



Pavich EPD - Rezoning to Estero Planned Development
Zoning Staff Report
For Planning & Zoning Board Public Hearing

PROJECT NAME:	Pavich EPD
CASE TYPE:	Planned Development Rezoning
CASE NUMBER:	DCI2019-E002
PLANNING & ZONING BOARD DATE:	September 15, 2020

SUMMARY OF REQUEST

The applicant is requesting to rezone 8910 Corkscrew Road and 21256 Happy Hollow Lane from Agriculture (AG-2) to Estero Planned Development (EPD) to allow for 10,000 square feet of commercial use on the site, including 950 square feet of 'courtyard' seating area. A proposed schedule of uses has been submitted which indicates a broad array of potential uses including retail, office, and service oriented businesses. The property is approximately .73 acres and is located at the southwest intersection of Corkscrew Road and Happy Hollow Lane, east of the CSX/Gulf Seminole Railroad corridor.

The request also seeks approval of eight deviations as discussed later in this report.

STAFF RECOMMENDATION

The development could be recommended for approval, but staff does not recommend approval as proposed.

The main reasons that are discussed in more detail in this report, include compliance with the Village Center land use category, and compliance with the code pertaining to architecture and colors.

Staff and the applicant met recently to attempt to resolve the outstanding issues. The applicant indicated that revisions would be submitted, however the minor revisions did not address the architecture, instead changing the color from white to gray, and adding two shade trees and two benches to the Corkscrew Road buffer. Staff believes additional modification are need to be consistent with the LDC and Comprehensive Plan.

GENERAL INFORMATION

APPLICANT

Joseph Pavich, Jr. and Jennifer Sassi

AUTHORIZED AGENT

Fred Drovdlc, AICP, Waldrop Engineering, Inc.

ADDITIONAL AGENTS

Steven Hartsell, Pavese Law Firm
Tyler King, W. Dexter Bender & Associates, Inc.
Reid Fellows, TR Transportation Consultants
Jack Morris, Waldrop Engineering
Matthew Kragh, AIA, MHK Architecture & Planning

LOCATION

The subject property is at 8910 Corkscrew Road and 21256 Happy Hollow Lane, at the southwest intersection of Corkscrew Road and Happy Hollow Lane. An access drive currently exists on Happy Hollow Lane. The STRAP numbers are 33-46-25-E2-U1960.2366 and 33-46-25-E2-U1960.2363.

PROJECT HISTORY

A vacant home exists on the northern lot, adjacent to Corkscrew Road. The southern lot is heavily treed but otherwise vacant.

SURROUNDING ZONING

- North Corkscrew Road then vacant land zoned Mixed Planned Development (MPD)
- East Happy Hollow Lane then Greenhouse zoned Agricultural (AG-2)
- South Residential uses zoned Agricultural (AG-2)
- West CSX/Gulf Seminole Railroad Corridor and Corkscrew Village Shopping Center zoned Commercial Planned Development (CPD)

COMPREHENSIVE PLAN LAND USE CATEGORY

Village Center, as shown right

PUBLIC INFORMATION MEETING/PATTERN BOOK

A Public Information Meeting for this application was held on May 21, 2019 with the Planning and Zoning Board, and a required Pattern Book review on June 26, 2019 with the Design Review Board. At each meeting the applicant’s representatives provided an overview of the proposed project including the conceptual site plan and architectural elevations for the proposed development. The applicant submitted a summary of these meetings on July 25, 2020. The summary included issues raised by the Planning and Zoning Board and Design Review Board. The summary did not include the applicant’s response to any of the issues, but the submittal information did include building details on the east and west elevations.

The Planning and Zoning Board raised questions concerning general access and circulation, including installation of turn lanes. Comments included support for a café or restaurant and for the project generally.



Figure 1 - Village Center Future Land Use

The Design Review Board meeting was held to discuss the Pattern Book, required as a part of the Estero Planned Development rezoning. The DRB had questions about access and turn lanes as well as parking requirements, and had comments regarding continuation of building details to the east and west elevations. Other design comments included that color enhancement should be considered to avoid the appearance of a 'medical building', as well as support for the 'transition away from Mediterranean' style.

The applicant has changed the color of the building which may require additional review and comment of the Pattern Book by the Design Review Board.

The minutes provided for these meetings are included in Attachment C.

REZONE REQUEST

Rezone from AG-2 to Estero Planned Development (EPD) Zoning:

The rezone seeks to establish a Master Concept Plan, a Schedule of Uses (Attachment D), and Property Development Regulations for the site including eight deviations.



Figure 2 Birdseye view from Corkscrew Road

TIERED DEVELOPMENT PLAN (Master Concept Plan)

The applicant has provided a Tiered Development Plan as required by Section 33-503 of the LDC, entitled "Tiered Development Plan" stamped "Received August 19, 2020" that depicts the following:

- A 10,000 square foot two-story commercial building consisting of 9,050 square feet of interior space;
- 950 square feet of covered 'courtyard' or open area;

- An outdoor public gathering area;
- 0.17 acres of open space, exceeding the required 20%;
- 45 foot maximum building height – a flat roof with pitched roofs accents is proposed;
- 20 foot type “D” Buffer on Corkscrew Road and Happy Hollow Lane, subject to deviation;
- 10 foot Type “C” Buffer with wall at southern property line;
- Parking lot with 30 parking spaces, subject to deviation request;
- Access from Happy Hollow Lane;
- A stormwater management dry detention area at the south boundary;
- Trash enclosure in the southwest corner of the parking area;
- ADA accessible sidewalks on Corkscrew Road (existing) and Happy Hollow Lane (proposed);
- Front setback of 20-feet from Corkscrew Road, 5-foot side setbacks, and 25-foot rear setback (5-foot for accessory structures), subject to deviation requests;
- A ±7 foot tall monument sign on Corkscrew Road, subject to deviation request.

Proposed uses range from office, medical office and outpatient care facilities, to general retail, personal services, and convenience restaurants.

Eight deviations are proposed:

1. LDC Table 34-2020(b), that addresses the Minimum Required Spaces for Multiple-Use Development to allow a 5% reduction in the parking spaces required for 9,050 square feet of mixed uses and 950 square feet of courtyard seating from 32 to 30;
2. LDC Section 33-351, Landscaping Buffer Table requiring a 20 foot Type “D” Buffer along Happy Hollow Lane to allow parking within 15 feet;
3. LDC Section 33-351, Note 3 addressing hedge row plantings for a Type “D” Buffer and 33-352 (a) and (b) plant materials to allow landscape plantings of palms and lower, less visually restrictive plantings rather than canopy trees and double-hedge row of 36” in height;
4. LDC Section 33-385(a)(3) requiring a commercial sign to be located on the frontage of the primary access of the business; to allow the monument sign on Corkscrew Road.
5. LDC Section 33-385(a)(3) requiring a 15 foot setback from any street right-of-way or easement, and 10 feet from any other property line, to allow for a monument sign to be 8 feet from the Corkscrew Road right-of-way;
6. LDC Section 34-2192(a) requiring a 25 foot street setback from the Corkscrew Road right-of-way to allow a setback of 20 feet consistent with the required buffer width;
7. LDC Section 34-2192(a) requiring a 20 foot street setback from private street easements or right-of-way to allow for a 5 foot setback on Happy Hollow Lane;
8. LDC Section 34-935(b) requiring a 15 foot setback to allow a 5 foot setback on the western boundary adjacent to the railroad right-of-way.

STAFF ANALYSIS

The staff analysis section of this report addresses environmental issues, transportation impacts, stormwater management, utilities (water and sewer), pattern book, Estero PD requirements, and Comprehensive Plan considerations.

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:

- Development of the site will result in removal of a vacant older residential structure;
- Provide activity in a currently vacant area.

Disadvantages (several of which could be mitigated):

- Project could add 1,385 vehicle trips per day to area roads (worst case scenario);
- It is unknown if a right turn lane will be warranted now or in the future;
- The architectural style does not meet the standards in the LDC and comprehensive plan;
- Compliance issues with Village Center land use designation, particularly with regard to Public Benefit as required by the Estero PD rezoning.

Pattern Book

The applicant submitted a Pattern Book dated August 18, 2020 and stamped “Received August 19, 2020”, as required by Chapter 33 of the Land Development Code. The Pattern Book includes the proposed building elevations of all four façades depicting architectural style and building height, proposed colors and materials, a monument sign, lighting and design details, connectivity and ‘courtyard’ area, and landscape images. No images or standards were included for walls or fences, which are proposed to be allowed in the development. A wall is required on the south property line as a component of a Type “C” Buffer to provide protections to the single family home currently existing to the south of the subject site.

Staff review finds that the elevations in the Pattern Book do not generally comply with the architectural design standards in Section 33-517 of the Land Development Code which requires *‘the developer choose either a Mediterranean or Old Florida design for buildings in the Village, each such design standard allows for a broad palette of historical choices’*, and Section 33-334 which states that *‘the colors for commercial structures must be neutral, warm earth tones or subdued pastels’*.

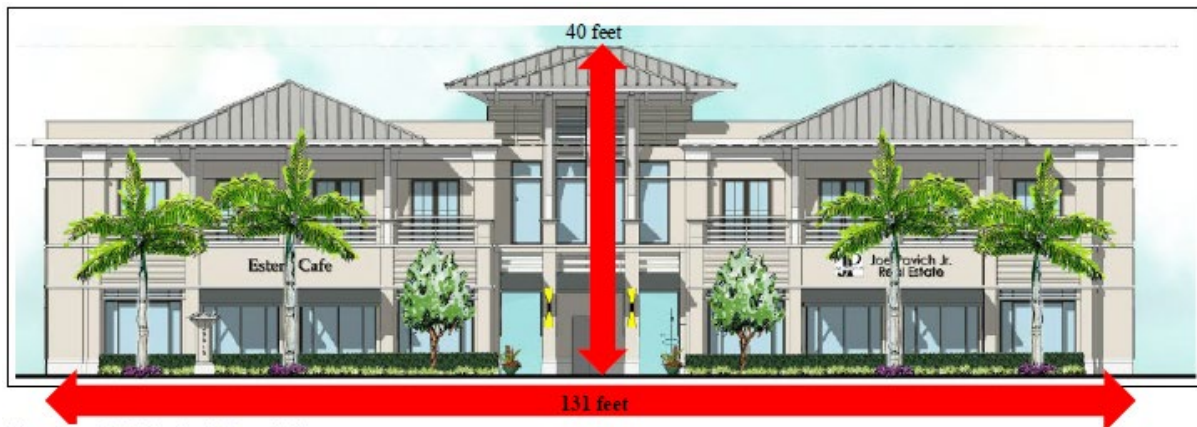


Figure 3 - Architectural Description

The applicant has further described the architecture style as follows:

“The Pavich Mixed Use Building is a two-story commercial building influenced by the Coastal Old Florida style. The building includes clean lines with timeless elements such as elongated coastal brackets, Caribbean influenced metalwork and a simple, two-toned color pallet – whites and grays. The rooflines are simplified by clean parapets and hipped roof configurations including vertical roof plane changes. The roof is accentuated by a standing seam metal roof system in a natural galvalume color finish – Dove Gray. The building includes large windows with light Dove Gray aluminum finishes. The brackets and shutters will share the same contrasting color scheme

where the building base color is Sherwin Williams Snowbound (off-white) with Pure White trim and the architectural details and metalwork are brighter white.”

Staff has found few of the above required architectural elements in the design, and the applicant has since changed the building color from Snowbound with Pure White trim to Agreeable Gray with Nebulous White trim. The predominantly gray structure does not conform to standards in Section 33-334 that requires neutral, warm earth tones or subdued pastels. The code does allow brighter colors to be utilized to create focal points or for brightly colored trims to create contrasts that complement the structure, however the structure is proposed to be gray with white trim and a gray roof. The horizontal massing and façade of the structure is modern in appearance, and the gray color with grillwork is not consistent with Old Florida or Mediterranean style required by the code.

Environmental Issues

The applicant submitted a Protected Species Assessment that included a vegetation analysis which identified the southern portion of the site as Mixed Hardwoods consisting of Brazilian Pepper and dense vegetation such as slash pine, melaleuca, cabbage palm, laurel oak, live oak, lead tree, wedelia and air potato. No tree count is provided other than the descriptor of ‘dense vegetation’ on the rear lot. A Heritage Tree Survey stated that “No heritage trees were observed on site.”

The site was reviewed and no Protected Species were found during the survey.

Staff review was conducted by EcoPlanz, Inc. for the Village, and determined that:

- Indigenous Preserves are not applicable to small projects;
- Heritage Tree Protection and/or replacement are not applicable to small projects;
- The Protected Species Survey meets the LDC requirements.

One heritage tree was noted on-site by EcoPlanz and the applicant stated it would be removed.

Flood Issues

There are no floodways designated on the site and the site is not within a Special Flood Hazard Area. The area is in Zone X which is a flood insurance rate zone that corresponds to the areas of 0.2 percent annual chance of flooding.

Stormwater Management

A Stormwater Management Narrative has not been submitted by the Applicant who states that ‘The existing drainage pattern is an uncontrolled surface flow, topographic survey indicates that there is only a generalized westward flow.’ The applicant also states that the open detention will be provided at the southern end of the site and any additional required storage will be in a storm chamber vault system under the western parking area. This storage would then be discharged via a control structure into an acceptable offsite discharge area at an appropriate rate. Pre-development off-site flows will be routed around improved infrastructure and not included in the requirements of the proposed development.

Further review of this issue will occur at development order which could result in plan revisions.

Transportation Issues

The Applicant has provided a Revised Traffic Impact Statement (TIS) prepared by TR Transportation Consultants, Inc. dated February 12, 2020. The TIS is based on a 10,000 square foot commercial building that has been analyzed by using the most traffic intensive uses proposed

(worst case scenario); Retail and Fast Casual Restaurant. Assumptions within the TIS include the use of “pass-by” traffic in order to determine the number of new trips the development will generate. Pass-by is determined by the average rate of 34% as surveyed for the use by the Institute of Transportation Engineers (ITE) Trip Generation Handbook, 3rd Addition. The analysis uses a more conservative pass-by rate of 30%.

It was determined that 1,709 daily trips would be generated by the project and a 30% pass-by rate would reduce the new daily trips by 324 trips, or a resultant 1,385 daily trips. Daily traffic volume (AADT) on Corkscrew Road in 2017 was 17,000 average annual daily trips. This project constitutes an 8% increase in AADT on Corkscrew Road.

An analysis of the potential impacts of these trips to the surrounding roadway network was performed to determine if sufficient capacity was available. An existing Level of Service (LOS) C was found for Corkscrew Road east and west of the project driveway.



Figure 4 Corkscrew Road at Railroad and Happy Hollow Road

The TIS concludes that Corkscrew Road would continue to operate at a LOS C with the addition of the traffic resulting from the developed site. Village staff has reviewed this documentation and concurs that the proposal will not cause the level of service to be exceeded. The applicant will provide a more detailed traffic analysis as part of the development order.

Two items of note regarding transportation issues:

1. The TIS did not include a turn lane analysis regarding provision of a right turn lane from Corkscrew Road to Happy Hollow Lane which is proposed to provide access to the site. Lee County has commented that a right turn lane on Happy Hollow Lane may be required to mitigate traffic impacts to the operation of Corkscrew Road as a result of the development. The applicant responded that 'Site related turn lane analysis is not required for rezoning. However, the warrant for a right turn lane into the site is 60 vehicles with the 8k retail and 2k fast casual restaurant (café). There are 55 turns into the site so no turn lane at the site access would be required if the uses stay the same at DO. There is enough projected eastbound right turns along Corkscrew Road with the added traffic, however, it is an offsite improvement.' In the above figure, from Corkscrew Road traveling east, the turn onto Happy Hollow Lane is difficult to see and the approach after the railroad comes quickly at 45 miles per hour. Staff is concerned as the railroad improvements and speed on Corkscrew Road make this right turn, and necessity for a right turn lane, a potential safety issue.
2. The intersection of Corkscrew Road and Happy Hollow Lane is limited by the median which does not allow for left turns onto Happy Hollow Lane when traveling westbound on Corkscrew Road, nor does it allow for a left turn out of Happy Hollow Lane onto Corkscrew

Road. The result is that access to Happy Hollow Lane (and the site) is limited to a right-in, right-out only – making the safety issue and right turn lane more critical. Exiting Happy Hollow Lane to travel westbound on Corkscrew Road will necessitate a U-turn at the signal for Via Coconut Point/Sandy Lane. If attempting to access Happy Hollow Lane (and the site) when traveling westbound on Corkscrew Road, a U-turn will be necessary at the Publix shopping center to Corkscrew Road eastbound to the right-in at Happy Hollow Lane. All traffic to the development will result in a right-in/right-out only to and from Happy Hollow Lane.

Utilities

The property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services.

A letter from Lee County Utilities states that *'the property is located within Lee County Utilities Future Service Area'* and that potable water and sanitary sewer lines are in operation adjacent to the site. System enhancements may be required.

The applicant will need an updated service availability letter from Lee County Utilities indicating sufficient capacity for the project in conjunction with any development order site plan approval.

Capacity was said to be sufficient for the 2,546 gallons of flow demand per day that would be required to serve the development. Potable water service would be through the Pinewood Water Treatment Plant.

Sanitary sewer service would be provided by the Three Oaks Wastewater Treatment Plan and the Applicant will be required to perform hydraulic computations to determine the impact the project will have on the existing system.

Fire

Estero Fire Rescue has reviewed the request and had several comments:

- That at least 1 fire hydrant will need to be added if this is to become a commercial property/building - this issue will be further reviewed at development order;
- An auto-turn analysis is required if the building will not be constructed with fire sprinklers;
- Radio enhancement – an assessment must be completed regarding ingoing and outgoing signal strength and quality that may result in required radio enhancement;

The applicant responded that access is possible to the back of the building via direct pull-in then back out onto happy Hollow in a hammerhead-like fashion, and confirmed that the building will be constructed with fire sprinklers

Height

Section 33-229 of the Land Development Code limits the 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 submitted Pattern Book demonstrates that the proposed development of the building at its highest point is 40 feet to the top of the central roof element, and therefore is consistent with the LDC requirements, however there are other areas in the application materials that state the maximum height of the structure will be 45 feet. This inconsistency should be corrected, or explained that the maximum building height may not be utilized as the building is shown with a maximum height of 40 feet.

Schedule of Uses

The applicant has not identified building tenants, but has included a list of proposed uses for the site, see Attachment D. Minor amendments are recommended to this list, for clarity and to remove redundancies. The proposed uses are appropriate in the Village Center.

Estero Planned Development Criteria

Section 33-502 – General Criteria - The Land Development Code contains general criteria which set out the defining principles used to create the standards for the Estero PD district and provide the rationale to be followed with respect to any rezonings or other applications for development in such district.

- a. Goals – The specific goals set forth in the Comprehensive Plan for 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, preservation of community history, and the protection of the environment, particularly along the Estero River.

Staff Comment: The proposed development is standard commercial development that does not offer the creation of socially vital centers. The applicant has provided an Outdoor Gathering Area which consists of a widened walkway with benches on either side. This may create some activity, however access to the site will primarily be from the rear parking area, thus minimizing the potential use of this area. The project also includes a central ‘courtyard’ or breezeway area proposed to be used as outdoor seating for a restaurant. Nothing has been proposed, other than two benches in the widened walkway, that would create or promote street activity or walkable communities, such as the provision of street trees. There is an existing sidewalk along Corkscrew Road and a sidewalk is proposed along Happy Hollow Lane, but that sidewalk will end at the subject property line thus creating a dead end pedestrian connection that, at this time, does not generally promote walking and bicycling.

- b. Reasonable Standards – The provisions of the land development code implementing the Estero PD district are designed as reasonable standards and guidelines to foster consistent and high quality built results and public spaces by using the physical form (rather than separation of uses) as the organizing principle for achieving the goals and objectives set forth in the comprehensive plan related to the Village Center Area. Such standards designate the requirements for the required pattern books; the locations where different building forms standards apply; the relationship of buildings to the public space; and public standards for such elements in the public space as sidewalks, bicycle lanes, automobile travel lanes, on-street parking, street trees, street furniture and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality, and walkability in the Village Center Area. Such standards also permit other reasonable means that accomplish the goals and objectives of the comprehensive plan in a different or complementary manner by the Village’s ability to grant deviations or variances from the standards set forth herein in circumstances where the strict application of the standards will not best achieve the goals underlying such requirements.

Staff Comment: There is no proposed mix of uses, such as residential, commercial, institutional, or cultural uses, as the project is requesting standard commercial uses such as office and retail. The applicant is proposing an Outdoor Gathering Area consisting of two benches along the walkway to the entrance of the building. An interior courtyard area

is located in the central portion of the structure, under cover of the second level of the building, to provide seating area for the proposed restaurant use.

- c. Accessibility – The criteria implementing the Estero PD district of the Village Center Area are designed to make the public space accessible, both socially and physically, connected, and walkable.



Figure 5 - Architectural Elevations

Such guidelines (a) are based on the primacy of the human scale over the automobile, (b) are designed to balance private property interests and property rights with public goals, and (c) employ simple, understandable, and physically determined methods to achieve these goals.

Staff Comment: The proposed Outdoor Gathering Area and the ‘courtyard’ or breezeway area does not appear to promote or activate any street activity that would create a more social and vibrant atmosphere along this area of Corkscrew Road as the public area gathering area is minimal, and the courtyard area is located 20 feet from the right-of-way and is under roof of the second level of the building. The application also indicates that a Consumption on Premise (COP) permit is requested for the courtyard area.

- d. Streets – In these criteria, the street becomes the key part of the public space. All streets must in some way become a part of a connected, continuous street network which are designed to encourage the mixing of uses in the Village Center Area. A variety of different types of streets, which connect neighborhoods and destinations, will serve the public

interest by minimizing the traffic load and the need for increased capacity on any one street. Except as specifically set forth in this Division 5, streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

Staff Comment: These criteria appear to be applicable to larger developments that would be creating new streets, however the concept of connection to other Village Center areas, mixing of uses, and public spaces is intrinsic to the criteria. The proposed Pavich Estero PD does not appear to connect to any other nearby development except for the existing sidewalk on Corkscrew Road and proposed sidewalk on Happy Hollow Lane, the latter of which is a dead-end in a residential area.

- e. Street Design – Distances between intersections of streets should favor the goals and objectives of enhancing walkability of streets and connectivity. The design of streets shall favor their proper use by pedestrians; where the guiding principle is to calm traffic and to specifically slow traffic at intersections to allow pedestrians to cross streets quickly and safely. Landscaped medians and two-way streets help to achieve those goals and objectives by reducing the apparent width of streets and providing safer crossings. On-street parking, where appropriate and feasible, protects pedestrians from the actual and perceived danger of moving traffic.

Staff Comment: Not applicable due to the size of the development.

- f. Lots and Blocks – The proper application of the principles regarding connectivity of streets will then create a network of local streets which will result in varieties of blocks of land and differing sized lots within such blocks. Rather than specify a particular grid of lots and blocks, which may differ within the Tiers, variations in size and dimensions of lots and blocks are permitted so long as the overall objectives for connectivity and walkability are achieved on a performance-based standard. However, lots or blocks may be ultimately designed, the side may form a part of the public space and will be defined by the types and varieties of streets that surround them. By way of example, alleys can absorb parking and service roads, and allow the outer faces of blocks to become more intensely pedestrian in nature. Within the blocks that are created by the streets, a variety of widths and depths of individual lots will determine the range of building types and densities that will eventually establish the intended urban fabric of the Village Center Area.

Staff Comment: Not applicable due to the size of the development.

- g. The Visual Edge – The sidewalks, setbacks, building facades and other characteristics of the visual edge of a publicly accessible street area also important features under the standards for the Estero PD district. The height of the buildings, setbacks, and projections define the enclosure of the street. The maximum width and height of the building define a buildings mass, while the architectural features of the building, especially the interrelationship of the design and the public space, will ultimately determine the social vitality of the street. So too are the characteristics of built form and landscape design which are deemed to mutually dependent.

Staff Comment: This development will certainly create an edge along Corkscrew Road and Happy Hollow Lane as the building proposed a deviation to reduce the setback to 20 feet from the Corkscrew Road right-of-way. Additionally, if additional deviations are approved the building will be located 5 feet off of each side lot line, thereby resulting in a building width and massing that will span 131 feet of the 141 feet of frontage on Corkscrew

Road. The maximum building height appears to be 40 feet based upon the provided elevations in the Pattern Book, however the Master Concept appears to state that the maximum height will be 45 feet. The ±7 foot tall monument sign is proposed to be located within 8 feet of the Corkscrew Road right-of-way.

The massing, along with the modern and somewhat sterile appearance of the architecture, a gray building with white trim, will be out of character with the area and will not promote an interrelationship of the design with public space or vitality on the street.

- h. Architecture – Architectural variety of buildings and unique approaches to design and structure are to be valued under the standards for the Estero PD district, however equally important is the fact that adjacent buildings and public spaces that share some of the characteristics of its neighbors will generate a sense of cohesive framework in the Village Center Area.

Staff Comment: The proposed architecture does not comply with the LDC requirements regarding required color and style which does not constitute a unique approach to the architectural variety and design, nor does it generate a sense of a cohesive framework with other near-by developments within the Village Center Area, such as Genova.

- i. Quality of Buildings – Buildings are like permanent fixtures in the landscape of the Village. They should be constructed with sufficient material and of such high technical quality to allow for their continuing renovation and adaptive reuse well beyond the expiration of their initial planned use of cost recovery. Building design and construction are encouraged to be cognizant of SW Florida’s unique climate and ecologically sensitive in their use of materials, particularly recyclables, and with respect to their energy demands.

Staff Comment: The application did not discuss the materials to be utilized in the construction of the building but the structure itself appears to be able to be reused, or renovated to be used, by a variety of types of uses.

Comprehensive Plan Considerations

The project is located in the Village Center, an area that the Comprehensive Plan describes as the heart of the Village of Estero. This area has specific goals to create socially vital centers which could support relatively intense commercial and residential development. The walkable, mixed use areas have anticipated uses that include housing, employment, hospital, shopping, office, hotel, recreation, park and civic uses. It is important to recognize that development in the Village Center requires some degree of public benefit which “...***shall be calibrated to the needs of each Tier and the particular proposed development plan, and must meet or exceed the goals and objectives of the comprehensive plan; meet or exceed the general land development code criteria for the Village Center; and create significant public benefit appropriate to the tier and the particular development plan.***”

Comprehensive Plan Policies

Policies from the Comprehensive Plan that are relevant to this project are cited below.

FLU-1.1.1 Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing comprehensive plan policies, Land Development Code (LDC) regulations, and other planning tools that:

- A. *Implement and maintain high quality development standards for architecture, landscape architecture, hardscaping, site planning, landscaping and buffering, signage, lighting designs and visual appearance of developments, transportation facilities, pedestrian circulation and community amenities including public spaces and parks within mixed use and non-residential developments;*
- B. *Promote the use of low impact design, sustainable energy, water, and other environmental features;*
- C. *Encourage higher density, compact mixed-use development in designated locations as a means of increasing internal capture and reducing overall vehicle miles travelled;*
- D. *Promote targeted industries in appropriate areas of Estero, e.g.: healthcare, arts and culture, technology, and Class A office facilities;*
- E. *Encourage the redevelopment of underutilized commercial and residential lands for older properties seeking to comply with current comprehensive plan policies and LDC standards; and*
- F. *Facilitate public participation in the land development approval process by having the owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, and other amendments and Development Orders, within the Village, participate in a public information meeting pursuant to adopted Village regulations and policies.*

Staff Comment: The redevelopment of this site proposes commercial uses that are appropriate for the Village Center, however the small size of the property and the limited development on the site is not keeping with the intent of the comprehensive plan to create higher density, mixed-use developments within the Village Center area. The proposed architecture, setbacks, and buffering do not comply with the regulations, and they have provided additional justification which may be acceptable for several of the deviations however others are not adequately justified. The proposed project is standard commercial development that if located anywhere outside of the Village Center land use designation could be acceptable, however does not meet the intent of the comprehensive plan for this future land use category.

FLU 1.2.10 Village Center *The Village Center area is characterized by primarily undeveloped or underdeveloped land lying near US 41 in the heart of the Village of Estero. The Village Center is intended to improve the quality of life for Estero's residents and visitors by providing a variety of neighborhood and housing types and more diverse economic activity in the heart of Estero. The specific goals of the Village Center include creating: socially vital centers supportive of business both big and small, a central location for a hospital with full range of medical services, 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. Urban services are in place or readily expandable to support relatively intense commercial and residential development in the Village Center. The Village Center area has some of the larger undeveloped parcels of land left in the Village in close proximity to Village Neighborhoods, Transitional Mixed-Use area, major attractions of the County and state parks and Estero River, and major corridors of the CSX Railway, US 41 and Corkscrew Road.*

- A. *Uses: Uses in the Village Center include housing, employment, hospital, shopping, office, hotel, recreation, park and civic uses, Public schools, assisted living, public and quasi-public uses are allowed in the village Center future land use category.*

Staff Comment: The proposed non-residential uses in the Pavich EPD include retail, office, and medical office. They do have a mix of commercial uses, such as retail and office, however mixed use of residential and non-residential (including institutional or cultural) is not proposed and is a critical component in this land use category.



Figure 6 Corkscrew Road Character

B. *Development type: Future development in the category is encouraged to be interconnected neighborhoods and mixed-use of low to midrise residential, commercial and mixed use building types in an urban form and including passive and active recreation facilities.*

Staff Comment: The proposal does not include a mix of residential and non-residential uses but instead is a typical 10,000 square foot commercial building with sidewalks. No recreational facilities are proposed, although the applicant proposes a Public Gathering Area consisting of two benches on either side of a widened walkway. No details have

been provided on this area.

- C. *Density/Intensity: Landowners in the Village Center Area may develop within the standard density range of one dwelling unit per acre (1du/acre) to six dwelling units per acre (6 du/acre); however, the Village encourages land to be developed or redeveloped with a greater mix of uses and higher densities per a tiered system described further below, with up to a maximum of 27 dwelling units per acre when the highest degree of walkable mixed-use pattern is achieved, subject to the public hearing process. Commercial development must not exceed 2 FAR.*

Staff Comment: The current agricultural zoning is requested to be changed to allow commercial uses on the site.

- D. *Implementation: The Village Center is implemented through LDC standards, plans, and incentives that address the community's need for a central civic and economic core that is connected to surrounding residential neighborhoods, commercial areas, the Estero River, the Old Estero area, the Estero Community Park, and other parks and recreational facilities.*
1. *The Land Development Code establishes the Estero Planned Development Zoning District which contains tiered standards that apply to the Village Center Area and which may include sub-districts which may have specific policies applying to therein. Rezoning to the Estero 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 the use this new zoning district whenever increases in density and intensity are requested in the Village Center Areas*

(as “increase in intensity” is defined in this Plan). 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 I-75.



Figure 7 Genova as seen from Estero Park

Staff Comment: The applicant is requesting an increase in intensity from what is allowed by the current zoning on the site, and therefore is required to rezone to Estero Planned Development in compliance with LDC standards. This site is located within the heart of the Village Center area but currently appears disconnected from any activity due to the location next to the railroad corridor and the lack of existing nearby development. This rezoning proposal has the opportunity to set a standard of compliance with architectural standards, landscaping, and provision of public benefit that would extend to other proposals for development in the area.

- 2. The Land Development Code provisions that implement the Village Center Future land use category consider such reasonable guidelines as are necessary in order to foster predictable built results and higher quality public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving such objectives. Such guidelines may consider designating locations where difference building form standards apply, the relationship of building to the public space, public standards for such elements in the public space as sidewalks, travel lanes, street parking, street trees, street furniture, and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality and walkability in the Village Center Area. The Land Development Code provisions may also consider other alternative types of reasonable guidelines that may accomplish such goals in a different or complementary manner.*

Staff Comment: The proposal includes a Public Gathering Area along the front entry to the. The proposed ‘courtyard’ is an open area for restaurant seating on the first level of the building which is enclosed by the second level of the building, basically a walkthrough area or breezeway from the front of the building to the parking lot in the rear. Staff is unsure how these improvements will foster interconnection, social vitality, and walkability.

- 3. Properties in the Village Center Area which have vested rights under the law may proceed under such vested rights as otherwise provided in the comprehensive plan and land Development Code, and shall not be required by virtue of this policy to seek rezoning to the Village Center standards if the property owner seeks no increase in either intensity beyond such vested rights, or in density beyond the 10% of vested dwelling units, as such terms “density” and “intensity” are defined in the definitions section of this Plan.*

Staff Comment: Not applicable.

4. *The Land Development Code provides standards for four levels of development in the Village Center Area that will contribute to the 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.*

Staff Comment: This proposal was submitted as a Tier 1 development which requires a minimum network of connecting streets. This development accesses from Happy Hollow Lane and solely utilize sidewalks to promote connectivity.

b. *Tier 2 accommodates residential neighborhoods with higher densities and a potential for greater variety of housing types, as well as mixed-use neighborhoods with higher levels of non-residential uses, and, in each case, greater connectivity than tier 1.*

c. *Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with higher levels of non-residential uses as well.*

d. *Tier 4 allows an entire development tract to be planned as a compact community as provided in Chapter 32 of the Land Development Code.*

E. *Public Benefits: The Land Development Code provides minimum standards for each tier and describes public benefits that developers may offer to obtain specified density/intensity incentives in each tier. Public benefits shall be calibrated to the needs of each Tier and the particular proposed development plan, and must meet or exceed the goals and objectives of the comprehensive plan; meet or exceed the general land development code criteria for the Village Center; and create significant public benefit appropriate to the tier and the particular development plan.*



Base and maximum residential densities will be set by the Village Council during the planned development rezoning process based on its determination of an applicant's compliance with this comprehensive plan and the specific standards and requirements of each tier. Increases in base residential densities may be allowed after consideration of incentives offers as provided in the Land Development Code. Densities cannot exceed the top of the following ranges.

Staff Comment: The proposed development is requesting a rezone to increase the intensity of the site beyond what is currently allowed in the AG-2 zone. The developer may offer public benefits to obtain this additional intensity, such as providing street trees and street furniture along Corkscrew Road or providing public gathering areas above what is required. Instead the proposal is to minimize the required landscaping and buffers and has not identified a public

benefits other than a bench on either side of the entry to the building and the 'courtyard' area which does not appear to function for the public benefit.

Staff recommends consideration of street trees, as shown in the figure above, as well as street furniture to create some activity on the street.

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. Such design techniques will include:*
 - 1. *Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety that may be achieved through the use of liner buildings.*
 - 2. *Limited number and size of signs.*
 - 3. *Landscaping and use of pocket parks and courtyards adequate to soften large building masses.*



Figure 9 - East Elevation

I. The Village shall evaluate establishing a review process for managing impacts of any new or expanding commercial development or use within a critical distance of an existing residential use or zoning district where residential use is allowed. Considerations of such a process may involve establishing limitations and controls associated with noise, light, security, aesthetic appearance, buffering, hours of operation and access to ensure compatibility of proposed

commercial activity with nearby residences.

Staff Comment: The proposal as submitted does not meet the various components of this policy including:

- The provision of visual harmony - the architectural style is not consistent or compatible with the nearby developments that have Mediterranean elements such as red tile roofs and structures with earth tone colors;
- The building massing appears overwhelming along Corkscrew Road with little landscaping to soften the façade;
- The proposal will result in an automobile dependent development as little has been proposed to promote pedestrian or bicycle usage. A sidewalk currently exists along Corkscrew Road and the applicant proposes a dead-end sidewalk on Happy Hollow

Lane. The provision of a bicycle rack on the site is a code requirement for any development and, alone, does not meet the requirement to promote pedestrian and bicycle usage.

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.*

Staff Comment: A sidewalk currently exists along Corkscrew Road. The development proposes to provide a dead-end sidewalk along Happy Hollow Lane the length of the property. There is also a pedestrian connection through the building from Corkscrew Road to the rear parking lot.

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.*

Staff Comment: This evaluation will occur at development order.

TRA-1.5.4 *During the review of rezonings or zoning amendments, and development order applications, applicants must provide an evaluation of vehicle, bicycle and pedestrian safety in the proposed design or plan.*

Staff Comment: The applicant has provided pedestrian and vehicular interconnections between Happy Hollow Lane and Corkscrew Road, and the rear of the building. An evaluation of vehicle, bicycle and pedestrian safety will be required at development order.

Deviations

The applicant is proposing eight (8) Deviations from the Village's Land Development Code. Discussion of each request, the applicant's explanation, and staff recommendations are below.

Generally, staff finds that sufficient information has been provided to support the requests, however staff is not recommending approval of all of the deviations as discussed below.

- 1. LDC Table 34-2020(b), that addresses the Minimum Required Spaces for Multiple-Use Development to allow a 5% reduction in the parking spaces required for 9,050 square feet of mixed uses and 950 square feet of courtyard seating from 32 to 30;**

Staff Comment: The applicant explains this deviation by stating that the sidewalk directly abutting the property along Corkscrew Road is part of the Bikeway/Pedestrian system; the site design connects the sidewalk to a bike rack and provides direct access to the main entrance; and the future transition of the railroad to a multi-modal path and the future development of the park on the north side of Corkscrew Road meet the code allowance for reduction in parking.

Staff is not opposed to the reduction in parking spaces as a bicycle rack is provided on-site, Corkscrew Road does have pedestrian and bicycle accommodations in the ROW, and that the project is proposed to be a multiple use development.

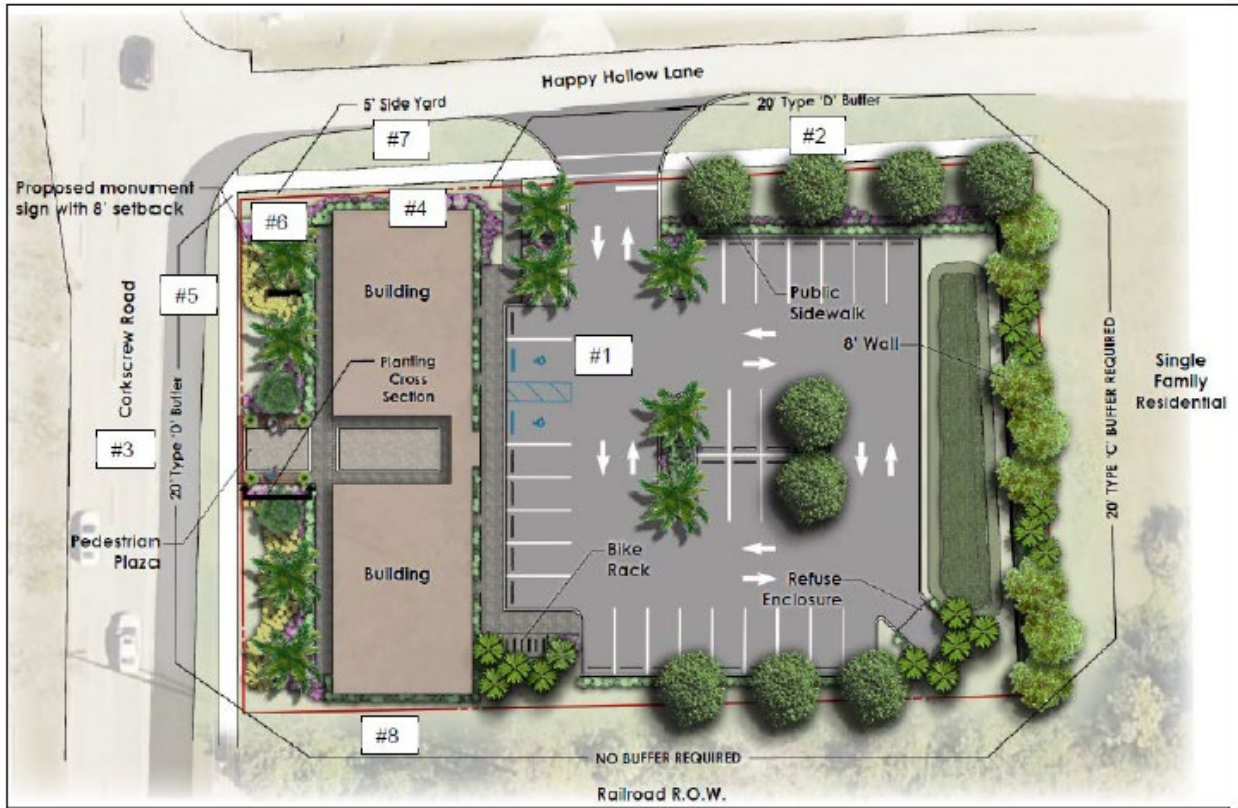


Figure 10 Deviation Map

2. Section 33-351 Landscaping Buffers Table requiring a 20 foot Type “D” Buffer along a right-of-way; to allow a portion of the parking lot to be a minimum of 15 feet from the property boundary along Happy Hollow Lane.

Staff Comment: Requested commercial zoning adjacent to rights-of-way require a 20 foot buffer with 5 trees required per 100 linear feet, and a 36” double hedge row. These buffers components are required along the length of Happy Hollow Lane; however, this deviation proposes to reduce the buffer to 15 feet in order to allow the parking lot spaces as shown in the highlighted area in Figure 10. The parking spaces are located 15.8 feet from the right-of-way, necessitating the deviation. The applicant explains that the buffer needs to be reduced due to the angle of the eastern property line which is not perpendicular to Corkscrew Road, affecting the buffer width. Staff is not opposed to this deviation as any potential impact with the parking area being 15 feet rather than 20 feet from the right-of-way will be minimal, and the applicant has stated that they will comply with the number of required plantings within the reduced buffer area.

Staff is concerned with what this deviation doesn’t include, which is a request to remove the buffer requirement at the northeast corner of the lot. The Master Concept Plan simply states “No Buffer Required”, but the LDC states in the Buffer Requirements that “The Type “D” Buffers required between commercial uses and rights-of-way may be waived, or reduced if the proposed building setback is within 25 feet of the right-of-way. This is not

intended to allow for a reduction in general tree requirements or building perimeter tree planting requirements.” No request for waiver or reduction in this buffer has been received and the building setback is requested to be 5 feet in Deviation Request 7.

Staff does not support this deviation as submitted.

3. Section 33-351, Note 3 addressing hedge row plantings for a Type “D” Buffer and 33-352 (a) and (b) plant materials to allow landscaping plantings of palms and lower, less visually restrictive plantings rather than canopy trees and a double-hedge row of 36” in height.

Staff Comment: The proposal is to provide a minimum of four (4) Royal Palms (or similar) along Corkscrew Road and two (2) shade trees, along with a hedge that will vary in height from 18” to 36” planting and will be clustered rather than a double hedge row to alleviate visual barrier to the building.

The code section specifically states:

Section 33-352. Plant Materials

- a) *”Palms used in buffers must be clustered in lengths of not less than four feet and more than eight feet apart. Not more than 50 percent of the required trees for a given buffer along this length may be in palms. A single tree may be used when an odd number of required trees along a frontage so warrant. Palms must be planted in staggered heights with a minimum of three palms per cluster. The use of single palms is permitted if the palms are Royal Palm, Date palm or Bismakia Palm variety; and, the use of palms does not constitute more than 50 percent of the total required tree count along a given buffer.”*
- b) *”Palms used to meet the required tree count for buffers must be used on a 2:1 basis. Cabbage palms may be used on a 3:1 basis for canopy trees when planted in clusters. Palms may be used to meet general street requirements if they do not constitute more than 50 percent of the required tree count.”*

- The lot frontage along Corkscrew Road is 141 feet;
- A Type “D” Buffer requires a buffer width of 20 feet;
- Landscaping requirements are 5 trees per 100 linear feet and a double staggered row of hedges a minimum of 36 inches high.

These regulations require provision of a 20 foot buffer with 8 trees and the double row of hedges as shown in the Table below. If the applicant utilizes palms, the palms must be provided on a 2:1 basis, resulting in the requirement for 16 palms and the double row of hedges. Instead, the applicant proposes to provide 4 palms, 2 shade trees and clusters of hedges varying from 18” to 36”. This deviates from the code requirement in the number of trees, the number of palms, and the double hedge row.

Table showing Deviation request versus what is required by LDC:

	REQUIRED – TYPE “D” BUFER		REQUESTED
Trees	8 shade trees OR	16 palms or combo of palms and shade trees with palms required at 2:1	4 Statement Palms or similar and 2 shade trees – deficient by 4 shade trees or 8 palms

Shrubs	Continuous double hedge row 36" high	Clusters of hedges varying from 18" to 36" unable to determine compliance
--------	--------------------------------------	--

The applicant states that they want the building to be visible, but staff is unsure how a 36" high double hedge row will impact the visibility of the façade. The applicant states that "...more statement Palms have been used to keep views open and mid-story trees have been used to provide shade to the public plaza area." The applicant also states that they are not reducing the requirements but are proposing flexibility. Staff has not been able to confirm this statement, and notes that the landscaping should be used to soften the façade of the building.

Staff could support this deviation if the applicant could clearly demonstrate that there is no decrease in trees or plantings required within this buffer. This is critical as the project consists of a 131 foot wide building within 141 feet of frontage along Corkscrew Road with a maximum height of 45 feet, all to be located 20 feet from right-of-way. The trees and other landscaping will be necessary to break up the facade and provide vegetation to reduce the heat island effect.

Staff does not support this deviation as submitted.

- 4. Section 33-385(a)(3) requires a commercial sign to be located on the frontage of the primary access of the business, to allow the monument sign to be located on Corkscrew Road.**

Staff Comment: The applicant justifies this deviation as access from Corkscrew Road is not possible, the parking is in the rear of the building and the entrance is located on a local road which would not serve the purpose of wayfinding.

Staff is not opposed to this deviation.

- 5. Section 33-385(a)(3) requires a minimum 15 foot setback from any street right-of-way or easement, and 10 feet from any other property line, to place a monument sign eight feet from the Corkscrew Road right-of-way.**

Staff Comment: The applicant seeks to allow the monument sign to be located 8 feet from the Corkscrew Road right-of-way because the site is small and is required to comply with the sight triangle restriction.

Staff is not opposed to the deviation.

- 6. Section 34-2192(a) requiring a 25 foot setback from the Corkscrew Road right-of-way, to 20 feet.**

Staff Comment: The applicant seeks the setback to match the 20 foot buffer and states that the deviation does not affect the buffer area planting. Staff concurs that the reduction in the setback will not affect the 20 foot buffer or the planting are, however the applicant has requested a deviation for the required plantings.

In addition, Section 10-416(d)(11) states that required buffers may be used for passive recreation such as pedestrian, bike, or equestrian trails, however the code also restricts the amount of impervious coverage in that buffer to 20% and stipulates that no required trees or shrubs be eliminated. The Pavich EPD development has 40% impervious cover in the buffer area, resulting from the widened central walkway and the sidewalks in front of the building, thus exceeding the maximum 20% allowed. Another compliance issue is that the application requests a deviation to minimize amount of trees and shrubs in this buffer, contrary to the code requirement.

Staff does not support this deviation.

7. Section 34-2192(a) addressing street setbacks where all buildings and structures must be set back a minimum of 20 feet from the adjacent private street easement or right-of-way; to allow a 5 foot setback abutting Happy Hollow Lane.

Staff Comment: The applicant justifies the reduced setback, from 20 feet to 5 feet, to create a visual edge, by stating that “The Corkscrew Road corridor is dominated by an overlay that requires a 5 foot side yard and private street easement setbacks and allows for 0-foot commercial side yard setback. While this property is not in the revised Corkscrew Road Overlay the site seems appropriate for side setbacks that are less than 20 feet from the private 2-lane Happy Hollow Lane.” This, along with deviation 8 if approved, would allow for 131 feet of building frontage along Corkscrew Road (each side setback would be reduced to 5 feet along 141 feet of Corkscrew Road frontage).

Staff is not opposed to this deviation as Happy Hollow Lane is a private street and the sight triangle will be

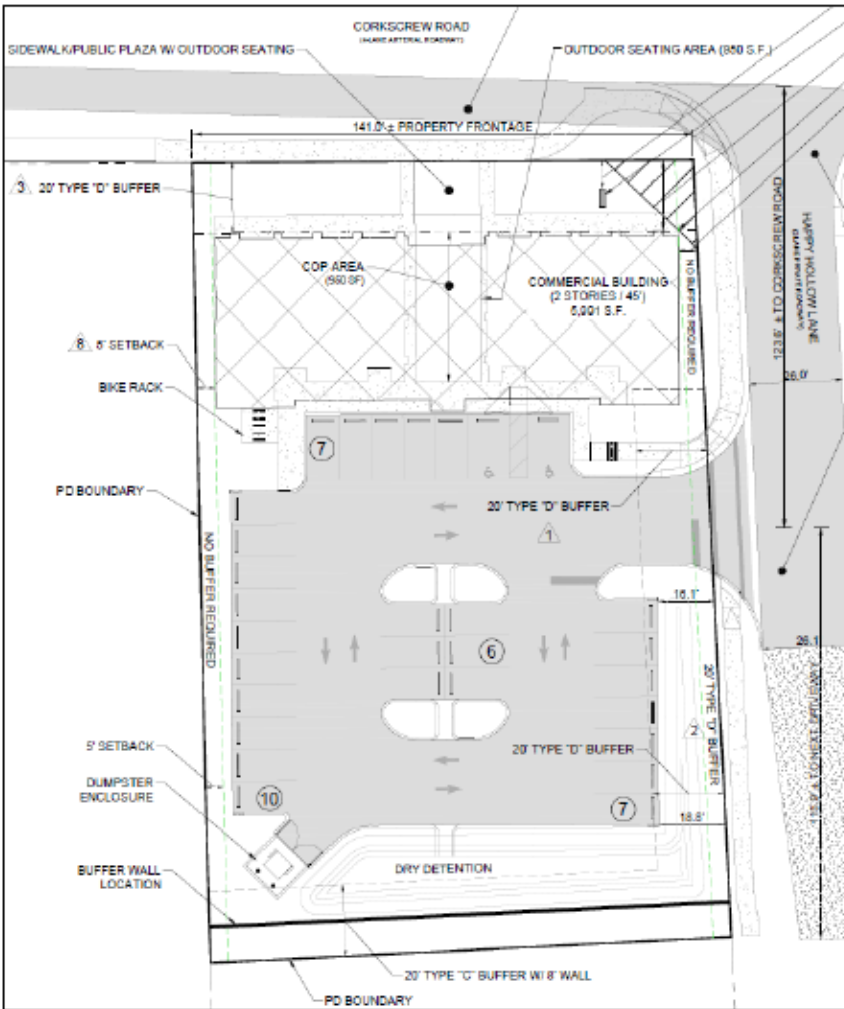


Figure 11 - Master Concept Plan

maintained. However, the scale of the project is somewhat overpowering for this intersection and landscaping should be used to soften the façade.

If this deviation is approved, it will necessitate approval of an additional deviation as a 20 foot Type “D” Buffer is required along the right-of-way of Happy Hollow Lane and the building would encroach into this buffer area. The Master Concept Plan notes that the buffer is not required in this area, but the applicant does not further explain this issue. This issue is further discussed in Deviation 2.

8. **Section 34-935(b) Minimum setbacks of structures and buildings from development perimeter boundaries. (1) All buildings and structures must be set back from the development perimeter a distance equal to or greater of 15 feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD; to allow a 5 foot setback on the western boundary (abutting the railroad property).**

Staff Comment: This deviation seeks a 5 foot building setback on the western property line, adjacent to the railroad corridor. The applicant states that “the reduction to five feet allowed for space to be added to the center of the building design as public courtyard against Corkscrew Road as well as seating between the both two units for commercial use, such as a café, all seeking to add activity and interaction to the site.”

Staff is not opposed to this deviation.

ATTACHMENTS

- A. Future Land Use Map
- B. Zoning Map
- C. Minutes of Public Information Meeting
- D. Schedule of Uses and Development Regulations
- E. Tiered Development Plan (Master Concept Plan)
- F. Pattern Book
- G. Applicant Comprehensive Plan Compliance Narrative
- H. Applicant Changes 8/19/20