



STAFF REPORT

ESTERO CROSSING

Rezoning to Mixed Use Planned Development

Village Council First Reading

PROJECT NAME:	ESTERO CROSSING
CASE TYPE:	PLANNED DEVELOPMENT/REZONING
CASE NUMBER:	DCI2015-00001
PLANNING & ZONING BOARD DATE:	February 19, 2019 (Continued from January 14, 2019)
COUNCIL FIRST READING DATE:	October 16, 2019
COUNCIL SECOND READING DATE:	November 13, 2019 (Tentative)

REQUEST AND BACKGROUND

This is a revised request for a rezoning from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) with deviations.

The 43-acre site is located 1,000 feet west of the intersection of Corkscrew Road and I-75, on the south side of Corkscrew Road.

The development proposes to include multi-family residential use (350 units) with 4 commercial buildings (60,000 square feet) on the northern portion along Corkscrew Road, plus an alternative for a 120-room hotel on one of the residential tracts.

The applicant is requesting a review under the Comprehensive Plan that is adopted but not yet effective because the current land use category "General Interchange" does not allow residential use. The rezoning is needed if residential use is to be allowed because the site is now zoned for commercial uses only.

BRIEF CHRONOLOGY

- Applicant filed with Lee County for Comprehensive Plan amendment and rezoning – early 2015.
- Public information meeting – June 16, 2015.

- Review by Planning and Zoning Board – March 29, 2016; February 21, 2017; and March 21, 2017.
- Council Hearing – May 24, 2017.
 - Comprehensive Plan amendment was not transmitted. Rezoning was continued indefinitely for review under new Comprehensive Plan.
- Applicant revised request – 2018.
- Planning and Zoning Board reviewed amended request – February 19, 2019.
 - Tie vote, motion fails.
- Applicant met with staff to review additional information – June 2019.
- Revised resubmittal received – August 19, 2019.

STAFF AND PLANNING AND ZONING BOARD RECOMMENDATION

The applicant is requesting to be reviewed under the adopted but not yet effective Comprehensive Plan under the Transitional Mixed Use land use category. Staff is recommending approval with conditions. Staff is not recommending the Bonus Density units so the total number of units would be reduced from the requested 350. Please note that if the application were to be approved, it would be contingent on the new Comprehensive Plan becoming effective.

The Planning Zoning Board reviewed this request most recently at its meeting on February 19, 2019. There was a 3-3 tie vote on a motion for approval with conditions. Thus, the motion failed.

Staff recommended conditions and findings of fact are contained in Ordinance 2019-29 for the Council's review.

APPLICATION SUMMARY

Applicant: Keith Gelder, SD Estero Crossing, LLC in reference to Estero Crossing

Authorized Agent: DeLisi Fitzgerald, Inc.

Amended Request: Rezone 42.97 acres from Commercial Planned Development (CPD) to Mixed-Use Planned Development (MPD) to allow for the development of a maximum of 350 multi-family residential units and 60,000 square feet of commercial use, as well as an alternative for a 120-room hotel on one of the residential tracts. Maximum building height is 4 stories (55 feet) for residential and the hotel, and 45 feet for commercial buildings. (The maximum height includes 5 feet for architectural features.)

Location: The subject property is located at 10500 Corkscrew Road, Village of Estero, FL. The applicant indicates the STRAP Number is 35-13046-25-E1-U2192.2338.

LAND USE CATEGORY

<u>Current:</u>	General Interchange	27.19 acres	(63%)
	Urban Community	15.57 acres	(29%)
	Wetlands	3.21 acres	(7%)

Proposed: Transitional Mixed Use and Wetlands

PROJECT HISTORY

The site is currently vacant and is not part of a plat or subdivision. The property consists of (1) one STRAP Number 35-46-25-E1-U2192.2338 and is owned by SD Estero Crossing, LLC.

The property was rezoned by Lee County (Resolution Z-06-31) from Agricultural (AG-2) to Commercial Planned Development (CPD) on August 21, 2006. The zoning permitted commercial uses consisting of a maximum gross floor area of 310,000 square feet not to exceed 45 feet (3 stories). No residential use was approved.

Subsequent Actions – 2010

The Estero Crossing CPD was amended per zoning resolution ADD 2009-00089 on May 6, 2010. The resolution clarified the amount of indigenous preserve area which was identified on the Master Concept Plan, and allowed deviations to reduce excavation setbacks, eliminate requirements for parking blocks and eliminate maintenance berm with vehicular access.

Council Action – 2017

The Council did not transmit the applicant's requested Comprehensive Plan Amendment at its meeting on May 24, 2017. However, the Council continued the applicant's rezoning request to a date uncertain.

SURROUNDING ZONING AND LAND USE

North – Corkscrew Road -	Commercial CPD zoning with uses of retail, convenience food and beverage store with gas pumps, restaurants, hotels, day care, and apartments. (Estero Interstate Commerce Park) – General Interchange land use category. (Proposed Transitional Mixed-Use).
East -	Commercial CPD zoning, currently developed with uses of office, hotel, and an automobile dealership. (Corkscrew Commerce Center) – General Interchange land use category. (Proposed Transitional Mixed-Use).
East and Southeast -	Residential RPD zoning with single-family residential and RV-3 zoning with recreational vehicle use. (Corkscrew Woodlands/ Island Club) – General interchange and Urban Community land use category. (Proposed Village Neighborhood 2).

Southwest and West - Residential Planned Development, RPD zoning with single-family residential use and preserves. (Villa Palmeras) – Urban Community and Wetlands land use category. (Proposed Village Neighborhood 1 and Conservation).

West - CPD zoning developed with a mixed-use commercial center with a Lowe’s Home Improvement store, retail, and multi-tenant commercial buildings. (Estero Town Center) – Urban Community land use category. (Proposed Transitional Mixed-Use).

MASTER CONCEPT PLAN AND PROJECT DESCRIPTION

The applicant’s revised site plan proposes 4 commercial buildings with parking along the frontage of Corkscrew Road. Access to these lots is limited to a reverse frontage road with no direct access from Corkscrew Road. The uses include 60,000 square feet of various types of commercial businesses. The maximum height of commercial buildings is 45 feet.

South of the reverse frontage road the plan shows a multiple-family residential development with conceptual building locations at 4 stories/55 feet (50 feet for buildings with an extra 5 feet for architectural features) primarily around a 3-acre lake. The maximum number of units proposed is 350. The uses listed on the plan include multi-family residential, independent living units and potential assisted living units. There is also a tract that could contain either residential units or a 120-room hotel.

The new site plan has a more defined entryway to the residential portion of the project with a .4 acre park area. Several “placemaking” features are proposed in the commercial and residential portions of the project. This will be described further in the Pattern Book section of this report. Placemaking is a way of designing a project to create community scale in a distinctive setting that accommodates social interaction.

The residential area is proposed to be gated with one access off the reverse frontage road, and a proposed secondary access to the commercial property to the west.

There are two indigenous (native) preserve areas along the east and south sides of the residential parcel totaling 8 acres. The preserve area contains two wetland areas. The preserve will help provide a distance separation from the adjacent residential developments.

The reverse frontage road will provide access to the development from Corkscrew Woodlands Boulevard to the east and the commercial development to the west.

A summary of the request is depicted on the following table.

<u>Type of Use</u>	<u>Revised Request</u>
Residential Units	350
Commercial Square Feet	60,000
Hotel	120-room
Mini Warehouse	Deleted from request
Building Height	55 feet maximum (including 5 feet for architectural features) 45 feet for commercial uses

Architectural Style	Mediterranean
“Placemaking Elements”	Several, including small public park area, “main street” and paseo

STAFF ANALYSIS OF REZONING

The staff analysis section of this report includes an analysis of the various issues, such as environmental issues, transportation impacts, density and height, Comprehensive Plan considerations and an analysis of the applicant’s Pattern Book and requested deviations.

Staff has provided a summary of the project’s advantages and disadvantages below. Following this section is more information on each of the issues described above.

Summary of Project Advantages and Disadvantages

Advantages:

- This proposal would generate less overall traffic than the approved commercial zoning if built out as approved.
- The site plan provides a reverse frontage road that connects between Chevrolet Way and Estero Town Commons Boulevard to provide access to Three Oaks Parkway.
- The applicant has committed to build the reverse frontage road in the initial phase of the project.
- The applicant proposes to provide assistance with funding of a proposed traffic light in Lowe’s Plaza, at Estero Town Commons Place and Corkscrew Road.
- There is a direct pedestrian connection through the commercial parcels to the existing Corkscrew Road sidewalk at the Lee Tran bus stop.
- A small park available to the general public is shown on the site plan adjacent to the entrance to the residential portion of the project.
- The applicant will provide a perimeter berm with enhanced landscaping and an 8 foot wall adjacent to the east boundary by Island Club/Corkscrew Woodlands.
- The applicant is providing “Placemaking Elements” to create a sense of place, and beautify the project. Elements include a small park area, creation of a “Main Street” area, and a pedestrian walkway “Paseo”.
- An enhanced buffer is proposed on Corkscrew Road.

Disadvantages:

- A traffic light may adversely affect the interchange operations. Designing and installing the light could take 9 months or longer. However, design is now underway.
- The requested density is higher than any nearby density and the maximum of the range allowed for the land use category.
- The height requested for the residential project is higher than the adjacent residential uses and higher than the approved commercial zoning.
- Parking lots for the commercial area may be more visible from Corkscrew Road, since buildings will be oriented to the reverse frontage road. The applicant is providing an enhanced buffer to address this issue.
- To create a true “mixed use” development, the commercial use should be developed in conjunction with the residential units, not a later phase.

ANALYSIS OF ISSUES

Density and “Bonus Density”

Estero Crossing is proposed to be rezoned as a Mixed-Use Planned Development. The new Comprehensive Plan describes several types of mixed-use, including horizontal, integrated horizontal, and vertical mixed-use. This project proposes to develop as “Integrated Horizontal Mixed Use” with placemaking elements. Horizontal mixed use that is not integrated is allowed a residential density range of 1-6 units per acre based on gross residential acreage. Integrated Horizontal Mixed Use is allowed a residential density range of 1-10 units per acre, with up to 14 units per acre for bonus density.

Bonus density is determined through the rezoning process and Land Development Code. The current Village ordinance for bonus density applies only to certain County-approved projects. Bonus density is \$20,000 per unit. Funds are to be used by the Village to purchase land for public open space, recreation, or preservation of environmentally sensitive lands. Bonus density is not “self-implementing” in the Village’s Comprehensive Plan which means the Land Development Code must be amended to include bonus density specifications for projects not covered by the current Village ordinance.

The request for 350 units on 36.01 residential acres is equivalent to a density of 10.3 units per acre. There are 1.33 acres of preserved wetlands on the property which could allow 10 units. Approximately 1.77 acres of wetlands are proposed to be impacted.

Because the project would exceed 10 units per acre, additional density has been requested through “bonus density”. The amount of units needed would depend on whether a hotel is constructed. The applicant has asked for an additional 12 to 38 units. Staff is not recommending the bonus density units.

Commercial uses are allowed in the Transitional Mixed Use category with a maximum Floor Area Ratio of 1.0. Both residential and commercial uses are subject to compatibility standards and commercial uses are to be “complementary” to residential uses.

Height

The applicant is requesting 45 feet (3 stories) including architectural features for commercial uses, and 55 feet (4 stories) for residential and hotel use (50 feet for buildings with an additional 5 feet for architectural features). Existing single-family homes are located to the south and southeast of the site in the Island Club/Corkscrew Woodlands community, as well as west and southwest in Villa Palmeras.

It should be noted that the applicant has provided line of sight drawings in its revised Pattern Book depicting the view from Island Club and Villa Palmeras. The drawings indicate that the majority of the buildings will be obscured by the preserve area and landscape buffers, but the rooflines will be visible, particularly from Villa Palmeras.

Proposed Uses

The applicant has provided a list of proposed uses for the commercial area, the residential area, hotel area and the preserve area.

On the commercial portion of the project, the revised schedule of uses eliminated gas pumps from a prior request, but retains convenience store without gas pumps. The applicant also proposes to eliminate auto parts store, billboard, building material sales, wireless communication facility, and used merchandise stores. The list of potential commercial uses includes fast food restaurants, but not as a stand-alone building. (Integrated horizontal mixed use development is limited to uses that are “complementary” as defined below.

Complementary means uses are compatible with each other and would serve the same users without requiring a car or a bike/walk trip on a circuitous or inhospitable route.

A Mixed-Use Planned Development should have “complementary uses” according to the Comprehensive Plan. The applicant has revised its proposed schedule of uses to address staff concerns raised at prior meetings.

Pattern Book

The Pattern Book is very important to ensure a consistent architectural and landscape style, and also to depict Placemaking Elements and features in the Transitional Mixed Use land use category, The inter-relationship of the commercial and residential areas is important to provide a socially vital development.

The staff reviewed the prior Pattern Book and requested additional detail for Placemaking Elements, among other items. The Village retained a design consultant to review the plans. The consultant, Michael Huston, AIA, from Urban Arts, Inc. in St. Petersburg, FL, provided a memorandum (attached) and “mark up” of the Master Concept Plan with comments. The staff provided this to the applicant and met with the applicant in June to review the documents. The applicant subsequently revised the Master Concept Plan and Pattern Book to incorporate most of the Village consultant’s recommendations.

The revised Pattern Book (dated October 2019) illustrates pedestrian and vehicle connections, amenities including a public “pocket park”, buffers and landscaping, preserve areas and “line of sight” diagrams that show the buffers and sight lines from adjacent residential areas into Estero Crossing, as well as architectural renderings and sign concepts.

There is an existing sidewalk on Corkscrew Road. The applicant proposes a 5-foot wide sidewalk along the reverse frontage road, connecting to Corkscrew Woodlands Boulevard and the commercial center to the west. The applicant proposes to have the area along the reverse frontage road serve as a “main street” similar to Coconut Point but on a much smaller scale.

On-street parallel parking is shown on some parts of the reverse frontage road, and a turn lane or planted median on other parts. There is a raised pedestrian crossing connecting the residential and commercial areas. The Pattern Book shows a Mediterranean style.

The Pattern Book also shows the landscape buffers, which include an enhanced 20-foot wide buffer on Corkscrew Road which will contain taller trees and shrubs to provide screening for the parking areas.

In the new Comprehensive Plan, mixed uses must provide for “Placemaking” to achieve higher densities. Placemaking includes public gathering spaces, civic uses such as green spaces or community centers, and other amenities such as:

- Public plazas
- Interconnected pedestrian and bike facilities
- Focal points of buildings or civic spaces
- Building design oriented toward streets
- Traffic calming
- Sidewalks shaded by street trees
- Landscaping and use of Pocket Parks and courtyards to soften large building masses
- On-street parking
- Green building techniques
- Connectivity and integration between commercial and residential uses

The project includes a pocket park, on-street parking, connectivity between commercial and residential areas, traffic calming, sidewalks, and proposed plazas and walkways. Staff had suggested that the commercial area also include a landmark or focal point. The applicant has added pictures of the proposed “Paseo” pedestrian zone and outdoor eating area in the commercial area and a landmark feature.

Transportation Issues

The property fronts on Corkscrew Road, a Lee County maintained arterial street. Access to the development will be provided by a reverse frontage road connecting to Corkscrew Woodlands Boulevard to the east and Estero Town Commons Place, the access drive serving the commercial development to the west. The connection to the west also provides connection to Three Oaks Parkway to the west using Estero Town Commons Place which is a privately maintained road.

The staff review indicates several transportation issues (1) Level of Service and improvements needed for Corkscrew Road; (2) operational issues (need for a traffic signal) and queue analysis; and (3) additional access point for residential.

Level of Service and Improvements Needed for Corkscrew Road

The applicant provided an updated traffic analysis which shows the average daily trips from the proposed project to be 4,797 net new trips per day. Total trips are 7,117 per day but these trips would be reduced to 4,797 to account for “pass-by” trips and “internal capture”.

The most recent Lee County Concurrency Report (2018) shows that this link of Corkscrew Road currently operates at Level of Service C. The Report also shows that the Future Level of Service, with all proposed traffic from currently approved development orders, is projected to be F. The Future Level of Service, per the report, includes the Estero Crossing commercial project’s approved development order as currently zoned. The proposed changes to the application will modify this anticipated Future Level of Service. The number of trips for the proposed project will be about 50% less than the previously approved commercial project if built-out with 300,000 square feet (4,797 trips per day compared to 9,918 trips per day). However, according to the staff’s analysis, the new project will still result in Corkscrew Road projected to have a Future Level of Service F.

In order to improve traffic flow along Corkscrew Road, the Florida Department of Transportation (FDOT) has funded \$8 million in 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 Parkway. Work will begin in mid-October, 2019 with an expected completion date of spring 2021. The scope includes adding left turn lanes to access the I-75 on ramps,

extending the on and off ramps 1500 feet, and new lighting and sidewalk improvements. These Interchange improvements should significantly reduce the frequency of “on-ramp” queueing 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 has not yet funded the improvements. Estero Crossing will have to pay its fair share of roadway improvements via payment of road impact fees.

Traffic Signal

The intersection of Corkscrew Road at Corkscrew Woodlands Boulevard, and the intersection at Estero Town Commons Place/Puente Drive on Corkscrew Road are unsignalized and operate at unacceptable conditions now and as projected in the future. A signalized intersection at the Corkscrew Road intersection with Estero Town Commons Place/Puente Drive will be needed for operational safety purposes to accommodate the traffic from this project and the existing background traffic from surrounding developments. The applicant will be required to participate in the funding of signal improvements since the traffic from the subject site will contribute traffic to this intersection. Design work for the signal is now underway.

Queue Analysis

When the project was reviewed by the Planning and Zoning Board previously, a concern was raised that the applicant demonstrate that the proposed traffic signal would function efficiently without traffic backing up, and that there would be sufficient space for vehicles in the turn lanes to prevent safety issues with queueing or stacking of vehicles.

The applicant submitted an additional analysis on December 21, 2018. Staff is concerned that additional right-of-way may be needed for another turn lane. A condition is proposed to address this.

Access from Residential

The access for the residential portion of the project is from the reverse frontage road. The applicant had proposed a secondary “egress” (exit) from the project on the west side to connect to the commercial plaza near Lowes.

The staff requested the applicant provide two full access points that are required and necessary for the 350 units. The Land Development Code Section 10-291(3) states:

Any residential development of more than five acres must provide more than one means of ingress or egress for the development (ten acres for commercial or industrial).

The applicant has modified the plan to show a second full access on the west side of the property through the hotel parking area and lining up with the drive aisle to Lowe’s plaza. This will help disperse some traffic to the west and decrease trips on the reverse frontage road. In order to provide this, the applicant will need a deviation to reduce the stacking distance for vehicles.

Environmental Issues

Open Space

The Village of Estero Land Development Code (LDC) Section 10-415(a) requires 30% open space for non-residential uses and 40% open space for residential areas within large projects. The proposed Master Concept Plan (MCP) includes an open space calculation meeting these requirements with 6.54 acres of non-residential uses requiring 1.96 acres of open space, and the residential use on 35.30 acres requiring 14.12 acres of open space. Total open space required within the planned development is 16.08 acres.

Planned developments are allowed to provide the open space throughout the development when an open space table is included on the MCP, and each outparcel or tract provides a minimum of 10 percent open space per LDC Section 10-34-414(C). The proposed MCP includes an open space table in accordance with these requirements.

Wetlands

There are approximately 3 acres of wetlands on this site. An Environmental Resource Permit has been issued by the SFWMD. During the SFWMD permit application review, the boundaries of the State jurisdictional wetlands were verified. The ERP approved impacting 1.88 acres of wetlands, and 1.33 acres of wetlands are being preserved in the easterly and southern designated preserve areas. The wetland mitigation will occur onsite. A total of 3.94 acres will be preserved onsite under a conservation easement to SFWMD. The 3.94 acres consists of 1.33 acres of wetland preservation/enhancement, 0.66 acres of upland buffers, and 1.95 acres of upland preservation/enhancement per the ERP.

The 1.88 acres of wetland impact includes an isolated, low quality 0.11-acre hydric flatwoods with 76-90% invasive exotic cover, and 1.77 acres of moderate to low quality cypress-pine with 51-75% invasive exotic cover.

Indigenous Preservation

The indigenous preserve is located along the east and southern boundary of the property. The southern portion of the property contains the most environmentally sensitive area as it provides protection to the southern branch of the Estero River and connects to offsite preserves to the south and southwest.

The preserve area delineated on the MCP includes 7.05 acres of forested upland and a 0.34-acre forested wetland which qualify as indigenous plant communities per the LDC definition. An additional 0.99-acre forested wetland with greater than 75% invasive exotic plant cover lies within the preserve. This wetland will be enhanced through the removal of invasive exotic vegetation and supplemental plantings as detailed in the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP).

The upland areas meeting the minimum dimensions and acreage as indicated in the LDC Section 10-415(b)(3)(a) qualify for indigenous preserve credits. This provision encourages development design that incorporates large, contiguous tracts of preserved indigenous plant communities.

The applicant provided an open space and indigenous plan (file 231315-Estero-Crossing-Open-Space-11x17-2018-11-29) detailing the preserve acreages and credit calculations. This plan

verifies that the proposed preserve exceeds the required 8.04 acres of indigenous preserve by providing 9.12 acres of indigenous preserve including the allowed upland credits.

Protected Species

A protected species survey report dated December 2014 demonstrates the applicant completed a protected species survey meeting the LDC requirements. Three potentially occupied gopher tortoise burrows were located. No other listed species or signs thereof were observed.

Prior to land clearing, a 100% cover survey of all gopher tortoise habitat within the development area will need to be completed and an appropriate gopher tortoise permit obtained from the Florida Fish and Wildlife Conservation Commission per State of Florida requirements. Additionally, a protected species management plan will need to be submitted to the Village of Estero prior to local development order approval.

Water and Sewer

Water and sewer would be provided by Lee County Utilities. A letter of availability has been provided for the rezoning. Individual letters will be required at time of development order.

Estero Fire Rescue had previously notified the Village of a potential issue with adequate water supply for fire flow and suppression, particularly as it relates to degrading flow and pressure at Corkscrew Woodlands and Island Club. The applicant has identified solutions that could improve the situation and has worked with the fire district on solutions which will be incorporated at time of development order.

ANALYSIS OF COMPREHENSIVE PLAN

In analyzing a proposed project, it is necessary to determine if the request would be consistent with and further the policies and objectives contained within the Comprehensive Plan and to determine if the request is appropriate, whether it would create adverse impacts, as well as if it complies with general planning principles.

Existing Comprehensive Plan

Under the Comprehensive Plan that is now in effect (Transitional Plan), the 42.97-acre subject property currently has three different future land use categories, as follows:

General Interchange	27.19 acres	63.27%
Urban Community	12.57 acres	29.25%
Wetlands	3.21 acres	7.47%

Residential uses are not permitted within the General Interchange Future Land Use Category which is approximately 63 percent of the property. The residential uses proposed by the applicant are not consistent with this Future Land Use Category.

Adopted (not yet effective) Comprehensive Plan

The applicant has requested to be evaluated under the Comprehensive Plan that was adopted in 2018, but not yet effective (the "new Plan") due to a legal challenge.

The Land Use Category in the new Comprehensive Plan for this property is Transitional Mixed Use and Wetlands. An analysis is provided below to evaluate compliance under this new Plan.

The Transitional Mixed- Use Future Land Use category is defined as:

Policy FLU-1.2.8 TRANSITIONAL MIXED USE. *Transitional Mixed Use areas are characterized by primarily existing or emerging developments where the Village's largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are in place or readily expandable to support moderately intense levels of mixed commercial and residential development. These areas were typically designated Urban Community, General Interchange, or Suburban and within the Mixed Use Overlay per the Village's Transitional Comprehensive Plan. Transitional Mixed Use areas are generally the north Estero area near intersections of US41 with Broadway and Estero Parkway, Coconut Point DRI, and the four quadrants of the I-75 and Corkscrew Road interchange. These areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing surrounding neighborhoods, serving as focal points or community centers where activity is concentrated.*

A. *Uses: A broad mix of uses, subject to compatibility standards of the Community Design Sub-Element, is allowed in the Transitional Mixed Use areas to foster the conveniences and efficiencies of live/work/play environments, including regional, community and neighborhood scale commercial including shopping, restaurant, entertainment and office, low to moderate density residential, parks and recreation. Assisted living facilities, and public and quasi-public uses are allowed in the Transitional Mixed Use future land category.*

The applicant is requesting to be evaluated as an "Integrated Horizontal Mixed-Use" project. This is a type of mixed-use with a focus on design and form, as explained in the Community Design Sub-Element.

Policy FLU-1.9.1 C.2. Mixed Use Development Form. *Integrated horizontal mixed use includes single use buildings on distinct parcels in one overall development project. Integration of the project is achieved through placement of nonresidential uses within ¼-mile walking distance to residences, and with placemaking design elements so that separate uses are perceived as unified live, work, play and shop destinations. Placemaking design elements are spaces and infrastructure meant to function for public access, use, and interaction. Context driven and accessible to the public through dedication of a public access easement, examples of placemaking design elements include indoor and outdoor spaces, walkable streets, environmental features, or public art.*

The residential buildings in this project are located within walking distance of the commercial uses (1/4 mile). There will be pedestrian connections from the residential area to the commercial uses. The parcels will be developed with a unified architectural theme. Placemaking design elements are proposed.

Density

The density range for integrated horizontal mixed-use with placemaking elements is 1 to 10 units per acre, with bonus density up to 14 units per acre.

The applicant is requesting the top of the density range (10 units per acre) plus a small amount of bonus density. To achieve this maximum density, the applicant has proposed placemaking elements as explained in the Pattern Book section of this report. The applicant has recently supplemented its proposal by adding additional features in its Pattern Book.

This is the first project being reviewed under the new Plan, and the applicant is requesting the maximum density. Without specifics in the Land Development Code, there is limited guidance on whether this proposal would justify the maximum density of 350 units. If the request is approved by Council, there should be specific conditions to ensure that all the features depicted in the Pattern Book are constructed, and are not just “conceptual” or “illustrative”. Staff is not recommending approval of the Bonus Density units.

Analysis of Comprehensive Plan Policies

The development proposes vehicular connections to the adjoining development through the use of a reverse frontage road. The applicant has provided pedestrian interconnections within and outside of the development in order to be consistent with **Policy FLU-1.10.3**. The applicant has not provided interconnection to the existing adjacent residential developments which object to any interconnection.

Policy FLU-1.10.3: *Encourage commercial developments within the Village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development’s design.*

Policy TRA-1.2.2: *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, with priority on corridors linking neighborhoods to each other and a corridor to link Estero Community Park, the Estero River, Koreshan State Park, and Estero Bay Preserve; and*
- D. Enable multi-modal transportation access (pedestrian, bicycle, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.*

The project minimizes access points onto Corkscrew Road by use of the proposed reverse frontage road. Staff has recommended that the proposed secondary egress (exit) from the residential area on the west be revised to be a full access point for both entrance and exit.

Policy FLU-1.10.2: *Commercial Development Standards. New commercial developments should be designed to arrange uses in an integrated and cohesive unit in order to address compatibility with the adjacent and nearby uses by adhering to the following standards:*

- A. *Provide visual harmony and screening;*
- B. *Reduce dependence on the automobile;*
- C. *Promote pedestrian movement within the development and connectivity to adjacent and nearby uses where such uses are compatible;*
- D. *Utilize joint parking, access and loading facilities;*
- E. *Avoid negative impacts on surrounding land uses and traffic circulation;*
- F. *Protect natural resources;*
- G. *Provide necessary services and facilities where they are inadequate to serve the proposed use;*
- H. *Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community.*

The commercial development is not adjacent to the residential development. Staff is proposing conditions including hours of operation limitations to ensure compatibility with nearby residential development. The applicant's Pattern Book should show a consistent architectural theme so that the commercial buildings will be of similar architecture to the residential buildings. The Pattern Book shows pedestrian connections between the residential and commercial areas.

Neighborhood and regional scale commercial uses can be considered in the Transitional Mixed Use area. The 60,000 square feet of proposed commercial would comply with site location standards of the Plan (**Policy FLU-1.5.1.A.**)

Policy FLU-1.11.2: *Residential Development Standards. Support and enhance Estero's residential character by ensuring that development proposals address how they:*

- A. *Are compatible with adjacent uses, public facilities, and infrastructure systems;*
- B. *Impact surrounding environmental and natural resources, with specific controls to ensure preserved areas that are designated preserve through the development permitting process and not encroached upon and are only able to be altered or changed upon approval of amendments or modifications to applicable development orders and permits;*

- C. *Access, where applicable, nearby parks, public spaces, recreational facilities, greenways, blueways, and natural open spaces;*
- D. *Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and*
- E. *Contribute to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.*

Urban services are available to this project. Environmental permits have already been issued. The applicant has revised the architectural theme as Mediterranean with a "Modern Florida Coastal" style. A second full access has been recommended by staff.

Other Issues and Services

Lee County Comments:

Lee County submitted a letter dated September 3, 2019, that advised that the County Port Authority conducted a "Noise Compatibility Program" 2018 Post Study update. The Study indicates that in the future, upon construction of a parallel runway at the Southwest Florida International Airport, the project site may be subject to flyovers due to revised flight paths.

Natural Resources:

The South Florida Water Management District Environmental Resources Permit has been issued on the subject property

FEMA Floodway:

The subject property contains a small area within FEMA identified floodway. The applicant has indicated that they obtained a "no-rise" certification.

Historic Resources:

The subject property is not within the level 2 sensitivity areas for archeological and historic resources.

Transit Services:

There is fixed-route transit service along Corkscrew Road (Route 60) that fronts the subject property. The entire Estero Crossing property lies within the LeeTran paratransit services corridor.

Fire Service:

Estero Fire Rescue staff stated that they are capable of providing fire protection and advanced life support/non-transport services for the subject property.

School District:

In a letter dated June 8, 2018, School District staff stated that the local Concurrency Service Area (CSA) currently has sufficient capacity to serve the estimated 30 additional school-age children that would be generated by the proposed development.

Utility Services:

Lee County Utilities staff stated that potable water services will be provided through the Pinewood Water Treatment Plant. Sanitary Sewer Service will be provided by Three Oaks Wastewater

Treatment Plant. Capacity to provide potable water and sanitary sewer service to the proposed development will be reviewed at time of development order.

Deviations

The applicant has requested 12 deviations from the Land Development Code. The following provides an explanation of each deviation requested and staff recommendations.

Deviation 1 (Overhead power lines)

This is a deviation from the Village of Estero LDC Section 33-112 requiring all utilities be located underground unless located within a public right-of-way to allow the existing overhead lines on the south side of Corkscrew Road to remain overhead within the existing FPL easement.

Recommendation: The deviation is recommended for approval for only the existing overhead lines on the property line. New or replacement lines should be developed in conformance with the code.

Deviation 2 (Setback from Corkscrew Road)

This is a deviation from LDC Section 33-400 regulating setbacks within the Corkscrew Road Overlay and to allow the proposed Development Regulations included with this application.

Recommendation: Staff recommends approval of this deviation. This would allow buildings to be set back further from Corkscrew Road. The applicant is proposing to create a "Main Street" character along the reverse frontage road instead of Corkscrew Road. Buildings will frame the street with a line of parallel parking to help integrate the commercial with the residential use.

Deviation 3 (Setback from Corkscrew Road)

This is a deviation from the Village of Estero LDC 34-2192 (b) (5) requiring parking lots, access streets and drives to be set back a minimum of 75 feet from the Corkscrew Road right-of-way to allow a minimum setback of 20 feet for parking lots on Corkscrew Road instead of 75 feet.

Recommendation: Staff recommends approval of this deviation. This is similar to Deviation 1, allowing a larger setback for buildings on Corkscrew Road.

The required setback is intended to promote an attractive landscaped and uniform appearance along this roadway. However, the setback has been applied somewhat inconsistently in this area. The applicant is creating a "main street" area along the reverse frontage road instead.

Deviation 4 (Package store separation)

This is a deviation from the Village of Estero LDC Section 34-1263(e) providing that package stores may not be located closer than 500 feet to a park or dwelling unit to allow a 90-foot separation for all uses internal to the property.

Recommendation: Staff recommends approval of this deviation. The commercial area is separated from the proposed multi-family residential area by the reverse

frontage road. The closest point is 90 feet. Most of the residential buildings are more than 100 feet from any proposed package store location.

Deviation 5 (Second monument sign)

This is a deviation from LDC Section 30-153(3)(a) that allows each individual establishment one (1) ground-mounted sign and Section 33-383(9) which prohibits offsite directional signage sign to allow a second ground-mounted sign in the commercial area to identify the Residential portion of the overall development.

Recommendation: Staff recommends approval of this request. The residential sign will be placed at the southeast corner of Corkscrew Road and Estero Town Commons Place (Lowe's entrance). While staff does not typically encourage additional signage, this may enhance safety by reducing or preventing u-turns on Corkscrew Road.

Deviation 6 (Offsite directional sign)

This is a deviation from the Village of Estero LDC Section 30-181(a)(1)a. that allows a maximum of a 64-square foot non-illuminating directional sign to be placed along an arterial street within 500 feet of the nearest intersection involving a turning movement to the development but shall not be placed closer than 50 feet from the intersection to allow an illuminated directional sign at the intersection of Corkscrew Road and Estero Town Commons Place (aka the entrance to Lowe's shopping center) with a 10-foot setback from the intersection. The deviation is for the residential project identification sign.

Recommendation: Staff recommends approval of this deviation. This is a second deviation for the proposed directional sign and seeks in this deviation to illuminate the proposed directional sign and reduce the setback to 10 feet from the intersection so as not to conflict with the landscaping. No easements exist in this location.

Deviation 7 (Sign setbacks)

This is a deviation from the Village of Estero LDC Sections 33-385(a)(3) and 30-153(3)(e) requiring the sign setback be a minimum of 15 feet from the right-of-way. The applicant is requesting to install the Residential Project Identification Sign and the Commercial Outparcel Monument Signs at a 10-foot setback from Corkscrew Road.

Recommendation: Staff recommends approval of this request. The sign plan shown in the Pattern Book illustrates 3 signs: one for residential and two for commercial. The number of signs has been reduced from the prior request. The signs placed at 10 feet will be outside of the right-of-way area and will not conflict with the landscape buffers.

Deviation 8 (Building height)

This is a deviation from LDC Section 33-229 which limits the building height outside of the Interstate Highway Interchange area to a maximum of 3 stories or 45 feet, whichever is less, to allow a maximum building height of 55 feet (4 stories) for the residential and hotel components within this development. The 55 feet would include 50 feet for buildings and 5 feet for architectural features.

Recommendation: Staff recommends partial approval. The applicant states the reasoning for the requested height is consistency with the heights of Embassy Suites and Hampton Inn. These buildings were approved by Lee County in the Interchange area where heights could exceed 45 feet. The Interchange area will become Transitional Mixed Use under the new Village Comprehensive Plan.

However, there are also existing single-family homes found to the south and southeast in the Island Club community, and west and southwest in Villa Palmeras. The requested building height of 55 feet may be appropriate for the majority of the proposed buildings, but there are two buildings (Buildings 3 and 4) along the south end of the project closest to the adjacent residential developments. The maximum building height for Island Club and Villa Palmeras is limited to 35 feet.

The applicant's narrative for the deviation states that the buildings are separated by a preserve area and buffer, and the "line of site drawings that demonstrate that the residential buildings will be totally obscured by the adjacent buffer areas". Staff's review of the Pattern Book indicates that the buildings will not be totally obscured, particularly for Villa Palmeras. Additionally, it appears that the rooflines will be visible from both communities.

Staff recommends partial approval of the deviation with the condition that the deviation is approved as requested for all buildings except Buildings 3 and 4, which are approved for a maximum height of 45 feet plus 5 feet for architectural features.

Deviation 9 (Connection separation for residential road along public park)

This is a deviation from LDC Section 10-285(a) which requires a minimum roadway connection separation distance of 125 feet for local roads, to allow for a separation of 74 feet for the two one-way streets on the east and west side of the public park on the Master Concept Plan.

Recommendation: Staff recommends approval of this request. The public park was relocated from the west side of the residential entry road to the center in order to create a focal point that enhances the development's sense of place by acting as a public gathering space. The roads on the east and west side of the park are one-way, providing access to the residential and commercial areas, and around the park. The 2 one-way streets operate as a single boulevard with a very wide median and are each offset by a minimum of 125 feet from the closest intersection to the commercial property to the north.

Deviation 10 (Landscape buffers)

This is a deviation from the Village of Estero LDC Section 33-351 that requires a 20 foot Type D Buffer between roadways and commercial & multi-family residential uses, to eliminate the buffer requirement along the internal frontage roadway and instead provide a frontage road landscape plan.

The applicant provides the following justification:

The Estero Crossing Project has been designed in accordance with the Village's new Comprehensive Plan under the Integrated Horizontal Mixed-Use Category. Setbacks along the internal frontage road are reduced to provide a more urban boulevard cross section with on street parking, street trees and reduced setbacks. This is proposed both on the commercial and residential sides of the street creating a more integrated pedestrian oriented experience along the roadway.

A buffer requirement runs counter to the goal of integration of uses. In this case, the goal is not to separate adjacent uses but to provide strong visual connections so that the uses can be integrated. Providing the required 20' buffer with trees and hedges would separate the roadway from the commercial area and the residential area creating three separate uses rather than one integrated project.

Note 3 of the Buffer Table in 33-351 actually provides for the reduction or elimination of the Type D Buffer where reduced setbacks are proposed. The deviation request does not propose any reduction in required open space, tree quantity or other landscape or pen space criteria.

Recommendation: Staff recommends approval of the deviation subject to the frontage road landscape plan contained in the Pattern Book. The frontage road landscape plan is page 29 of the revised Pattern book. This plan proposes "street trees" consisting of 20 foot high Royal Palms supplemented with 12 foot high ornamental trees (such as Black Olives) and some hedges in appropriate areas. The landscape plan will provide an attractive view of the combination of landscape and architecture instead of "hiding" the buildings.

Deviation 11 (Gates)

This is a deviation from the Village of Estero LDC Section 34-1748(1)d.1. which states that access gates must be located a minimum of 100 feet back from the existing or planned intersection street right-of-way or easement to allow a minimum setback of 40 feet for the secondary access location.

The application provides the following justification:

A second access point to the residential portion of the project is provided along the west side which will connect to the existing private accessway within the adjacent development. This secondary access will be for residents only and will be automatic, activated by a key card or remote. Adequate signage will be provided to clearly identify the gate as "RESIDENT ONLY" and direct guests and deliveries to the main entrance. This additional access gate will also be equipped with an emergency transponder to allow for access by emergency vehicles, increasing the emergency access to the project.

A setback of 40 feet is proposed to allow stacking for two vehicles. This typical opening speed of residential gates would not require any additional stacking.

The deviation maintains the secure perimeter of the residential project, increases emergency vehicle access and allows alternative access point to help distribute trips. A pedestrian access will also be provided at this location which will connect to the existing pedestrian network within the Estero Town Commons project.

Recommendation: Staff recommends approval of this deviation because the secondary access point is needed to disperse traffic and the configuration should be adequate to prevent vehicle backups.

Deviation 12 (Connection separation for hotel access)

This is a deviation from the Village of Estero LDC Section 10-285(a) [Table 1] which requires a minimum roadway connection for separation distance of 60' for access roads or accessways to allow a minimum separation of 48' for the hotel access from the internal accessway serving the multi-family portion of the project.

The application provides the following justification:

In an effort to reduce the driveway connections on the reverse frontage road, access to the hotel parcel is provided from the interior road in the residential area of the project. A secondary driveway is being provided from the existing access road within the adjacent Estero Town Commons development. For the internal access location on the interior of the project, the hotel access will need to be located outside of the gate to the residential units. Given the configuration of the building up against the roadways, consistent with the Village vision for creating a walkable mixed use community, there is limited frontage between the edge of the building and the residential gates to provide access to the hotel parcel. The access has been located at the closest point possible to the building, as far as possible away from the gate. The next intersection, which creates the 48' separation, is beyond the residential gate, so there will never be continuous or higher speed traffic that would create an unsafe condition. While the separation is slightly reduced at this location, it is a much safer location than the reverse frontage road and eliminates the need for a driveway to the hotel from the reverse frontage road.

Recommendation: Staff recommends approval of this request because the second access is needed and the 12 foot difference is not substantial.

ATTACHMENTS:

- A. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- B. Master Concept Plan
- C. Zoning Conditions
- D. Schedule of Uses
- E. Property Development Regulations
- F. Resolution Number Z-06-031
- G. Letter from Urban Arts, Inc. dated May 8, 2019
- H. Open Space & Indigenous Plan, Estero Crossing, stamped Received October 1, 2019
- I. Letter from Lee County, dated September 3, 2019
- J. Applicant's Supporting Documents