

Pavich Estero PD

Request Statement & Lee Plan Compliance Narrative

I. Request Statement

Joe Pavich, of Realty World-J.Pavich Real Estate (“applicant”), is requesting to rezone a .73+/- acre subject property (“Property”) from AG-2 (Agricultural) to an Estero Planned Development (PD) to permit a 2-story multiple-use commercial development with up to 8,000 square feet of mixed uses, 1,050 square feet of **office, medical office, retail or cafe** and 950 square feet of courtyard/outdoor seating.

The proposed Estero PD rezone will allow for the transition of a residential property to a mixed-use commercial property in an urbanized portion of the Village of Estero where adequate public infrastructure exists to support the proposed intensity. The current residential use is no longer the highest and best use of the property, which is accessed from Happy Hollow Lane with frontage on Corkscrew Road, a 4-lane major arterial and essential corridor serving Estero and Lee County. The site is in close proximity to all urban services as detailed in this application.

The rezoning will serve to meet the intent, goals and objectives for the Corkscrew Road Overlay (even though it is not included in the proposed district), Tier 1 Development Plan requirements, and the Village Center future land use category of the Estero Comprehensive Plan. In doing so there are several notable site design distinctions that will be highlighted here and discussed in detail in the narrative below.

1. The building and site plan are oriented to create a sense of place within the Corkscrew corridor and a visual edge with a maximum of a 25-foot setback (because of a site triangle) including parking in the back of the building hidden from view of Corkscrew Road.
2. A two-story building is proposed that maximizes the northern street frontage with 5 feet or less side setbacks so the height, scale and mass is not lost against the Corkscrew right-of-way and the intent of a visual edge is accomplished. This is consistent with Section 33-403 regarding corner lots where Section 33-403 where buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way and must provide pedestrian access from the street intersection. It also accommodates the intent of the Corkscrew Road overlay that provide a maximum of 5-foot side setbacks and allows 0-foot setbacks in Section 33-406.
3. The architectural design is intended to be harmonious with intended development in the area. The architecture and building quality are high-quality with a flexible floor plan allowing for long-term use and adaptive reuse.
4. Visually the building is appealing and inviting and will make a significant contribution to the long-term viability of this corridor as an active commercial area.
5. Interconnections to the pedestrian and bicycle routes are provided to encourage multi-modal access and a socialization and gathering place with an open seating area or courtyard space is on the first floor.

II. Existing Conditions & Property History

The site is comprised of two parcels, one of which abuts Corkscrew Road and has been used as a residence since the early 70's, and a second parcel to the south which has not been developed. Both properties are accessed via Happy Hollow Lane, a two-lane local road serving a handful of properties south of its intersection at Corkscrew Road. Currently, both parcels are owned by Joe Pavich and Jennifer Sissi.

The site contains an unused residential home on the property abutting Corkscrew Road. The rear parcel of the subject property is wooded and has never been developed. Abutting this wooded site is a residential home to the south. To the east is a greenhouse agricultural use and southeast residential homes.

III. Development Location

The subject property is located along the Village's central major east-west corridor, Corkscrew Road, specifically ¼ mile east of US 41 and abutting the Gulf Seminole Railway to the west and Happy Hollow Lane to the east (and approximately 500 feet west of Via Coconut Point Road).

Please refer to Table 1 below for a detailed inventory of the adjacent Future Land Use Categories, zoning districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

	LEE PLAN FUTURE LAND USE	ESTERO FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Urban Community	Village Center	MPD (Estero on the River)	Corkscrew Road and Residential/Vacant
SOUTH	Suburban	Village Center	AG-2	Residential
EAST	Suburban	Village Center	AG-2	Greenhouse and Residential
WEST	Suburban	Village Center	AG-2	Gulf Seminole Railroad ROW

The subject property is requesting a mixed-use commercial development. This development can be considered infill or possibly more accurately as a logical extension of the commercial property that extends from US 41 east to the railroad tracks: Publix shopping center and Chevron Gas Station. Commercial uses are most appropriate for properties with frontage on Corkscrew Road and the converse is that the former residential uses are no longer appropriate or desirable or the highest and best use.

IV. Public Infrastructure

As outlined in the enclosed application, the subject property is serviced by existing public infrastructure that can accommodate the proposed commercial uses at the maximum intensity of 10,000 square feet of commercial mixed use. Potable water and sanitary sewer services are available to the subject property by Lee County Utilities. The surrounding roadway network has adequate capacity as set forth in the accompanying Traffic Impact Statement prepared by TR Transportation. There are adequate community facilities and services in the immediate vicinity of the project, including Fire, EMS, a public library, Post Office and Parks. Please refer to the enclosed Urban Services Map for the locations of public infrastructure and services available to service the proposed development.

V. Proposed Uses/Design Standards

This property is part of Central Estero area fronting on Corkscrew Road which is to be developed as a corridor of architecturally appealing buildings with uses to include retail and office and other uses that cater to the needs of the community. This rezoning proposes office, café, retail in a mixed use 2-story building. The proposed development is depicted on the Tiered Development Plan (TDP) as it is in the Village Center and is considered a Tier 1 Estero PD rezoning.

According to the criteria for Tier 1 Estero PD in Division 5 of Chapter 33 of the Village of Estero LDC, the intended site plan addresses the intent of Section 33-501 (Estero PD) and Section 33-512 (Visible Edges). The building has interesting detail and variations in the façade with a courtyard seating area and open patio along Corkscrew Road. The courtyard areas and the building as a whole are accessible from the sidewalk integrated into the existing walkway on Corkscrew Road and it is continued down Happy Hollow Lane to the back of the building and parking area.

The parking is in the back hidden from the public view along Corkscrew Road which allowed the setback to be no more than 25 feet which creates a visible edge and attractive public space. The parking is accessed by Happy Hollow lane at a point central to the two properties to prevent traffic from travelling deep into the residential area to the south and east.

The building mass is maximized along Corkscrew Road by applying side setbacks of less than 5 feet so that the structure is in proper scale to the large right-of-way and the intent of a visual edge is accomplished. This is consistent with Section 33-403 regarding corner lots where Section 33-403 where buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way and must provide pedestrian access from the street intersection. It also accommodates the intent of the Corkscrew Road overlay that provide a maximum of 5-foot side setbacks and allows 0-foot setbacks in Section 33-406. It is moved forward to the property line as far as it can be given the required site triangle at the corner of Happy Hollow Lane and Corkscrew Road.

The site is landscaped to code with a Type "C" buffer and wall on the rear property line to protect the residential home to the south and a Type "D" buffer abutting Happy Hollow Lane (except where a deviation is requested). The deviations requested are not attempting to lower the buffer standards, rather they are because of the lot layout shape and the building aligning parallel to Corkscrew Road. The parking lot angles causing a few parking spaces on the eastern and southern boundary to encroach slightly into the 15-foot setback area. The encroachment should not interfere with any of the required buffer planting or wall. The vegetative buffers are not required along the railroad nor is there a right-of-way buffer required against Corkscrew Road; however, general trees and other planting will be

volunteered to make an attractive frontage on Corkscrew Road. The development will adhere to the open space requirement of 20%.

VI. Decision-Making Compliance

The application is consistent with the uses and intensities set forth for the Urban Community Future Land Use Designation in the current Lee Plan codification, but since the Village Center future land use category in the proposed Village of Estero Comprehensive Plan has been adopted we will be addressing this primarily. Section VII below addresses the Comprehensive Plan compliance statements.

Additionally, the project will meet or exceed the performance standards set forth in the transitional Land Development Code and revised and adopted Chapter 33 – Estero Community Regulations as they apply to the Estero Planned Development zoning districts.

The request will meet or exceed all performance and locational standards set forth for the proposed 10,000 square foot commercial development, except where a deviation is requested, and demonstrates the protection of public health, safety and welfare. The proposed intensity is compatible and appropriate for the area. The site represents the highest and best possible use for the corridor. The building height is limited to 45 feet above grade and setbacks are consistent with the intent of the Estero PD Tier 1 development requirements. Public infrastructure and services are available to service the proposed development.

PARKING

As shown in the table below, which is the same table included on the Tiered Development Plan (TDP), it is important to note that the applicant is proposing the use parking space requirements for a mixed-use development (Section 34-2020(b)) and is requesting a reduction of 5% based on connection to bicycle/pedestrian facilities (§34-2020(c)). These are described in detail in the Deviations Justifications section of this submittal.

Table 2: Intensity and Parking

Use	Building Square Feet	Parking Ratio	Required Parking Spaces
1st Floor Mixed Use (Office/Retail/Café)	4,150	1/350	11.86
1st Floor Courtyard Seating	950	1/350	2.71
2nd Floor Mixed Use (Office)	2,450	1/350	7.0
2nd Floor Mixed Use (Medical Office)	2,450	1/250	9.8
<i>totals</i>	10,000	-	31.37
With 5% parking reduction			<u>29.80</u> 30 spaces provided

The Schedule of Uses balances tenant flexibility with uses that are a community benefit and likely to be desired along this corridor including uses that would generate socialization areas a sense of activity like outdoor seating area, café and retail shops.

TRAFFIC

Approval of the request will not have a significant impact upon the surrounding roadway network. Access will be provided from Happy Hollow Lane and enter directly onto Corkscrew Road which has adequate capacity. As outlined in the enclosed Traffic Impact Statement (TIS) prepared by TR Transportation, all impacted roadways can accommodate the traffic associated with the 10,000 square feet of café and retail commercial uses. The report also concludes that the project will not create any transportation deficiencies that require mitigation with Corkscrew continuing to operate at a Level of Service "C" with added project trips. **The TIS states that if fully occupied as retail and café the project will trip the need for a right turn-lane onto Happy Hollow Road. However, the need for a turn lane will be determined at the time of Development Order because it greatly depends on tenant mix.** For example, if the project were to be all office a turn lane would not be warranted – the café in combination with retail creates the need for the turn lane while offices would not.

In terms of potable water and sanitary sewer services, Lee County Utilities has provided an availability letter demonstrating adequate capacity to service the commercial development. Additional services, such as schools, libraries, parks, EMS and fire protection are available within a 3-mile radius of the project, as shown on the enclosed Urban Service Map.

This request will not adversely affect environmentally critical areas and natural resources as no significant resources are found on site.

VII. Comprehensive Plan Compliance

The following is an analysis of the Pavich estero PD's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (transitional Lee Plan as amended by Ordinance 2016-04 for Village Center FLU) and the pending Village of Estero Comprehensive Plan.

VILLAGE'S TRANSITIONAL COMPREHENSIVE PLAN (LEE PLAN)

POLICY 1.1.4: *Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases or urban services and expand and strengthen them accordingly. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The subject property is located in an urbanized area of the Village of Estero, as evidenced by the surrounding land use pattern, existing densities/intensities, and available public infrastructure. As outlined in the above narratives, the general area is developed with a mix of commercial uses to the west, a few single-family residential homes to the south and a greenhouse to the east. The PD rezoning will allow for the continuation of the commercial development pattern along Corkscrew Road and will direct new development to an area with an existing base of urban services. The proposed intensity and mix of uses are in direct compliance with the Urban Community Future Land Use category.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

The proposed rezoning will allow for a compact and contiguous development pattern in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents a bonafide infill development within an urbanized area of the Village of Estero.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.*

The applicant has provided a detailed explanation of the public facilities and services available to support future development of the property at the requested density. The proposed rezoning fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the Village.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. *Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.*

The project fully intends to connect to both services which have been verified to have adequate capacity by a Letter of Availability received January 30, 2019.

STANDARD 11.1 & 11.2: WATER & SEWER

Potable water and sanitary sewer services are available to service the development as outlined in the attached Availability Letter provided by Lee County Utilities.

STANDARD 11.3. TRANSPORTATION

TR Transportation has prepared the enclosed Traffic Impact Statement (TIS) in accordance with the county requirements. Per this analysis, all roadways within the project's area of impact have sufficient capacity to accommodate the traffic associated with the 10,000 square feet mixed-use commercial development. The report also concludes that the project will not create any transportation deficiencies that need to be mitigated.

VILLAGE'S TRANSITIONAL COMPREHENSIVE PLAN FUTURE LAND USE AS AMENDED BY ODINANCE 2016-0 (Village Center)

POLICY 19.2.1: *Where feasible, provide for the development of walkable mixed-use centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through Lee Plan comprehensive plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:*

h. Provide ample and varied public gathering places including, without limitation, parks, plazas, sidewalks, benches, restaurants, shops, civic spaces, green spaces, community recreation centers, and other recreational facilities.

The site design allows for a courtyard of outdoor seating in the center of the site with access directly from the sidewalk abutting the property along Corkscrew Road.

i. Maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage in all commercial and mixed-use developments.

The site is designed as one building so the look and feel being unified and consistent is easily accomplished.

POLICY 19.2.4: *Ensure that future commercial and mixed-use developments meet the community's planning priorities by requiring that all new commercial development which requires rezoning within Estero must be rezoned to a Commercial (CPD), Mixed Use (MPD), or Compact PD, as those districts may be amended from time to time.*

This application is a commercial planned zoning; however, it is within the Village Center FLU which has established an Estero PD zoning district (19.8.2) accomplishing the intent of this policy.

POLICY 19.2.5: *Except as set forth in Policy 19.2.S(a), the following uses are prohibited within Estero: "detrimental uses" (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre.*

The Schedule of Uses & Site Development Regulations attachment to this submittal adhere to these restrictions. None of the listed uses have been requested as part of the Estero PD rezoning.

POLICY 19.8.1: *This comprehensive plan includes a Village Center category on the future land use map (also referred to as the "Village Center Area") which encourages higher densities and intensities of housing, employment, shopping, recreation, park and civic uses in a series of interconnected neighborhoods and mixed-use areas. Policy 1.1.12 allows landowners in the Village Center Area to develop within the standard density range and other requirements of the Urban Community category; however, the Village of Estero encourages land to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. The glossary defines "density", "mixed-use", "walkable", and "mixed-use pattern". The specific goals of the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that*

are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

Several features of the site design make this project consistent with this policy including: parking behind the building, minimal setback from Corkscrew Road, interconnection to bicycle and pedestrian walkways, a mix of out door courtyard and uses such as retail, restaurant and café that create activity and social areas.

POLICY 19.8.2: *The Village will create a new planned development zoning district in the Land Development Code (the "Estero Planned Development Zoning Central Planning District") to help implement these policies. This zoning district will contain tiered standards that apply to the Village Center Area and may include sub-districts which may have specific policies applying therein. Rezoning to the new planned development zoning district must be sought to take advantage of the new tiered standards and densities with respect to specific development tracts. The Village's intention is to use this new zoning district whenever increases in density and intensity are requested in the Village Center Area (as such term is defined in the Land Development Code). The Village will coordinate with FDOT in the review of any new "Village Center" land development or redevelopment project to assess potential impacts of density increases on State and SIS transportation facilities, such as US 41 and 1-75.*

This submittal is an Estero PD in the Tier 1 development standards. It is consistent with the applicable requirements, standards and intensities sought after.

POLICY 19.8.5: *The Land Development Code will provide standards for four levels of development in the Village Center Area that will contribute to a walkable mixed-use environment in the Village Center Area:*

a. Tier 1 provides a minimum network of connecting streets that will allow the general public and residents to move by car, bike, or on foot within and through development tracts.

The site is less than one acre making the applicable development standards to adhere to met with the bicycle and pedestrian interconnections that are central to the proposed development plan.

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site and to the existing and potential street pattern on surrounding sites.*

While the site does not have outstanding topographic or natural features that need preserved such as wetlands or protected species, it was important to integrate it into an existing residential area and make it an attractive piece of the Corkscrew Road corridor. These existing constraints were addressed in several ways. The building was placed in the front of the property to keep the imposing structure from impacting existing residential. The parking area will be buffered with attractive plantings and a wall on the southern border. The building orientation is also important to the streetscape of Corkscrew Road and the overall goal of creating an attractive visual edge and a sense of place with activity from commercial uses near the pedestrian and bicycle infrastructure.

POLICY 6.1.2: *Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policy 32.2.4 or if located in the Mixed Use Overlay and utilizing the Compact PD zoning category.*

1. MINOR COMMERCIAL

- a. Major function: Provides for the sale of convenience goods and services.*
- b. Location: The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):*
 - (1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads.*
- c. Site Area: Two acres or less.*
- d. Range of Gross Floor Area: Less than 30,000 square feet.*

The site qualifies as a minor commercial development: it is less than one acre, 10,00 square feet of commercial uses and is located on the corner of Corkscrew road (arterial) and Happy Hollow Lane (local road).

VIII. SOUND PLANNING PRINCIPLES

The proposed Estero PD will address several sound planning principles that are currently of interest to the Village of Estero. In direct compliance with the Transitional Comprehensive Plan, the amendment will allow for infill development within an urbanized portion of Estero that is currently serviced by public infrastructure. As presented above, the Property is adjacent to existing development ranging from low density single-family residential south and a greenhouse to the east and railroad to the west. It is located on a major arterial next to pedestrian and bicycle accessways as well as with 500 feet of a future bus route. Therefore, approval of this zoning will accommodate population growth within an appropriate area of Estero with the requisite level of public services.

In summary, approval of this request will allow the Property to be developed in a manner that is consistent with the underlying Village Center Future Land Use Category and is compatible with the surrounding land use pattern and the Village of Estero as a whole. The request directly supports Estero's desire to direct new growth to infill locations in urban areas appropriately utilizing the public investment in infrastructure and services. The proposed rezoning will meet or exceed the standards set forth in the LDC for planned developments, except where a deviation has been requested. For these reasons, the Applicant respectfully requests approval of this rezone as proposed.