.

Staff is recommending conditions addressing human-wildlife coexistence, including measures to prevent Florida panthers and black bears from entering the residential tracts from both adjacent preserves and conservation lands.

### Indigenous (Native Plant) Preservation -

LDC Section 10-415(b) requires 50 percent of the required open space to be provided through the preservation of existing indigenous plant communities. The proposed project is required to provide a minimum of 79 acres of indigenous preservation. A 225-acre preserve is proposed with 162 or more acres of existing native plant communities with less than 50 percent cover of invasive exotic vegetation meeting the LDC required indigenous preservation requirement. An indigenous preservation management plan will be required prior to approval of a local development order. This should be a condition of any zoning approval.

### Stormwater Management

The applicant has provided a narrative summary of existing conditions, and its proposed surface water management plan. The property is within the Estero River south branch drainage basin. The surface water management system designed for the project will discharge into the Estero River basin using on-site wetlands to the existing off-site flowway.

As stated by the applicant:

*The site is part of a regional flowway and wildlife corridor that serves as the outfall and tributary to the offsite area located upstream and north of Corkscrew Road. A 50-foot wide perimeter swale (drainage and landscape easement) is proposed along the eastern edge of the development to compensate for the developed portions of the site. The ditch bottom will have a slight gradient since the site slopes gradually from north to south. The Wildcat Run swale will be cleared and reconfigured slightly to allow original design flows to pass through the swale.*

The South Florida Water Management District has reviewed the permit application for this project and issued Permit No. 36-08730-P on December 18, 2018. Some modification may be

needed to the District permit to recognize the additional wetlands preserved under the Master Concept Plan.

According to the applicant, there may be an opportunity to accommodate additional flow from the north, but staff believes there must also be assurance that no detrimental impacts occur offsite to Wildcat Run or the Preserve at Corkscrew. The applicant indicates an intention to cooperate with the Village on regional stormwater efforts that could utilize any additional available capacity within the project's flowway.

The surface water management system will be reviewed at time of development order. The size and location of some surface water management infrastructure could change as a result.

### **Flood**

The project is located outside of the FEMA study area. As such, no base flood elevation has been established for the property. However, the Water Management District, for this property, has established a 100-year flood elevation. Flood elevations will be reviewed at time of development order. A condition is recommended that habitable first floor elevations be set at one-foot above the 100-year elevation.

### **Transportation Issues**

The site is located on the south side of Corkscrew Road approximately 3 miles east of Interstate-75. According to the applicant's updated Traffic Impact Statement dated August 13, 2018, as originally proposed for a 625-unit development, the project will generate over 5,600 vehicle trips per day along Corkscrew Road, the project's only access. Peak hour trips would be 449 in the morning and 590 in the evening peak hour based on all single-family use. If the 70 multiple-family units are developed, the total trips would be lower. The applicant has reduced the maximum number of units to 590, so the total trips also would be slightly less.

The County-approved zoning from 2007 consisted of primarily multi-family units, and indicated that the projected total trips would be 5,773 for the 724 units, with 356 in the morning peak hour and 419 in the evening peak hour.

Corkscrew Road east of Ben Hill Griffin Parkway to Wildcat Run is a two-lane arterial road, currently shown in Lee County's 2017 Concurrency Report as operating at an acceptable Level of Service. This segment of the road is expected to fail (Level of Service F) by project buildout in 2021, as is the segment from Wildcat Run to Bella Terra. Lee County has conducted a study to evaluate the 4-laning of Corkscrew Road and to identify the cost and funding methods, including proportionate shares from several County-approved projects in the vicinity of Corkscrew Crossing. The 4-laning has been included in the Lee County 5-year Capital Improvements Plan.

The applicant has stated that, based upon the 4-laning being completed, the Level of Service will be B. The project was added to the Lee County Capital Improvement Program on September 18, 2018, at an estimated cost of \$35.6 million. The 4-laning is being designed now and is tentatively planned to begin construction around the end of 2020.

There is another Level of Service issue at Corkscrew Road and the Interstate-75 interchange. This project will not significantly impact the interchange. Interim interchange improvements have been funded by the Florida Department of Transportation (FDOT). According to FDOT, construction will begin around October, 2019 and be completed in one year.



The project's one access point on Corkscrew Road will align with the western entrance to WildBlue. The project will generate the need for turn lanes on Corkscrew Road, for right-in and left-in access. The applicant's traffic impact analysis also indicates that residents heading westbound will experience delays exiting the site in the morning and evening peak hours, and that a signal may be needed in the future. A turn lane is also needed for left out movements exiting the project. A condition is recommended that the project be responsible for a proportionate share of any traffic signal. This will confirm this property's obligation to participate in the funding of a signal.

Lee County is entering into development agreements with four projects located on Corkscrew Road where a proportionate share for improvements to Corkscrew Road will be charged to the developers. The proportionate share amounts are unknown at this time.

Staff has estimated that the project could generate between \$5.7 and \$5.8 million in road impact fees based on the maximum of 590 units, and the rates that became effective on October 9, 2018. The impact fees are dependent upon the type of unit built (conventional detached single-family home rates are higher than other types).

Additionally, to avoid construction activity conflicts with traffic along Corkscrew Road, a condition to require turn lanes, or an acceptable alternative to manage construction traffic, should be included in any approval, prior to the start of any construction activity.

There is no Lee Tran bus service available in the area.

No sidewalk is shown on the applicant's Master Concept Plan. The applicant has requested a deviation to provide a fee-in-lieu instead of constructing a sidewalk on the property on Corkscrew Road. This is discussed further in the deviations section.

The applicant has also requested a deviation regarding access points, to provide one access on Corkscrew Road aligned with the western entrance to WildBlue, and a potential emergency access further west on Corkscrew Road. The emergency access has been relocated from the prior proposal adjacent to Wildcat Run. This is discussed further in the deviations section.

### **Utilities**

The subject property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services. Potable water and sanitary sewer lines are in operation adjacent to the property. The applicant will need an updated service availability letter from Lee County Utilities in conjunction with any development order site plan approval, indicating sufficient capacity for the project.

### **Schools**

Comments were received from the Lee County School District staff on August 16, 2018. Using their methodology, approximately 184 school-aged children would be generated from this project, based on the application for 625 single-family homes. The project is in the South Choice Zone. The School District staff has concluded that for concurrency purposes, there are sufficient seats available to serve the needs within the Concurrency Service Area. For concurrency purposes, adjacent districts can be used if there is a shortage in a district.



## **Comprehensive Plan Considerations**

The project is located in the Wetlands and Village Neighborhood 1 categories of the Village's adopted but not yet effective Comprehensive Plan. A description of these categories is below:

### **Village Neighborhood 1**

**FLU-1.2.6.** *The Village Neighborhood 1 areas are characterized by predominantly residential uses or lower densities with the potential for commercial uses of a minor commercial or neighborhood center scale. Some, but not all, of the requisite infrastructure needed for development is generally planned or in place. These areas were generally designated Rural, Sub-Outlying Suburban, Outlying Suburban, or Suburban in the Village's Transitional Comprehensive Plan. These areas have been developed or planned with existing or emerging residential neighborhoods. Golf courses constitute the predominant open space in many of these neighborhoods, and gross densities range from one dwelling per acre (1 du/acre) to four dwelling units per acre (4 du/acre). Village Neighborhood 1 designated areas are either on the fringe of natural resources, or in proximity to urban commercial or transitional mixed-use areas. Examples include Wildcat Run, West Bay Club, The Estates at Estero River, The Brooks and Pelican Landing.*

### **Wetlands**

**FLU-1.2.3.** *Wetlands are those lands that are identified as Wetlands on the Future Land Use Map in accordance with Florida Statute Section 373.019(27). If a Wetlands boundary on the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary is established per jurisdictional determination or Florida Statute Section 373.019, an administrative process may be used to establish the precise boundary of the Wetland.*

- A. *Uses: Permitted Land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands, open space, and conservation that are compatible with wetland functions.*
- B. *Development type: Development in Wetlands must not adversely affect the ecological functions of wetlands.*
- C. *Density: The maximum density is one dwelling per twenty acres (1 du/20 acres).*

There is additional language under this policy that allows the transfer of density for preserved wetlands at 75% of the standard density for adjacent land under common ownership and designated as Village Neighborhood 1. The applicant proposes to transfer the additional density onto wetlands that will be impacted (filled), not Village Neighborhood 1 designated property. The Comprehensive plan language does not allow this transfer. Since there are only 54 acres of uplands on this site, a Comprehensive Plan text amendment will be needed to obtain the density requested by the applicant. The Comprehensive Plan Amendment is proceeding for consideration concurrently with the rezoning application.

### **Compatibility**

The gross density of 1.5 units per acre (590 units ÷ 395 acres = 1.5) would be slightly higher than the adjacent development of Wildcat Run and the same as the Preserve at Corkscrew, with gross densities of 1.1 and 1.5 units per acre respectively. Net residential density for Wildcat Run and the Preserve at Corkscrew is 2.2 and 1.6 units per acre respectively. This is compared to

the net density of 3.5 units (calculated using land for residential development after filling of wetlands) for Corkscrew Crossing. Other considerations besides density also affect compatibility. Site plan layout, types of unit, height, buffers, lot sizes and similar factors affect compatibility.

The applicant's original request was for many types of housing units with limited information as to their amount and locations. Height was proposed to range from 35 feet to 48 feet. The applicant revised the request after meeting with staff to limit the number of multiple-family units to a maximum of 70 townhomes, and reduce the heights of all residential units to 35 feet (clubhouse maximum 45 feet).

The adjacent properties (Wildcat Run and The Preserve at Corkscrew) are developed with one and two-story residential homes, primarily single-family.

Staff notes that the reduction of height makes the project more compatible with the adjacent developments. Although the proposed property development regulations now allow small lots with less open space and increased lot coverage, these lot sizes and lot coverage are generally comparable to the Preserve at Corkscrew and Bella Terra.

### **Height**

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."

The project was previously approved by Lee County in Resolution Z-07-047 for a maximum height of 48 feet.

The applicant has requested a revised height up to 45 feet for the clubhouse area which is adjacent to a preserve/conservation area located in the Preserve at Corkscrew development.

The applicant reduced the requested height for residential areas to 35 feet and two stories maximum.

### **Comprehensive Plan Policies**

In addition to the earlier discussion of density and land use categories, policies from the new Comprehensive Plan that are relevant to this project are cited below, with an explanation of their relevance.

### **Housing**

**GOAL HOU-1:** *Provide an adequate mix of safe and sustainable housing which meets the needs of Estero's existing and future residents.*

**HOU-1.1.3:** *New development must be compatible with existing residential uses.*

This project is proposing single-family, attached twin villa, and townhomes. The gross densities are similar to the adjacent developments.



## **Transportation**

**TRA-1.2.4:** *During the review of comprehensive plan amendments, rezonings, zoning amendments, and development order applications, applicants must provide an evaluation addressing potential for addition of new interconnections between communities, creation of pedestrian and vehicular interconnection, and addition of new connections to the surrounding road network.*

The applicant has evaluated interconnections to the adjacent residential developments as infeasible and unwanted by the adjoining communities. An emergency access point is shown on Corkscrew Road.

**TRA-1.2.6:** *Discourage cul-de-sacs in new development and redevelopment.*

The configuration of this property and the extent of wetlands has made it difficult to provide a grid system in lieu of cul-de-sacs.

## **Surface Water Management**

**INF-1.1.1 B. Regulation of Private and Public Development -** *All new private and public developments shall be constructed with floor slabs at a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level and shall be safe from flooding from a 100-year, 3-day storm event (rainfall). In such new public and private developments, roads and parking lot travel ways shall be constructed at a minimum of the 25-year, 3-day storm event flood plain level.*

There is a condition proposed to construct buildings 1 foot above the 100-year flood plain level. The applicant's representative has also stated that roads will be constructed above the 25-year, 3-day storm event.

## **Conservation & Coastal Management**

**CCM-1.4:** *Objective: Protect wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water and groundwater resources.*

The project proposes to place a conservation easement on approximately 225 acres of environmentally sensitive lands, but also proposes development of 159 acres of wetlands.

**CCM-1.4.6:** *Require that the integrity of sloughs be maintained and restored, as opportunities arise, so that natural flow ways are functionally preserved.*

The applicant will be required to remove exotics and maintain the preserve area onsite to improve the function and connectivity of the flowway.

**CCM-1.8.2:** *To the extent allowed by law, the Village will require wetland mitigation for wetlands impacted by development or construction within the Village to be mitigated in order of preference: 1) On the same site or downstream of the impact within the same watershed; 2) within Estero; and 3) as close geographically to Estero as possible but still within the Estero Bay watershed. The Village will coordinate with South Florida Water Management District, Lee County, and the US Army Corps of Engineers to determine the nature and level of mitigation on a case-by-case basis.*



The applicant has offered a contribution of \$750,000 which would be used within the Village for preservation of environmentally sensitive lands.

**CCM-1.3.8:** *Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.*

Over 40 acres of uplands will be incorporated into the preserve area that is part of the conservation easement.

**CCM-1.9.2:** *New development must not degrade water quality or surface waters or groundwater or contribute to flooding of other areas.*

The project proposes to maintain existing flows through the subject property by installing a conveyance ditch on the east side and expanding the ditch between the subject property and Wildcat Run. In addition, a portion of the existing flowway along the southern end of the property will be preserved. Details for the surface water management system's design will be reviewed at time of development order.

### **Deviations**

Eight deviations have been requested.

#### **Deviation 1**

- *Deviation from LDC 10-329(d)(1)a.3 from a required 50-foot setback from water retention to a private property line to allow a 25-foot setback.*

There are 2 locations shown on the Master Concept Plan where lakes are adjacent to Wildcat Run.

The applicant's justification was that it was previously approved by the County and remains necessary. The applicant has stated that protection from wayward vehicles will be provided at time of development order.

*Since the locations are limited, staff recommends approval subject to demonstrating wayward vehicle protection at time of development order.*

#### **Deviation 2**

- *Deviation from the LDC 10-291(3) requirement that two or more means of ingress and egress be provided for residential developments 5 or more acres in size, to allow one main entry/exit and a second emergency only access to Corkscrew Road.*

The applicant's justification is that there is limited frontage (1300 feet on Corkscrew Road) and interconnections to the west would be through gated communities and is not feasible. There was a location previously shown for a potential emergency vehicle interconnection to Wildcat Run on the project's western boundary. A location for a potential emergency vehicle interconnection is now shown on the revised plan on Corkscrew Road, west of the main entrance. The final location would be coordinated with the Estero Fire Department.

*Staff recommends approval with the condition that the emergency access location is subject to approval by Estero Fire Department at time of development order.*

### **Deviation 3**

- *Deviation from LDC 10-41(d)(6) requirement that roads or parking areas that are less than 125 feet from an existing residential subdivision, provide a wall or berm/wall combination 8 feet tall with landscape of 5 trees and 18 shrubs per 100 linear feet, to allow a 15-foot wide landscape strip, no wall, a double row hedge and 5 trees per 100 linear feet.*

The applicant's justification states that the internal roadway could be within 125 feet of Wildcat Run. The Master Concept Plan shows three potential locations adjacent to Wildcat Run that could be within 125 feet. The applicant has proposed supplemental plantings as part of a landscape buffer agreement approved by Wildcat Run that will provide screening.

*Staff recommends approval of this deviation based on the committed landscape buffer adjacent to Wildcat Run.*

### **Deviation 4**

- *Deviation from LDC Section 10-256(b)(5) which requires new development to provide pedestrian facilities when the project is located on a roadway depicted as a trail or within ¼ mile of an existing pedestrian facility, to permit Corkscrew Crossing to provide a fee-in-lieu of constructing a sidewalk on Corkscrew Road.*

The applicant's justification is that the road is anticipated to be widened to 4 lanes in the near future, and if a sidewalk were installed it would likely have to be demolished to construct the roadway improvements which are anticipated to include a sidewalk or bikeway. The proffered fee-in-lieu can fund additional sidewalk improvements to the County's proposed sidewalk.

*Staff recommends approval of this deviation subject to payment described in Section 256(c)(3)8.*

### **Deviation 5**

- *Deviation from LDC Section 33-351 which requires a Type A buffer along the project's western boundary that includes 4 canopy trees per 100 linear feet, to permit the installation of a minimum 10-foot wide enhanced Type A buffer consistent with the Corkscrew Crossing and Wildcat run landscape buffer planting plan.*

This request would allow sabal palms in lieu of canopy trees. There is an agreement between Wildcat Run and Argo for the landscape design on the western boundary of Corkscrew Crossing. The buffer will be wider and will include large shrubs and a hedge in addition to trees. Sabal palms will be staggered in lieu of 4 canopy trees per 100 linear feet. The agreed-upon buffer will provide better overall screening to Wildcat Run.

*Staff recommends approval of this deviation.*



## Deviation 6

- *Deviation from LDC Section 33-351, which requires a 50-foot Type F buffer where a preserve is located adjacent to off-site single-family residences, to provide no buffer where the Corkscrew Crossing preserve area abuts homes within Bella Terra.*

There are some single-family lots in Bella Terra adjacent to the proposed wetland preserve of Corkscrew Crossing. This property will be in a conservation easement. The width of the preserve in this location is approximately 750 feet. This should provide a sufficient distance, as well as the 50-foot landscape and drainage easement which will provide a visual barrier.

*Staff recommends approval of this deviation.*

## Deviation 7

- *Deviation) from LDC §10-415(b)(2)a., which requires for projects greater than ten acres that healthy sabal palms with a minimum eight-foot clear trunk and maximum of 25-foot clear trunk must be salvaged if conditions and sequence allows, to permit the developer to not salvage sabal palms within the development area.*

On a project this size, and with the necessary fill requirements, salvaging sabal palms would be so difficult to be infeasible.

*Staff recommends approval of this deviation.*

## Deviation 8

- *Deviation from LDC §10-415(b)(1)b.5., which requires that projects greater than five acres in size that abut an arterial or collector road and have existing native trees within 50-feet of the right-of-way must be designed to provide a 50-foot right-of-way buffer for tree preservation to provide no requirement for preservation of native trees within 50 feet of the right-of-way.*

Environmental staff has reviewed this deviation. The construction of a berm along Corkscrew Road, fill requirements, and the amount of exotic species makes this requirement difficult.

*Staff recommends approval of this deviation.*

## **FINDINGS AND CONCLUSIONS**

The following are proposed findings of fact for this application for consideration by the Planning and Zoning Board:

1. The zoning amendment will be consistent with the Village's adopted but not effective Comprehensive Plan contingent upon the proposed amendment to Future Land Use Policy 1.2.3. becoming adopted and effective.
2. The applicant's traffic study indicates that Corkscrew Road from Ben Hill Griffin Parkway to Bella Terra will fail without being widened to 4 lanes, but will operate at an acceptable level



of service after widening. The 4-laning of Corkscrew Road has been added into the Lee County CIP with construction estimated to begin around the end of 2020.

3. Stormwater information will be supplemented at time of development order and any necessary stipulations included to ensure no adverse offsite impacts.
4. Most urban services will be available and adequate to serve the proposed use with the exception of bus service.
5. The request will adversely affect 159 acres of wetlands, but will be offset by a 225 acre preserve area containing higher quality wetlands, and additional mitigation will be provided.
6. The proposed use, with the recommended conditions, is compatible with existing and planned uses in the area.
7. There are sufficient conditions to provide sufficient safeguards that are reasonably related to impacts created by or expected from the proposed development.
8. The deviations 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. Staff Recommendations:
  - Conditions and Deviations
  - Property Development Regulations
  - Schedule of Uses
- D. Master Concept Plan
- E. Affidavit of Authorization
- F. Disclosure of Interest Affidavit
- G. Letter from the School District of Lee County, dated August 16, 2018
- H. Zoning Resolution Z-07-047
- I. Applicant's Information
  - Pattern Book
  - Revised Traffic Impact Statement (excluding Appendix)
  - Summary of Planning and Zoning Board Information Meeting, February 20, 2018
  - Email from volunteer President of Wildcat Run Community Association, dated September 27, 2018
  - Stormwater Narrative
  - Applicant's Settlement Plan Environmental Narrative (May 17, 2019)