



**SOUTH ESTERO COMMERCIAL CENTER CPD  
Amendment to Commercial Planned Development  
Zoning Staff Report  
For Planning & Zoning Board Public Hearing**

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**PROJECT NAME:** SOUTH ESTERO COMMERCIAL CENTER CPD  
LOT 4

**CASE TYPE:** PLANNED DEVELOPMENT AMENDMENT

**CASE NUMBER:** DCI2019-E004

**PLANNING & ZONING BOARD DATE:** June 16, 2020

**REQUEST AND STAFF RECOMMENDATION**

The applicant is requesting an amendment to the South Estero Commercial Center Commercial Planned Development to allow for Medical Office as a use on Lot 4. Lot 4 is 1.14 acres in a 15.57 acre commercial project located on the east side of US 41, 700 feet south of the Corkscrew Road intersection and Corkscrew Village Shopping Center. The site contains an existing 6,996 square foot building that historically has had retail uses, including a Blockbuster Video Store. Most recently the building was used as a private school. The request does not include any other changes to the CPD other than adding the medical office use.

**Staff Recommendation:**

*Staff recommends approval, with proposed conditions, of the requested amendment to add Medical Office as an allowed use on Lot 4.*

**APPLICATION SUMMARY**

**Applicant**

Dr. Kevin Lam, DPM, Broadway88, LLC

**Authorized Agent**

Gary Muller, Johnson Engineering, Inc.

**Additional Agent**

Edward Larson, Esq., Larsen Trail Law

**Location**

The subject property is located on the east side of US 41, 700 feet south of Corkscrew Road. The subject site is bounded by the Corkscrew Village Shopping Center on the north, Corkscrew Village Lane and Lot 1 of South Estero Commercial Center on the west, Lot 6 of South Estero Commercial Center on the east, and Commons Way and Lots 5 and 5A of South Estero Commercial Center on the south. The STRAP number is 33-46-25-E2-01000.0040.

**REQUEST****Amendment to Commercial Planned Development Zoning:**

To allow Medical Office as a use on Lot 4.

**LAND USE CATEGORY**

Village Center.

**PROJECT HISTORY**

The subject property is part of the South Estero Commercial Center Commercial Planned Development (CPD), which was originally approved by Lee County on February 13, 1989 (Z-89-005) when the property was rezoned to Commercial Planned Development from AG-2. Zoning Resolution Z-89-005 limited the 18.8 acre project to a maximum of 170,000 square feet of gross floor area.

Subsequent to the approval of Resolution Z-89-005 four (4) Administrative Amendments have been approved for the project as well as a rezone by Resolution Z-99-077(See Attachment D):

PD-96-023 was an Administrative Amendment which reduced the size of the project to 15.57 from 18.8 acres and square footage to 140,000 from 170,000, and reconfigured the site design.

Resolution Z-99-077 superseded Resolution Z-89-005 and is the resolution currently in effect for this development. This amendment added the allowance of 170,000 square feet of mini-warehouse use to Lot 6, recombined Lots 2 and 4, added deviations, and made changes to the MCP.

ADD20002-00116 proposed a Lot 6 lot split, approved a deviation from road frontage requirements, and made changes to the MCP.

ADD2002-00116A approved the Lot 6 lot split.

ADD2004-00202 Redistributed the maximum building area and minimum open space requirements between Lots 5A and 5B.

**PROJECT DESCRIPTION**

The request is for an amendment to the existing Commercial Planned Development which was zoned as such by Lee County in 1989. The project has since developed with a fast-food restaurant, gasoline service station, a car wash, and mini warehouse storage. The subject site is located between the mini warehouse storage and Wendy's Restaurant. The applicant is

proposing to utilize the existing building as a medical office. The site was previously used as a Blockbuster and other retail uses, as well as most recently as a private school.

## **MASTER CONCEPT PLAN AND SITE PLAN**

The applicant has provided a Master Concept Plan (MCP) for Lot 4 stamped “Received March 27, 2020” that indicates current improvements on the site including the building, parking area, landscape buffer, and the trash enclosure. No changes are proposed to the exterior of the site.

## **SURROUNDING ZONING AND LAND USE**

North – Corkscrew Village Shopping Center zoned CPD. This site includes retail and service uses including a Publix.

South – Commons Way and then Lot 5A and 5B of South Estero Commercial Center zoned CPD. The existing uses are a car wash on Lot 5A while Lot 5B is vacant.

East – Lot 6 of South Estero Commercial Center zoned CPD. The existing use is mini-warehouse storage.

West – Corkscrew Village Lane and then Lot 1 of South Estero Commercial Center zoned CPD. The existing use is a fast-food restaurant.

## **STAFF ANALYSIS**

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, stormwater management, pattern book, height, and Comprehensive Plan considerations.

### **Existing and Proposed Uses**

The requested use of Medical Office is a compatible use to many of the existing allowed uses within the development, however staff has identified several of the allowed uses that are no longer appropriate on Lot 4. A proposed condition eliminates those uses, such as Bar or Cocktail Lounge, Convenience Store and Self-service Fuel Pumps that are no longer appropriate due to build-out of the project.

### **Pattern Book**

A Pattern Book, stamped “Received May 13, 2020”, was received as required by the Land Development Code, Chapter 33. The Pattern Book depicts the surrounding uses and conditions, and site improvements including building elevations and landscaping. The Pattern Book shows the existing building with its Mediterranean architectural style, including roof treatment and building color. The building complies with the architecture style in the Land Development Code.

Existing landscape buffers and landscape materials and lighting are discussed in the pattern book. The buffers and landscaping met the code requirements at the time of issuance of the development order. There are several site issues that will need to be resolved, including erosion that is affecting the drive aisle pavement and roots to several canopy trees, as well as the buffer hedges which require enhancement. A Limited Development Order (LDO) will be required to address several site issues, including the erosion and landscaping.

Connectivity, both pedestrian and vehicular is also demonstrated, internally with the existing road network and sidewalks and externally with street connection as well as a sidewalk on the west side of Lot 4 for pedestrian access to the adjacent Corkscrew Village Shopping Center.

### **Environmental Issues**

Staff has not identified any environmental issues with the subject site as it is fully developed with an existing building, parking, landscaping and pedestrian connections.

### **Flood Issues**

The site falls within the Area of Minimal Flood Hazard Area (zone X).

### **Stormwater Management**

A Surface Water Management Narrative discusses the existing Environmental Resource Permit (ERP) for the South Estero Commercial Center, a 15.6 acre commercial development which reserved 10.92 acres of the site for impervious cover. The existing water management system includes swales, catch basins, culverts, a single control structure, and a 2.5 acre dry detention area. Later modifications to the permit included a requirement for 0.15 acres of dry detention with Lot 4. No exterior changes to the site are proposed.

### **Transportation Issues**

The applicant has provided a Traffic Impact Statement dated March 16, 2020, stamped "Received March 27, 2020". Access to the site is primarily via U.S. 41 to Corkscrew Village Lane, or from Corkscrew Road through the adjacent Shopping Plaza.

The proposed Medical Office use in the 6,996 square foot building will generate 181 daily trips compared to 986 trips for the prior Retail Shopping Center uses based upon the Institute of Traffic Engineer (ITE) trip generation standards. Access includes one directional median opening on U.S. 41 and one full median opening on Corkscrew Road, both of which are identified as arterial roadways.

Corkscrew Road is a four-lane road that operates at a Level of Service (LOS) C from U.S. 41 to Three Oaks Parkway. It is anticipated that this road will continue to operate at a LOS C in 2023. U.S. 41 from Old U.S. 41 to Corkscrew Road is a 6 lane road operating at a LOS C, with the anticipated 2024 LOS at C.

The intersection of U.S. 41 and Corkscrew Road currently operates at a LOS D, with a future 2027 LOS E. The proposed use is not anticipated to negatively impact LOS.

### **Utilities**

The property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services, and water and sewer lines are in operation on the property. The applicant has provided a letter from Lee County in which it is stated that 'potable water and sanitary sewer lines are currently in operation and currently providing service to the property' and states that Lee County has sufficient capacity to provide the estimated additional flow demand of approximately 500 gallons per day.

Comments were received from Lee County Division of Solid Waste with a recommendation to rotate the solid waste enclosure so that a truck has straight access to the opening, and that the enclosure should be setback to allow the gates to swing open without interfering with the road or traffic. Staff has included this site issue as one that needs to be addressed at LDO.

### **Fire**

Estero Fire Rescue has reviewed the request and has no comments on the proposal.

### **Height**

Resolution Z-99-077 limits the height of buildings on Lot 4 to 35 feet/two stories. The existing building height is a single story 20 feet in height.

### **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 creating 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.

The proposed zoning amendment is for an existing commercial building located within an existing commercial area to add Medical Office use.

### **Comprehensive Plan Policies**

*FLU-1.9.1 The Village Center and Transitional Mixed Use Future Land Use categories are intended to accommodate mixed use development patterns, and the Village Neighborhood categories call for a limited mix of use in suitable locations, subject to compatibility standards.*

The South Estero Commercial Center project contains a variety of commercial uses including fast food restaurant, gas station, car wash, and mini-storage warehouse. The proposed Medical Office use is compatible with the surrounding commercial development.

*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 access ways. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development's design.*

*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 include:*

- 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-sue center, 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 center, civic uses, and public space, park, and recreational facilities with the Estero Community.*

The Future Land Use and Transportation policies both seek to encourage connections and interconnections to ultimately decrease trips on the roads and to encourage pedestrian and bicycle use. The South Estero Commercial Center is well connected and interconnected, both on and off site. The project has two accesses, one from U.S. 41 and one from Corkscrew Road

through the adjacent shopping center. These accesses provide connection to the South Estero Commercial Center as well as to the adjacent shopping center. Pedestrian connections also exist via sidewalks in the development, one of which is located on the west side of the site and provides pedestrian connection to the shopping center to the north.

Staff has concluded that the request is consistent with the Comprehensive Plan.

**Deviations**

No deviations are requested.

**FINDINGS AND CONCLUSIONS**

The Planning and Zoning Board will need findings of fact to support its recommendation.

Based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has provided sufficient justification for the zoning amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.
2. The proposed use is generally compatible with existing or planned uses in the surrounding area. The proposed use is located within an existing building in an established commercial area.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.
4. Urban services are available and adequate to serve the proposed use.
5. The request will not adversely affect environmentally critical areas and natural resources.
6. The proposed use, subject to the proposed conditions, is appropriate at the subject location.
7. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public's interest created by or expected from the proposed development.

**ATTACHMENTS**

- A. Future Land Use Map
- B. Zoning Map
- C. Recommended Conditions
- D. Zoning Resolution Z-99-077
- E. Applicant's information