VILLAGE OF ESTERO, FLORIDA AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING A **PLANNED PLANNED** DEVELOPMENT WITH ONE DEVIATION TO ALLOW A FAMILY PROJECT PROPERTY LOCATED AT THREE OAKS PARKWAY CONSISTING OF APPROXIMATELY 5.32 ACRES: PROVIDING FOR SEVERABILITY; AND PROVIDING WHEREAS, FGCU - Reef LLC (the "Applicant") filed applications to amend the Transitional Comprehensive Plan by adding a new Policy, and a rezoning from Commercial to Residential Planned Development for a property located at Three Oaks Parkway (at the northeast corner of Estero Parkway and Three Oaks Parkway), Estero, FL, consisting of WHEREAS, the Property STRAP number is 23-46-25-E4-U2143.2581, and the WHEREAS, the Applicant requested a rezoning from the Commercial Planned Development District (CPD) to Residential Planned Development District (RPD); and

WHEREAS, the public information meeting was held on July 19 and after a duly noticed public hearing held on October 11, 2016, the Planning and Zoning Board recommended transmittal of the Comprehensive Plan Amendment and approval with

WHEREAS, a duly noticed first reading was held before the Village Council on

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on January 4, 2017, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the

45 46	<b>NOW, THEREFORE,</b> be it ordained by the Village Council of the Village of Estero, Florida:
47	
48	Section 1. Rezoning.
49	
50 51	The Village Council approves the rezoning of the Property from Commercial Planned
52	Development District (CPD) to Residential Planned Development District (RPD), to allow a maximum of 60 multifamily residential units not to exceed 35 feet in height,
53	subject to the following conditions and deviation.
54	3
55	Section 2. Conditions.
56	
57 58	1. The development of this project must be consistent with the one-page Master Concept Plan entitled, "THE REEF" – PHASE II, MASTER CONCEPT PLAN –
59	stamped received October 18, 2016. The development must comply with all of the
60	requirements of the LDC at the time of development order approval. The zoning and
61	Comprehensive Plan amendments will allow a maximum of 60 multi-family units and
62	the maximum height of the buildings shall not exceed 35 feet and three stories.
63	
64	2. The rezoning shall not be effective until such time that the Comprehensive Plan
65	amendment (Exhibit B), or an amendment that is substantially similar, is adopted and
66	effective.
67	2 TI 1' 1 11 11 11 11 11 11 11 11 11 11 11 1
68	3. The applicant shall provide an enhanced buffer along Estero Parkway and Three
69	Oaks Parkway. The buffer shall provide a berm, taller trees and additional material
70 71	(including trees, shrubs and groundcover) to provide screening of the parking and vehicle areas, consistent with the Pattern Book.
72	venicle areas, consistent with the Pattern Book.
73	4. To address school impacts, the applicant shall pay school impact fees, if the
74	project is not restricted by covenant to student housing.
75	project is not restricted by coveraint to student nousing.
76	5. Uses and Site Development Regulations:
77	
78	Schedule of Uses
79	
80	Accessory Uses and Structures
81	Administrative Offices
82	Dwelling Unit: Multiple-family building
83	Entrance Gates and Gatehouse
84	Essential Services
85	Excavation: Water retention
86	Fences, Walls

87	Home Occupat	ion		
88	Models: Limited to leasing of units in subject property only			
89	Recreational Facilities: Personal and private, on-site			
90		Residential Accessory Uses		
91		ance with Chapter 30 and Chapter 33 of the LDC or as approved		
92	by deviation			
93	- <b>,</b>			
94	Property Deve	elopment Regulations		
95		rack and a second		
96	Height	35 Feet maximum		
97	Stories	3 Stories maximum		
98	Setbacks:			
99	Front	20 Feet minimum		
100	Side	20 Feet minimum		
101	Rear	20 Feet minimum		
102	Parking	278 Spaces maximum		
103				
104	6. No Blasting			
105	No development blasti	ng is permitted as part of this project.		
106				
107	<ol><li>Land Developm</li></ol>	ment Code/Concurrency		
108	Approval of this zoning	ng does not constitute a finding that the proposed project meets		
109	the concurrency requir	rements set forth in Land Development Code Chapter 2 and all		
110	requirements of the Lar	nd Development Code. The developer is required to demonstrate		
111	compliance with all co	ncurrency requirements prior to issuance of a local development		
112	order.			
113				
114	8. Plan Consisten	cy/Concurrency		
115	Approval of this rezon	ing does not guarantee development order approval, or issuance		
116	of a Concurrency Cer	rtificate. Future development order approvals must be found		
117	consistent with all other	er Comprehensive Plan provisions.		
118				
119	9. Utilities			
120	Water and sewer servi-	ces are available to the site, and this development must connect		
121	to those services as p	part of any local development order for the site for vertical		
122	construction.			
123				
124	10. Lighting			

Lighting of the subject property must be in compliance with LDC Section 33-116 and

126 Section 34-625 utilizing a maximum height of 15 feet for structures. All lighting must 127 be architecturally designed and complementary to the buildings where the lighting is 128 located. 129 130 11. Pattern Book 131 The project design must be consistent with the Pattern Book dated stamped Received 132 October 18, 2016. 133 134 12. Signage 135 The development of the subject property must include a unified, common signage plan 136 and graphic theme throughout the project as depicted in the Pattern Book. The overall 137 Reef Project has one permitted Residential Identification Sign which is already 138 installed at the project entrance drive. A deviation to authorize the proposed sign on 139 the Master Concept plan on the southwest corner of the site is approved. 140 141 13. Open Space 142 The project must provide a minimum of 40% open space in substantial compliance with 143 the approved Master Concept Plan. 144 145 14. Fencing 146 Fencing design is as depicted in the Pattern Book. Any fencing shall be concealed by 147 landscaping on the outside of the fence. 148 149 15. Covenants 150 A Declaration of Covenants acceptable to the Village Land Use Attorney shall be 151 provided encumbering Parcels A and B sufficient to provide for and maintain unified 152 operation and control of the project. The Declaration shall be recorded at issuance of 153 any Development Order for the site. 154 155 16. **Hurricane Mitigation** 156 The project is within hurricane evacuation zone B. Therefore, hurricane mitigation is required prior to the approval of the Development Order, based on the options provided 157 in the Land Development Code, Section 2-485. 158 159 160 17. Shuttle bus 161 A shuttle bus service will be provided on site, to provide transportation for students to 162 FGCU, similar to that provided by the existing project, unless an alternative is provided 163 by the University 164

166	18. Dumpster Location			
167	The trash dumpster location must be moved to be screened and internal to the site.			
168				
169	19. Student Housing			
170	The development will be managed and operated as student housing (subject to federal			
171	housing laws). Any change to this restriction will require a public hearing and			
172				
173	amendment of this Ordinance at Village Council.			
	Garden 2 David Care			
174 175	Section 3. Deviation.			
176	1. A deviation from LDC Section 30-152(2)b which requires 2,000 feet of			
177	frontage for an additional residential sign is approved, to allow a monument sign at the			
178	corner of Three Oaks and Estero Parkway as shown on the Master Concept Plan.			
179	control of the could did better talking as shown on the fraction control talking			
180	Section 4. Findings and Conclusions.			
181				
182	Based upon an analysis of the application and the standards for approval in the Land			
183	Development Code, staff has proposed the following Findings of Fact for review for			
184	the rezoning request:			
185				
186	1. The applicant has provided sufficient justification for the rezoning by			
187	demonstrating compliance with the Land Development Code.			
188				
189	2. The application is consistent with the standards in the Residential Planned			
190 191	Development district and compatible with existing or planned uses in the surrounding			
191	area.			
193	3. Urban services will be available and adequate to serve the proposed use.			
194	5. Cloud Services will be available and adoquate to serve the proposed use.			
195	4. The proposed use, as conditioned, is appropriate at the subject location.			
196	The part of the pa			
197	5. There will be additional trips generated by the project, but there will not be			
198	Level of Service issues and there will be fewer trips generated on the roadways than if			
199	developed under the existing commercial zoning.			
200				
201	<ol> <li>The recommended conditions to the Master Concept Plan and rezoning provide</li> </ol>			
202	sufficient safeguards to the public interest and are reasonably related to impacts or			
203	public's interest created by or expected from the proposed development.			
204	7 The desire and the second			
205	7. The deviation recommended for approval:			
206 207	(a) Enhances the planned development; and			
207	(a) Enhances the planned development, and (b) Preserves and promotes the general intent of the LDC to protect the public,			
209	health, safety and welfare.			
	Zoning Ordinance No. 2016-16 Page 5 of 7			

210	8. The application is consistent with the Comprehensive Plan as conditioned upor			
211	the proposed amendment to the Comprehensive Plan, or an amendment substantially			
212	similar, being adopted and effective.			
213			\$	
214		Section 5.	Exhibits.	
215				
216		The followin	g exhibits are attached to this Ordinance and incorporated by reference:	
217				
218		Exhibit A	Legal Description	
219		Exhibit B	Text Amendment Policy	
220		Exhibit C	Master Concept Plan	
221		Exhibit D	Pattern Book	
222				
223		Section 6.	Conflicts.	
224				
225		All sections	or part of Sections of the Code of Ordinances, all Ordinances or parts of	
226			and all Resolutions, or parts of Resolutions, in conflict with this Ordinance	
227			aled to the extent of such conflict upon the effective date of this Ordinance.	
228		orial out open	and to the different of owns continue apoin the cancer. I divide a man of a	
229		Section 7.	Severability.	
230		Deedlon ,		
231		Should any s	ection, paragraph, sentence, clause, phrase or other part of this Ordinance	
232	subsequent to its effective date be declared by a court of competent jurisdiction to be			
233	invalid, such decision shall not affect the validity of this Ordinance as a whole or an			
234			of, other than the part so declared to be invalid.	
235		portion there	or, other than the part so decrared to be mivalid.	
236		Section 8.	Effective Date.	
237		Section 6.	Effective Date.	
238		This Ordinar	nce shall be effective on the date the Comprehensive Plan Amendment	
239			adopted by Ordinance 2016-15 becomes effective.	
240		CI A2010-02	adopted by Ordinance 2010-13 becomes effective.	
241		DACCED on	first reading this 16th day of November, 2016.	
242		PASSED OII	instreading this 10 day of November, 2010.	
243		DACCEDAN	ND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero,	
244	Elorida			
245	FIOITU	uns 4_ day o	of January, 2017.	
	A ttoate		VILLAGE OF ESTERO, FLORIDA	
246	Attest:		VILLAGE OF ESTERO, FLORIDA	
247				
248	D	Nati ).	Mari	
249	By:	Jacket 11011	Have By: Nicholas Batos, Mayor	
250	Ka	шпу нап, MIV	IC, Village Clerk Nicholas Batos, Mayor	
251				
252				
253				

255	Reviewed for legal sufficient	cy:	
256			
257	111	1	
258	By: Newser C	Onend	
259	Nancy E Stroud, Village	e Land Use Att	orney
260			
261	Vote:	AYE	NAY
262	Mayor Batos		
263	Vice Mayor Levitan	V	
264	Councilmember Boesch	V	
265	Councilmember Brown	absent	
266	Councilmember Errington		1
267	Councilmember Ribble		
268	Councilmember Wilson		
269			

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A TRACT OR PARCEL LYING IN THE SOUTHWEST % OF SECTION 23, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S.89'44'27"E., ALONG THE SOUTH LINE OF THE SOUTHWEST '\( \) OF SAID SECTION 23 A DISTANCE OF 519.96 FEET; THENCE N.00'52'41"E., A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE N.89'44'27"W., A DISTANCE OF 361.78 FEET; THENCE N.44'17'00"W., A DISTANCE OF 11.52 FEET; THENCE N.00'52'41"E., A DISTANCE OF 620.12 FEET; THENCE S.88TO'1'9"E., A DISTANCE OF 337.51 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00'52'51"W., A RADIAL DISTANCE OF 80.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL, ANGLE OF 23'54'28", A DISTANCE OF 33.38 FEET; THENCE S.00'52'41"W., A DISTANCE OF 617.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 231,594.07 SQUARE FEET OR 8.32 ACRES, MORE OR LESS. :

#### **EXHIBIT B**

### The Reef TEXT AMENDMENT

POLICY 19.3.4: Encourage re-development of underutilized commercial lands by providing an option to convert those lands to residential uses at higher residential densities within the Urban Community future land use designation and Mixed-Use Overlay in a manner consistent with Policies 19.1.1.c, 19.1.1.d, 19.1.3.e, 19.2.1.i and 19.3.2. This Policy allows for the conversion of a parcel zoned Commercial Planned Development ("CPD Parcel") of not more than 5.5 acres in size to a Residential Planned Development ("RPD") when combined with an existing adjacent RPD ("Existing RPD Parcel") provided the Resulting Project ("the project resulting from the combination of the Existing RPD and CPD Parcels") is consistent with the following requirements:

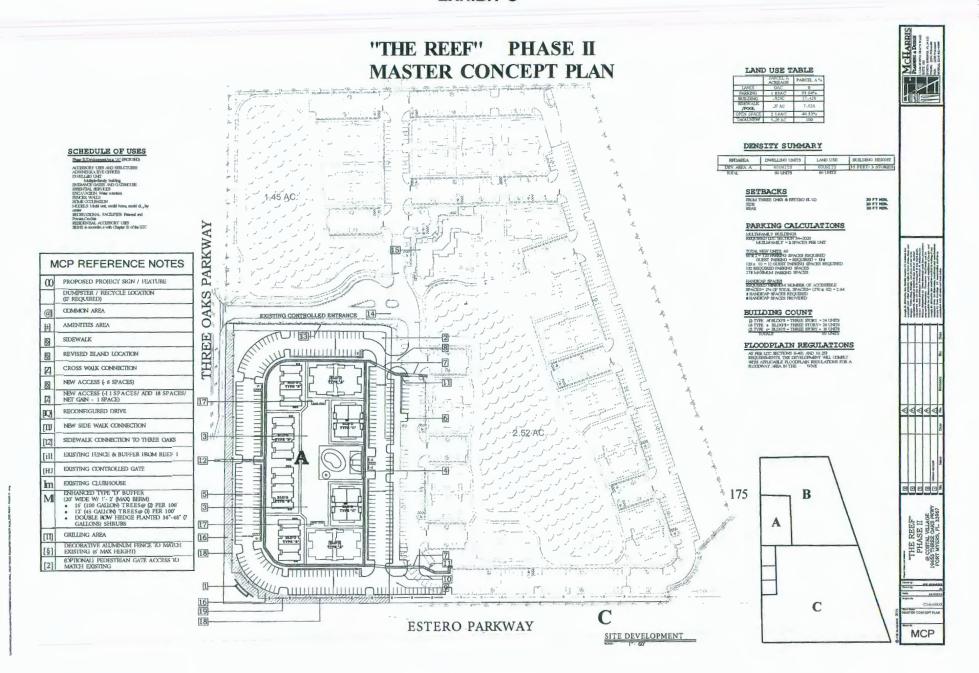
- a. The CPD Parcel shall be zoned CPD before November 16, 2006;
- b. The CPD Parcel shall have two sides immediately adjacent to and physically abutting the Existing RPD Parcel;
- c. The proposed development on the CPD Parcel shall be consistent with and integrated into the residential development on the Existing RPD Parcel and the Resulting Project shall be operated as a single project under common control pursuant to a Declaration of Covenants approved by the Village land use attorney; and
- d. The total number of residential units for the Resulting Project shall not exceed 140% of the approved number of residential units for the Existing RPD Parcel. The residential units shall be calculated by multiplying that percentage by the approved number of residential units for the Existing RPD Parcel to generate the total number of units available for the Resulting Project. For example, if the Existing RPD Parcel is authorized for 168 units, the total number of residential units for the Resulting Project shall be calculated by multiplying 140% by 168 units to render a maximum total of 235 units for the Resulting Project.
- e. The density on the Resulting Project shall not exceed eight dwelling units per gross acre (8 du/gross acre).
- f. The Resulting Project shall be within 660-feet of approved commercial development measured from the Resulting Project's closest property line to the commercial development's closest property line.

All conversions of a CPD Parcel to an RPD Parcel under this Policy are subject to the following review requirements:

The conversion shall be part of an application to rezone the CPD Parcel to an RPD;
 and

b. Approval for the conversion of the CPD Parcel to an RPD is at the Council's discretion and is dependent on a determination that such a conversion is compatible and consistent with the Existing RPD Parcel and with the rezoning approval criteria set forth in the Land Development Code.

#### **EXHIBIT C**



# The Reef Student Housing Pattern Book



#### **Property Location:**

19655 Three Oaks Parkway (Corner of Three Oaks and Estero Parkway) Fort Myers, FL 33967



Design Standards

## Building

- Roof
- Details
- Walls
- Colors

## Site Plan

- Parking
- **Buffers**
- elements

## Landscaping

- Material
- hardscape
- Details











# Roof/Building Design Standards



High Profile "S"



**Roof Changes** 



Decorative Trim/Eave Brackets





## Walls/Building Design Standards



Trim/Banding





Textured Stucco 1 Textured Stucco 2



Windows/Trim



Opening/details



**Multi-Colored** 



**Base Trim** 



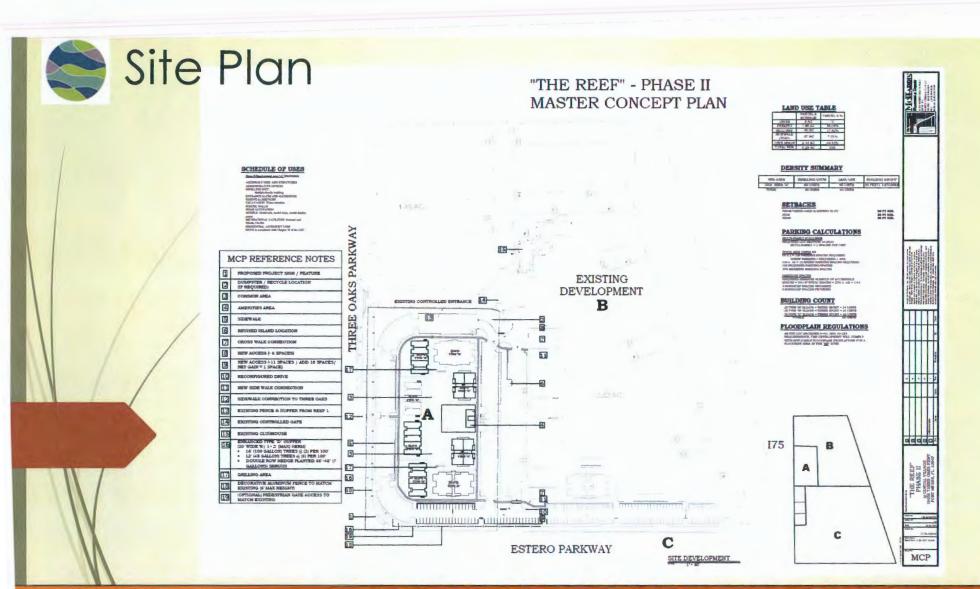
Composition

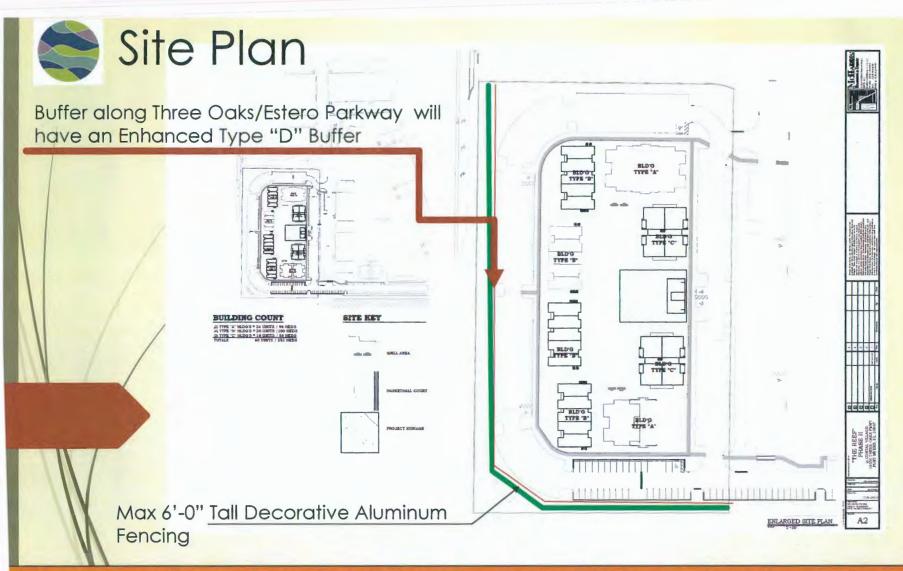


Lighting

# Colors/Building Design Standards









## Material/Landscape Design Standards













#### **Proposed Landscaping**

Trees (100% Native/Drought Resistant)\* Green Button Wood/Conocarpus Erectus

Cabbage Palm/Sable Palmetto Red Maple/Acer Rubrum

Slash Pine/Pinus Eliottii 'Densa'

Black Olive/Buceda Buceras 'Shady Lady'

Royal Palm/Royestonta Flata

12'-14' O.A x 6' spread, 45 gallon min or FG equivalent

12'-18' CT, Booted/Slick, Hur. Cut

12'-14' O.A x 6' spread, 45 gallon min or FG equivalent

12'-14' O.A x 6' spread, 45 gallon min or FG

equivalent 12'-14' O.A x 6' spread, 45 gallon min or FG

equivalent

6'Greywood, 18' O.A.

#### Additional Plantings (100% Native/Drought Resistant)\*

Awabuki Viburnum/V. Odoratissimum Cord Grass/Spartina Bakeri Cocoplum/Chrysobalanus Icacco Parsonaii Juniper/J. Chinensis 'Parsonii'

Firebush/Hamalia Patens Gold Mound Duranta/Duranta Erecta 'Gold Mound'

Waters Viburnum/V. Obobatum 'whorled Class' Fakahatcee Grass/Tripsacum Dactyloides

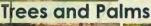
24" HT, x 16" W, 3 Gal., 4' O.C. 24" HT, x 16" W, 3 Gal., 3' O.C. 24" HT, x 16" W, 3 Gal. 12" x 12", 3 Gal. Trailing 24" x 18"m 3 Gal. 3' O.C.

24" x 18"m 3 Gal. 3' O.C. 16" HT v 16" W. # Gal., 3' O.C.

24" HT, x 18" W, 3 Gal., 3' O.C.

Floratam Sod **Bahia Sod** 

\*Buffers along Three Oaks/Estero Parkway will have double hedge row planted at 36"-48" Inches (at instillation) with 2/16'-0" (100 gallon) and 3/12'-0" (45 gallon) trees every 100 feet













Shrubs/Ground Cover









# Buffers/Landscape Design Standards



Roadway buffer



**Building buffers** 

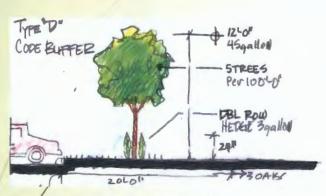


**Parking Area Buffer** 

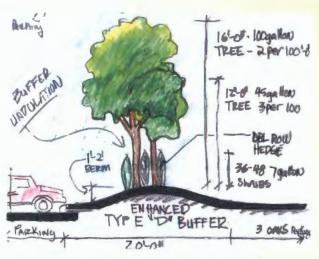




# Buffers/Landscape Design Standards

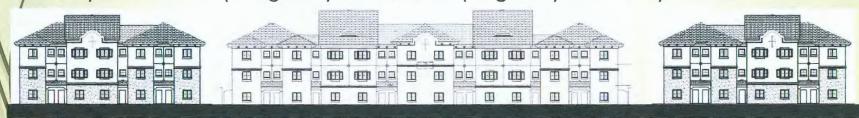


Type D Code Buffer



Proposed Enhanced Type D Buffer

Buffers along Three Oaks/Estero Parkway will have double hedge row Planted at 36"-48" inches (at instillation) with 2/16'-0" (100 gallon) and 3/12'-0" (45 gallon) trees every 100 feet





# Hardscape Design Standards



Tree Lined Meandering **Sidewalks** 



**Decorative** Fencing (6'-0" max height)



Paver and **Patterns** 



Pedestrian interconnection





# The Reef Student Housing Signage

